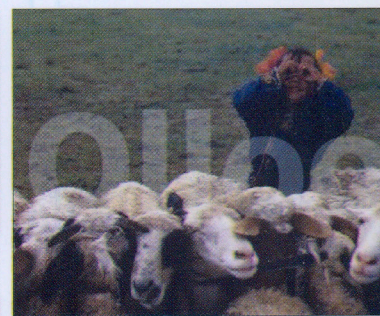
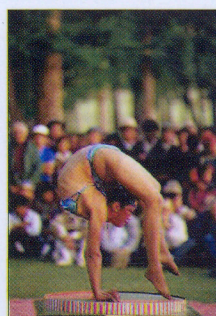




THE WORST FORMS OF CHILD LABOUR IN MONGOLIA STUDY REPORT



Ulaanbaatar
2008

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STUDY REPORT

**Ulaanbaatar
2008**

**International Labour Office
National Human Rights Commission of Mongolia**

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THE WORST FORMS OF CHILD LABOUR IN MONGOLIA STUDY REPORT

ONE. BACKGROUND

1.1. Justification for the Study.

During the transition period of Mongolia to market economy many issues such poverty, unemployment, unequal access to basic social services, in migration, exploitation and child labour came to the surface. Children are working because of their income poverty in their families. Children of Mongolia are being engaged in worst forms of child labour which are adversely affecting their health and their growth in terms of physical body and mind. During the last 20 years of the transition period the State Great Khural – the highest policy developing and decision making authority has never discussed issues of child labour.

Since the National Human Rights Commission of Mongolia is the designated government agency mandated to protect human rights and freedom stipulated in the Constitution of Mongolia and other international agreements it also gets involved in the addressing issues related to worst forms of child labour.

From the other side the number of children and young people whose rights on not to become engaged in hard labour is being violated has tendency to increase there is an urgent need to conduct study on the implementation status of UN Convention on eliminating worst forms of child labour and other international agreements as well as Law and regulations of Mongolia on the issues and develop recommendations.

Therefore, with the support of the International Labour Organization the National Human Rights Commission of Mongolia has conducted the Study on “The Worst Forms of Child Labour in Mongolia” and developed recommendations. The Commission has planned to reflect the Study’s findings and conclusions in its report of 2008 on Human Rights and Freedom in Mongolia. During the Study the Commission has also raised public awareness on child labour and advocated for its elimination.

This Study Reports includes chapters on worst forms of child labour in Mongolia, their causes and consequences and recommendations on their elimination.

1.2. The Overall and Specific Objectives; and Methodology of the Study.

This Study was conducted with the overall objectives to identify worst forms of child labour which have adverse impact on the child’s mental and physical growth, their causes and recommendations on their elimination. The specific objectives of the Study were:

-
- Getting picture of reality on worst forms of child labour and establishing data base;
 - Visiting selected aimags where children are engaged in labour in mining sector;
 - Analysing enforcement of laws and regulations related to child labour as well as actions of governmental and non – governmental organizations working for child protection;
 - Raising public awareness on worst forms of child labour and advocating for their elimination.

Target Groups of the Study:

The target groups of the Study were children, who were engaged in worst forms of child labour, their parents and employers as well as officials of governmental and non – governmental organizations working for child protection and combat child labour, decision makers and communities of the selected sites.

1.3. The Methodology of the Study:

The Study was conducted with use of the following study methods:

Review of documents:

The references to the following documents were made:

- International agreements and Conventions on child labour as well as standards of international documents on human rights;
- Law, regulations, legal Acts and policy documents (programmes, plans and reports);
- Rules and procedures issued by Ministry or Agency or Governors of Aimag or Capital City on child labour;
- Reports of Studies conducted on child labour by other organizations and researchers;
- Statistical data;
- Data base of the selected organization for the Study.

Quantity method:

- Questionnaire:

The questionnaire included 25 questions covering conditions and causes of child labour, positive and negative implications of child labour and safety as well as basic health and education services.

Quality method:

Quality method was conducted through interviews and observations and based on the guidelines specifically developed in line with the questionnaire.

Interviews:

Interview questions were developed based upon the interview guideline and conducted in the forms of group interview, individual interview and experts' interview; and involved working children, their parents, employers, government officials, police officers and social workers.

Group interviews were conducted with the purpose to define public perception on child labour as well as measures being taken for enrolling working children to school and improving their working conditions.

Observation method:

Observation method was applied for children who are engaged in labour at mining sites, their parents, working conditions, labour safety; and basic education and health services.

The information and data of the study were gathered through the use of common methods (questionnaire, interview and observation); and the conclusion was made based on the analysis of the findings and reports of previously conducted studies and researches. The quality study's information and data were incorporated and included in this report as citations.

1.4. Terminologies Used in the Study:

The terminologies used for the study on "Worst Forms of Child Labour in Mongolia" shall be interpreted as follows:

As it was stipulated in the article 3 of the International Convention (182) of ILO on elimination of the worst forms of child labour shall refer to:

- a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children

As it was stipulated in the recommendation 190 of ILO on elimination of the worst forms of child labour shall refer to the following conditions:

- work which exposes children to physical, psychological or sexual abuse;
- work underground, under water, at dangerous heights or in confined spaces;
- work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;

-
- work in an healthy environment which way, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
 - work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

The article 15 of the Law of Mongolia on Protecting the Rights of the Child gave the following definition that: “a child who is exposed to natural disaster or contagious disease or state emergency situation or armed conflict shall be considered as **the child with special circumstances**; and a child who is who is a full orphan or child with disability or child from very poor family or unsupervised child or child sexually or emotionally abused or child physically beaten or hit; or child who is being engaged in labour which is dangerous to his/her health or life shall be considered as **the child with difficult circumstances**”¹.

During the Study it appeared to be that majority of children were being engaged in household chores or in service at public places on regular basis. The most common forms of child labour were cooking, fetching water or splitting wood as well as working in canteens, shops and play stations shops. Since these work were considered to be “light” forms of child labour and being done under the guardianship of their parents or guardians the Study team members did not specifically conduct further investigation for them.

1.5. Framework of the Study:

The study covered the below described areas in relation to child labour:

- International agreements and Conventions on child labour;
- National laws and regulations on child labour;
- Child labour in mining sector;
- Child labour in cities and settled areas;
- Child labour in agricultural sector;
- Situation of child trafficking, exploitation for sex and forced labour in Mongolia;
- Other hidden forms of child labour;
- Recommendation on elimination of worst forms of child labour.

The Study Team leaded by Mr. Dashdorj J., Member of the the National Commission for Human Rights of Mongolia conducted the study in Uvurkhangai, Bayankhongor, Umnugovi, Dundgovi, Darkhan – Uul, Dornogovi, Selenge and Tuv Aimags; and Songinokhairkhan, Bayanzurkh, Bayangol and Nalaikh Districts of Ulaanbaatar for 7 months - from June 2007 till December 2007.

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¹ Law of Mongolia on Protecting the Rights of the Child, 15.1 and 15.2 of article 15 (1996)

Background of the Study Sites:

Uvurkhangai Aimag:

Uvurkhangai Aimag has 19 Soums and 103 Bags. According to the statistical data from 2005 the Aimag had population of 108235² from 28865 households and 49% of them were male population and 51% were female population. 59.3 % of the total population persons of employment age; 34.4 % is children aged up to 16 and 6.2 % persons of age of more than 60.

There are 45279 children of ages 0 – 18 in the Aimag and previously conducted studies have estimated that approximately 1300 of them were engaged in labour.

There many people who are being engaged in informal gold mining in 5 big Soums such as Uyanga and Bat – Ulzii.

Bayankhongor Aimag:

Bayankhongor Aimag has the territory of 115978 sq. km and has population of 82229 from 21000 thousand households. It has many heads of livestock i.e the 3rd highest number of them. According to the statistical data from 2000 in total 33678 people were employed and 11.7 % of them were employed by budgetary organizations and 88.3 percent were employed by other sectors, mostly in manual gold mining.

There were 39000 children in the Aimag and 80 % of them were included in formal schooling. However, in the school year of 2005 – 2006 there were 5009 children were counted to be as school drop outs. In Bayan – Ovoo and Bumbugur Soums were to be the areas where informal manual gold mining was going on.

Umnugovi Aimag:

Umnugovi Aimag has Soums and Bags; and territory of thousand square km. It has population of 46342 and 16833 or 36 % of them are children. Umnugovi Aimag has strategically important mining deposits such as Oyu Tolgoi, Nariin Suhait and Tavan tolgoi; and its Gobi desert attracts many tourists.

The Study covered Bayan – Ovoo Soum, “Tsagaan chuluut” Khanbogd Soum, Oyu Tolgoi area, Dalanzadgad Soum, Yoliin Am area, Bayandalai, Zuulun Uul Sevrei Soum, Gurvan Tes Soum and Tsogt Soum of Umnugovi Aimag.

2 *Statistics book of Uvurkhangai Aimag*

Dornogovi Aimag:

Dornogovi Aimag is situated in south – west of Mongolia and has territory of 109 thousand square km. It borders with Umnugovi, Dundgovi, Govisumber, Khentii, Sukhbaatar Aimags and China. It's center is Sainshand city.

Dornogovi Aimag has 14 Soums and 75 Bags. According to statistical data of 2006 it had population of 54023 from 17856 households. It's territory belongs to gobi and steppe regions. 73 deposits and 440 expressions of 38 types of natural resources such as copper, fluorite, limestone, coal, colored metal, gold and silver were found here. Since railway which connects Russia, Mongolia and China passes territory of 42.8 Soums of the Dornogovi Aimag 54.8 % of its population live along the railway. They engaged in labour of carrying carriages as well as fluorite factory. The Study was conducted in Sainshand, Zamin – Uud, Airag, Dalanjargalan and Ikhkheth Soums of Dornogovi Aimag.

Dundgovi Aimag:

Dundgovi Aimag has 15 Soums and 65 Bags. It has population of 49406 and 19453 or 42 % of them are children aged 0 – 18. 81 deposits and 149 expressions of 33 types of natural resources such as stone and brown coal, fluorite, zinc, gypsum, white lid, iron, gold, silver, uranium and natural gas were found here. The Study was conducted in Mandalgovi and Ulziit Soums of Dundgovi Aimag.

Selenge Aimag:

Selenge Aimag has territory of 43 thousand square km and population of 80000. 42 % of the territory consists of forest, 47 % of pasture land and 7 % from hay making land. Many people (with them children) are engaged in manual gold mining in Mandal and Yeruu Soums of the Aimag. However, there was no statistical data of how many children were there. In Zuunkharaa many children were engaged in timber business, carrying of cement and coal, selling items at railway station, looking after someone's livestock and brick making.

Darkhan Uul Aimag:

Darkhan Uul Aimag has 4 Soums and 24 Bags. The Study was conducted in Shariin Gol Soum of Darkhan Uul Aimag. Shariin gol Soum has population of 9000 and territory of 16.0 hectares. Children of Shariin Gol Soum were engaged in collecting metal and bottles; carrying coal, preparing timber, manual gold mining and looking after someone's livestock.

TWO: INTERNATIONAL DOCUMENTS AND NATIONAL LAWS AND REGULATIONS ON THE WORST FORMS OF CHILD LABOUR.

Mongolia has ratified many Conventions and agreements adopted by UN and the ILO on child labour.

Mongolia ratified the ILO Convention No.59 on Minimum Age (Industry) in 1969; ILO Convention No.123 on Minimum Age (Underground) Work) in 1981; the UN Convention on the Rights of the Child in 2000; the Hague Adoption Convention, in 2000; the Convention 182 adopted by the ILO on Eliminating and Prohibiting Worst Forms of Child Labour in 2001; the Convention 138 adopted by the ILO on the Minimum Age in 2002; Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in 2003 and Optional Protocol to the Convention on the Rights of the Child on the Involvement of the Children in Armed Conflicts in 2004.

By ratifying those international agreements and Conventions Mongolia committed itself to complying their provisions; creating mechanisms for their implementations; amending relevant national laws and regulations in line with them or adopting new rules or procedures as well as promotion of them to public and relevant officials and preparing reports. There is a need to conduct study on how national laws and regulations are being amended in line with those international agreements and Conventions.

Provisions of the Article 19, 32, 33 and 34 of the UN Convention on the Rights of the Child which state that: “state countries shall protect children from becoming victims of child trafficking, being exploited for sex or cash, being involved in pornography or forced labour” and that: “state countries shall respect the rights of the child on growing up mentally and physically in favorable conditions and obtaining education” and that: “state countries shall take all administrative, social and educational measures necessary for setting the minimum age for employing a child and create favorable working conditions” are the basic principles of the child labour and together with the Additional Protocols they clearly stipulated roles and obligations.

The issue of minimum age of recruiting a child to work is considered to be important as the above mentioned documents.

The Convention 123 of the ILO on stated the minimum age for recruiting a child in industrial sector to be “15 years old” ; the Convention 59 set the minimum age for recruiting a child in underground labour or mining to be “16 years old” and the Convention 138 set the minimum age for employment to be: “the age at which a child would have finished a secondary school or in any case no less than 15 years old. As to the labour which might have adverse impact on a child’s health, growth and moral the minimum age should not be less than 18 years”.

Analysis of the provisions of Laws and regulations of Mongolia on minimum age for employment is given below. (Since Mongolia ratified Convention 138 of the ILO it is considered that ratification of the two previous Conventions has been terminated).

Article 109 of the Labour Law of Mongolia states:

- A person who reached the age of 14 may enter into Employment Contract upon the consent of either his/her parents or guardians or the relevant state central administrative organization and in order to get orientation for his/her future profession/occupation;
- A person who reached the age of 15 may enter into Employment Contract upon the consent of either his/her parents or guardians (at work places which are not prohibited by Laws);
- A person who reached the age of 16 shall have the right to enter into Employment Contract;
- A Cabinet Minister in charge of employment issues shall prepare the list of work places which might have adverse impact on a child's health and mental growth and where young person's employment shall be prohibited;
- and that a person aged 14 – 15 may work of up to 30 hours per week and a person aged 16 shall work up to 36 hours per week.

These provisions show that some of them are not in line with the provisions of the above described Conventions in term of the minimum age. For example, the provision the Labour Law of Mongolia which states that a person of 14 – 15 years of age may work” is contradicting the provision of the Convention 138 of the ILO which set the minimum age for employment to be in any case no less than 15 years old.

Provisions of Law and regulations on Education of Mongolia state that a citizen of Mongolia shall be obligated to obtain a basic education; and that primary education shall be taught for 6 years; basic education for 9 and a comprehensive secondary education for 12 years; and that a child start school at the age of 6 beginning from the school years of 2007 – 2009. Those provisions imply that by the age of 15 one person may already have obtained basic education.

