

Mongolia

<i>Selected Statistics and Indicators on Child Labor</i>	
Percent of children 5-14 estimated as working in 2003 :	7.2% ²⁸³⁴
Minimum age for admission to work:	16 ²⁸³⁵
Age to which education is compulsory:	16 ²⁸³⁶
Free public education:	Yes ²⁸³⁷
Gross primary enrollment rate in 2004:	104% ²⁸³⁸
Net primary enrollment rate in 2004:	84% ²⁸³⁹
Percent of children 5-14 attending school in 2003:	73.3% ²⁸⁴⁰
Percent of primary school entrants likely to reach grade five:	Unavailable
Ratified Convention 138:	12/16/2002 ²⁸⁴¹
Ratified Convention 182:	2/26/2001 ²⁸⁴²
ILO-IPEC Participating country:	Yes ²⁸⁴³

Incidence and Nature of Child Labor

Because Mongolia is traditionally a nomadic herding society, most working children can be found in rural areas, in the livestock sector.²⁸⁴⁴ Boys generally herd and tend livestock, while girls mostly undertake domestic tasks, milking cows and producing dairy products, collecting animal dung for fire, preparing food, washing, shearing wool, and gathering fruit and nuts.²⁸⁴⁵ Children as young as 5 years old are engaged in informal gold and fluorspar mining.²⁸⁴⁶ These children face severe health hazards, such as exposure to mercury and handling of explosives in the mines.²⁸⁴⁷ Children working in mining are also vulnerable to drug abuse and sexual exploitation.²⁸⁴⁸ The National Human Rights Commission of Mongolia estimates that there are

²⁸³⁴ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank Surveys, *Child Economic Activity and School Attendance Records*, March 1, 2007.

²⁸³⁵ *Labor Law of Mongolia (as Amended)*; available from <http://www.indiana.edu/~mongsoc/mong/laborlaw.htm>.

²⁸³⁶ U.S. Department of State, "Mongolia," in *Trafficking in Persons Report- 2006*, Washington, DC, June 5, 2006; available from <http://www.state.gov/g/tip/rls/tiprpt/2006/65989.htm>.

²⁸³⁷ *Constitution of Mongolia, 1992*, (January 13, 1992), Article 16(7); available from <http://www.law.nyu.edu/centralbankscenter/texts/Mongolia-Constitution.html>.

²⁸³⁸ UNESCO Institute for Statistics, *Gross and Net Enrolment Ratios Primary accessed November 2006*; available from <http://stats.uis.unesco.org/TableViewer/tableView.asp?ReportId=51>.

²⁸³⁹ Ibid.

²⁸⁴⁰ SIMPOC, MICS, and Surveys, *Child Economic Activity and School Attendance Records*.

²⁸⁴¹ ILO, *Ratifications by Country*, 2006; available from <http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?Mongolia>.

²⁸⁴² Ibid.

²⁸⁴³ ILO-IPEC, *IPEC action against child labour: Highlights 2006*, Geneva, October 2006, 29; available from http://www.ilo.org/iloroot/docstore/ipcc/prod/eng/20061019_Implementationreport_eng_Web.pdf.

²⁸⁴⁴ ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia, Phase II*, project document, Geneva, April 9, 2002.

²⁸⁴⁵ Ibid. See also ILO-IPEC, *Helping Hands or Shackled Lives? Understanding Child Domestic Labour and Responses to it*, Geneva, 2004, 22; available from http://www.ilo.org/public/english/standards/ipcc/publ/download/cdl_2004_helpinghands_en.pdf.

²⁸⁴⁶ ILO-IPEC, *Baseline Survey on Child and Adult Workers in Informal Gold and Fluorspar Mining*, Ulaan Baatar, 2006.

²⁸⁴⁷ Ibid., 37.

²⁸⁴⁸ ILO-IPEC, *Eliminating Child Labour in Mining and Quarrying Background Document*, Geneva, June 12, 2005, 8, 9; available from <http://www.ilo.org/public/english/bureau/inf/download/child/background.pdf>.

40 to 50 horse racing events each year, and at each event, 2,000 children between the 6 and 16 years are engaged as jockeys. Horse racing poses risks to the life and health of the children involved.²⁸⁴⁹

In urban areas, children sell goods, wash cars, polish shoes, collect and sell coal and wood, and work as porters.²⁸⁵⁰ Children also work informally in petty trade, scavenging in dumpsites, and working in factories.²⁸⁵¹ There were reports of children trafficked internally for commercial sexual exploitation.²⁸⁵²

Child Labor Laws and Enforcement

The law sets the minimum age for employment at 16 years, with some exceptions.²⁸⁵³ Children 15 years may work with the permission of a parent or guardian, as long as employment does not harm their health, physical growth, and moral status.²⁸⁵⁴ Children 14 years may work in vocational education programs with the consent of a parent or guardian.²⁸⁵⁵ Children 14 and 15 years may not work for more than 30 hours, and children 16 and 17 years may not work for more than 36 hours per week.²⁸⁵⁶ Children under 18 may not work at night, in arduous, noxious or hot conditions, or underground.²⁸⁵⁷ They are also prohibited from working overtime, on public holidays, or weekly rest days.²⁸⁵⁸

