

# Mongolia

## Incidence and Nature of Child Labor

UNICEF estimated that 36.6 percent of children in Mongolia ages 5 to 14 years were working in 2000.<sup>2679</sup> Children herd livestock and work as domestic servants.<sup>2680</sup> Other children sell goods, polish shoes, act as porters, scavenge for saleable materials, beg, and act as gravediggers.<sup>2681</sup> Children also work in informal coal mining, either in the mines or scavenging for coal outside,<sup>2682</sup> as well as in informal gold mining.<sup>2683</sup> There are increasing numbers of children living on the streets in Ulaanbaatar who may be at risk of engaging in hazardous work<sup>2684</sup> or face sexual exploitation.<sup>2685</sup> Urban children often work in small enterprises such as food shops or in light industry.<sup>2686</sup> While comprehensive information about the nature and extent of trafficking in Mongolia is not available, it is reported that Mongolia is a source and transit point for teenage trafficking victims for the purpose of commercial sexual exploitation.<sup>2687</sup>

Article 16 of the Mongolian Constitution provides for free basic education.<sup>2688</sup> The revised Law on Primary and Secondary Education of May 2002 expanded compulsory education to 9 years of schooling, or from ages 8 to 15, lowered the age of enrollment to 7 years, formally defined the non-formal educational

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<sup>2679</sup> Government of Mongolia, *Multiple Indicator Cluster Survey (MICS) from Mongolia: Preliminary Report*, UNICEF, September 28, 2000, Table 42a; available from <http://www.childinfo.org/MICS2/newreports/mongolia/mongolia.htm>. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children. The 2003 TDA publication reported only 1.2 percent of Mongolian children 10 to 14 years working. At the time the 2003 TDA report was written, the only data available on working children in Mongolia were from the World Bank's World Development Indicators 2003, which, for some countries such as Mongolia, is known to have grossly underestimated children's work. As new and better data became available, more accurate estimates of children's work are surfacing.

<sup>2680</sup> ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia, Phase II*, project document, MON/02/P50/USA, Geneva, April 9, 2002, 16-18.

<sup>2681</sup> Ts. Ariuntungalag, "Child Labour in Mongolia" (Ulaanbaatar: Save the Children Fund, 1998), as quoted in *Ibid.*, 16.

<sup>2682</sup> Most mines in Nalaikh 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 the Mongolian Women's Federation Study, commissioned by ILO-IPEC in 2000, as cited in *Ibid.*, 22-23.

<sup>2683</sup> 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. See *Ibid.*, 23-25.

<sup>2684</sup> ECPAT International, *Mongolia*, in ECPAT International, [database online] [cited June 1, 2004]; available from [http://www.ecpat.net/eng/Ecpat\\_inter/projects/monitoring/online\\_database](http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database). See also World Vision, *World Vision in Mongolia*, [online] [cited June 1, 2004]; available from <http://www.wvasiapacific.org/country.asp?id=1>.

<sup>2685</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Mongolia*, Washington, D.C., February 25, 2004, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27781.htm>.

<sup>2686</sup> The State Labour and Social Welfare Inspection Agency conducted a study of small enterprises in several province centers and the capital. See ILO-IPEC, *National Program in Mongolia, Phase II*, project document, 21.

<sup>2687</sup> U.S. Department of State, *Country Reports- 2003: Mongolia*, Section 6f.

<sup>2688</sup> *Constitution of Mongolia, 1992*, (January 13, 1992), Article 16(7); available from <http://www.law.nyu.edu/centralbankscenter/texts/Mongolia-Constitution.html>.

structure, and directed local governments to cover the costs of non-formal education.<sup>2689</sup> Children who enroll in non-formal education are entitled to take the formal school exams in order to receive primary or secondary school certifications.<sup>2690</sup> The Law on Vocational Education, also adopted in May 2002, provides public funds to cover the cost of primary level vocational courses and dormitory costs for students. The law also allows students to join short-term skills training courses without providing a certificate of completion for compulsory schooling.<sup>2691</sup> The National Programme of Action for the Development and Protection of Children aims to increase the number of children attending pre-school, primary school, and basic education.<sup>2692</sup>

In 2002, the gross primary enrollment rate was 96.6 percent.<sup>2693</sup> In 2001, the net primary enrollment rate was 86.6 percent.<sup>2694</sup> Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, at the national level, 75.6 percent of children ages 7 to 12 attended school at the primary level,<sup>2695</sup> and 68.6 percent of children who started primary school were likely to reach grade 5.<sup>2696</sup> In rural areas, enrollment and completion levels are lower<sup>2697</sup> since young boys often leave school to assist their families with livestock and perform other types of labor.<sup>2698</sup> Because Mongolia is largely rural, the government has subsidized dormitories to allow children to stay near schools, although this practice is declining.<sup>2699</sup> However, teacher and school material shortages persist at all levels of education.<sup>2700</sup>

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<sup>2689</sup> 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.