According to the Article 109 of the Labour Law of Mongolia a person aged 14 – 15 may work of up to 30 hours per week and that means that the person might have to work 6 hours per day and in that case there shall be no time left for the person to go to school. However, the Convention 138 of the ILO set the minimum age for employment to be: “the age at which a child would have finished a secondary school or in any case no less than 15 years old; and that meant Article 109 of the Labour Law of Mongolia which states that: “a person aged 14 – 15 may work of up to 30 hours per week” may be considered to be contrary to the Convention.

In addition to that the fact Law allowed to enter into Employment Contract with persons of 14 – 15 years of age upon the consent of either his/her parents or guardians in current situation of unemployment and poverty of Mongolia can not be considered to be as protection of the rights of the child. Therefore, provisions of the Employment Law of Mongolia related to the minimum age for employment should be reviewed.

Provisions of the Convention 138 on the Minimum Age and the Convention 182 adopted by the ILO on Eliminating and Prohibiting Worst Forms of Child Labour stated that: “Any work

with potential adverse impact on the child's health, safety and moral in terms of either by its nature or conditions then it shall be included in worst forms of child labour and that the list shall be prepared by the authorized organization upon agreement with the employer" and that "the minimum age for this type of labour shall be 18".

Article 109 of the Labour Law of Mongolia stated that: "A Cabinet Minister in charge of employment issues shall prepare the list of work places which might have adverse impact on a child's health and mental growth and where young person's employment shall be prohibited". Whereas there were stipulated 3 criteria such as "health", "safety" and "moral" for worst forms of child labour in the Conventions of ILO in the Labour Law of Mongolia there were stipulated only criteria for mental "growth" and "health" and the other criteria for "safety" and "moral" were left out.

Paragraph 2 of article 7 of the Law of Mongolia on the Rights of the Child stated that: "It shall be prohibited for any citizen or economic entity of Mongolia to engage a child in labour which might have adverse impact on his/her health of life; or forced labour or use a child labour for exploitation or giving unfair wage or making a child to beg". However, citizens or economic entities of Mongolia do not read the Law and therefore, do not apply it in their daily work. This issue should be addressed in near future.

Pursuant to the Article 109 of the Labour Law of Mongolia the Minister of Health of Mongolia approved the list of worst forms of child labour as an Appendix 2 of the Order 166 from 2000. The list included more than 300 forms (17 general) of labour which was not bad. However, considering the facts of that that the list still has not included some forms of labour in terms of health and safety issues; and that it has not been updated and that a separate Ministry in charge of issues related employment and labour the list should be reviewed and revised.

The Convention 182 adopted by the ILO on Eliminating and Prohibiting Worst Forms of Child Labour stated that: "states shall not only prepare the list of worst forms of child labour but revise it and develop action plan on eliminating them". However, Mongolia has not developed the Action Plan at national level.

However, "National Programme for Improving Child Protection and Development" to be implemented from 2002 to 2010 was adopted as Appendix 1 to the Government Resolution 254 from 2002. The Programme emphasized that Study on child labour has not been conducted at national level' and that children from poor families are at high risk of being engaged in any worst form of child labour and girls are being involved in prostitution and that 1.4 percent of children of Mongolia aged 5 – 14 were working".

The specific objective 13 of the programme established that: "actions shall be taken on creating conditions for eliminating worst forms of child labour and reducing the number of working children through supporting their family's livelihood; as well as on raising public awareness on child labour and stop immediately worst child labour in mining sector".

In addition to the programme “The State Policy on Human Development” adopted by the State Great Khural in 2004 and “State Policy on Informal Employment” adopted in 2006 also reflected objectives on eliminating worst forms of child labour.

Whereas The Convention 182 adopted by the ILO stated that: “states shall develop action plan on immediate elimination of worst forms of child labour the national programme stated that: “actions shall be taken on creating conditions for eliminating worst forms of child labour...” and that sounds like as if worst forms of child labour may be tolerated for while. Also, the implementation process of the this programme has become an issue. Even though the Government Resolution 4 from 2006 adopted Action Plan on implementing the second phase of the, “National Programme for Improving Child Protection and Development”; reviewing and revising list of worst forms of child labour and conducting national study on child labour within 2006 – 2007 at this moment none of the them have not been done yet and the evaluation for the programme implementation process has not done once either.

Trade Union and the Mongolian Employers’ Federation have developed their Action Plan on eliminating worst forms of child labour, including their local branches in Bayankhongor, Dornogovi, Tuv and Dornod Aimags. Their objective was getting developed and signed trilateral agreement on eliminating worst forms of child labour in mining sector. Also, National Authority for Children has adopted: “Advocating Strategy for Eliminating Worst Forms of Child Labour”. Therefore, it is now important for the Government of Mongolia to support initiatives of partner organizations and from local level.

The Government of Mongolia approved “National Programme on Preventing from Human Trafficking, in particular women and children from Sexual Exploitation” by its Resolution 234 from November 2005. The objectives of this programmes were enhancing legal environment for preventing from as well as fighting with human trafficking; improving perception of law enforcement officers on human trafficking; raising public awareness on human trafficking; and implementing obligations of Mongolia under international agreements and Conventions against the use of women and children for exploitation for sex. Although Action Plan on the implementation of the programme for 2006 – 2007 it has not been pursuit properly.

Article 11, of the Recommendation 190 issued by the ILO for the implementation of its Convention 182 stated that: “states shall consider the engagement of a child in any form of worst child labour as crime and impose criminal responsibility to the party involved. Below is described how this statement was reflected in Laws and regulations of Mongolia.

a) all forms of slavery of child and involving a child in a forced labour:

Article 121 of the Criminal Code of Mongolia stated that: “involving a child in a forced labour shall be considered to be a crime and the involved person shall either be imposed a monetary penalty or sentenced to prison term of up to 4 years”. However, there has never been a single case of implementing this provision in practice. And in the Law there was not any provision regarding slavery.

b) child trafficking or exploiting a child for loan payment or as servant.

Article 113 of the Criminal Code of Mongolia adopted in 2002 had intended to consider selling and buying a human being as crime and child trafficking as a serious case. Then the provision was amended by the State Great Khural as to use term of human trafficking and considering it as crime and child trafficking as a serious case. However, this amendment into the Criminal Code of Mongolia suggests that only the person who sold a human being (child) shall be charged with criminal offense but the person who bought him/her instead of charging both of them like both sides of corruption are charged with the offense. Therefore, it may be concluded that the amendments did not address all the issues.

As it was pointed out by law enforcement officers that the amendment did not apply to the person who bought a human being because it was usually impossible to track him/her down (to a foreign country). However, that person could be operating in the country too.

Exploiting a child for loan payment or as servant has never been considered as crime by Laws and regulations of Mongolia. However, in the current situation of unemployment and poverty there is no guarantee of that a child would not be exposed to such cases. And since any crime should be prevented as much as possible those circumstances should be included Laws and regulations.

Involving a child in prostitution or pornographic activities.

Article 123 of the Criminal Code of Mongolia stated that: “making or distributing or selling or bringing from abroad pornographic magazines or pictures or videos or other items shall be considered as crime”. Also forcing a child aged less than 16 in pornography shall be considered as serious case. However, the Law does not state that involving a child aged 16 – 17 in pornographic activities without the use of force shall be considered as serious case too. And that is not in line with the provision of the recommendation 190 of the ILO which stated that: “involving a person aged less than 18 in manufacturing pornographic films” shall be considered as crime. However, involving a person under the age of 18 in buying or selling erotic books or magazines or videos; as well as bringing in a night club or erotic performance were prohibited by the Law on Fighting with Pornographic Activities. Violation shall be resulted in imposing administrative responsibilities.

Involving a child in drinking or use of drug or begging or wandering or prostitution (Article 115 of the Criminal Code of Mongolia) shall be considered as crime and in case if any of them was committed by the child’s parents or guardians or teachers; or with use of force then it shall be considered as a serious crime. In addition to that Article 124 of the Criminal Code of Mongolia imposed criminal responsibility for any activity such as organizing or financing or mediating or assisting in terms of transportation or accommodation harboring prostitution. Therefore, it may be considered that responsibilities for involving a child in prostitution were covered well by Laws and regulations of Mongolia.

c) Involving a child in manufacturing or selling drugs.

Article 192 of the Criminal Code of Mongolia imposed a criminal responsibility to those who acquired or stored or transported or sold drug. It also stated that involving a child in any of the activities shall be considered as serious crime. These were brief review of how Laws and regulations of Mongolia addressed issues of worst forms of child labour.

Even though Laws and regulations of Mongolia properly addressed issues of worst forms of child labour it is important to promote them for public and improve practice for investigation. The fact of that that the Supreme Court of Mongolia did not comment on any of the above mentioned crimes draws attention.

The recommendation 190 of the ILO which stated that: “state countries should promptly define criminal, civil and administrative responsibilities to be imposed to those who violated any Laws and regulations on eliminating worst forms of child labour; and to take measure up to closing down temporarily or permanently of any factory or company for repeated violence”.

The Labour Law of Mongolia has specific provisions on entering into Employment Contract with a person under the age of 18 as well as regulating issues related to the working hours and health of the person. The Law also prohibited a person under the age of 18 to work at night shift or long hours or holiday period as well as abnormal working conditions. The Law stated that any person who violated any of those provisions shall be imposed to a penalty of 15000 – 30000 tugrugs. However, this penalty (the amount) was much lower than penalties imposed for similar offences in other laws and that means the provision is not in line with the provision of the UN Convention on the Rights of the Child which stated that violation of the right of the child should be considered more implications.

However, there were no provisions were found in Laws and regulations of Mongolia that stipulated penalty or administrative responsibility for organization or economic entity which violated Laws and regulations on eliminating worst forms of child labour.

Article 138 of the Criminal Code of Mongolia has specific provisions on safety. It stipulates that in case if a person has light or serious injury or died due to violation of safety measures or negligence then the responsible body shall be subjected to criminal responsibility. This was the only provision which imposed criminal responsibility for violating Laws and regulations of Mongolia on safety.

Therefore, provisions imposing criminal responsibility to any person who violated Laws and regulations of Mongolia on the employment of person under the age of 18, in particular to eliminating worst forms of child labour should be included into the Criminal Code of Mongolia.

THREE. CRIMINAL CONDITIONS OF INVOLVING CHILDREN IN TRAFFICKING, SEXUAL EXPLOITATION, PORNOGRAPHY, PRODUCING AND TRADING DRUGS AND FORCED LABOUR.

3.1. Crime of involving children in sexual exploitation

Involving a child in prostitution or pornographic activities are considered to be serious crime. The investigation of circumstances around these criminal activities could be important measures to prevent. Article 115 of the Criminal Code of Mongolia states that any person who involved a child in prostitution shall be imposed a monetary penalty or engaged in forced labour or arrested for up to 3 months. If the crime was committed by either parents or guardians or the crime repeated or forced then sentence will be more severe. According to of Court statistics from the last 3 years in 2005 1 person and in 2006 1 person were sentenced as stated by article 115 of the Criminal Code of Mongolia for involving a child in prostitution. Mrs. Ariunzaya B (2005)., a citizen of Darkhan – Uul Aimag, who facilitated young girls in prostitution was sentenced by article 115-3 of the Criminal Code. A citizen Davaasuren G. (2006), a citizen of Zamiin – Uud Soum, Dornogobi Aimag, was sentenced by article 115-1 of the Criminal Code for committing mediatory service for trafficking and involving in sexual exploitation a citizen E and a young girl G in China.

According to the statistics prepared by law enforcement agencies there were approximately 2300 (by overlapped counting) prostitutes in Mongolia, approximately 1600 prostitutes work in streets, approximately 400 prostitutes in karaoke bars, more than 200 prostitutes in massage salons and saunas and approximately 1000 prostitutes abroad.

According to information release issued by the Public Relations Division of the Police Department of the Capital City the number of girls, who were identified as engaged in prostitution during in inquiry and investigation or street observation, was 93 in 2005, 156 in 2006 and 127 by September 2007.

According to information release issued by the State Criminal Police Department the number of children who were subjected to administrative (disciplinary) measures for prostitution was 380 in 2005, 412 in 2006 and 426 (by overlapped counting) in 2007. These number show that the number of the children who are engaged in prostitution has not been decreased in recent years.

In Ulaanbaatar there are approximately 200 hotels, approximately 700 bars, approximately 130 massage saloons, and approximately 50 karaoke. There were many newspapers articles and TV programmes which claimed that some these entities were encouraging prostitution. That claim can not denied and there some cases of anonymous information on some them.

During 2002 – 2008 54 cases were investigated on the suspicion of facilitating prostitution and in the last 3 years 26 cases were investigated. These cases are clearly indicating that

conditions for sexual exploitation of a child have already been thrived.

In Mongolia both governmental and non governmental agencies have been conducting studies on girls who were engaged in prostitution or being sexually exploited. Findings showed that the average age of the girls who had their first sexual encounter was 14.4 and in some case it was as young as 8. In terms of their partners 45.5 percent of them answered that they had their first sexual encounter with their peers, 36.1 percent with either their step father or step brother, 18.2 percent with either street person or strangers and 16.4 percent either for cash or voluntarily.

Findings also indicated that those girls who were in the streets for years or living with someone's family or living and moving between various shelters or domestic migrant poor families, school drop – outs or subjected to domestic violence or working at street marketplaces or whose parents were divorced, or who had step fathers were mostly exposed to being sexually exploited.

E, 15 years of age. She lives with her step – father, step brother and mother in the outskirt of Ulaanbaatar. Once when her mother was away visiting her birth place she first was raped by her step father then by her step brother... After that she was living in the streets of UB until she was caught by officers of of the Children Division of the General Police Department and transferred to live at “Children’s Center for Address Identification”.

Findings of the Study conducted by the Center for Youth Development

The most likely child sexual abusers were men who are self – employed at marketplaces or wanderers or street boys or alcoholics or sadists or rural traders or Chinese employees of all ages.

Ts, 14 years of age. She lives at a shelter. When she was little her mother died. She was living with her father. G, who was her father’s friend visited them regularly and helped out sometimes. One day he and her father drank vodka and then G raped her by saying: “If it was not for the two of you could not be living like that with out my support”. After that rape took place every time, when her father was away... and she started to live in the streets in order to avoid him. she was living in the streets of UB until she was caught by officers of the Children Division of the General Police Department and transferred to live at “Children’s Center for Address Identification”.

Findings of the Study conducted by the Center for Youth Development

The most likely places where a child is exposed to sexual exploitation were hotels, Ger – hotels in the outskirt of Ulaanbaatar, rented flats, undergrounds, vicinity of street markets, massage saloons, bars, working and living places of Chinese employees and night towers for construction sites.

The most likely people who were exposing girls to sexual exploitation were women who were prostitutes themselves in the past, street boys, girl – prostitutes, women with “white mobile telephone apparatus”, receptionists of hotels, waiters and security guards of bars and disco clubs.

