

# Mongolia

*The Government of Mongolia participates in several programs to eliminate the worst forms of child labor. However, children continue to engage in dangerous work in agriculture and related activities such as herding and artisanal mining. There are gaps in the legal framework for prosecuting criminal offenders, specifically regarding trafficking.*



## Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	9.7%
Attending School	5-14 yrs.	79.1%
Combining Work and School	7-14 yrs	11.3%

## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor<sup>3373</sup>

Children are engaged in the worst forms of child labor in Mongolia, most commonly in the agricultural sector, including herding.<sup>3374</sup> Herding exposes children to extreme cold, exhaustion, wild animal attack, assault from competing herders, and accidents.<sup>3375</sup>

Many children mine gold, coal, and fluorspar both on the surface and underground.<sup>3376</sup> In mining, children often dig holes, enter tunnels up to 10 meters deep, and transport heavy materials. This situation occurs largely if not exclusively in the informal, artisanal mining sector, and is not associated with formal in-country mining activities.<sup>3377</sup>

Children also perform informal work as traders, porters, rag pickers, and horse jockeys.<sup>3378</sup> Child rag pickers work in dump sites where they are exposed to unhygienic conditions, extreme weather, and health problems caused by inhaling smoke from burning garbage.<sup>3379</sup> Child porters often carry loads exceeding their own weight or pushcarts weighing up to one ton.<sup>3380</sup>

Worst forms of child labor such as child prostitution and child trafficking also exist in Mongolia. Child prostitution including child sex tourism is a growing

problem.<sup>3381</sup> There are instances where girls are trafficked internally and forced into prostitution in saunas and massage parlors.<sup>3382</sup> Girls are also trafficked to China, Macau, Malaysia, and South Korea for sexual exploitation and forced labor.<sup>3383</sup>

## Laws and Regulations on the Worst Forms of Child Labor

The Labor Law sets the minimum age for employment at 16, but allows children at age 15 to work with the permission of a parent or guardian. Under certain conditions children as young as 14 may participate in vocational education for up to 30 hours.<sup>3384</sup> The Labor Law specifically states that it applies to work performed under a labor contract, thus failing to cover most working children in Mongolia, who work without a formal contract.<sup>3385</sup>

Order No. 107 List of Jobs Prohibited to Minors 2008, issued by the Ministry of Social Welfare and Labor (MOSWL), lists locations, professions, and conditions of work for which it is prohibited to employ minors under the age of 18, including some forms of hazardous agriculture and mining, or as load carriers, horse breakers or trainers, or at garbage dump sites.<sup>3386</sup> The Order does not specify whether it is applicable only to children working under an employment

contract or whether it is applicable to all children, even if in informal work situations. The 2002 Criminal Code and the 1996 Law on the Protection of the Rights of the Child (Child Rights Law) prohibit forced labor and the use of children in exploitive activities such as begging.<sup>3387</sup>

Human trafficking and child trafficking are also prohibited by law. Article 113 of the Criminal Code, amended in 2007 specifically prohibits trafficking and prescribes stringent penalties.<sup>3388</sup> The Supreme Court’s interpretation of this law, however, stipulates that victims who know they are destined for sex work cannot be classified as trafficked and, therefore, the Court has allowed judicial officials to prosecute trafficking offenders under the lesser offense of forced prostitution.<sup>3389</sup>

The Criminal Code prohibits sexual intercourse with those under the age of 16, involving children in prostitution, inducing others to engage in prostitution by force or threat, and running brothels.<sup>3390</sup>

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

### Institutional Mechanisms for Coordination and Enforcement

A National Steering Committee on Child Labor was re-established in 2006 under the Ministry of Social Welfare and Labor (MOSWL), to promote child labor

policies, mainstream child labor issues into national agendas, and mobilize the effort against child labor.<sup>3391</sup> This Committee has promoted tripartite partnership in combating child labor and initiated awareness campaigns.<sup>3392</sup>

The enforcement of child labor laws is conducted by the Labor Inspectorate. The Inspectorate includes 90 inspectors within the country’s General Agency for State Inspection.<sup>3393</sup> This body’s mandate includes investigating occupational safety, hygiene, and social security as well as child labor nationwide.<sup>3394</sup>

In 2009, MOSWL, along with ILO-IPEC, trained labor inspectors on child labor issues.<sup>3395</sup> The trainings included information on the definition of child labor, its many forms, and how to conduct child labor inspections.