<sup>2690</sup> ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 11.

<sup>2691</sup> Law on Vocational Education, cited in ILO-IPEC, *National Program in Mongolia: Status Report*, June 2002, 2-3.

<sup>2692</sup> Government of Mongolia, *National Programme of Action for the Development and Protection of Children 2002-2010*, Ulaanbaatar, December 2002, 15-16, objectives 8,9.

<sup>2693</sup> National Statistical Office of Mongolia, *Mongolian Statistical Yearbook 2002*, Ulaanbaatar, 2003, 243.

<sup>2694</sup> World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. This report may cite education data for a certain year that is different than data on the same year published in the U.S. Department of Labor's *2003 Findings on the Worst Forms of Child Labor*. Such data, drawn from the World Bank's *World Development Indicators*, may differ slightly from year to year because of statistical adjustments made in the school-age population or corrections to education data.

<sup>2695</sup> Government of Mongolia, *MICS from Mongolia: Preliminary Report*, [cited July 2003], 7.

<sup>2696</sup> *Ibid.*, 18. Government statistics suggest that more than 130,000 children ages 8 to 17 years are not in school. See Government of Mongolia, *Survey on the Secondary School Dropouts*, Ulaanbaatar, October 10, 2000.

<sup>2697</sup> World Bank, *Interim Poverty Reduction Strategy Paper*, Ulaanbaatar, June 2001, 17; available from [http://poverty.worldbank.org/files/Mongolia\\_IPRSP.pdf](http://poverty.worldbank.org/files/Mongolia_IPRSP.pdf).

<sup>2698</sup> U.S. Department of State, *Country Reports- 2003: Mongolia*, Section 6d.

<sup>2699</sup> UNESCO, *Education for All 2000 Assessment: Country Reports-Mongolia*, 1997; available from [www2.unesco.org/wef/countryreports/mongolia/rapport\\_2.html](http://www2.unesco.org/wef/countryreports/mongolia/rapport_2.html).

<sup>2700</sup> U.S. Department of State, *Country Reports- 2003: Mongolia*, Section 5.

## Child Labor Laws and Enforcement

Article 109 of the Labor Law sets the minimum age for 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 a government authority. 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.<sup>2701</sup> In 1999, the government developed a list of prohibited hazardous employment activities for minors.<sup>2702</sup> Article 16 of the Constitution of Mongolia prohibits forced labor.<sup>2703</sup>

The revised Criminal Code prohibits forced child labor and trafficking in persons. Trafficking of children is punishable by a prison term of 10 to 15 years, and violations of forced child labor provisions are punishable with a fine or up to 4 years imprisonment.<sup>2704</sup> The Criminal Code also prohibits prostitution of individuals under the age of 16, and penalties apply to facilitators, procurers, and solicitors of prostitution. Penalties range from fines to imprisonment of up to 5 years.<sup>2705</sup> The production and dissemination of pornographic materials is also illegal under the Criminal Code, with imprisonment of up to 2 years or correctional work for a maximum of 1.5 years, or a monetary fine.<sup>2706</sup> In accordance with the National Program of Action,<sup>2707</sup> provisions prohibiting child trafficking, slavery, and forced child labor have been recently included in the Law on the Protection of the Rights of the Child.<sup>2708</sup>

The Labor Inspection Department under the State Inspection Agency is responsible for enforcing child labor laws, and now collects data on children engaged in hazardous work.<sup>2709</sup> However, there are only a

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<sup>2701</sup> Children ages 14 and 15 may not work more than 30 hours, and children ages 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 tughriks (USD 13 to 27). See ILO-IPEC, *National Program in Mongolia: Status Report, June 2002*, (Ulaanbaatar: "Bit Service" Co., Ltd., with permission of the Ministry of Justice, May 5, 1999), Articles 71, 109-110, and 141. For currency conversion, see FXConverter, [cited June 1, 2004]; available from <http://www.oanda.com/convert/classic>.

<sup>2702</sup> Prohibited types of employment include underground work, mining, exploration and mapping, metal processing, and energy, ceramic, and glass production. See *List of Prohibited Jobs for Minors/People under 18*, Order No. A/204, (August 13, 1999).