One of the spot checks conducted in 2008 at massage saloons caught B who was organizing prostitution of girls and women, including 17 years old N and making profit out of them. She was arrested and criminal offences were charged against her.

There were many factors which provided opportunities for girls to be engaged in prostitution such as advertisements and announcements in newspapers, by TV and FM, internet, pornographic films and TV chats.

In 2007 NGO “The Fund for Mongolian Women” and Department of Sociology and Social Work of the National University jointly conducted investigative study on “Current Situation of Pornography in Media”. 1 daily newspapers, 2 tabloid newspapers, Mongolian National Public TV as well as chat time of TV channels C1 and TV8 (broadcasted only in UB) were selected for the Study.

1680 minutes or 11.02 % of total programs of C1 TV were dedicated to chat times of sexual nature (pornography) whereas in the case of TV8 it was 13560 minutes or 88.97 % of total programs. More than 50 percent of the participants of the chat times were young people of ages 14 – 24.

From findings of joint study of NGO “The Fund for Mongolian Women” and Department of Sociology and Social Work of the National University

In 2005 the Center of Population, Research and Training of the National University and the Center for Gender Equality jointly conducted study among 91 girls and women who were engaged in prostitution in Ulaanbaatar, Darkhan Uul Soum, border point of Zamiin Uud, Dornogovi Aimag and Khavirga border point of Dornod Aimag. The Study findings indicated that the main reasons for 16 – 17 years old girls of becoming prostitutes were unpleasant atmosphere at home, becoming school drop – outs, having many siblings (to feed), either parents being divorced or got second marriage, pressure of their families, living alone or friend, having history of either working in massage saloons or being raped.

The youngest girls among them was 12 years old and more than 60 percent of them had their first sexual encounter at the age 18 or younger. Half of them were prostituting in the streets and one third at hotels, bars and saunas. 46 percent of girls aged 14 – 15 were prostituting in the streets and 8 percent in nights bars. 63.7 percent of them answered that did not share their earning with anyone; 84.6 percent of girls aged 14 – 15 answered that they shared their income with their mediatory.

It was clear that young girls used mediatory for their prostitution. All girls aged 14 – 15 and 53.6 percent of girls aged 16 – 18 were finding their clients through mediatory. Their clients' average age was 33.3 with youngest being 14 years old and the oldest was 60 years old.

According the findings of the Study on crimes types and nature committed at national level between 2004 to September 2007 12 cases were charged as being criminal offense pursuant to Article 124 of the Criminal Code of Mongolia. 7 were discharged and 5 of them were transferred to prosecutor's office for sentencing. In December 2007 citizen P was arrested by Police and charged with criminal offence of involving girls in prostitution by selecting on girls with difficult circumstances.

P met M, 15 years of age in December 2007. Then he forced her to prostitution starting from January for 15 000 tugrugs per hour.

Criminal offences file.

The Study concluded that rape victims were likely to become prostitutes in future. The number of criminal offence (126.2.4 and 126.3 of the Criminal Code) of raping a child has been increased.

In 2006 46 people 41 (cases) and in 2007 61 (54 cases) were charged for raping children under the age 14 (126.3. Criminal Code); and in 2006 36 (34 cases) and in 2007 32 people (26 cases) were charged for raping persons (126.4. Criminal Code); under age of 18.

U, 15 years old. She washes counters at Khuchit Shonkhor marketplace. She lives with her mother and brother. Her mother has poor health and brother is unemployed. U works all day and earns only 1500 tugrug as maximum. One day when she was working at market 3 young men came to her and said: "If you have sex with us we will buy you mobile phone". She agreed and had sex with all of them. After doctor's check up it appeared that she was infected with sexual transition disease.

From findings of the Study conducted by NGO "Equal Steps Centre"

By 2007 Department for Fighting with Organized Crime of the State Investigation Police opened files of criminal charges for citizens M and P who have committed crime described by paragraph 2, of article 124 of the Criminal Code. They are accused of forcing 4 - 5 girls aged 16 – 17 who were either homeless or from poor family to prostitution. One of the cases is transferred to prosecutor for imposing sentence and the other is being under investigation process.

According to the information provided by the Criminal Police Department it appeared that not only adults were mediatory for involving children in prostitution also children (girls) were mediatory for involving each other in prostitution. That shows that prostitution is quite prevailing in Mongolia. In 2007 4 children were under investigation for involving other children

in prostitution and organizing prostitution activities. That really raises concern. Children involving each other in prostitution are more harmful and serious in terms of consequences and outcomes rather than they were involved in it by the influence of adults.

3.2. Child trafficking

The report of our Commission prepared in 2003 mentioned that wide spread prostitution as well as when everyone's, in particular young people's wish to go abroad for earning money in any way were taken advantage by some companies and individuals offering services of getting invitation from abroad or visa or finding international bride or groom were creating favorable conditions for women and child trafficking with the purpose of sexual exploitation. The report also reminded the case of 2 women who were trafficked abroad in Europe and forced to prostitution and that it was time to address the issues. Information in the newspapers and TV programmes as well as views held by NGOs show that the situation of that period did not improve in fact has been worsened and became one of the serious social issues. The most likely victims of human trafficking were prostitutes, in particular young prostitutes, unsupervised or homeless children, children with difficult life circumstances (domestic violence), working children and children from poor families. In fact, they are the easiest targets for making profits by organized criminal groups.

As to Mongolia, the following findings of Studies show that favorable condition for child trafficking has already been created. The Center for Address Identification (or the Children's Welfare Center) pick up street children and detain them up to 14 days until their addresses are identified and their parents or guardians came after them; or transfer them to the next shelter. In 2006 1128 children (207 girls and 921 boys) and in 2007 1067 (157 girls and 910 boys) between the ages 03 – 16 were passed through the Center.

Currently, approximately 1450 children are living in 40 shelter of Ulaanbaatar.

In 2005 72, in 2006 58 and in 2007 50 unsupervised children were registered by the General Police Department. In Ulaanbaatar 50 – 67 children were registered as living in underground holes, however the number varies depending on the season. Some respondents who were interviewed during the study claimed that the number of the children living in the underground holes looks like reduced because of child trafficking. In 2008 during the campaign "Care – 2008" jointly conducted by the Public Relations Division of the Capital City's Police Department and the National Authority for Children 99 children who were sleeping in the underground holes, apartment buildings corridors and trade centers were registered. (The Daily Newspaper March 6, 2008. No. 54).

In 2005 93 girls, in 2006 47 girls and 2007 127 girls who were engaged in prostitution in the capital city were registered by the Police Department. These numbers indicate that there are many children who might fall victims to human trafficking. Therefore, in order to prevent them from falling victims to human trafficking there is a need to establish unified data base for

unsupervised children, children with difficult life circumstances and children who are engaged in prostitution.

According to statistics issued by Court in 2006 1 person (one case) and in 2007 3 persons (one case) were sentenced for human trafficking. However, their victims were adults. It may be concluded that if adults are falling victims to human trafficking then there is no guarantee that children will not. Also, there was information during this study that some individuals were under investigation on the ground of suspicion of human trafficking.

Gansuren Gombo is now under investigation on the ground of suspicion of human trafficking of citizens B and Ts in July, 2007. During the interrogation he claimed that he took these girls to China with the purpose of selling them for 1500 yuan each.

In 2006 U, citizen of Sainshand Soum married a citizen of China and delivered a child. Then she was suspected for selling her newborn child for 15000 yuan, but she ran away from investigation.

Upon advertisement in a newspaper 5 Mongolian women went to Djen, Khe region, China to take 45 days course for beauticians, including 17 years old E. When her family contacted her over phone she said that: “no one was forcing them into prostitution but they were being beaten and forced to do hard labour. Upon arrival their passports, mobile phones, batteries and cash were taken. Now when they want to come back they did not have money. And that their visas were expired and their interpreter Jao Erdene was not good for communication. And that they got their passports back with the assistance of officers from Mongolian Embassy in China.

“Officers from the Criminal Police Department arrested Lu Khui, citizen of China and his accomplices and handed over to the State Investigation Department. He and his accomplices Ulaantuya (inner Mongolian) and Ariunaa (Mongolian citizen) were charged of smuggling girls to Malaysia (by telling them that: “they get employment with high pay) and selling them to prostitutes’ establishment”. Issue 52, newspaper “Today” from March 5, 2008.

During the Study process interview was conducted with officials of the Mongolian Consulate to Erlen (China) and they said that there are quite many cases of forced labour, prostitution and human trafficking of Mongolian citizens. They gave the below information:

- o In 2006 a daughter of a woman who married a Chinese citizen from Ulaantsav Aimag was sold under the disguise of “being married off”. Then she ran away from Bugat, Inner Mongolia came to Mongolia herself. She had a 6th grade education
- o A Mongolian woman from Sainshand Soum, Dornogovi Aimag married a Chinese citizen and lived in Bugat, Inner Mongolia. Then she got divorced and came back to Mongolia. Upon the request of the ex-husband to see his child, the former mother-in-law of him visited him in Bugat with the child. However, upon arrival she was taken into hostage with demand: “bring you’re my ex wife back”. She managed to escape

(leaving her grandchild) and came to the Mongolian Consulate to Erlen (China) and was able to come back (on the document issued in lieu of passport).

The above cases indicate that human trafficking in Mongolia has become an issue to pay attention to.

In the last few years police sources have been releasing information on missing persons (including person under the age of 18). In 2008 there was a TV interview with Head of the Criminal Police Department and Head of Police Department of the Capital City. During the interview they said that in 2007 – 2008 149 people were reported as to be missing. 141 of them were found and 8 were not found. The 8 persons were aged 14 – 25. There was no case of child trafficking in the information released by Court and Police Department. However, the information may not be accurate since there are so many unsupervised children (in other words whose missing will not be noticed).

Therefore, there is a need to prevent those children from becoming victims of child trafficking. One of the measures that can be taken is giving Mongolian children to foreign citizens for adoption.

Between May 1, 2001 (since the time when Agency in charge of Issues on Citizenship of Foreign Citizens was established) and November 2007 151 children were adopted to 149 families and between 1999 – 2007 171 children were given to 13 countries for adoption. The children adopted were equal in terms of gender and the numbers show that sometimes one family adopted more than one child. 80 percent of the adopted children were from shelters, who were either abandoned children or orphans. Children of age from 0 – 4 were those who were first adopted. As to adoption of children of age above 7 the decision was made upon the child's consent.

Adoption is handled based on Convention on Child Protection and International Adoption (Mongolia joined the Convention in 1998), Law of Mongolia on Family, "Rules of the Authority in charge of Foreign Citizens and Citizenship" approved by the Government Resolution 71 from 2001 and "Procedure on Adoption of a Mongolian Child by Foreign Citizens" approved by joint Order 100/32 of the Minister of Justice and Internal Affairs and Minister of Social Welfare and Labour from 2001.

Foreign citizens wishing to adopt a Mongolian child should prepare the following documents: social worker's study of their family; certificate from the Police Department that they do not have history of crime; medical certificate that they do not have mental, genetic or contagious disease; income documents or salary sheet from employers; permission of authorized organization that the child to be adopted can enter the country and address certificate; and then submit them to the designated government and NGO organizations of their country. Then the organizations send their documents to the Ministry of Social Welfare and Labour of Mongolia.

The Ministry then checks all the documents and selects a child to be adopted from the pool (of the study) and send his/her files to the potential parents. In the case, if the parents to be agreed to adopt the child then the case shall be discussed at Ministry's Board Meeting on Adoption for approval. Then all the file documents of the child are submitted to The Agency in Charge of Foreign Citizens and Citizenship. (As stated by the Convention first adopting parents should choose the child). Then the Agency shall check the documents and discuss the case at its Board Meeting on Adoption. If the case is approved then the Head will issue a final Order.

Foreign citizens who adopted Mongolian child are obligated to provide favorable environment for learning and growing up, protect his/her rights as well as to send information to the agency once in a half year when the child is 0 – 3; every year when child is 4 – 8 and once in a year and half when the child is 9 – 16 years. As stipulated by the "Procedure on Adoption of a Mongolian Child by Foreign Citizens" all the detailed information on the child adopted and parents who adopted the child are submitted to the Embassy of Mongolia or Consulate of the respective country. Officials of Mongolian Embassy, Officers from the Ministry of Social Welfare and Labour and the Agency in Charge of Foreign Citizens and Citizenship have the rights and obligations to visit the child's family.

However, the Ministry and the Agency were refusing to give us any information in this regard by saying that it is "confidential". Although Article 60 of the Law of Mongolia on Family states that the relevant officers or other individuals shall keep confidentiality of adoption process it is not clear what type information should be considered as "confidential". Therefore, due to the inaccessibility to the required information it was impossible to assess properly the foreign citizens who adopted Mongolian children were fulfilling their obligations under Law of Mongolia as well as how the Agency and the Mongolian Embassies and Consulates also were fulfilling their obligations to conduct monitoring and visiting. Currently, the Ministry and the Agency are making their decision on child adoption within only 30 days. And that time duration should be reviewed. The Mongolian Embassies and Consulates should conduct monitoring conditions of Mongolian children adopted in accordance with the Procedure.

Each year thousands of Mongolian children go abroad. However, there is no system which monitors how many children left the country, how many of them came back and how many of them did not come back.

According to the information released by General Authority for Border Protection, in 2005, 23053 children crossed the border points of Mongolia and 21668 of them came back and 1385 did not come back; in 2006 26118 children crossed the border points of Mongolia and 22523 of them came back and 3595 did not come back and in 2007 38054 children crossed the border points of Mongolia and 36545 of them came back and 1509 did not come back These numbers show that the number of children going abroad has been increased. Although children have the right to travel or study abroad it can not be denied that child traffickers might take advantage of the situation. Therefore, system which follow up the cases of the children who did not come back should be established.

As to Mongolia, currently there are no information on or cases charges of child forced labour, slavery, involving a child in taking drugs or prostitution etc. However, in the current situation of increased rate of unemployment, poverty and many unsupervised children there is no guarantee of that Mongolian children will not fall victims to one of those crimes. The knowledge and understanding on those crimes of officers of police departments are not adequate. Therefore, trainings should be conducted for them on international agreements and practice on those crimes and definitions of terms and terminologies.

FOUR: CHILD LABOUR IN THE MINING SECTOR

4.1. Causes of child labour in the mining sector

232 children and 150 parents engaged in the mining chores at informal mines located in the territory of Uvurkhangai, Bayankhongor, Umnugobi, Dundgobi, Darkhan-Uul, Dornogobi, Selenge and Tuv aimags were involved in the study on child labour in the mining sector. 36.3% of children interviewed were of age 8-14, 56.8% of age of 15-18, and 1 child who was 7 years old. 85% of all children were male and 15% female.

