

Mongolia

MODERATE ADVANCEMENT

In 2013, Mongolia made a moderate advancement in efforts to eliminate the worst forms of child labor. In July, the Mongolia National Statistics Office officially released the Mongolia National Child Labor Survey Report. The Government established an Anti-Trafficking Sub-Council within the Ministry of Justice (MOJ), and Mongolia's National Human Rights Commission (NHRC) conducted trainings on trafficking and forced labor for lawyers, judges, and law enforcement officers. The Government also established a coordinating council and allocated a budget for the National Plan of Action for Ending the Worst Forms of Child Labor. However, children in Mongolia continue to engage in child labor in animal husbandry and herding. Enforcement mechanisms for reducing child labor are minimal, and gaps persist in the legal framework and operating procedures for prosecuting criminal offenders, specifically regarding commercial sexual exploitation.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Mongolia are engaged in child labor in animal husbandry and herding.(1-6) In July 2013, the Mongolia National Statistics Office officially released the Mongolia National Child Labor Survey Report.(4) The report indicates that 11 percent of working children were engaged in hazardous work with boys comprising 8 out of 10 children.(4) The majority of child labor in Mongolia takes place in the informal sector in which there is little oversight and enforcement of labor laws.(7) Table 1 provides key indicators on children's work and education in Mongolia.

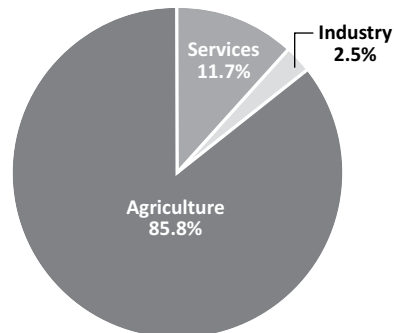
Table 1. Statistics on Children's Work and Education

| Children | Age | Percent |
|-------------------------------|-----------|---------------|
| Working (% and population) | 5-14 yrs. | 13.8 (60,246) |
| Attending School (%) | 5-14 yrs. | 87.6 |
| Combining Work and School (%) | 7-14 yrs. | 15.1 |
| Primary Completion Rate (%) | | 130.2 |

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2014.(8)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Labour Force Survey-National Child Labour Survey, 2011-2012.(9)

Figure 1. Working Children by Sector, Ages 5-14



Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

| Sector/Industry | Activity |
|-----------------|--|
| Agriculture | Herding and animal husbandry (1-6, 10) |
| Industry | Construction, activities unknown† (2, 4, 11) |
| | Mining coal,† gold,† and fluorspar† (1-4, 6, 7, 10-13) |
| | Ticket-taking for public transportation (2, 6) |
| Services | Domestic work (1, 2, 6) |
| | Horse jockeying (1-3, 6, 10, 14-16) |
| | Scavenging in dumpsites† (1, 3, 4, 6, 10, 17) |
| | Street work, activities unknown* (2, 4, 6, 12) |

Table 2. Overview of Children’s Work by Sector and Activity (cont)

| Sector/Industry | Activity |
|---|---|
| Categorical Worst Forms of Child Labor‡ | Commercial sexual exploitation, including use in the production of pornography,* sometimes as a result of human trafficking (3, 6, 7, 10-12, 18-21) |
| | Forced begging and stealing* (2, 10, 11, 20-22) |
| | Forced labor in construction, mining, and industrial sectors, animal husbandry,* and contortionist work* sometimes as a result of human trafficking (6, 11, 20, 21) |

* Evidence of this activity is limited and/or the extent of the problem is unknown.

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a) – (c) of ILO C. 182.




Due to a lack of resources in tracking child labor in Mongolia, it is difficult to assess whether there has been a change in the number of children engaged in the work force.(13) According to government authorities and NGOs, while the numbers may not have significantly increased, children are now involved in more diverse forms of hazardous labor than in previous years, in part due to Mongolia’s economic boom.(6) Although some sources reported a decline in child labor in the mining sector in prior years, monitoring of the artisanal sector has not been comprehensive in recent years and there is no data available on recent child labor rates in that sector.(2, 6)

Girls are trafficked internally and forced into prostitution, sometimes in saunas, bars, hotels, karaoke clubs, and massage parlors.(3, 11, 18, 20, 21) In addition, NGOs and law enforcement officials reported cases in which young girls were trafficked internationally for exploitation as contortionists under contracts signed by their families, and sometimes subjected to physical abuse.(6, 20, 21)