<sup>2703</sup> *Constitution of Mongolia, 1992*, Article 16(4).

<sup>2704</sup> Revised Criminal Code, cited in ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 27.

<sup>2705</sup> *Criminal Code of Mongolia*, as cited in The Protection Project Legal Library, [database online], Articles 110-11; available from <http://209.190.246.239/protectionproject/statutesPDF/MongoliaF.pdf>.

<sup>2706</sup> *Ibid.*, Article 256

<sup>2707</sup> One of the goals of the National Program of Action was to amend children's rights legislation. See Government of Mongolia, *National Programme of Action*, 31.

<sup>2708</sup> ILO-IPEC, *National Program for the Prevention and Elimination of Child Labour in Mongolia (Phase II): Status Report*, MO/02/P50/USA, Geneva, June 2003, Annex II, 3. See also UNICEF, "National Programme of Action for Children Implementation on Track," *Mongolia's Children First*, vol. 23 (April-June, 2003); available from <http://www.un-mongolia.mn/unicef/newsletters/jun03.pdf>.

<sup>2709</sup> ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 29.

small number of labor inspectors, and labor inspectors rarely inspect medium and small enterprises.<sup>2710</sup> Reports indicate that trafficking has been facilitated by corruption and weak border controls.<sup>2711</sup>

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

The Government of Mongolia, through its National Council for Children, reviews policies and mobilizes resources for the protection of children.<sup>2712</sup> The National Children’s Committee, under the Minister for Social Welfare and Labor, oversees the implementation of the government’s policies on children, provides training to child specialists, and provides operational assistance to NGOs working on children’s issues.<sup>2713</sup> The Government of Mongolia is also participating in an ILO-IPEC country program funded by USDOL.<sup>2714</sup> With funding from the ADB, and technical assistance from ILO-IPEC’s SIMPOC, the Mongolian National Statistical Office is integrating a child labor module into the national labor force survey.<sup>2715</sup> The Government of Mongolia’s National Programme of Action for the Development and Protection of Children 2002-2010<sup>2716</sup> includes provisions to combat the worst forms of child labor, the improvement of working conditions and wages for adolescents, and access to education and health services.<sup>2717</sup> The Mongolian National Department for Children administers a program to increase the capacity of government child protection and welfare officials in addressing child labor.<sup>2718</sup> The government also provides funds to shelters for vulnerable children.<sup>2719</sup> The Confederation of Mongolian Trade Unions implements a program to strengthen the capacity of trade unions in combating the worst forms of child labor.<sup>2720</sup> On May 28, 2004 the Government of Mongolia, the Mongolian Tourism Association of private

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	12/16/2002	✓
Ratified Convention 182	2/26/2001	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		
Sector Action Plan		

<sup>2710</sup> Enforcement has also been limited by the growth of independent enterprises. See U.S. Department of State, *Country Reports-2003: Mongolia*, Section 6d. See also ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 29.

<sup>2711</sup> U.S. Department of State, *Country Reports- 2003: Mongolia*, Section 6f.

<sup>2712</sup> The Council was established in 1994 and is led by the Prime Minister. See ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 30-31.

<sup>2713</sup> It was recently upgraded to agency status. See *Ibid.*, 30.

<sup>2714</sup> The second phase of the ILO-IPEC country program aims to assist the Government of Mongolia in the implementation of ILO Convention 182 through awareness raising, direct action programs, capacity building, and data collection and research on the worst forms of child labor in Mongolia. See *Ibid.*, 5.

<sup>2715</sup> ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia: Technical Progress Report*, Geneva, March 24, 2003, 8. Data has been collected; however, the finalization of the report has been postponed. See ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia (Phase II)*, status report, MO/02/P50/USA, Geneva, December 16, 2003, 10.

<sup>2716</sup> The Action Program was officially launched in February 2003. See UNICEF, *Mongolia’s Second NPA launched officially*, [online] [cited June 1, 2004]; available from [http://www.un-mongolia.mn/unicef/show\\_news.php?uid=111](http://www.un-mongolia.mn/unicef/show_news.php?uid=111).

<sup>2717</sup> Government of Mongolia, *National Programme of Action*, 9-10.

<sup>2718</sup> ILO-IPEC, *National Program in Mongolia: Status Report, December 2003*, 4.

<sup>2719</sup> U.S. Department of State, *Country Reports- 2003: Mongolia*, Section 5.