The main method of the assessment was a questionnaire consisting of 28 questions on conditions of child labour, reason for child labour, positive and adverse consequences of child labour and it was answered by the parents of the children, then conducted with them interviews. 64% of all parents were male, and remaining female; 33.3% were under 35 years old and 60% 36-55 years old. Moreover, more than 75% of the parents work together with their children and 20% were grandfathers and grandmothers.

Number of adults engaged in the artisanal mining informally is higher than children. 75% of all children live in families with more than 3-7 members and 86% live with their parents or with one of them. A few children live with their relatives, brothers or sisters and work at mining area. Just one child lives with his/her family in a tent, whole others live in national shelter-ger.

Number of artisanal miners, particularly, children who mine minerals including gold, fluorspar, coal etc. have been dramatically increasing. Consequently, children are involved into the hazardous forms of labour and do not have any opportunity to exercise their rights. Thus, number of factors affect children to be gotten involved in the informal and artisanal mining of minerals including poverty, unemployment, consequent domestic migration, inadequate enforcement of laws and legislation, poor system for child protection and social welfare. In some cases, parents do not have any understanding about benefits of education and they are unable to be liable for their children.

Some main factors have been described as follows:

Poverty:

Percentage of population of Mongolia living below the poverty line was 36.3% in 1990, 35.6% in 2000, 36.1% in 2005 and have decreased to 32.2% in 2006³. Poverty rate was 11.0% in 2002-2003, 10.1% in 2006 which is below by 10% than the average poverty line. Poverty rate in rural area is higher than in urban areas. Poverty rate had decreased from 30.3% to 27.0% in urban areas and from 43.4% to 37% in rural areas during 2003-2006.

Human Development Index (HDI) in Mongolia was 0.6911 in 2006 which refers to medium human development GDP per capita is 1,440.7 thous. tugriks (1221.4\$) in accordance with the baseline of the year⁴.

Affection of the child by poverty is caused by poverty of parents or family. Poverty has two types, first is shortage of income and the second is lack of opportunities. Poverty of family income limits number of opportunities for children to access benefits of development and cause them to live in the streets, to engage in worst forms of child labour, becoming sex workers or victim of crimes⁵.

The following factors impact on child labour. Children who was not successful in his/her study have to leave their schooling and assist their families by becoming a child labourer. Some children have to be dropped out from the school with purpose to earn money to provide a suitable condition for his/her brothers and sisters for their study⁶.

Migration:

49.0% of all informal gold miners and 75.8% of fluorspar miners live nearby the area or mining site of gold or fluorspar. Therefore, migration is common among these people. People who mine gold or fluorspar informally migrate along with their whole families, particularly with their wives/husbands and children.

56.8% of all children have followed their parents to migrate from other aimags and areas. 76.6% of households involved in the assessment have migrated from other aimags and settlements, and this represents that major concentration of population has been formed nearby the mine sites. The number of children, who accompanied their parents for migration indicates the increase of domestic migration, children are from all aimags and rural areas including Ulaanbaatar, Tuv, Bayankhongor, Arkhangai, Uvurkhongai, Umnugobi, Dundgobi, Selenge, Khovd, Uvs aimags. Moreover, it has been observed increased flow of migration in some aimags, particularly in Uvurkhongai, Bayankhongor after forced closure of the gold mines by police in 2006, which were located in the territory of Zaamar soum of Tuv aimag.

Child labourers who live at the mine camps and are engaged in the artisanal gold mining activities live in families with average of 4-5 members (including the child assessed) and at least

3 Report on Millennium Development Goal Achievements: National report-2, The summary, page 4,

4 Same as 1,

5 Report of Mongolia No:3 and 4 on CRC implementation, page 7, 2007

6 Mongolian Education Alliance (MEA), Study on school dropping out in Mongolia, Report, 2006, page 60

2 members of the family are children under 18. While, children who quarry fluorfluorspar live in families with average of 5-6 members and at least 2-3 children of the family are under 18.

Migration of the people is caused mainly by reasons including employment, mining of gold and fluorfluorspar. Mining of gold or fluorfluorspar with purpose to earn money to sustain their livelihood has been becoming one of the main causes due to scarcity of work places. 29.7% of informal gold miners and 23.4% of fluorfluorspar miners were performing this kind of work previously.

Unfortunately, just half of total migrants have registered with the soum or local administration. It has been expected that migration of gold and fluorspar miners shall be high further as it is not planned or obliged thing to do. It exposes that people who are not intending to reside on permanent basis in the given area do not care about the registration issues. It limits their opportunity to have access to education and health care services.

There is a trend that in areas, where gold miners reside at small settlements, private small services including ger-shops, small bazars, transportation, food courts, game houses, even kindergartens and hospitals are established and intended to be expanded.

“Concentration of people in our soum is very high. For instance, there are 4 branches of big wholesale chains in our soum. Each branch supplies their products by big containers every week, the products are all sold within the week. Moreover, many retail sellers supply products which mean that there are people and demand is very high among them.

***From the notes of interview carried out by the expert:
Senior official of the soum, Uyanga soum, Uvurkhangai aimag***

Attitude of parents :

Parents involved in the interviews have made the comments on why they let their children to perform this form of work as follows:

- Their livelihood is difficult and there is no other way than it 56%
- Children contribute the family income 26%
- Children must earn money to satisfy their demands – 18%.

Most of them (58%) do not like situation that their children work and 76.6% of parents consider that it is not appropriate that children are involved in the mining operation. Moreover, 83% of parents represented that they do not want their children to proceed with this form of labour further. Only 4 people responded that the given work place is safe, while others do not consider so. Therefore, their children always tired due to this work (90%), there is an adverse impact on their health condition and physiological development (56.6%). For instance, there were 11 cases of felling down in pits, having been stricken by soil or rock, 3 cases of major accident, and cases of burning, frostbite, or poisoning by hazardous chemicals.

Employers:

Number of children engaged in the informal gold mining operation is high, however, no formal employer or employment contract. There is no permanent work place. In most of the cases, one family constitutes one team, if so parents or relatives do not pay to the child labourers for their work, no cash payment. As people, who suggested the children to start engaging in this work is as follows: children of 16-17 years old have decided by themselves (45.8% of gold miners and 58.8% of fluorfluorspar miners), and mainly parents, brothers and sisters of children under 12 have suggested the children to work (51.6% of gold miners and 84.3% of fluorfluorspar miners). It shows that parents affect on their children a lot to become child labourers in the mining sector. Therefore, there is no awareness about employment contract or safety induction among the adults and child labourers. However, fluorfluorspar miners constitute major work team which are subdivided into units in charge of mining, sale, transportation, crushing and screening. However, it is one of the hard works and there is no information that an official employment contract is concluded with purpose to hire a child.

4.2. Work environment and condition of child labourers in the mining sector:

Work conditions

In accordance with the type of minerals mined and work conditions, gold and fluorfluorspar miners can be subdivided into 4 categories as follows:

1. Open, placer deposits – One of the most prevalent type of work involving both children and adults is washing of gold at open pits of placer deposits.
2. Hard rock deposit – It is one of the most hazardous type of work exposed to high risk. This kind of deposits is run by the mining companies granted with official permissions. No child labourers were observed in the mining operation of the hard rock deposit.
3. Deposit of the fluorspar – This is one of the types of work that engage works including mining, crushing and transportation of fluorspar mainly spread in Gobi regions.
4. Other works performed in the surrounding area of the mine – comparatively light forms of work consisting of services that have emerged as a consequence of informal mining sector development.

These forms of work are most prevalent among people who work in the open placer deposits. Child labourers alongside with their parents and other team members perform artisanal mining of gold at placer deposits on permanent basis. Open placer deposits have sandy and soft ore and water yield is rare. Therefore, gold-bearing ore is screened through washing by water or blowing by fan. Mining of gold is performed not by centralized way but by families or teams in dispersed way. Mostly, child labourers are engaged in hauling of ore on their backs and screening of gold.

High centralization of artisanal miners working at open placer deposits is observed in Uyanga soum of Uvurkhangai aimag. Total population of Uyanga soum is 10,273 people and native residents, people migrated from neighbouring soums, Erdenet, Ulaanbaatar, Bayankhongor, Arkhangai, Darkhan and other aimags work at gold mines of Ult and other mines located in the surrounding areas. Particularly, as it was estimated by the administration of the soum, approximately 30,000 people not registered with this soum perform artisanal mining at Ult gold mine. Moreover, children come along with their parents from aforementioned aimags and are engaged in the artisanal mining. Also, flow of migration have increased sharply due to closure of Zaamar gold mine in 2006.

Mills, mercury, sodium cyanide are widely used at hard rock deposits while gold detectors, screening devices working by engine, and sometimes mercury are used at placer deposits.

High prevalence of fluorspar has been observed in the territories of Airag, Ikhkheth and Dalanjargalan soums of Dornogobi aimag; however scope of work and number of children involved is comparatively low. Children engaged in mining of fluorspar, haul ore on their backs, dig pits, transport fluorspar and ore, crush and screen ore, rock and fluorspar and other works that related to mining of the fluorspar. Every nine person of ten people mine gold, while every one person from ten people mine fluorspar.⁷

70% of total children responded that they dig pits, dig for sediments⁸, 50% take out ore from the pits, 21% load on vehicles and transportation, 34% wash and screen gold, 9 % work at small cafeterias or shops located at given area.

Moreover, children put ore into the device that screens gold by blowing, remove screened ore, carry water, conduct exploration by carrying out the metal detector.

One of the indicators to identify the worst forms of the child labour is duration of work hours. Most of the children work everyday, whole year around without any holidays. This form of work is informal, and no strict work schedule is observed; they have rest during the days with bad weather or poor yield of gold.

72.7% of all children responded that they work everyday. Also, 63.2% responded that it is very common for them to work at least 6 hours per day or from morning to evening without any certain hours until it gets dark. It can be seen from the observation note made at Ult mine of Uyanga soum that labourers were starting their work early in the morning before excess hot in summer season. They were working about 5 hours and had break of 1-2 hours. Afterwards, they continued their work and most of the teams was completing their works by 7 p.m and going to home. After having dinner, they were working to dig pits nearby gers or maintaining their tools. Particularly, in the mine camp, about 250 gers were built close to each other and pits outside of gers, even inside of gers were digged close to each other. This work was done by evenings.

⁷ PTRC "Baseline survey on child and adult workers in informal gold and fluorspar mining" Report, page 16, 2006. 2006

⁸ Pits with size for only one person that are digged with purpose to reach sediments bearing gold

... I am 16 years old and a resident of other soum. I was dropped out from the school when I was studying in the 1st grade. There are 7 members in our family. I left my studies due to harassment of my step father. I started to mine gold as I could not get my salary when I was herding animals for a household. I have agreed to work here with payment of 5,000 tugriks per day. I am planning to improve my skills and work together with my brother as soon as he dismissed from the military army.

I month passed since I started to mine gold. I start my work with sunrise and complete with sunset. Once per day I have lunch, and go to bed after having dinner.

Work conditions here are hard, dusty. Its cold here in the mornings and evenings as it is getting chilly. I don't use any personal protective equipment such as safety helmets or masks. I take off after 10 days of work. There are a lot of difficulties such as being expelled, confiscation of tools to mine gold. I have also learned to smoke here.

I am willing to be literate and feed my family. Currently, I just think not to disturb them. I do not have any clothes to change as I could not get salary when I was herding animals. I hope that I can get my salary...

/Quotation from the interview with a child who mines gold for wage at Zoolon range of Servei soum /

Work length per day is 8-9 hours, which exceeds the hours stipulated in the law. As per recommendations of the ILO, works performed 43 or more hours per week despite the work conditions should be referred to the worst form of child labour.

All children involved in the study engaged in the mining and quarrying works were working during summer season, while about 30% work whole year around. 31.8% of those children do this work for a period of 1 year, 38.6% for last 2-3 years and 6 children for more than 4 years. Most of the children who worked for more than 2 years were dropped out from the school.

Children responded that they work underground (56%), in dusty, polluted and noisy condition (54%), excessive hot or cold condition (38.6%), in cold condition with polluted water (16.4%), handle mechanized equipment and tools (32.5%).

The following conditions of the artisanal mining refer this form of work to the worst form of child labour:

- Too tight, deep pits or polluted water;
- Excess hot or cold environment;
- No any schedule for rest, eating and working is observed;
- Safety standards are not applied or not observed;
- Safety of equipment and tools is not ensured;
- Risk to be affected by improper behavior of adults;
- Handling hazardous chemicals and exposition to risk of poisoning

The aforementioned work conditions cause major barrier for children to grow in healthy conditions favorable for their physiology and development and exercising their rights.

4.3. Consequences of child labour in the mining sector:

Safety and health condition of children

Children responded that they use masks, gloves, helmets, ear-plugs and safety harnesses occasionally. Disposable gloves, spades, mattocks, crowbars, plastic basins used to wash and screen gold or sacks were widely used by children as work tools and equipment. 67% of all children responded that they use gloves and spades permanently, and 37% occasionally.

However, they just fix harness when they go to pits and no other safety equipment is used. An issue to ensure safety is left out of attention and few number of safety equipment is used. For instance, few children use small lighting, joining strings and harnesses when they work in deep pits. Therefore, they are always exposed to risk of being weighted by soil, falling in pits, to get injuries on their bodies and frostbite. Consequently, risk to catch illness or being affected by accidents is high.

Children are very vulnerable creatures compared to adults. They are not matured physiologically; therefore, affection by accidents, traumas to some extent cause unrecoverable consequences on their health. Hazardous conditions of work and overburden affect children quickly compared to adults and cause chronic after-effects.

18.7% of all responded children replied that they fell down in pits during performance of their work, 17.1 % were stricken by rock and tools, 1.5 % were weighted by ore, 3.1 % had accidents of equipment, 12.5% fell down in the water. 53% of all children assessed were affected by aforementioned incidents, 48.3% got injuries and traumns of legs, hands, backs and heads.

Many children have noted that as a consequence of their work they face a lot of changes of health including backache, headache, pains in joints and rash of skin. Also, 27.2% have backache, 20.4% - headache, 22.7% have pains of internal organs such as liver, kidney and cough. Every 2-3 children had backache, headache, trauma, frostbite and burning of legs and hands, 2 children have poor vision, 3 children have rash, 4 children have allergy. All these symptoms are caused by hot, cold work conditions, tiredness, work in cold water or underground; no health care services or medical examination or preventions are carried out.

More than 50% of total respondents replied that their health condition is becoming worse due to work they perform. Moreover, in accordance with the information we have, there 6 cases have occurred when children became handicapped due to work conditions.

Trade of hazardous chemical substances has increased a lot during last years. In accordance with the census of hazardous chemical substances carried out at capital city and 21 aimags in 2002, 1.7 thousand tons of 563 kind chemical substances were counted. As a consequence of development of mining sector, citizens handle the various hazardous chemical substances without any applicable personal protection equipment unlawfully⁹. Citizens performing artisanal mining, as well as their children and family members are exposed to risk of poisoning by hazardous chemicals, domestic and industrial accidents that might adversely impact on their lives and health condition.

