

Mongolia

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Mongolia has been a member of ILO-IPEC since 1999.²³⁸¹ The National Council for Children, established in 1994 and led by the Prime Minister, reviews policies and mobilizes resources for the protection of children.²³⁸² The National Children's Committee, under the Minister for Social Welfare and Labor (MOSWL), oversees the implementation of the government's policies on children and provides training to government officials, NGOs, and child specialists.²³⁸³ In 1999, an ILO-IPEC country program funded by USDOL began to build capacity among institutions to combat child labor, raise awareness, and sponsor activities to remove children from work in mining, prostitution, the informal sector (including scavenging in dump sites), and livestock herding.²³⁸⁴

The government provides funds to shelters for vulnerable children.²³⁸⁵ In conjunction with local governments, Save the Children UK works with vulnerable children, such as children living on the streets, by supporting shelters and providing services, and performs advocacy and capacity building.²³⁸⁶ USAID has supported vocational education for teenagers,²³⁸⁷ and the World Bank initiated a project to provide microfinance to vulnerable rural families.²³⁸⁸

Since 2000, the government has provided school materials to children from poor families to encourage them to stay in the formal school system.²³⁸⁹ In 1997, the Ministry of Education, Culture and Science established a Non-Formal Education Center to provide assistance and training

²³⁸¹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited October 2, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

²³⁸² ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia, Phase II*, project document, MON/02/P50/USA, Geneva, August 30, 2002.

²³⁸³ It was recently upgraded to agency status, and renamed the National Children's Board. *Ibid.*, 29.

²³⁸⁴ The project was funded in September 1999. ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia, Phase I*, project document, MON/99/05P/050, Geneva, 1999.

²³⁸⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Mongolia*, Washington, D.C., March 4, 2002, 1108-10, Section 5 [cited August 2, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8357.htm>.

²³⁸⁶ Save the Children UK, *Country Report: Mongolia, 2002*, [cited November 12, 2002]; available from http://www.savethechildren.org.uk/development/reg_pub/country_reports/Mongolia_2002.pdf.

²³⁸⁷ USAID, *Mongolia*, [online] [cited August 30, 2002]; available from http://www.usaid.gov/regions/ane/newpages/one_pagers/mong01a.htm.

²³⁸⁸ World Bank, *Projects, Policies and Strategies: Sustainable Livelihoods Project*, [online] December 2, 2002 [cited August 30, 2002]; available from <http://www4.worldbank.org/projects/Project.asp?pid=P067770>.

²³⁸⁹ Between 2000-2002, approximately 70,000 children received one-time assistance of this nature. ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 12.

on non-formal education (NFE) techniques, materials and curricula.²³⁹⁰ In 1992, the government established a fund to assist children from poor families with free clothing and school materials.²³⁹¹ The Asian Development Bank is supporting a program to make the education sector more effective, cost efficient and sustainable.²³⁹² The program will also assist the government to implement a Second Education Development Project (SEDP) that will improve access to and quality of education at the basic, non-formal and secondary levels, and create a technical education and vocational training program that teaches skills geared to the local context.²³⁹³

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 1.4 percent of children ages 10 to 14 years in Mongolia were working.²³⁹⁴ Children herd livestock and work as domestic servants.²³⁹⁵ Other children sell goods, polish shoes, act as porters, scavenge for saleable materials, beg, and act as grave diggers.²³⁹⁶ Children also work in informal coal mining, either in the mines or scavenging for coal outside,²³⁹⁷ as well as in informal gold mining.²³⁹⁸ There are increasing numbers of children living on the streets in the capital, Ulaan Baatar, who may be at risk of engaging in hazardous

²³⁹⁰ The Non-Formal Education Centers exist in each province, and provide training and education to people of various ages. In addition, vocational education facilities have been decreasing since the transition to a market economy and far fewer students are now able to access those resources. Tuition for vocational schools is charged to meet budget shortfalls, tending to exclude children from poorer families. *Ibid.*, 12-13, 30.

²³⁹¹ United Nations, *Fourth Periodic Report of States Parties due in 1995*, CCPR/C/103/Add.7, prepared by State Party Report, pursuant to Article 40 of the Covenant, June 14, 1999, para. 98 [cited August 30, 2002]; available from <http://www.hri.ca/forthecord2000/documentation/tbodies/ccpr-c-103-add7.htm>.

²³⁹² Asian Development Bank, *Mongolia; Second Education Development*, project brief, PPTA:MON31214-01, December 22, 1999, [cited August 30, 2002]; available from <http://www.adb.org/Documents/Profiles/PPTA/31214012.ASP>. See also Asian Development Bank, *Country Assistance Plans- Mongolia: 2001-2003*, December 2000, Section III.C.2., "Education," item 70 [cited August 30, 2002]; available from www.adb.org/Documents/CAPs/MON/0303.asp?p=ctrymon.