II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

Mongolia has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

| Convention | Ratification |
|--|--------------|
|  ILO C. 138, Minimum Age | ✓ |
| ILO C. 182, Worst Forms of Child Labor | ✓ |
|  UN CRC | ✓ |
| UN CRC Optional Protocol on Armed Conflict | ✓ |
| UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography | ✓ |
|  Palermo Protocol on Trafficking in Persons | ✓ |

The Government has established relevant laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

| Standard | Yes/No | Age | Related Legislation |
|---|--------|-----|---|
| Minimum Age for Work | Yes | 16 | Law on Labor (23) |
| Minimum Age for Hazardous Work | Yes | 18 | List of Jobs Prohibited to Minors (24) |
| List of Hazardous Occupations Prohibited for Children | Yes | | List of Jobs Prohibited to Minors; Law on the Protection of the Rights of the Child; Law on the National Naadam Holiday (24-26) |
| Prohibition of Forced Labor | Yes | | Criminal Code; Law on the Protection of the Rights of the Child (26, 27) |
| Prohibition of Child Trafficking | Yes | | Law on Combating Trafficking in Persons; Criminal Code Article 113 (27, 28) |

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Table 4. Laws and Regulations Related to Child Labor (cont)

| Standard | Yes/No | Age | Related Legislation |
|---|--------|-----|--|
| Prohibition of Commercial Sexual Exploitation of Children | Yes | | Articles 113 and 123 of the Criminal Code; Law Combating Against Promiscuity (2, 22, 27, 29) |
| Prohibition of Using Children in Illicit Activities | Yes | | Articles 114 and 192 of the Criminal Code (27) |
| Minimum Age for Compulsory Military Recruitment | Yes | 18 | Law on Civil Military Duties and the Legal Status of Military Personnel (30, 31) |
| Minimum Age for Voluntary Military Service | Yes | 18 | Law on Civil Military Duties and the Legal Status of Military Personnel (30, 31) |
| Compulsory Education Age | Yes | 16 | Education Law (32, 33) |
| Free Public Education | Yes | | Education Law (25, 32, 33) |

The Law on Labor is currently under revision, but there is no information on how the amendment may extend greater protections to children or on the timeframe for submitting the amended law to Parliament.(22, 33) At this time, the Law on Labor appears to exclude work performed outside of a labor contract.(34) The Ministry of Labor’s (MOL) list of hazardous occupations prohibited for children does not clearly specify if it has the same limitations; however, according to the Ministry of Population Development and Social Welfare (MPDSW), the list applies to children working in both the formal and informal sectors.(24, 35)

The Ministry of Justice (MOJ) is revising the Criminal Code, which would provide an opportunity to prohibit the worst forms of child labor and to strengthen the protection of children and victims of human trafficking during legal proceedings. The revision has been submitted to Parliament, but there is no indication of when it will be passed.(36, 37) Mongolia is also in the process of revising the Law on Protection of Children’s Rights in order to expand opportunities for legal protection of children.(38)

Mongolian law does not provide clear definitions of forced labor, allowing for ambiguous interpretation by law enforcement and judicial officials. Because trafficking and sexual exploitation are covered by multiple laws, the Police and the Prosecutor’s Office each have discretion to select the article under which to try each case.(12, 19, 21, 22, 39)

The minimum age for working as a horse jockey does not meet the standards prescribed in international conventions, and current legislation does not fully protect children working in this sector.(16, 25) The Ministry of Culture, Sports and Tourism is developing a new law that will ban children under 16 from taking part in private events; however, no decision has been made on changing the minimum age for official races.(15) The state bans racing using child jockeys during the coldest period (October–February), and there are new regulations requiring adequate headwear.(6, 10)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

| Organization/Agency | Role |
|---|--|
| General Agency of Specialized Inspection (GASI) | Enforce labor laws including child labor. Conduct inspections only at registered businesses failing to protect the majority of children engaged in the worst forms of child labor in Mongolia’s informal sector.(6) |
| National Police Agency (NPA) | Maintain primary responsibility for investigating trafficking cases. Coordinate with the Criminal Police Department (CPD) and State Investigation Agency (SIA).(21) |
| State Investigation Agency (SIA)/Criminal Police Department (CPD) | Receive referral and open a formal criminal investigation of trafficking and sexual exploitation cases. Work with the Prosecutor’s Office to decide whether to take a case to court and any subsequent prosecution.(6, 35) Merged into one office in January 2014 but continues to operate separately at the time of reporting.(6) |
| Metropolitan Police Department (MPD) | Operate under the NPA and oversee the district police divisions of Ulaanbaatar’s nine districts.(40) Enforce labor laws and identify children in hazardous labor.(6) |