The Constitution prohibits forced labor,²⁸⁵⁹ and forcing a child to work is punishable by imprisonment for up to 4 years or fines.²⁸⁶⁰ Trafficking of a minor is punishable by imprisonment for 5 to 10 years; if committed by an organized group, the term of imprisonment increases to 10 to 15 years.²⁸⁶¹ However, contacts within the government acknowledge that legal provisions regarding trafficking are weak and need to be amended.²⁸⁶² Production and dissemination of pornographic materials involving a person less than 16 years are punishable by imprisonment for 3 to 6 months or fines.²⁸⁶³ Involving a minor in prostitution is also illegal, and if the crime is committed repeatedly or by using violence or threat, it is punishable by a prison

²⁸⁴⁹ ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Mongolia (ratification: 2001)*, 2006 [cited November 7, 2006]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=18894&chapter=9&query=%28C29%2C+C105%2C+C138%2C+C182%29+%40ref+%2B+%28Mongolia%29+%40ref+%2B+%23YEAR%3E2000&highlight=&querytype=bool&context=0>.

²⁸⁵⁰ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 17.

²⁸⁵¹ U.S. Department of State, "Trafficking in Persons Report- 2006: Mongolia."

²⁸⁵² Ibid.

²⁸⁵³ *Labor Law of Mongolia (as Amended)*, Article 85.

²⁸⁵⁴ Ibid.

²⁸⁵⁵ Ibid.

²⁸⁵⁶ Ibid., Article 26.

²⁸⁵⁷ Ibid., Article 86.

²⁸⁵⁸ Ibid.

²⁸⁵⁹ *Constitution of Mongolia, 1992*, Article 16(4).

²⁸⁶⁰ *Criminal Code of Mongolia*, (2002), Article 121; available from <http://www.unhcr.org/cgi-bin/texis/vtx/rsd/rsddocview.pdf?tbl=RSDLEGAL&id=3ed919fd4>.

²⁸⁶¹ Ibid., Article 113.

²⁸⁶² U.S. Embassy- Ulaanbaatar, *reporting*, March 9, 2005.

²⁸⁶³ *Criminal Code of Mongolia*, Article 123.

term of 3 to 5 years or fines.²⁸⁶⁴ The minimum age for military conscription is 18.²⁸⁶⁵ Mongolian law prohibits the use of children in forced labor, illicit activities, begging, slavery, and work that is harmful to their health, morals, or safety.²⁸⁶⁶

Despite the existing legislative measures to protect children's rights, the Committee on the Rights of the Child has expressed concern about the insufficient number of implementation measures and some contradictory provisions of the domestic laws that leave children without adequate protection, including the ability of children to engage in work before reaching the compulsory school age.²⁸⁶⁷

The Ministry of Labor and Social Welfare's (MOSWL) Department of Employment and Social Welfare Service and the National Department for Children (NDC) share responsibility for child labor issues.²⁸⁶⁸ The MOSWL presides over the Labor Code, while the NDC administers the National Plan of Action for the Protection and Development of Children (2002-2010).²⁸⁶⁹

State labor inspectors assigned to regional and local offices are responsible for enforcing labor laws, but enforcement has been limited because of the small number of inspectors and the growing number of independent enterprises.²⁸⁷⁰ The MOSWL is the lead government agency on trafficking issues, but the Ministry of Justice and Home Affairs enforces trafficking-related laws.²⁸⁷¹

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

The Government of Mongolia is participating in a USD 2.9 million USDOL-funded ILO-IPEC project. The Mongolia Timebound Program, which is set to run through 2009, is designed to strengthen the country's ability to take action against the worst forms of child labor in Mongolia and to develop an area-based intervention model at the local level targeting children at risk or engaged in the worst forms of child labor. The program targets children involved in mining, commercial sexual exploitation, work in dumpsites or marketplace, herding and domestic work.²⁸⁷² The project aims to withdraw 2,700 children from the worst forms of child labor and prevent 3,300 children from engaging in child labor.²⁸⁷³

²⁸⁶⁴ Ibid., Article 115.

²⁸⁶⁵ Coalition to Stop the Use of Child Soldiers, "Mongolia," in *Child Soldiers Global Report 2004*, London, 2004; available from http://www.child-soldiers.org/document_get.php?id=859.

²⁸⁶⁶ ILO-IPEC, *National Programme for the Prevention and Elimination of Child Labour in Mongolia (Phase II)*, Status Report, Status Report, Geneva, June 16, 2003, Annex II, 3.

²⁸⁶⁷ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding observations: Mongolia*, CRC/C/15/Add.264, Geneva, September 21, 2005, 3; available from

[http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/480889c76b2a2309c12570bc004c51a0/\\$FILE/G0544018.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/480889c76b2a2309c12570bc004c51a0/$FILE/G0544018.pdf). Does not match "prepared by state parties" guidelines.

²⁸⁶⁸ USDOL official, trip report, May 30-June 10, 2005. No example in guidelines.

²⁸⁶⁹ Ibid.

²⁸⁷⁰ U.S. Department of State, "Trafficking in Persons Report- 2006: Mongolia."

²⁸⁷¹ U.S. Embassy- Ulaanbaatar, reporting.

²⁸⁷² ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate the Worst Forms of Child Labour: Time-Bound Measures*, technical progress report, Geneva, September 2006.

²⁸⁷³ Ibid.