Three major sector-based inspections on child labor took place in 2009 in construction, mining, and street vending.<sup>3396</sup> As a result, 80 children were removed from rural artisanal mining, provided medical treatment, and enrolled in school.<sup>3397</sup> During the reporting period, 193 child labor violations were found. One hundred thirty-three of these cases were resolved through consultation, but no penalties were imposed.<sup>3398</sup>

There is no centralized agency charged with criminal enforcement of child trafficking, sexual exploitation, and prostitution.<sup>3399</sup> However, MOSWL is responsible for coordinating the National Plan of Action on Commercial Sexual Exploitation and Trafficking of Children and Women.<sup>3400</sup> In 2009, MOSWL worked with UNICEF to train 720 social workers to deal with the sale and prostitution of children and their use in pornography.<sup>3401</sup> The National Legal Institute also developed a training curriculum for police, prosecutors, attorneys, and judges for addressing child labor, including commercial sexual exploitation.<sup>3402</sup> Eleven cases of human trafficking were opened from January through August 2009, although the results of these cases were unavailable at the time of this writing.<sup>3403</sup>

Victims of human trafficking are sometimes prosecuted for crimes committed as a direct result of their victimization.<sup>3404</sup> In 2009, two child victims of trafficking were convicted of defamation after

filing charges against their trafficker. The girls were sentenced to two years in prison.<sup>3405</sup> Victim protection is weak and the Government does not provide direct assistance, even to victims who assist in the prosecution of their traffickers.<sup>3406</sup>

## Government Policies on the Worst Forms of Child Labor

In 2008, the Government began implementing the third phase of its National Program of Action for the Development and Protection of Children (NPADPC).<sup>3407</sup> This program provides a framework for all national efforts to address children's issues, and specifically includes the elimination of the worst forms of child labor as an objective.<sup>3408</sup> Strategies for achieving this objective include expanding training on child labor, conducting national research, working to reduce poverty, improving child labor monitoring systems, and taking urgent action in specific sectors such as mining.<sup>3409</sup> Objective 12 of the NPADPC is to protect children against violence in accordance with international standards including enlisting domestic and international cooperation to prevent trafficking and commercial sexual exploitation of children.<sup>3410</sup>

Although the NPADPC incorporates the relevant worst forms of child labor and articulates specific actions to take, it remains unclear whether this policy is effectively implemented. An ILO report found that the resources allocated to the relevant components of the NPADPC were not adequately tracked, and the monitoring of objectives is weak.<sup>3411</sup>

The National Development Strategy calls for supporting child laborers through education, vocational training, and health services.<sup>3412</sup> The State Policy on Population Development also includes eliminating the worst forms of child labor as an objective.<sup>3413</sup>

The National Plan of Action on Commercial Sexual Exploitation and Trafficking of Children and Women incorporates actions against child trafficking and sexual exploitation.<sup>3414</sup> The Programme on Development of Small-Scale Mining also addresses child labor in key areas. In June 2009, the Government adopted The State Policy on Herders which clarifies the conditions and criteria for engaging children in herding to eliminate worst forms of child labor in that sector.<sup>3415</sup>

In January 2009, MOSWL, the Confederation of Mongolian Trade Unions, and the Mongolian Employers Federation signed an MOU to create a social partnership to prevent the use of child labor as a means of cheap labor. This action was taken to ensure that the most vulnerable were protected during the global economic crisis.<sup>3416</sup>

## Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In May 1999, even before ratifying ILO Convention 182, the Government of Mongolia signed an MOU with ILO-IPEC which started a program to combat child labor.<sup>3417</sup> This initiative was designed to improve knowledge about child labor in Mongolia, assist in designing child labor policy, promote the development of child labor legislation, and support direct action for child laborers.<sup>3418</sup> The \$570,000 USDOL-funded program targeted 1,500 children for withdrawal and prevention from child labor in mining, prostitution, and herding and provided services to 2,091 children over the life of the project.<sup>3419</sup> A \$1 million second phase of the support program was implemented from 2002 until 2005.<sup>3420</sup>

From 2005 through 2009, the Government implemented the Child Money Program, a social assistance program which gave cash allowances to poor families on the condition that they met certain criteria. For the first year of the program, eligible families had to remove children from harmful forms of child labor, however this requirement was subsequently lifted and the program has ended.<sup>3421</sup>

The Government of Mongolia implemented a USDOL-funded \$2.9 million ILO-IPEC project from 2005 through 2010—Support to the Government's Sub-program to Eliminate the Worst Forms of Child Labor: Time-Bound Measures through 2010.<sup>3422</sup> As a part of this program, the Government of Mongolia launched community-based child labor monitoring systems to address child labor in the informal sector.<sup>3423</sup> The project targeted mining, herding, child domestic labor, prostitution, and the informal sector.<sup>3424</sup> By the end of the implementation period, the project had withdrawn and prevented 5,316 children from child labor and 503 girls from commercial sexual exploitation.<sup>3425</sup> Project evaluations note that the program has been effective in

establishing mechanisms for policy coordination and building local government capacity to eliminate child labor.<sup>3426</sup>

The Government is also participating in sector-specific projects focused on children in mining and in human trafficking. Three projects funded by the Swiss Agency for Development and Cooperation, ILO-IPEC, and the United Nations Population Fund combat child labor

in mining. These projects have provided educational services for 390 child miners.<sup>3427</sup>

During the reporting period, the Government cooperated with USDOS programs to combat trafficking in persons through strategic litigation, the training of stakeholders, victim services, and raising general awareness.<sup>3428</sup>

### Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Mongolia:

#### IN THE AREA OF LAWS AND REGULATIONS:

- Amend labor legislation to eliminate exceptions and provide protections to all children, particularly in agriculture and other informal sectors.

#### IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Impose penalties on child labor violations in accordance with the law.
- Provide protection and direct assistance to victims of human trafficking.

#### IN THE AREA OF POLICIES:

- Conduct a comprehensive evaluation of the National Program of Action for the Development and Protection of Children to ensure its full and effective implementation.

<sup>3373</sup> Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

<sup>3374</sup> ILO, World Bank, and UNICEF, *Understanding Children's Work and Youth Employment Outcomes in Mongolia*, Rome, June 2009, 24; available from <http://ucw-project.org/pdf/publications/Mongolia.pdf>.

<sup>3375</sup> ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate the Worst Forms of Child Labour:*

*Time-Bound Measures*, Project Document, September 30, 2005, 4.

<sup>3376</sup> Ibid., 3. See also ILO, World Bank, and UNICEF, *UCW Report-Mongolia 2009*, 40.

<sup>3377</sup> ILO, World Bank, and UNICEF, *UCW Report-Mongolia 2009*, 40.

<sup>3378</sup> ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate WFCL*, Project Document, 3. See also U.S. Department of State, "Mongolia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from [www.state.gov/g/drl/rls/hrrpt/2009/eap/136001.htm](http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136001.htm).

<sup>3379</sup> ILO, World Bank, and UNICEF, *UCW Report-Mongolia 2009*, 43.

<sup>3380</sup> ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate WFCL*, Project Document, 3.

<sup>3381</sup> Ibid.