²³⁹³ Asian Development Bank, *Second Education Development, project brief*. The SEDP is also supported with funds from the Japanese government and the Nordic Development Fund, and will include construction of schools. See Asian Development Bank, *Pioneer Project in Mongolia Supports Preschool and Disabled Children*, press release, [online] August 8, 2002 [cited August 30, 2002]; available from <http://www.adb.org/Documents/News/2002/nr2002128.asp>. See also Jonathan Addleton, USAID, mission director for Mongolia, interview with USDOL official, October 29, 2001.

²³⁹⁴ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²³⁹⁵ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 16-18.

²³⁹⁶ Ts. Ariuntungalag, "Child Labour in Mongolia" (Ulaan Baatar: Save the Children Fund, 1998), as quoted in *Ibid.*, 16.

²³⁹⁷ Most mines were closed almost a decade ago, but since many of the openings still exist, in practice coal mining continues. For a discussion of the conditions children face working in the sector, see pages 22 to 23 of the Mongolian Women's Federation Study, commissioned by ILO-IPEC in 2000, as cited in *Ibid.*

²³⁹⁸ Children do not work in formal (registered) gold mining due to labor inspections and high rates of adult participation, but children are engaged in illegal informal mining, in which individuals work in former gold mines year-long, or in legal mines when they are not in actual operation, such as during winter months. *Ibid.*, 23-25.

work.²³⁹⁹ Urban children often work in small enterprises such as food shops, or in light industry.²⁴⁰⁰ To a lesser extent, children are engaged in commercial sexual exploitation.²⁴⁰¹ There is increasing concern about the trafficking of persons due to factors such as weak border controls and low public awareness, but comprehensive information about the nature and extent of trafficking in Mongolia is not available.²⁴⁰²

Article 16 of the Mongolian Constitution provides free basic education.²⁴⁰³ The Educational Law was revised in May 2002 to expand compulsory education to nine years of schooling, lower the age of enrollment to age 7, and formally define the NFE structure. The revised Law on Primary and Secondary Education of May 2002 directs local governments to cover the costs of NFE.²⁴⁰⁴ Children who enroll in NFE are entitled to take the formal school exams in order to receive primary or secondary school certifications.²⁴⁰⁵ The new Law on Vocational Education was also adopted in May 2002, providing public funds to cover the cost of primary level vocational courses and dormitory costs for students. The law also allows students to join short skills training courses without providing a certificate of completion for compulsory schooling.²⁴⁰⁶ In 1998, the gross primary enrollment rate was 93.7 percent. The net primary enrollment rate was 85.4 percent, with 87.1 percent of girls enrolled versus only 83.7 percent of boys.²⁴⁰⁷ At the national level, 75.6 percent of children ages 7 to 12 are in attendance at the primary school level.²⁴⁰⁸ Young boys often leave school to assist their families with livestock.²⁴⁰⁹ Because Mongolia is largely rural, the government subsidizes dormitories to allow children to stay near schools.²⁴¹⁰

²³⁹⁹ ECPAT International, *Mongolia*, in ECPAT International, [database online] [cited August 22, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

²⁴⁰⁰ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 21.

²⁴⁰¹ *Ibid.*, 18-20.

²⁴⁰² In addition, the extent to which children are victims of trafficking is uncertain. U.S. Department of State, *Country Reports- 2001: Mongolia*, 1110-12, Section 6f.

²⁴⁰³ *Constitution of Mongolia, 1992*, (Ulaan Baatar, January 13, 1992), [cited August 30, 2002]; available from <http://www.indiana.edu/~mongsoc/mong/consttn.txt>.

²⁴⁰⁴ Educational Law and Law on Primary and Secondary Education, cited in ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia: Status Report*, MON/99/05/050, Geneva, June 14, 2002, 2.

²⁴⁰⁵ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 11.

²⁴⁰⁶ Law on Vocational Education, cited in ILO-IPEC, *National Program in Mongolia: Status Report*, 2-3.

²⁴⁰⁷ World Bank, *World Development Indicators 2002*.

²⁴⁰⁸ UNICEF, *Multiple Indicator Cluster Survey (MICS) from Mongolia: Preliminary Report*, September 28, 2000, [cited November 12, 2002]; available from <http://www.childinfo.org/MICS2/newreports/mongolia/mongolia.htm>.