Table 5. Agencies Responsible for Child Labor Law Enforcement (cont)

| Organization/Agency | Role |
|--------------------------|--|
| Border Protection Agency | Register Mongolian citizens who enter and exit the country. Track children who leave Mongolia and do not return and pregnant Mongolia women who return without their child.(21) Follow up with law enforcement as necessary.(21) |

Law enforcement agencies in Mongolia took limited action to combat child labor, including its worst forms.

The reporting period was a year of consolidation for many government agencies that underwent significant changes following the 2012 elections.(6) In addition, ongoing major reforms of the Mongolian justice sector, including restructuring of judicial and law enforcement agencies, resulted in greater inward focus among these agencies as they worked to implement the changes. The consolidation of agencies resulted in very little action to enforce child labor laws during the reporting period.(6, 21)

Labor Law Enforcement

In 2013, there were 49 General Agency of Specialized Inspection (GASI) inspectors across the country that focused on labor-related issues, including child labor. They were supplemented by over 100 junior inspectors, whose time spent on labor issues was limited.(6) Inspectors have the authority to order immediate compliance with labor legislation, but enforcement was limited due to the small number of labor inspectors and the rapidly growing number of businesses. During 2013, GASI did not conduct any inspections specifically focused on child labor.(6) GASI had limited data on workplace injuries of those under 18, as most underage labor occurred in the informal sectors of the economy, beyond GASI's jurisdiction. GASI did not report any work-related deaths of minors in 2013.(6)

GASI also reported that it found no child labor violations in 2013. Under the Law on Inspections, GASI must announce the sites it plans to inspect for the coming year, and GASI officials suggested that this contributed to the absence of violations.(6) GASI also reported that administrative fines were too light to deter companies from employing child labor.(6)

Despite improved compliance at national-level races, provincial horse races are generally not regulated. Safety standards for child jockeys are not effectively enforced, and children often are not provided with helmets, as required by law.(2, 6, 10) Races that took place during local and national holidays resulted in six fatalities of child jockeys. However, no criminal cases were opened. Sources reported that such incidents were generally handled privately, with horse owners either paying the families of injured or killed child jockeys, or in many cases, the child jockeys were the sons/daughters of the horse owners themselves.(6) During the reporting period, the National Authority for Children (NAC) started a national database that registers all jockeys who participate in officially sanctioned national and local races.(41)

During the reporting period, the Address Identification Center (AIC, under the Metropolitan Police Department), in cooperation with the Ulaanbaatar Metropolitan Agency of Child and Family Development, conducted four trainings on child protection, in which two police officers participated each time.(6) Throughout the year, the Child Labor Network and World Vision provided trainings to local and metropolitan police, social workers, and government organizations responsible for child welfare. The Metropolitan Agency for Child and Family Development reported that, during 2013, the heads of its child and family development centers received training that included a unit on child labor.(6)

The MPD reported conducting 43 campaigns throughout the year to identify street children lacking parents or guardians.(6) During one such campaign, the MPD identified six cases of children working in hazardous labor and referred the cases for prosecution, but the Prosecutor's Office dismissed all of the cases. The MPD and the Child Labor Network NGO report that there is no specific procedure for providing protection and services to children identified in child labor situations.(6)

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Criminal Law Enforcement

In 2013, there was no funding specifically allocated for investigations of forced labor or trafficking in persons, and a limited number of officers were appointed to deal with children's and trafficking issues.(6, 35) In 2013, the MPD reported only three officers at the main office that focused on the policy side of child protection, which was down from 27 in the previous year.(6)

During the reporting period, Mongolia's National Human Rights Commission (NHRC) conducted trainings on trafficking and forced labor for lawyers, judges, and law enforcement officers.(6) The CPD's Organized Crime Division conducted regular trainings throughout the year for provincial and district law enforcement officers responsible for trafficking cases. Trainings were funded through a combination of the Criminal Police Department's limited budget and local and international NGOs.(6) The MOJ also contributed funding for anti-trafficking trainings.