<sup>3382</sup> U.S. Department of State, "Mongolia," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from [www.state.gov/g/tip/rls/tiprpt/2010/142760.htm](http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm).

- <sup>3383</sup> ILO, World Bank, and UNICEF, *UCW Report-Mongolia 2009*, 41.
- <sup>3384</sup> Government of Mongolia, *Law on Labour of Mongolia*, (July 1, 1999), articles 71.1, 109.1, 109.2, 109.3; available from <http://www.investmongolia.com/law25.pdf>.
- <sup>3385</sup> ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Mongolia (ratification: 2002)*, [online] 2008 [cited February 17, 2010], article 7; available from [http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21613&chapter=9&query=\(mongolia\)+@ref+%2B+%23YEAR%3E2006&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21613&chapter=9&query=(mongolia)+@ref+%2B+%23YEAR%3E2006&highlight=&querytype=bool&context=0). See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Mongolia (ratification: 2001)*, [online] 2008 [cited February 17, 2010], 2.c; available from [http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21881&chapter=9&query=\(mongolia\)+@ref+%2B+%23YEAR%3E2006&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21881&chapter=9&query=(mongolia)+@ref+%2B+%23YEAR%3E2006&highlight=&querytype=bool&context=0). See also U.S. Embassy-Ulaanbaatar, *reporting*, March 10, 2010.
- <sup>3386</sup> Government of Mongolia, *List of Jobs and Occupations Prohibited to Minors*, (September 26, 2008). See also U.S. Embassy- Ulaanbaatar, *reporting*, January 16, 2009, 3. See also ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate the Worst Forms of Child Labour: Time-Bound Measures*, Technical Progress Report, Geneva, March 2009, 4.
- <sup>3387</sup> Government of Mongolia, *Law on the Protection of the Rights of the Child with Amendments*, article VII. See also Government of Mongolia, *Criminal Code of Mongolia*, (2002), article 121; available from <http://www.unhcr.org/refworld/docid/3ed919fd4.html>.
- <sup>3388</sup> Government of Mongolia, *Criminal Code of Mongolia*, Article 113. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Mongolia.”
- <sup>3389</sup> U.S. Department of State, “Trafficking in Persons Report- 2010: Mongolia.”
- <sup>3390</sup> Government of Mongolia, *Criminal Code of Mongolia*, Article 115.
- <sup>3391</sup> ILO, World Bank, and UNICEF, *UCW Report-Mongolia 2009*, 82.
- <sup>3392</sup> *Ibid.*
- <sup>3393</sup> U.S. Embassy- Ulaanbaatar, *reporting*, March 10, 2010.
- <sup>3394</sup> *Ibid.*
- <sup>3395</sup> *Ibid.*
- <sup>3396</sup> *Ibid.*
- <sup>3397</sup> *Ibid.*
- <sup>3398</sup> *Ibid.*
- <sup>3399</sup> *Ibid.*
- <sup>3400</sup> *Ibid.* See also ILO, World Bank, and UNICEF, *UCW Report-Mongolia 2009*.
- <sup>3401</sup> UN Committee on the Rights of the Child, *Summary record of the 1460th (Chamber A) meeting, Fifty-third session* Geneva, January 13, 2010, para. 19; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/401/18/PDF/G1040118.pdf?OpenElement>.
- <sup>3402</sup> U.S. Embassy- Ulaanbaatar, *reporting*, March 10, 2010.
- <sup>3403</sup> *Ibid.*
- <sup>3404</sup> U.S. Department of State, “Trafficking in Persons Report- 2010: Mongolia.”
- <sup>3405</sup> U.S. Department of State, “Mongolia “ in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009, 211; available from <http://www.state.gov/documents/organization/123363.pdf>.
- <sup>3406</sup> U.S. Department of State, “Trafficking in Persons Report- 2010: Mongolia.”
- <sup>3407</sup> Government of Mongolia, *Written Replies by the Gov't of Mongolia to the List of Issues (CRC/C/MNG/Q/3-4) Prepared by the CRC in Connection with the Consideration of the Third and Fourth Periodic Reports of Mongolia (CRC/C/MNG/3-4)*, Committee on the Rights of the Child, Geneva, December 2, 2009, 12; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/469/94/PDF/G0946994.pdf?OpenElement>.
- <sup>3408</sup> ILO, World Bank, and UNICEF, *UCW Report-Mongolia 2009*, 81.
- <sup>3409</sup> Government of Mongolia, *National Programme of Action for the Development and Protection of Children 2002-2010*, Ulaanbaatar, December 2002, 19; available from <http://www.unicef.org/mongolia/UNICEFNPAEng.pdf>.
- <sup>3410</sup> *Ibid.*, 18.
- <sup>3411</sup> ILO, World Bank, and UNICEF, *UCW Report-Mongolia 2009*, 81.
- <sup>3412</sup> *Ibid.*
- <sup>3413</sup> *Ibid.*
- <sup>3414</sup> *Ibid.*
- <sup>3415</sup> 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 2009, 3.
- <sup>3416</sup> U.S. Embassy- Ulaanbaatar, *reporting*, March 10, 2010.
- <sup>3417</sup> ILO, *Mongolia*, [online] [cited July 21, 2010]; available from [www2.ilo.org/public/english/region/asro/bangkok/arm/mng.htm](http://www2.ilo.org/public/english/region/asro/bangkok/arm/mng.htm).
- <sup>3418</sup> ILO-IPEC, *National Programme for the Prevention and Elimination of Child Labour in Mongolia*, Final Technical Progress Report, Geneva, February 2003, 4.
- <sup>3419</sup> *Ibid.*, 5.