²⁴⁰⁹ According to the report, young males tend to leave school in order to assist with the family herds: about 40 percent of students at the secondary level are males, whereas only 20 percent at the tertiary level are males. Asian Development Bank, *Country Assistance Plans- Mongolia*, Section I.C.1, "Gender Issues," item 19.

²⁴¹⁰ UNESCO, *Education for All 2000 Assessment: Country Reports-Mongolia*, prepared by Technology Education Division of the Ministry of Science, Education, and Culture, pursuant to UN General Assembly Resolution 52/84, 1997, Section II, Chapter 2 [cited November 6, 2002]; available from www2.unesco.org/wef/countryreports/Mongolia/CONTENTS.htm. Government statistics show that more than 130,000 children ages 8 to 17 are not in school. Government of Mongolia, *Survey on the Secondary School Dropouts*, Ulaan Baatar, October 10, 2001.

Child Labor Laws and Enforcement

Article 109 of the Labor Law sets the minimum age of employment at 16 years, although children aged 15 may work with the permission of a parent or guardian. Children aged 14 may be engaged in vocational training or employment with the permission of both the parent or guardian and MOSWL. The Labor Law prohibits minors from being required to work overtime, on holidays or on weekends, and limits the hours of legal employment based on the age of the minor.²⁴¹¹ In 1999, the government developed a list of prohibited hazardous employment activities for minors.²⁴¹² The Criminal Code of Mongolia was revised in January 2002 to prohibit trafficking in persons and forced child labor. Trafficking of children incurs a 10 to 15 year prison term, and violation of forced child labor provisions are punishable by a fine or up to four years imprisonment.²⁴¹³ The Criminal Code also prohibits prostitution below the age of 16, and penalties apply to organizers, customers and providers of prostitution. Penalties range from monetary fines to imprisonment for up to five years. The production and dissemination of pornographic materials involving children is also illegal under the Criminal Code, with imprisonment of up to two years or correctional work for a maximum of one and a half years, or a monetary fine.²⁴¹⁴

The State Labor and Social Welfare Inspection Agency under MOSWL is responsible for enforcing child labor laws, and recently began collecting data on children engaged in hazardous work. However, labor inspectors rarely inspect medium and small enterprises.²⁴¹⁵ In November 2000, the U.S. Customs Service issued a detaining order against clothing manufactured by a foreign-owned factory in Mongolia, alleging that the factory had used forced child labor in the manufacture of its products.²⁴¹⁶ The detention order was revoked in July 2001.²⁴¹⁷

²⁴¹¹ Children aged 14 and 15 may not work more than 30 hours, and children aged 16 and 17 may not work more than 36 hours per week. Article 141.1.6 assesses the penalty for violation of child labor laws at between 15,000 and 30,000 tugriks (USD 14 to 27). Government of Mongolia, *Labor Law*, (Ulaan Baatar: “Bit Service” Co., Ltd., with permission of the Ministry of Justice, May 5, 1999), Articles 71, 109-110, and 141. For currency conversion, see FX Converter, [cited August 30, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

²⁴¹² Government of Mongolia, *List of Prohibited Jobs for Minors/People under 18*, Order No. A/204, (August 13, 1999).

²⁴¹³ Revised Criminal Code, cited in ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 26. Article 16 of the Constitution also prohibits forced labor.

²⁴¹⁴ Criminal Code of Mongolia, Articles 110-111, 125, quoted from Protection Project, *Establishing An International Framework For The Elimination of Trafficking in Persons, Especially Women and Children: Legal Library*, in Protection Project, [database online] [cited August 30, 2002]; available from <http://www.protectionproject.org>.

²⁴¹⁵ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 28-29.

²⁴¹⁶ The order was issued pursuant to U.S. law (19 U.S.C. 1307) after a determination that the factory manufactured textiles using forced labor. Factory working conditions were allegedly substandard, and management was failing to pay overtime correctly. U.S. Customs, *U.S. Customs Commissioner Issues Detention Order on Clothing Produced in Mongolia with Forced Child Labor*, press release, Washington, D.C., November 28, 2000, [cited August 30, 2002]; available from www.customs.gov/hot-new/pressrel/2000/1128-00.htm.

²⁴¹⁷ Revoked on 7/23/2001 by memorandum from the Acting Commissioner. U.S. Customs, *Convict/Forced/Indentured Labor Issuances: Detention Orders and Findings*, [online] [cited August 30, 2002]; available from <http://www.customs.gov/enforcem/dofindin.htm>.

Mongolia has not ratified ILO Convention 138, but ratified ILO Convention 182 on February 26, 2001.²⁴¹⁸

²⁴¹⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited November 7, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.