4.4. Economic outcome of the child labour:

Most of the children responded that the average income of their families is 30,001—100,000 tugriks. Children earn 3,000-5,000 tugriks per day (31.5%), 6,000-9,000 tugriks (39.4%), and above 10,000 tugriks (21%) accordingly. In accordance with the comment of children, income varies depending from the gold yield and condition of the given day; some children answered that it was impossible to determine their income.

46.6% of parents responded that their monthly income is up to 50,000 tugriks, 33 % up to 100,000 tugriks and 22% more than 100,000 tugriks per month. 30% of those parents have additional income including salary, benefits, allowances and incomes from the private enterprises, while more than 70% of respondents sustain their livelihood by money earned in informal way.

Eventhough, parents and children involved in the research say that their income is low it can be assumed that the actual income is higher in accordance with observation and other economic outcomes.

“We run shop here. We sell basic items such as food, tobacco and matches. I think that ability of people to purchase is good here. One household purchases food and other items of 10,000 tugriks per day on average. .

Note from the interview carried out by the expert:

Retail seller, Bayan-Ovoo soum, Bayankhongor aimag.

For instance, it was estimated that children earn 3,000-5,000 tugriks per day on average by performing this form of work.

Each household residing nearby the placer deposit own small track or light car and motorbikes. Moreover, each team working there have metal detectors and it is very common that people carrying this device walk on mountains and valleys. The price of the metal detector varies from 2 million to 10 million tugriks depending from its volume and capacity to detect metal. For instance, there is a shop at Bayanteeg mine of Bayankhongor aimag which supplies

⁹ MDG report, Second National Report page 14, summary, 2007

detectors on permanent basis. Hereby, we can assume that income of people is higher than it was responded.

Mainly, parents of children of age of 5-12 sell the fluorspar mined. As children get older, they sell minerals mined by themselves or dispose their income as they regard.

However, as per information submitted by the respondent, salary and income for performed work is not sufficient for them. Particularly, it has been observed that children can not determine their income and salary and deposit money for themselves.

4.5. Conditions for children to get education:

57.8% of total children assessed are dropped out from the school. Main reason why they were drop out from school is they can not afford costs incurred by schools. Particularly, most children from the remote soums are from herder families who dropped out from school at early ages and are illiterate.

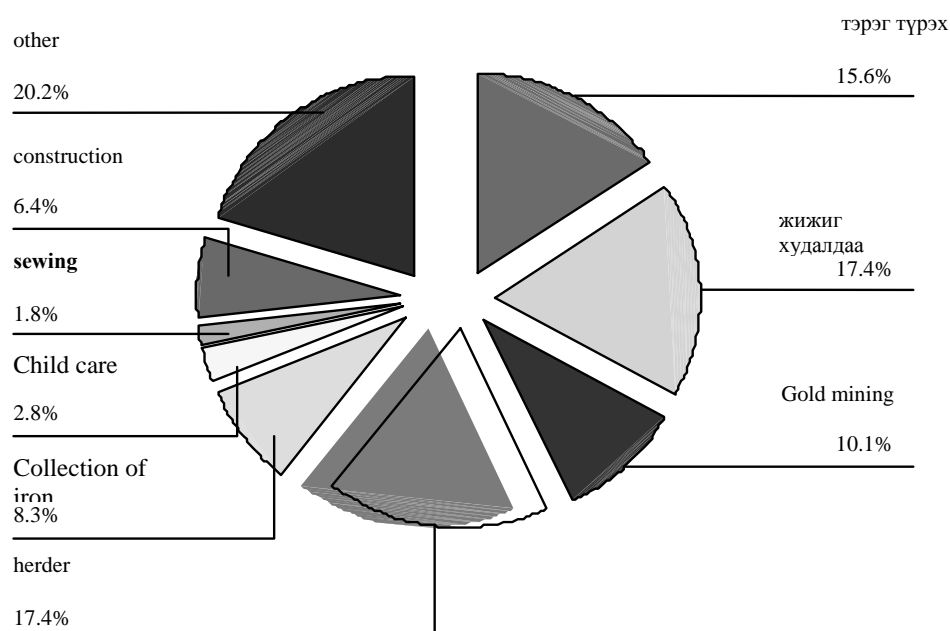
Engagement into aforementioned hazardous and worst forms of labour cause that the children drop out from school or their performance gets poor. As it is specified by the parents there is no schools close to the deposit or local area, they are not registered with local administration, they can not afford the costs incurred by the schools. For instance, it was identified that child labour is one of the main reasons for children to drop out from the school¹⁰.

Particularly, children from families that work for many years on gold mining and deposit money are not willing to or interested to study. However, number of children dropped out from the school was few in the aforementioned areas. It was identified that most of the children work along with their parents or families during summer holidays.

In the framework of the International Programme on the Elimination of and Estranging from the Worst Forms of Child Labour”, “IEC ger-centers” have been established at the Ult mine of Uyanga soum, Uvurkhangai aimag, Altan-Uus and Builst gold mines of Bayan-Ovoo and Bumbugur soums of Bayankhongor aimag. This ger-center carries out activities directed to change public perception and mindset and conducting training and dissemination activities by officers in charge of informal education of soums and teachers. Also, training for children dropped out from schools are being organized.

10 *Mongolian Education Alliance “Study on school dropping out in Mongolia” report. 2006*

DIARGRAM 1. Types of work¹¹ performed by children dropped out from the school



Mobile ger-kindergartens were established under ger-centers with support of Governor's Office of soum and carrying out operations involving few children into the pre-school education.

Behavior of children

One of the questions of the questionnaire was how work conditions impact on behavior of children working at the same mine site. 27.2% of respondents replied that children have habits to consume tobacco and alcohol frequently.

There is an information that children who live in the soums and settlements located nearby the gold deposits go to gold mines to mine gold on temporary basis all together during weekends or sometimes during school days not attending the lessons. For instance, an expert have made notes during interview that schoolchildren of Uyanga soum, Uvurkhangai and Bumbugur soum of Bayankhongor aimags mine gold by whole class and use alcohol or organize parties by the earned money.

“... Almost all school age children of our soum mine gold. Some children of our senior classes go to the mine site together. Children earn money in this way and could collect a lot of money. Consequently, they celebrate holiday or organize parties extensively where trend to use alcohol and tobacco is high

It negatively impacts on behavior. For instance, some students who consumed alcohol were riding on a car. They have met their teacher on a road and insulted him/her saying: “He/she is not driving. Let’s cover by the dust of our car.”

From the note of interview carried out by the expert:

Uyanga soum of Uvurkhangai aimag.

11 Mongolian Education Alliance “Study on school dropping out in Mongolia” report. 2006

The parents concluded that digging of pits, diving for sediments, hauling of ore on backs, amalgamating of gold are prohibited forms of work and refer to worst forms of child labour.

4.6. Activities carried out with purpose to eliminate worst forms of child labour

Within the framework of policies and legislations:

The National Steering Committee responsible to include child labour issues in the applicable laws, policies and decisions, to monitor its implementation has been established under the Ministry of Welfare and Labour in 2000. The members of the committee were re-assigned in 2006.

3rd phase of programme of International Programme on the Elimination of Child Labour (IPEC) of ILO has been implementing from 2005 to 2009. In the framework of this programme, comprehensive activities have been undertaken for more than 6,000 children who are posed to risk of being attracted to worst forms of child labour including informal and artisanal mining, agriculture and service establishments, as well as domestic workers.

With purpose to ensure implementation of the Provision 61 of the conclusion and recommendation issued by the Child Rights Commission, the National Council for Children have approved and have been implementing the impact strategy to eliminate worst forms of child labour in 2007. In the framework of this strategy, decision makers and information officers have been working to carry out multilateral activities with purpose to impact on children including amendment to laws and policies on child labour, to change mindset of public through implementation of the programme to withdraw children from the worst forms of child labour. The National Children's Center and national centers at local areas shall be responsible for monitoring of the impact strategy implementation.

The tripartite agreement by the Government of Mongolia, Trade Union of Mongolia and Employers' Union has been signed with purpose to eliminate child labouring in the mining sector by 2015 in 2005. In accordance with this agreement, the Mongolian Employers' Union has been implementing activities such as dissemination of information at local level, estranging child labourers from the worst forms of child labour through involving into vocational training since 2006 with participation of applicable parties.

With respect to submission of Second report of Mongolia on implementation of the children's right, the Children's Rights Commission stipulated in its conclusion and recommendation that the Provision of the Labour Law of Mongolia specifying: "Except as otherwise provided in Article 109.5, a person who reaches 15 years of age may conclude an contract of employment, if permitted by his parents or guardians. A person who reaches 14 years of age may enter into a contract of employment for the purpose of acquiring vocational training and work experience, but only with the consent of his parents or guardians and the State central administration organization in charge of labour issues." contradicts with the age of children to get education.

The Government of Mongolia has been reviewing this section of the recommendation and have considered that there are few opportunity to amend it.¹²

At local level:

Uvurkhangai aimag:

Uvurkhangai aimag has developed and been implementing “Sub-programme to combat against the worst forms of child labour” since 2006. The programme has been developed in accordance with the ILO Convention No. 182 on Elimination of Worst Forms of Child Labour, 13th objective to ensure implementation of objectives specified in the second phase of the “National Programme on Child Protection and Welfare” approved by the Resolution No 04 of the Government of Mongolia in 2006 (2006-2008), “Strategy to be observed by the Trade Union with purpose to improve work and welfare conditions of citizens engaged in artisanal mining and elimination of child labouring at mining sector”.

The project has been implemented with purpose to prevent and estrange children from the worst forms of child labour with support of ILO and this issue has been included in the main socio-economic development guideline of the aimag for 2007.

Since January 4, 2007 the project on “Integrated response to elimination of the worst forms of child labour”. Total of 230 people representing soum governors, officers in charge of children’s rights of Governor’s Offices, instructors of informal education, social workers of secondary schools, public health officers, employers, Trade Unionists were involved in seven training carried out with purpose to enhance capacity building, raise awareness, promote cooperation and change perception of the people.

The direct support programme has been implemented in the Uyanga, Nariinteel, Bat-Ulzii, Bayan-Undur and Arvaikheer soums. About 160 children involved into the formal and informal education and their parents were enrolled in the activities carried out with purpose to raise awareness on negative consequences on child labour, promote to change perception about child labour, including training and meeting to disseminate adverse impacts of child labour. Moreover, total of 180 children (60 children of Uyanga soum, 40 of Arvaikheer, 20 of Nariinteel, 20 of Bayan-Undur, 20 of Bat-Ulzii, 20 of Kharkhorin) were involved in the informal education service provided by the ger-centers.

Those children were involved into the medical check up and obtained required vitamins and primary health care services. Within the framework of the project, the freehand drawing contest titled “Our participation in elimination of child labour” was announced, information and warning leaflets were published and disseminated among the public and at all soum levels. Activities to socialize and mobilized children engaged in artisanal mining of gold at mines have been carried out through the aforementioned ger centers.

¹² National report No.3 and 4 on implementation of the UN Convention on the Rights of the Child, Government of Mongolia, 2007, page 72

Bayankhongor aimag:

Bayankhongor aimag has developed “Sub-programme to combat the worst forms of child labour” and approved with the resolution of the Citizens’ Representatives Presidium.

The major project on “Integrated response to eliminate child labour and promotion of social partnership towards it” has been implemented. Within the scope of this project, the comprehensive measures has been implemented at aimag level as follows:

- To behavior and update survey of children engaged in child labouring at aimag level, to identify needs and demand of children;
- To determine worst, risky and hidden forms of child labour, to identify their adverse impact at early stage;
- To study behavioral and risky aspects faced by children who engaged in heavy and worst forms of child labouring;
- To collect and analyze data on outcomes of social services rendered to child labourers and their family members; to include in the respective policies;
- To establish Information and dissemination centers; to carry out awareness raising activities among the public.

Within the framework of “Integrated response to eliminate child labour, and support for social partnership” project, participants representing the governmental and non-governmental organizations including Governor’s Office, Center for Children, Police Department of the aimag, Union of Employers, Trade Union are taking part and with purpose to fulfil the aforementioned goal extensive training and dissemination activities towards children are being carried out.

4.7. Chapter conclusions

As a consequence of economic transition, productivity of animal husbandary sector had reduced and domination of service sector caused unemployment both at urban and rural areas and impacted on livelihood of population. Thus, caused by changes of the market economy, number of artisanal miners who mine gold, fluorfluorspar and coal had increased a lot creating groups of people to live in the mine camps.

The study shall identify the conditions, particularly causes of child labouring in the mining sector that adversely impact on health, physiology and psychology of children, with purpose to study means to reduce or eliminate them.

Child labourers working in the mining sector dig pits, haul ore on their backs, wash and amalgamate gold by assisting their parents. As it was mentioned above, children work more than eight hours or more, without any definite hours per day with poor safety condition. These forms of work constitute the difficulties as follows:

- Too tight, deep pits or polluted water;
- Excess hot or cold environment;

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- No any schedule for rest, eating and working is observed;
 - Safety standards are not applied or not observed;
 - Safety of equipment and tools is not ensured;
 - Risk to be affected by improper behavior of adults;
 - Handling hazardous chemicals and exposition to risk of poisoning

Hence, child labourers are exposed to risk of falling into water or pits, to be stricken by soil, rock or tools and to be weighted down with soil and always get injuries, scratches on hands or legs and other parts of body which has become very common incident among the children. Consequently, adverse changes of health including, backache, headache, pain of hands, legs, internal organs and coughing. These impacts are caused by being in cold and hot conditions permanently, tiredness, working in water or underground, malnutrition and lack of access to health care service, medical observation or preventive measures are not taken.

Adverse impacts of child labour are consolidated as follows:

- High risk posed to life and health
- Elimination of opportunities to rest, to grow healthy, to develop and to participate
- Psycho and other forms of harassment
- Poor development of behavior and relation
- Drop out from education or school
- Adverse impact on education quality
- Develop chronic poverty to next generation

Child labourers are exposed to the actual risks including lack of education, drop out of school and poor performance of study. Worst forms of child labour cause outcomes such as estranging of children from the school and education, adversely impact on outcome and quality; consequently limit opportunities to get education. Moreover, it estranges children from their homes and families, cause psychological and other forms of harassment, loss of opportunities for healthy maturity and development, adverse impact on behavior and mental development. Condition of work is hazardous and infringes childrens' rights.

One of the most priority issues during the assessment was that the children were not willing to or inspired to perform this form of work. Most of the parents involved in the assessment were stating that their children required to work with purpose to earn money to sustain their livelihood and assist their parents.