<sup>3420</sup> ILO-IPEC, *National Programme for the prevention and elimination of child labour in Mongolia (Phase II)*, Final Technical Progress Report, Geneva, January 2006.

<sup>3421</sup> UNICEF, *Child Benefits and Poverty Reduction: Evidence from Mongolia's Child Money Programme*, New York, May 7, 2007, 9-10; available from [http://www.unicef.org/socialpolicy/index\\_45215.html](http://www.unicef.org/socialpolicy/index_45215.html).

<sup>3422</sup> 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 2008, 1. See also ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate the Worst Forms of Child Labour: Time-Bound Measures*, Project Revision Request, Geneva, July 23, 2009.

<sup>3423</sup> U.S. Embassy- Ulaanbaatar, *reporting, March 10, 2010*. See also ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate the Worst Forms of Child Labour: Time-Bound Measures*, Technical Progress Report, Geneva, March 6, 2010, 4 and 7.

<sup>3424</sup> ILO, World Bank, and UNICEF, *UCW Report-Mongolia 2009*, 82.

<sup>3425</sup> ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate the Worst Forms of Child Labour: Time-Bound Measures*, GPRA Reporting, Geneva, October 15, 2010.

<sup>3426</sup> ILO, World Bank, and UNICEF, *UCW Report-Mongolia 2009*, 82.

<sup>3427</sup> ILO Committee of Experts, *Individual Direct Request concerning Minimum Age (Underground Work) Convention, 1965 (No. 123) Mongolia (ratification: 1981)*, [online] 2009 [cited February 17, 2010], part IV; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23145&chapter=9&query=Mongolia@ref&highlight=&querytype=bool&context=0>.

<sup>3428</sup> U.S. Department of State Office to Monitor and Combat Trafficking in Persons (G/TIP), *U.S. Government Funds Obligated in Fiscal Year 2009 for Anti-Trafficking in Persons Projects*, 2010; available from <http://www.state.gov/g/tip/rls/reports/2010/137248.htm>. See also U.S. Department of State Office to Monitor and Combat Trafficking in Persons (G/TIP), *reporting*, October 28, 2009.