<sup>2720</sup> ILO-IPEC, *National Program in Mongolia: Status Report, December 2003*, 4.

companies, ECPAT International, and UNICEF jointly launched the Mongolian Code of Conduct for the protection of children from sexual exploitation in the travel and tourism industries.<sup>2721</sup>

The government operates a national non-formal education system to provide assistance and training on non-formal education techniques, materials and curricula.<sup>2722</sup> The Non-Formal and Distant Education Center has developed an action plan aiming to improve the quality and delivery of non-formal training for the prevention of child labor.<sup>2723</sup> The Governor Office of Uvurkhangai Aimag has developed a program to prevent child labor by enhancing educational opportunities for school dropouts.<sup>2724</sup> The government continues to provide school materials to children from poor families to encourage them to stay in the formal school system.<sup>2725</sup> The ADB is supporting a program to make the education sector more effective, cost efficient and sustainable.<sup>2726</sup> The program will also assist the government to implement a Second Education Development Project 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.<sup>2727</sup> The World Bank administers a project providing microfinance to vulnerable rural families.<sup>2728</sup> The World Bank approved a USD 8 million loan for a project to support the Government of Mongolia's Economic Growth Support and Poverty Reduction Strategy. The strategy aims to efficiently deliver high quality basic social services such as health care and education to all Mongolians.<sup>2729</sup> In February 2004, the Government of Mongolia became eligible for the Education for All Fast Track Initiative, which calls for countries, by the

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<sup>2721</sup> UNICEF, *Mongolia's Children First*, Volume 27, April-June 2004, [cited September 3, 2004]; available from <http://www.un-mongolia.mn/unicef/newsletters/Apr-Jun-2004Eng.pdf>.

<sup>2722</sup> ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 10. The non-formal education system functions with the assistance of UNICEF, UNESCO, ILO, and other international organizations in Mongolia. See also Government of Mongolia, *Second National Report of Mongolia on Implementation of the UN Convention on the Rights of the Child*, CRC/C/65/Add.32, 2004, 36; available from <http://www.unhcr.ch/html/menu2/6/crc/doc/report/srf-mongolia-2.pdf>.

<sup>2723</sup> ILO-IPEC, *National Program in Mongolia: Status Report, December 2003*, 4. The Center conducted training of non-formal education methodologists on organizing NFE training using the basic education equivalent program and textbooks. See ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia*, technical progress report, September 2004, 4.

<sup>2724</sup> This program was established in October 2003. See ILO-IPEC, *National Program in Mongolia: Status Report, December 2003*, 4.

<sup>2725</sup> Between 2000-2002, approximately 70,000 children received one-time assistance of this nature; however, assistance was not available to children in non-formal education settings. See ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 12. See also Government of Mongolia, *Second National Report of Mongolia*, 37.

<sup>2726</sup> ADB, *Country Assistance Plans- Mongolia*, [online] 2003 [cited June 1, 2004]; available from [www.adb.org/Documents/CAPs/MON/0303.asp?p=ctrymon](http://www.adb.org/Documents/CAPs/MON/0303.asp?p=ctrymon).

<sup>2727</sup> ADB, *Mongolia: Second Education Development Project*, [project profile] 2004 [cited June 1, 2004]; available from <http://www.adb.org/Documents/Profiles/LOAN/31213013.ASP>. The SEDP is also supported with funds from the Japanese government and the Nordic Development Fund, and will include construction of schools. See ADB, *Pioneer Project in Mongolia Supports Preschool and Disabled Children*, press release, [online] August 8, 2002 [cited June 1, 2004]; available from <http://www.adb.org/Documents/News/2002/nr2002128.asp>.

<sup>2728</sup> World Bank, *Sustainable Livelihoods Project*, [online] June 1, 2004 [cited June 1, 2004]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P067770>.

<sup>2729</sup> World Bank, *World Bank Provides US\$8 Million Credit to Support Mongolia's Public Sector Reform Program*, [online] June 25, 2003 [cited June 1, 2004]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20116974~menuPK:34465~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html>.

end of the decade, to meet the basic learning needs of all children and adults; provide universal access to education for all; create equity in education for women and other underserved groups; focus on actual learning acquisition; broaden the types of educational opportunities available to people; create better learning environments for students, and create Action Plans.<sup>2730</sup>

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<sup>2730</sup> World Bank, *Education for All (EFA) - Fast Track Initiative*, progress report, DC2004-0002/1, March 26, 2004, Annex 3; available from [http://siteresources.worldbank.org/DEVCOMMINT/Documentation/20190709/DC2004-0002\(E\)-EFA.pdf](http://siteresources.worldbank.org/DEVCOMMINT/Documentation/20190709/DC2004-0002(E)-EFA.pdf). For more information on Education For All, please see the the glossary of terms in this report.