Cases involving the commercial sexual exploitation of minors classified by the National Police Agency (NPA) under the trafficking article were often changed to lesser articles by prosecutors or the State Investigation Agency (SIA) or else were dismissed entirely.(2, 6, 14, 20) The NAC reported that there is a general assumption that victims of sexual misconduct must be girls, resulting in a failure to recognize boys as potential victims of sexual exploitation.(6) If a boy is a victim of sexual exploitation, the offense is rarely prosecuted and, when prosecution does occur, charges are likely to be filed under an article of the Criminal Code that carries a lighter sentence and includes no aggravating penalty for committing the crime against a minor.(6) In addition, Government officials reported that MOJ investigators and prosecutors are ranked and promoted based on their conviction rate, encouraging them to process cases under lighter articles, which require less evidence and effort.(20)

During the reporting period, the NPA reported 11 children as victims of trafficking for both commercial sexual exploitation and labor exploitation.(29) NGOs reported that adults who engaged in the commercial sexual exploitation of minors frequently paid the families of victims in order to prevent investigations from proceeding. The NPA reported that two cases involving prosecutions of offenders charged with trafficking children for the purpose of prostitution were still under investigation.(35) At the time of reporting, the General Council of Courts reported that there had been no convictions for trafficking of children during the reporting period.(29)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

| Coordinating Body | Role & Description |
|---------------------------------------|--|
| Ministry of Labor (MOL) | Chair and implement the National Plan of Action to Eliminate the Worst Forms of Child Labor 2011–2016.(6) |
| National Authority for Children (NAC) | Protect the rights of children and implement the Child Protection Strategy. Implement the National Plan of Action for the Elimination of the Worst Forms of Child Labor. Does not have the authority to conduct inspections.(6, 41) |
| Ministry of Justice (MOJ) | Coordinate anti-trafficking efforts. Mandated the creation of a council to coordinate government efforts to prevent trafficking.(20) |
| Anti-Trafficking Sub-Council | Coordinate work on combating and preventing human trafficking, monitoring implementation of the current law, and providing professional management. Function as a part of the Council on Crime Prevention under the MOJ.(6, 21, 42) Currently has 15 members representing 12 different organizations and two NGOs.(21) |

In 2013, the Government of Mongolia established a coordinating council for the National Plan of Action for the Elimination of the Worst Forms of Child Labor, and the MPDSW allocated \$5,840 USD for its implementation.(6)

An Anti-Trafficking Sub-Council was also established within the MOJ, under the Council on Crime Prevention. The Sub-Council was briefly formed shortly after passage of the 2012 Law on Combating Trafficking in Persons, and then dissolved with the change of Government in the second half of 2012. A second iteration of the Sub-Council, reflecting

the restructured Government, was formally established when the Minister of Justice issued an implementing order in January 2013.(6, 21, 35) The Sub-Council met four times during the reporting period, with the primary goal of building the capacity of police, prosecutors, and others tasked with investigating trafficking persons cases.(21) Funding for the Sub-Council came from the Government's Crime Prevention and Awareness Fund, which provided roughly \$30,000 for the Sub-Council to use in 2014.(35)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Mongolia has established policies related to child labor, including its worst forms (Table 7).

Table 7. Policies Related to Child Labor

| Policy | Description |
|--|---|
| National Program for the Elimination of the Worst Forms of Child Labor 2011–16 | Identifies specific actions to combat child labor through 2016 through a National Plan of Action for the Elimination of the Worst Forms of Child Labor.(16) Defines the responsibilities of the Ministries of Population Development and Social Welfare, Labor, Justice, Education, and Agriculture; GASI; the NPA; the NAC; the Confederation of Mongolian Trade Unions; and local governors.(22) Plan not implemented during the reporting period due to continued Government restructuring and personnel changes following the June 2012 parliamentary elections.(6, 29) Relevant agencies in discussions to redraft the plan for implementation from 2014 to 2016.(6) |
| State Policy on Herders | Clarifies the conditions and criteria for engaging children in herding, to eliminate the worst forms of child labor in that sector.(17) Research did not find any evidence that child-focused projects were implemented throughout 2013.(35) |
| National Development Strategy* | Calls for improvements in education, health, social welfare, and labor policies through 2020. Objectives include the education and livelihoods of vulnerable children.(1, 43) |
| Child Protection Strategy* | Includes NGOs and local government offices that implement the strategy, including child welfare programs.(2) During the reporting period it was not clear whether the NAC continued to implement the Child Protection Strategy.(6) |

* The impact of this policy on child labor does not appear to have been studied.