The worst form of the child labour means labour forms that cause adverse impact on health, maturity, mentality and development of behavior, eliminating opportunity to get education and posing risk of violation and harassment.

Particularly, children engaged in the artisanal mining, work in the hazardous, polluted and isolated environment where exposed to high risk of abuse and harassment caused by adults and

inappropriate situations. Their rights for healthy lifestyle, living, development, expression of their points of view and free think are infringed seriously.

This form of child labour is considered to be a worst form of child labour in accordance with the conditions as follows:

- Too tight, deep pits or polluted water;
- Excess hot or cold environment;
- No any schedule for rest, eating and working is observed;
- Safety standards are not applied or not observed;
- Safety of equipment and tools is not ensured;
- Risk to be affected by improper behavior of adults;
- Handling hazardous chemicals and exposition to risk of poisoning

Therefore, these forms of the labour should be refered to worst forms of child labour in accordance with the recommendations issued by ILO.

FIVE: CHILD LABOUR IN URBAN SETTLEMENTS

5.1 Introduction

In this chapter of the study, entitled “Worst Forms of Child Labour”, it has been aimed to identify types of child labour in urban settlements, particularly those that are considered as worst yet intolerable forms of child labour, and study in-depth the forms of such kind of labour and their consequences. In developing this report, findings from the study carried out by NCHR during July-December of 2007 and informations drawn from National Authority for Children and their aimag affiliate centers for children and professional inspection authorities have been compared

and analyzed. In addition, findings and reviews from study reports developed under the IPEC project of International Labour Organization have been used.

► **17 years old, name T., died after being trapped under a concrete slab while working on construction site of a kindergarten building in August, Bagkhangai district.**

► **16 years old, name G., was severely injured due to interaction with machinery and equipment without protection while he was working on construction site of “Interior Services” LLC, in May, 2007.**

► **17 years old, named N, was seriously injured by electrical wire which lashed off his lower leg while he was working in “Monelectrical Wire” LLC in March 2007. He had appealed NCHR and been restored in his rights.**

As it has been articulated in part d) of the Article No.3, of the Convention No. 182 on Elimination of the Worst Forms of Child Labour, the definition of worst forms of child labour encompasses labour and work that are exploitative in nature, last for many hours, occur in difficult contions and thus pose potential risks and hazards to a child’s body, health and psychology and restrict child’s access to education.

Though there is no consolidated statistical information on child labourers engaged in formal sector in urban settlements, an inspection carried out by State Professional Inspection Authority in 2004 among organizations and entities of Ulaanbaatar, Khovd, Khentii, Dundgobi and Dornod aimags, it was revealed that 109 children aged below 18 years of age were engaged in child labour. However, there were no concrete information obtained on the age, workplaces and working conditions of these children, hence making difficult for making an assessment of whether the employment is compliant with the current legislation. By end of annual reporting on industrial accidents issued by the Capital City Professional Inspection authority in 2007, there were totally 117 persons who were affected by industrial accidents, and 18 persons died out of them, and 22 became disabled and 77 lost their labour capabilities and skills on temporary basis. And 4 persons out of 117 involved in industrial accidents were children aged below 18. These statistical data and facts indicate that children are engaged in prohibited forms of child labour in formal sector.

About 6950¹³ children are engaged in child labour¹⁴ in informal sector in Ulaanbaatar city, aimag centers and other centralized soums and settlements, out of which about 4600 children are residing in Ulaanbaatar city. If working conditions and forms are taken into account than 24.3 percent of children labourers involved in informal sector in Ulaanbaatar city or about 1200¹⁵ children are involved the worst forms of child labour. By the data received from Aimag based Child Centers¹⁶ in December 2007 there were 2334 children involved in child labour in informal sector of those aimags working in market places, service centers and waste dump sites.

Predominant forms of child labour occurring in urban settlements in informal sector are retail sales (food items, newspaper, magazines and other auxiliary items), carrying or lifting and delivering luggages, pulling and pushing wagon cars, collecting waste, recyclables and raw materials, provision of wireless phone services, sawing timber, chopping wood, washing and watching after cars, auto repairs, working in catering services, working as fair collectors in public transport, performing in circus and fashion shows, doing cleaning, working as au pairs and nannies in families. Whereas for formal sector, it is more frequent for children to work in brick production, construction, sewing, knitting, timber production factories and hotels. Media, art and culture organizations do contract and employ few number of children. Out of labour types or forms that children are engaged, working at waste dump sites, carrying and delivering too heavy loads (mostly occurs in open air marketplaces, retail centers and railway terminals), herding and slaughtering animal do bear the worst forms of labour and therefore, should be banned as worst forms of the child labour in immediate manner. In addition, labours though are

13 Figures are estimated based upon comparison of data provided from Child Inspectors of the Police Departments, Information from Child Centers, findings from the Registrative study carried out by National Professional Inspection Authority in 2006, and findings of the study carried out by ME consulting "Study of Child Labour in informal sector of Ulaanbaatar and selected cities and urban settlements" in 2006.

14 Estimated figure does not include children engaged in labour in agriculture and mining sectors, and children involved in sexual exploitation and participating promotion of pornography.

15 Number of children who are engaged in forms of child labour that are exploitative in character, last for many hours, have difficult conditions, and affect negatively a child's physical growth, health and psychology and restrict their access to obtain education is provided separately from (or deducted from) from a total number of children engaged in child labour in Ulaanbaatar.

16 20 aimags, excluding Bayankhongor aimag.

not so common but having difficult conditions, and ones that do not have difficult conditions but last for many hours and are performed mainly during night hours shall be confirmed as worst forms of child labour. However, no records were kept by police organizations but incidents of forcing, organizing and having small aged children to beg in streets do happen and children with no supervision and care are under high risk and vulnerable to this type of exploitation.

As a result of “Base survey on child labour in informal sector in Ulaanbaatar and other selected urban settlements”, it was identified that 4900 children from age range of 9-17 had been engaged in child labour by October of 2005. 34 percent of those children were staying outside of schooling and 13 percent could not read and write.

Working condition of children engaged in informal sector in Ulaanbaatar bear substantial risks for the health of a child. For instance, 3 percent of total number of children engaged in labour under work conditions (constructions, wholesale points) where high risks of falling from height, being trapped between two things or squeezed, 49 percent engaged in lifting and carrying too heavy luggages (marketplaces, railway terminal) exceeding permitted levels, 12 percent of them use sharp pointed tools (shoe repairs, auto and tire replacement workshops), 13 percent do labour under risks of getting burned (catering services), 9 percent do labour under stinking, odorous conditions not compliant with hygiene and sanitation requirements (waste dump points), 6 percent do labour in toxic and dirty environments (waste dump site and timber market), 67 percent in too hot, cold, noisy places and places with vibrations, and 80 percent in extremely dusty workplaces. Due to workplace conditions there are many health pathologies such as respiratory, mental and urine tract pathologies. Moreover, many incidents of children getting hurt and injured have been occurring and 16 percent of surveyed children were injured and hurt. Among children who were hurt and injured most common injuries included 88.1 percent of wounded, 38 percent had crushed soft tissues and 32 percent had broken bones.

In addition, within framework of the aforementioned study, an assessment was carried out over child labour status of 10¹⁷ other urban settlements except capital city. In urban settlements selected for the study, there were a total of 1635 children aged between 7-17 engaged in labour and 515 or 31.4 percent of them were school drop outs. Because of non compliance of working environment with hygiene and sanitation requirements and long hours of outdoor work in winter season, child labourers from provincial and rural areas have commonly health pathologies in their respiratory organs and urinary excretion tract and also many cases of various types of allergies.

Though child labourers have knowledge about risks and difficulties associated with poor conditions of their work places they do not usually wear protective labour safety wear. That is related with poor understanding of the importance of protective labour safety wear by children and the indifferent attitude and little concern held by children.

¹⁷ Arvaikheer and Kharkhorin towns from Ovorkhangai aimag, Sukhebaatar, Altanbulag and Mandal soums from Selenge aimag, Darkhan city from Darkhan-Uul aimag, Choibalsan and Kherlen from Dornod aimag, Sainshand and Zamiin-Uud from Dornogoby aimag

Children also do get physical and psychological pressures from their employers, co-workers and customers during performing their labour duties, and about 27 percent of all children said that they are affected by these kind of pressures always and occasionally. Out of children who experience pressures, 71.7 percent were getting scolded and verbally assaulted, 21.9 percent beaten and 4 percent were robbed.

37 percent of parents and guardians involved in the study have expressed that their children labour is contributory to their family income and their are content that they earn themselves their schooling costs and expenses. However, more than 60 percent of them have expressed their discontent with the state of their children doing labour which along with putting restrictions on their opportunity to get education is affecting negatively their health and upbringing.

As positive aspects of their labour children engaged in, the responses given by children were as following, including feeling more the value of money, taking food more regularly, improving of their communication skills, enhancing of their family livelihood level, making friends with others and becoming a member of group of colleagues and having their own money to be able to spend to, whereas as negative aspects they identified the following as engaging in child labour which restricts their opportunity to get education and inflicts negative impacts on their health.

Though child labour has many facets and types, and got its own specifics, they are the same in terms of inflicting risks and dangers to childrens life and health, and having restrictions to certain extent on their will to access and acquire education. Parents of children engaged in labour, except ones whose children work in culture sector, consider that child labour is not a pleasant, acceptable thing, but because of low family income they have to put up with their children to continue doing their labour. Child labourers face risks and threats to loose their health and lives while going to their workplaces and return home, not depending on type of labour children are engaged in. It is worth to draw due attention to the fact that some types of child labour in urban settlements can be characterized as exploitative in nature.

5.2 Child labourers engaged in waste dump sites

There are 3 centralized locations as Tsagaandavaa, Morindavaa and Ulaanchuluut within Ulaanbaatar capital city and children have been engaged in child labour at these sites. In addition, there are not few children who are engaged in picking up waste and garbages from the waste dump points of residential districts, large restaurants and service centers located in city center. However, the Ulaanchuluut waste dump point is the one with largest scope and where the most number of people work and therefore, it was selected with the aim to assess labour conditions and risks of child labour at waste dump points.

Within framework of the study, questionnaires were taken from 65 children and 32 parents, and personal interviewing was held with 8 children and 5 parents, and related cases and incidents were studied and ambient observations held, with making of subsequent records. Participation

of 85 children in questionnaire has enabled for covering about 90 percent of children engaged in labour at this waste dump site as of 2007. Therefore, their participation in the study can represent majority of involved.

There are no proper estimations and exact figures available on children working here. Children come and go, therefore, there is no such possibility to identify their number. But there are at least 90-100 children who do labour here on daily basis.

T.- site supervisor of Ulaanchuluut Dumpsite

On average about 330 tones of waste is dumped at the waste dump site Ulaanchuluut of Songinokhairkhan district, located in a subdistrict area No.4 of the capital city and that make up 58.9 percent of total waste generated in the capital city per day¹⁸. As of December, 2006, a total of 387 persons were collecting waste and litter from this dump site to support their living, and 82 of them or 21.1 percent were children aged

below than 18¹⁹. In other words, about 120-140 children were engaged in labour at Ulaanchuluut waste dump site as of 2007. In the national report No.3 and 4 submitted by the Government of Mongolia to the Human Rights Committee of UN, it was mentioned that 130 children aged from 8-17 were working at the capital city level at the waste dump points. The number of children engaged in labour at waste dump sites have been on increase on annual basis.

General information about children

2.3 percent of children involved in interviewing were aged under 7, 30.5 percent were in age group of 8-14, and 60.7 percent from age group 14-18 and 56.4 percent of them were girls and 43.6 percent were boys. Average age of children working at this waste dump site was 14 and in terms of gender it was, in general, equally represented.

83.5 percent of all children belong to the families with number of members from 3 to 10 persons. About 80 percent of these families earn on average 30-100000 tugrogs a month. This figure is confirmed by the results of interviewing done with parents as well. If family income and number of family members are compared, 92.9 percent of all families of children who are engaged in labour in Ulaanchuluut waste dump site lead poor and very poor livelihoods²⁰.

96.4 percent of children labourers live in gher districts and 58.8 percent of their

...Life turns here at the waste dump site into various different walks. For instance, here lives one girl aged only 17 years, she lives with her parents. She married her parent's friend; a man aged already more than 40, and lives in a shelter erected next to her gher.

*From a conversation held with Officer from
Capital city Red Cross Society...*

¹⁸ In accordance with information obtained from Metropolitan Urban Enhancement Authority, about 560 tones of waste is accumulated in the capital city on daily basis.

¹⁹ Capital city Council of the Red Cross Society

²⁰ Family income per person is 30000 or lower than 40 percent of this. Poverty line was established by Ordinance No.133, 2005 by a Chairman of the National Statistical Authority.

families are migrants who have come from rural areas. 32.9 percent of these children live alone or with one their parents. Moreover, 3 of them²¹ have gave births and got children and live separately. The reason for children working at the waste dump site to become non-adult parents is related with poor supervision and control from their families and adults and also with low level of education background of their parents and adult guardians. However, it cannot be denied that there are parents at the waste dump site whose children though engaged in labour there, are constantly present at the side of their children and do not loose them from their sites.

51 children out of 85 children involved in the study or 60 percent of them do not study at schools. The reason for not going to schools, children explained by relating it with impossibility to pay for expenditures and costs related with schooling and lack of official registration for permanent residency in the district authorities after migration. When question was asked about the interest on studying in a school 62.3 percent were interested in going to school whereas 25.8 percent replied they are not interested. Study findings indicate that though children are interested and willing to study in school they are not able to be involved in schooling. A 12 year old girl who was involved in this study has a wish to take dancing classes regretfully admitted that there are no dancing clubs operating in outskirt districts of the city and, moreover, she cannot fulfil her wish because of impossibility to pay for that. She has migrated into city from rural area and while she was in her aimag, she had won several awards and medals in dancing competitions.

5.3. Labour environment, forms/types:

Children are engaged in labour at Ulaanchuluut wast dump site in an environment with constant smoke and haze, awfull ambient odors and dust that cause dizziness. Also, there are working in an environment with constant threats and dangers frequent in summer time as sudden combustion of waste into fire causing avalanches and collapse of waste piles.

30 percent of participants surveyed through study carried out by Kokusai Kogeo, Japanese consultancy in 2006, entitled “Waste Management of Ulaanbaatar city”²² provided names of the most difficult working conditions of people working at Ulaanchuluut waste dump site, which included following as the risk and danger of getting into accidents and causulties. Furthermore, they have associated with difficult conditions of their labour with the following as volatility of ash or it’s spreading in ambient air (15 percent), fire (15 percent), and emission of toxic gases (15 percent), awfull odors (15 percent), avaibility of water for potable and utility purposes (10 percent) and competition among waste and litter collectors (10 percent).