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of Mongolia funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

| Program | Description |
|--|---|
| Human Development Fund*‡ | Ministry of Finance program that distributes national profit from mineral resources to funding for health insurance, pensions, and education tuition.(22, 44-47) School lunch program for low-income students to encourage attendance, particularly at the secondary level.(2) |
| Global Action Program on Child Labor Issues | USDOL-funded project implemented by the ILO in approximately 40 countries, to support the priorities of the Roadmap for Achieving the Elimination of the Worst Forms of Child Labor by 2016 established by the Hague Global Child Labor Conference in 2010. Aims to build the capacity of the national government and develop strategic policies to address the elimination of child labor in Mongolia.(48) |
| Government Sub-Program on Development of Small-Scale Mining until 2015 | Minister for Agriculture and Industry, Minister for Energy, and local governor implemented program that aims to eliminate child labor in the mining sector, with provisions for providing children with informal or distance education. No research to confirm whether this program has been implemented.(1, 25) |
| Child Development and Protection Center*‡ | NAC program that directly serves and provides services to children.(6, 29) Employs 16 staff and received approximately \$216,000 USD of government funding in 2013.(6) Received 116 children in 2013 from the AIC for whom it provided shelter, social services, and education.(6) |
| Address Identification Center (AIC)*‡ | NPA center that collected street children through weekly inspections.(29) Functioned as a temporary shelter and received children through referrals from other government agencies.(6) A January 2014 law dissolved the AIC and converted it into a shelter for victims of domestic violence.(40) |

* The impact of this program on child labor does not appear to have been studied.

‡ Program is funded by the Government of Mongolia.

The Government also participates in a wide range of development programs funded by agencies such as USAID, the World Bank, the EU, the Asian Development Bank, the IMF, UNICEF, and UNDP. The programs focus on issues

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such as rural education, universal basic education, vocational training, child rights, social protection policies, livestock-based livelihoods, water and sanitation, disaster preparedness, and HIV/AIDS.(13, 30, 32, 37, 39, 49) The question of whether these development programs have an impact on child labor does not appear to have been addressed.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified in that would advance the elimination of child labor, including its worst forms, in Mongolia (Table 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

| Area | Suggested Action | Year(s) Suggested |
|---------------------|--|-------------------|
| Laws | Clarify whether the Law on Labor and the List of Jobs Prohibited to Minors apply to all children, including those working in unregistered businesses or without a labor contract. | 2009 – 2013 |
| | Clarify the applicability of overlapping laws on trafficking and commercial sexual exploitation and amend criminal and administrative law to ensure that child victims of human trafficking, forced labor, and commercial sexual exploitation are not prosecuted as criminals. | 2010 – 2013 |
| | Amend legislation to increase the minimum age for children working as horse jockeys to adhere to international standards. | 2012 – 2013 |
| Enforcement | Collect and compile data on child labor investigations, citations, and penalties. | 2009 – 2013 |
| | Revise the Law on Inspections to allow GASI to conduct unannounced site visits and ensure labor law compliance. | 2013 |
| | Increase administrative fines for noncompliance with child labor laws to deter repeat offenses. | 2013 |
| | Enforce safety standards for child jockeys, particularly at the provincial level. | 2013 |
| | Increase the number of Metropolitan Police officers who focus on child protection. | 2013 |
| | Ensure that violations of child labor laws are investigated and charged to appropriate law articles, and promptly investigate and prosecute offenders. | 2011 – 2013 |
| Government Policies | Incorporate activities into the State Policy on Herders that engage children in herding and eliminate the worst forms of child labor in that sector. | 2013 |
| | Assess the impact that existing policies may have on addressing child labor. | 2011 – 2013 |
| | Fully implement the National Plan of Action for the Elimination of the Worst Forms of Child Labor and continue to allocate funding. | 2013 |
| Social Programs | Implement child labor-specific programs, particularly in sectors in which children are known to work, including herding, animal husbandry, and mining. | 2012 – 2013 |
| | Conduct research to determine the scope and prevalence of child labor in the artisanal mining sector and the activities carried out by children working in construction, street work, and domestic work to inform policies and programs. | 2013 |
| | Assess the impact that existing social programs may have on child labor. | 2012 – 2013 |

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