Child labourers mostly engaged in unloading of waste and litter from truck vehicles and their subsequent pilling up and collecting. Few children have made agreements with drivers (they charge 1500 tugrogs to unload one truck vehicle) to unload their vehicles. For instance, 86.6 percent of all children survyed replied that they do labour in piling up and collecting of

21 *Not reached age of 18.*

22 *Study Report, pp. 2-65*

waste, 11.7 percent in unloading trucks and 11.7 percent in unloading of truck vehicles on paid conditions.

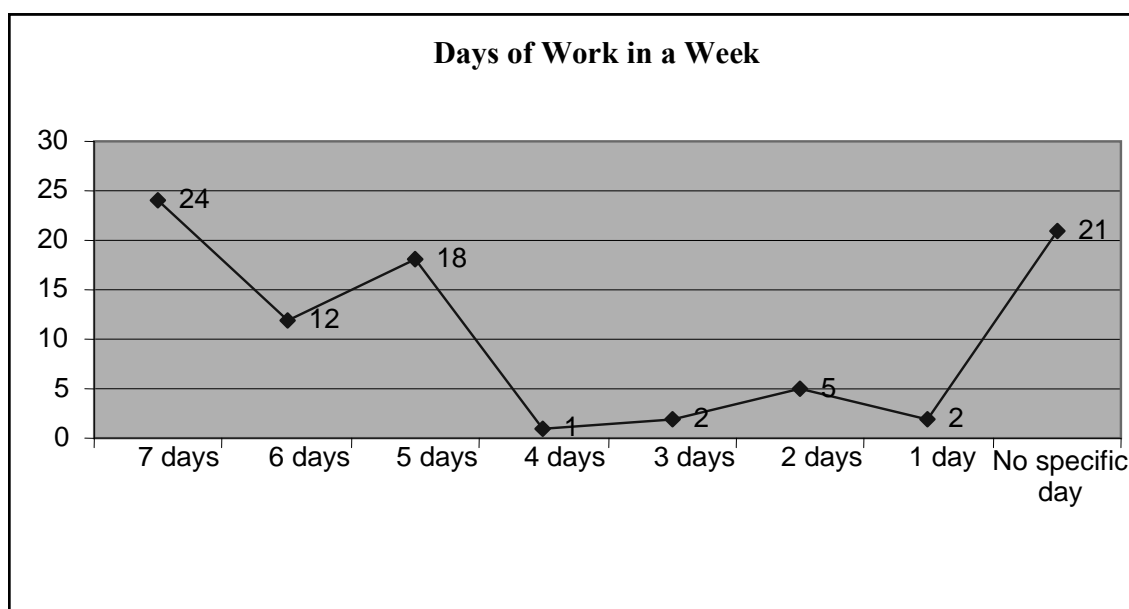
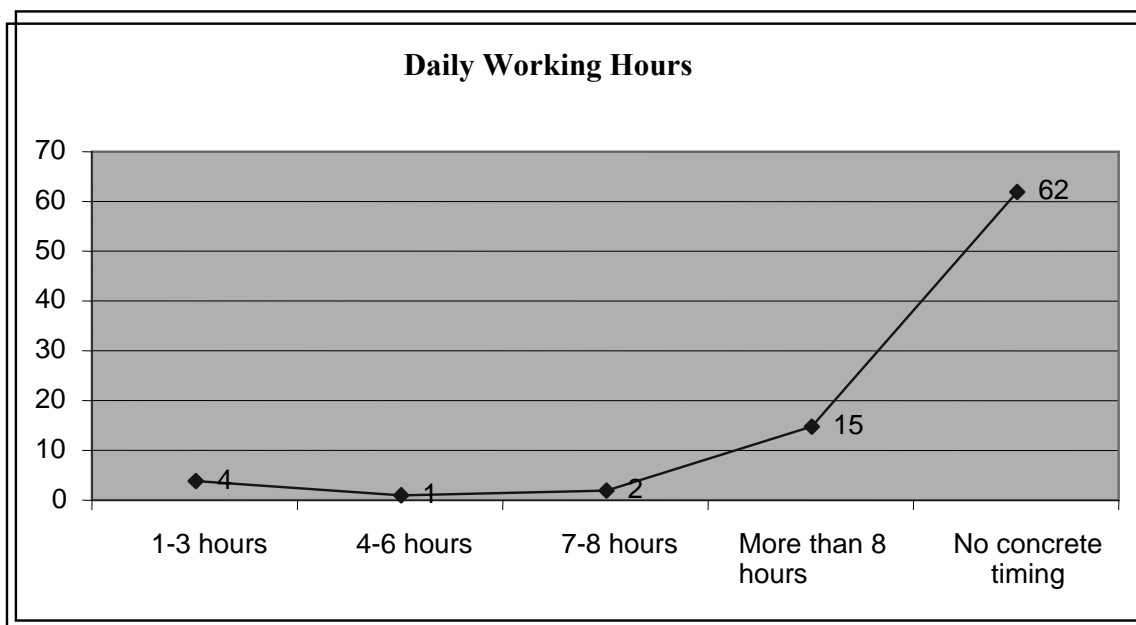
People pick up and collect mostly paper, cardboard, bottles, aluminium cans, metal cans and plastic containers. In the study report prepared by Kokusai Kogeo, the waste and litter collected by one person per day and income generated from it was identified and shown in the following table

Table No. 1

Collected, picked up items	Daily collection volume	Daily income /in tugrogs/
Paper	3.4 kg	61
Cardboard	33 kg	490
Bottles	97 bottles	610
Sheet metal cans	1.3 kg	580
Aluminum cans	0.05 kg	30
Plastic bottles of soft drinks and water	1.5 kg	510
Soft plastic	3.3 kg	320
Hard plastic	6.3 kg	320
Metal	24 kg	450
Plastic bags	1.0 kg	140
		Total 3500 tugrogs

When an attempt to shed light on reasons why children engage in labour has been undertaken, 44.7 percent of surveyed responded that they became labourers because of the need to earn their daily meal and food, 28.2 percent to feed their families and 11.7 percent because of their parents demands which forced them into that. Parents named as advantages of engaging their children in labour following reasons as children do not usually get tired easily and can do a lot within short time (31.5 percent), and they are fast in getting onto the rear load box of truck vehicle since they are light and fast (8.2 percent), and because they see better and find what they need easily (7 percent). It indicates that child's efficiency and quick physical reactions and skills, and indifference to exhaustion serve as important factors to have them to engage in labour at waste dump points.

Children mostly work throughout four seasons of a year, without specifically designated days and timing. 28.2 percent of children involved in the study work 7 days, 14.1 percent work 6 days, 17.6 percent work for 5 days, 24.7 percent work without specifically designated days, whereas 17.6 percent of them work for more than 8 hours a day and 72.9 percent work without any time limitations per day. By the study completed by Kokusai Kogeo, 80 percent of adults working at this waste dump site work for more than 10 hours a day. It can be understood that children work for more than 10 hours per day since there is not concrete timing of their work, and moreover, there is no time difference among children and adults working hours.



When waste collection truck arrives at the dump site, children are in a hurry to overtake²³ each other and there is not really a concrete break time or rest. There is no potable water well and retail outlet close to waste dump site therefore, they do not have enough opportunity to drink water and some children even eat disposed food items that they find here at the dump sites.

44.7 percent of children have done this type of work for 2-3 years, and 11.8 percent for 4-6 years, 21.1 percent for one year and 11.7 percent for more than 7 years. That indicates that children who are engaged in labour at this waste dump site work sustainably to relative extent.

²³ Approximately 1 vehicle arrives in every 5 minutes.

So children engaged in labour this way earn on average about 3000 tugrogs per day and that income is spent either for purchasing of daily food items (49.4 percent) or contribution of a daily income earned directly into a family budget (44.7 percent). The contribution being made into a family income by child labourers is varied and depends upon number of members of a particular family but, in general, they earn about 20-40 percent of their family budget. Income earned by children is spent for family's daily needs and consumption.

When clarification of what kind of labour means are being used, 96.4 percent of all children responded that they use certain means of labour or working tools, however, most of them named following items such as linen sack, hooked metal which were necessary tools in performing their labour tasks. But 52.9 percent of children involved in surveying answered that they use masks and gloves with the aim to protect their health. However, it is a positive improvement that some working wear as gloves and masks began to be distributed to children working in waste dump sites during the last couple of years. Despite that childrens knowledge on the importance of protection wear and tools in their health and safety has been substantially poor, and even if they knew about it because of negligence, which was confirmed, they do not use them regularly. For instance, it was common that children involved in interviewing and who answered that they have masks and gloves indeed were explaining that they had forgotten them at home which indicate that they use them inconsistently and not everyday.

Work and risks:

Labour at waste dump sites holds serious risks for childrens life and health. When common, most frequently occurring difficulties confronted by children were clarified by a questionnaire

...11 years old boy engaged in child labour in Ulaanchuluut waste dump site, died in June of 2005, when a WCV truck unloaded waste into the dam surrounding waste site while he was in there collecting recysleable waste. There was no criminal case opened and a boy himself has been found guilty.

*T. - Site coordinator of
Ulaanchuluut waste dump point.*

these included getting hurt and having injuries, being verbally assaulted, to be beaten, getting very tired, whereas falling off from truck vehicle, being caught under waste pile, being hit by a car were named as occasional threats. However parents involved in the same questionnaire, in addition to aforementioned, replied that problems as getting intoxicated by toxic gases, collapse of waste piles and being turned away from the area are difficulties that are being confronted constantly.

Since the first person to get onto a waste collection vehicle returns home with the “catch and prey” and therefore, they climb up and hang onto coming vehicles in many numbers, but cases with subsequent injures, accidents, and loss of life do occur. Unfortunately, due to poor livelihood of families of children labourers working at waste dump site, and poor knowledge and education of parents and guardians, and weak care and supervision, even if their health and lives at stake they can not indemnify their losses and restore their rights always.

17.6 percent of children involved in surveying have said that they endure someone's coercion while performing their labour and the most difficult persons who exert coercion are children co-labourers (73.39 percent) and adults working at the dump site (33.39 percent). Someone affected by coercion and violence are not able to get help from any other person. For instance, 10.3 percent of children involved in surveying have responded when if they get affected by someone's coercive act they tell to some of their family members whereas 80 percent of them have not answered to this question at all. However, family members have not been able to undertake due measures.

... A girl named N., who works here fell off from a waste disposal truck in June 2006 and was seriously injured. She was hospitalized and treated in hospital Enerel for about a month. But she died in a month or so after she was released from a hospital.

*Citizen Kh. Who lives at
Ulaanchuluut waste dump site*

Since working at the dump site 30.5 percent of children have concluded that certain kind of negative change has affected them physically. Most commonly occurring pathologies and

A boy aged 11, died on the spot in a car accident in July 2007. Parents of a boy demanded from a driver, guilty of a death, funeral expenses and a vehicle and if demand is accepted they wouldn't make any appeals. But a driver was not able to fulfill their demands so parents had appealed to the police.

*S.- Officer, Red Cross Association
of the Capital City*

distresses are having headache (73 percent), becoming allergic (46.1 percent), having spinal backache (57.6 percent), getting skin eruptions (42.3 percent), began to cough (46.1 percent). Moreover, every 2-7 children surveyed have answered that they had diarrhea, began having problems and pains of internal organs and in their legs and arms. Also children who have been surveyed had injuries and broken bones while performing their labour, including leg injuries (22.3 percent), arm injuries

(21.1 percent), back injuries (4.7 percent) and injuring their heads and burns (8.2 percent). And 87.5 percent of parents involved in surveying consider that doing a work of collecting waste and recyclable items at Ulaanchuluut waste dump site will negatively affect health of their children. The results of answers provided to the questionnaire by parents clearly indicate how working at waste dump sites are having substantially negative impact and consequences to the health of their children.

It is worth to pay attention to the fact of children not being able to get medical help and assistance when they get hurt or injured. Minor injuries and damages are

...It is impossible for character and morale of children not be changed if they live among such people and in this environment. Small kids younger than 10, gather in groups and smoke. The language they use is also very unpleasant. We live here with our two grandchildren. Sure, they are becoming the same. But that's bearable. The most difficult thing is there is no future for these children.

*Quoting from words of X, who lives at
Ulaanchuluut waste dump site*

not taken due care of both by children and their parents or guardians and only when they get to serious stage they approach “Enerel” hospital that provides medical charity services. That happens because of lack of area residency permit registrations and identification documents.

Through surveying the character and morale of children engaged in labour at this waste dump site have been studied. As children have answered there are many occasions when they smoke, drink alcohol, and become bad-tempered, come under influence of others and participate in crimes etc. Parents also have given same answers in relation to this. 81.25 percent of all parents surveyed have considered that working at waste disposal point will negatively affect their children’s morale and characters.

The most heart tearing part has been the attitude of children who feed themselves from waste and consider, treat themselves as not ‘human beings’. They call themselves as ‘dogs’, ‘dirty faces’ and ‘gypsies’ and other people who do not work at waste points they call ‘white people’, thus being brought up with a views and position that they are different and separate. Also girls under 13 years of age who are engaged in labour at waste dump point are at the risk of becoming a victim of violence and slip into forced prostitution. For instance, some of the boys and girls who are involved in non-formal training organized for the children engaged in labour at Ulaanchuluut waste dump site by Red Cross Association of the Capital city have been talking about ‘having show-time’ or drinking alcohol and watching films for ‘adults’ and even having sexual intercourse.

12.5 percent of parents surveyed have expressed that it would be good for their children to continue their labour, whereas 59.3 percent think about not having their children to work there in future, 18.7 percent responded not to have them working there at all and 9.3 percent replied that if life will improve they could stop their child labour immediately. When question was asked what would they do if their children will deny working at the waste dump site, 50 percent have said that children should decide themselves, but 21.8 percent would demand to continue to be working and providing contribution and support to their families, whereas 6.25 percent answered that they will have children to be doing some other work necessarily. Though it might be quite positive that number of parents who want to have their children continue to be working in future is relatively low still the poor livelihood of families serves as a concrete reason for a child to engage in labour.

Children who are engaged in labour at waste dump sites work in an environment which is open, filthy and holds many potential risks for children who mostly work for many long hours. It is so heart tearing that some of them have to live and spend a day outside of school and classes, far from engaging social work and activities, and live under the shadows of such negative social phenomena as violence, sexual assault and crime, but in order to survive they have nothing else than to engage in such labour. Therefore, labour at waste dump sites is the worst form of child labour that should be abolished in immediate manner.

5.4. Children working in marketplaces

A comprehensive study was conducted by The Population, Training and Research Center of Mongolian National University in 2002 on the labour of children who have been engaged in labour at marketplaces of Ulanbaatar. The survey has involved 300 children who were engaged in labour at 11 markets in 6 districts. Personal profiles, and their labour conditions and circumstances and difficulties they are confronted with, as well as their future intentions and through this survey. Main source of this information is the findings of the survey entitled “Working conditions of the children engaged in labour at Ulanbator’s marketplaces”.

With the aim to identify changes in working conditions of child labourers in marketplaces that has taken within 5 years period since the aforementioned last survey was undertaken, we had carried out investigative survey in marketplaces of the capital city, namely in “Narantuul”, “Da-Khuree”, “Bars”, “Khuchitshonkhor”, “Kharkhorin”, “Khangai” and “Tsaiz” marketplaces. The survey has involved 66 children who have been engaged in child labour at aforementioned marketplaces. In addition to that we have collected information reflected in this report through holding interviews with adults who have been engaged in labour at marketplaces, and 8 lessors of handcars, and 7 police officers who have been overseeing control at the marketplaces as well.

There are approximately about 1800 children by our estimation who are engaged in child labour at big and small marketplaces and wholesale centers in the capital city. Out of these places by scope and number of child labourers the largest is Narantuul market, and it was mentioned in the Third and Fourth National Reports of Mongolia on Implementation of the UN Convention on Child Rights, there were about 450 children registered as child labourers at Narantuul market as of 2007.

The number of child labourers engaged at marketplaces has decreased significantly in comparison with the 2002. That is related on one side with the fact that many children who were engaged as child labourers in 2002 when the surveying took place now has become adults and on the other side, the administration of marketplaces and police officers are not easily allocating licences and possibilities for new children who want to work and engage in labour. In addition, the change that has been observed was that children who have been accepted by market administration and police officers and acquired their trust have been working regularly or full time at the marketplaces.

...In order to have number of child labourers at marketplaces, we drive away some of them. Generally, if we let things just happen the number, we assume, would increase....

From quotes taken during focus group discussion held with police officers...

General information about children

Out of children who were involved in the study in 2002, 64.3 percent were males and 35.7 percent females, however, more than half of them were children aged 13-15. Out of children

involved in investigative study, 66.6 percent of them were males and 28.7 percent females. An average age of children labourers working in marketplaces was about 13.5 years.

From children involved in 2002 surveying, 58.7 percent of them were not studying in schools, whereas 71.7 percent of children involved in our surveying have not been studying at schools. That is related with the timing of investigative surveying that took place soon after school year began when only children who have not been in schools were working. The reason of not going to schools the 47.9 percent of children related with impossibility to pay for school related costs, 14.5 percent are not interested in attending schools and 12.5 percent have said that they have not done residential registration.

From total number of children who were surveyed, 62.1 percent were children who had migrated into city from rural areas. The findings of the previous survey that most of children who were from Ulaanbaatar have been working alongside with their schooling, whereas children who were rural migrants have been working without attending schooling have been repeated during this surveying as well.

The reason for children to engage in labour has been the need to earn their daily food and meal (21.21 percent), to feed their family (19.69 percent), and by the demand of their parents (18.18 percent), whereas 9.09 percent of all children surveyed have said that they do a labour in order to pay for costs related with their study. From the responses given to the question on reasons that made children to engage in labour, the number of children who have been working on the demand and enforcement of their parents has been relatively high, and that indicates that children from families with poor income are engaged in labour on the demand of their parents.

An average size of families of children involved in surveying was 6 persons, and 66.6 percent of them were living in gher, 31.8 percent in their private homes on private lots and 1.5 percent in apartments. Monthly income of 86.3 percent of children involved in surveying has ranged from 30000-100000 and the status of children's living conditions and family income size have shown that their family income is poor and greatly insufficient.

Work conditions, forms/types

Most of children working at marketplaces are working under conditions with high level of dust concentration, noise pollution throughout a year, in hot summer and cold winter under open air. Also working conditions of children in marketplace areas are usually highly crowded with cars and vehicles which make ambient environment highly concentrated with toxic emissions and gases. In spite of that, there are no premises or facilities where persons engaged in labour at marketplaces can go into for warming themselves up and resting when it is needed. These kind of negative aspects of working conditions have been leading for violation of child rights and harming their health.

Child labourers in marketplaces are involved in pulling luggage carts, lifting heavy luggages, unloading and loading of vehicles, retail of some goods (candies, fruits, meals, food

items, newspaper, plastic bags, sacks etc.), car washing and watching, shoe polishing and separation of potatoes and vegetables. In terms of gender, boys are mainly engaged in carrying luggages with luggage carts and without it, whereas girls are engaged mainly in collection of residues of food items and selling of small goods. Most of the children who were involved in our surveying or 74.2 percent of them were children who have been luggage carriers, but besides them we have attempted to involve representation of children who were involved in car washing and watching, and chopping, sawing of timber wood in our surveying. In fact, we covered few children, only 7.5 percent, who were involved in selling of small goods from their hands. That targeted selection has been substantiated with our survey objective to research in-depth the worst and intolerable forms of child labour and also by taking account the finding of previous surveys carried out on children engaged in labour at marketplaces.

Most of the children who pull luggage carts were children aged 15-18 and the youngest of them involved in our surveying was 13 years old. These children do carry and transport in one go the minimum of 10-20 kg of cargo and the maximum of 500-1000 kg of luggages, cargo. That size exceeds far by 4-8 times the size of luggages permitted to be lifted, carried by underaged children which was approved by the Ordinance of the Minister for Social Security and Labour. (In this Ordinance, it is prohibited for a child upto age of 13 to carry luggages on two-wheel cart, and specified size of luggage to carry in one go for a child aged 16-17 to be not exceeding 115 kg). And the minimum size of luggages carried and lifted over by children who have no carts has been in a range of 20-80 kg which is far larger than permitted size.

... 15 year old boy named O. who is engaged in carrying luggages at the marketplace and studies in Tsoglog club of Tegsh Mur center, charges 100 tugrogs for any luggage in spite of their weight. Sometimes he has to carry cargo weighing 50 kg. One day he had red skin rash all over his body, had high temperature and pains for 10 days. He lost substantial time to reach hospital since he had no medical insurance and money. But when he was diagnosed by National Center of Infectious Diseases, he had his problems because of exhaustion and fatigue.

/"Equal Steps Centre" NGO, 2007/

In general, children who have been carrying luggages in carts have exceeded the permitted levels by 4-8 times, and children who have been carrying luggages on them have exceeded the permitted levels by 4-5 times and there have been many cases and incidents when they were harmed, injured while carrying their luggages exceeding far the permitted levels in accidents, by getting hit with or caught under their luggages. In addition to that, the adults who usually have their cargos transported or carried mostly tend to scold, intimidate and treat badly the children and children were saying that even incidents occur when they underpay them.

Children are being harmed by their health by carrying too heavy luggages that exceed far greatly the safety limits. Though few incidents but some parents instead of protecting and treating their children force and intimidate their children to work and earn money. For instance, 14 years old boy named "A", who is engaged in carrying luggages in Bars marketplace, gets beaten by his father who drinks a lot and demands

money from him, on the grounds that he argues with him and brings him not enough money. A boy because of heavy burns inflicted from hot tea when he was a small child falls into fainting and muscle paralysis sometimes, and because of too much work he falls fainting 3-4 times per day. His mother also beats him up for not doing his labour. A boy “A” now is involved in non-formal training at “Tegsh Mur” training center.

As cart lessors of Narantuul marketplace have explained, they allocated carts only to persons older than 18 years of age and they charge 1500-2500 tugrogs per day from a cart depending on its size. Lessors have explained that in leasing their carts they get their citizenship ID cards and cash collateral for the cart on one side and on the other side, it is done with the purpose of overseeing their control. But the surveying took place, there were already more than 20 carts leased already but they had only one ID card kept with them. There were many incidents when boys aged 13-15 have been working by leasing carts under the name of some adults.

The number of children who were engaged in carrying and unloading of cargos in Bars marketplace where large volumes of goods are sold on wholesale, has been relatively large. They mostly involved in unloading wagon cars with food items and materials, and also carrying these on their shoulder into storerooms, stock and pile the cargo up, and sort potatoes, vegetables, packing these into sacks and delivering to retail stalls. Carrying on shoulder the

...I began working at timber market last year. I do everything from sawing, chopping, packing and carrying, anything that is asked. The owner of the store area gives me tasks. I do not get money for my work. But instead I get wood chops and small parts which I bring to my grandmother. It is an addition to our fire source.

11 year old boy who works at Tsaiz timber market

sack of potatoes, loading these onto vehicles are the main labour that children are engaged in. Sorting of vegetables in storehouses is done mainly by girls, and that work is done in very dusty environment and can be considered as a difficult labour. Also there are children at this Marketplace who are engaged in picking up of vegetable residues and its selling.

Children who work at marketplace where the timber, fire wood and coal are sold have been involved in unloading vehicles which transport timber, fire wood, wood boards, stocking and piling these up, loading vehicles with these goods, sawing, chopping wood, packing wood into sacks, carrying sack of fire wood and coal to households etc.

Girls aged 10-15 are engaged in selling of small goods from their hands in market and nearby areas. But children aged 6-7 are also engaged in selling of small items in streets. For instance, there was 6 year old boy who sells TV news in marketplace among participants of the meeting of child labourers organized by the National Authority of Children in 2006 under the theme “Let's spend our childhood for learning and growing”. These children sell candies, nuts, fruits, meals, food items, newspaper, plastic bags in small amounts to earn small income.

...there are about 20 children who wash cars at Da khuree market. About 10 of them reached almost 18. there are also 9 children who watch out cars. They are our trusted children.

**Quoted from focus group
discussion notes held with police officers...**

Children working at technical market are engaged in washing and cleaning and watching of cars. That kind of work is done also outdoor therefore, is highly dependent on climatic change. It has been observed that some children who were working at Da Khuree market have mastered their work quite well. Children who have earned trust of market employees, car sellers and

police officers do spend nights watching after their cars and other belongings on the basis of verbal agreement. One child watches out for about 20 cars per night and earns 1000 tugrogs per vehicle for doing that work. The most difficult problem children confront while working at technical market is to be affected by theft of items of their cars that they were responsible for watching out. Children have told us that they face many incidents of theft of car items during their night work, and in conditions when they are not able to compensate, which is their duty, they get beaten and injured by car sellers.

There is few number of children who are engaged in provision of gaming services, singing, shoe polishing and other labours, but mostly during warm seasons. During the surveying, it was concerning that there were child beggars in marketplace and other public places. During surveying in Narantuul market, there were 3 child beggars that we came across but they refused to meet us and provide information. As one trader involved in regular labour at Narantuul market have explained that these children are organized and managed by one elder child of about 15-16 years of age and he collects all of their income. However, the number of child beggars has significantly decreased for the past years in market places, but they moved and few of them do beg at supermarkets and big retail centers where there are more 'affluent' people are served.

By Labour code, it is permitted for a 14-15 years old child to work 6 hours per day, and upto 7 hours of work for a child aged 16-17, but, most of children engaged in marketplaces do come to do labour when markets open for businesses and finish their work when markets close for a day. For instance, 18.01 percent of children involved in surveying work seven days per week, and 43.9 percent work six days a week. Most of markets have one day off per week, hence most of children or about 63 percent of them work on all business days of markets. Besides that they work for too long hours or during night times. For instance, mostly children come to work at 10 in the morning and leave for home at about 20 in the evening, so they spend on average about 9 hours per day at the marketplace. Survey findings revealed that from children involved in surveying 69.6 percent work for more than 8 hours per day.

From children involved in surveying 69.6 percent work during all four seasons, and 86.3 percent work in all seasons except winter, so they all work during summer season. And 62.1 percent of children surveyed said that they work on all business days of markets which is the highest percentage.

89.3 percent of children do manage get some rest during their work, but it was observed that they can not usually eat hot food and drink hot tea. And 29.7 percent of children surveyed in 2002 answered that they eat lunch during their break. But this issue was not touched in our surveying. In general, children work under conditions where there is long hours of work per day without intake of sufficient meals and drinks.

As more elder the child is, there is no time for rest. As the child grows elder, the number of service receivers increase, and their workload increases significantly, and it might be linked with their increased interested in finishing their work quickly without a rest. Also people who hire them usually threaten to cancel their work if they do not finish quickly and therefore, children have to work without resting and finish their work within short time.

Customers pay to children less than adults should be paid only on the grounds that they are children, and in some cases as children told they do not pay full money as they have agreed initially. Also they make them to cease their work and have adults to complete the work, but still they will not pay for the work done. Children involved in series of surveying have said that there are many incidents when child labour is not fairly appraised and paid very little money, which could be assessed and related to the widespread attitude that children are the cheap labour force to exploit.

The daily income of child labourers at markets is different and depends on the type of work they do, but in general, they earn on average 2850 tugrogs per day. But the biggest income per day is earned by children who spend night watching out cars in Da khuree market which is 12000 tugrogs and the minimum daily income is earned by children selling small goods which lets them to earn on average 950 tugrogs per day.

Children who do labour at marketplaces have not been using labour protection means and gear. For instance, 72.2 percent of children involved in surveying said that they do not wear protective clothing and tools while performing their labour. Child health has been seriously affected by long hours of hard work under very dusty working conditions without wearing protective clothing and tools.

Work and risks:

From children involved in surveying, more than 80 percent answered that they confront some kind of problems and difficulties while performing their labour, and among children who gave such an answer there is no significant gender differentiation. For instance children have answered that they confront following difficulties and problems such as: not getting their wages and payments (always occur-10percent, occurs sometimes-74.2 percent); to get hot and feel cold (always occur-27.2 percent, occurs sometimes-59 percent); to get extremely exhausted (always occur-21.2 percent, occurs sometimes-54.5 percent); to get harmed and injured (always occur-9 percent, occurs sometimes-53 percent); to be beaten (always occur-3 percent, occurs sometimes- 40.9 percent); to get robbed (always occur-3 percent, occurs sometimes- 30.3

percent); to be driven away(always occur-4.5 percent, occurs sometimes-46.9 percent); to get verbally assaulted (always occur-6 percent, occurs sometimes-50 percent); to get influenced by others (always occur-9 percent, occurs sometimes-57.5 percent); to pay for gang leader (always occur-4.5 percent, occurs sometimes-18.1 percent); and to get their capital and items confiscated and damaged (occurs sometimes-10.6 percent).

Children who had participated in the meeting organized under the theme ‘Lets spend our childhood for learning and growing’ in 2006 were saying that the persons who intimidate and do coercion to them are police officers and market employees. For instance, children have expressed their thoughts and viewpoints as follows:

... A police officer named Badmaa always beats us up, and he does so always even we have nothing done wrongfully. We work at Narantuul market.

... I study at school No.97. When we work at the marketplace, inspectors and police officers do take taxes from us. If we do not pay taxes they they confiscate our commodities.

... Children said that when they work at marketplaces, it happens so that inspectors intimidate and beat them up. One police officer who had broken an arm of a child had never been taken accountable. In other words, again a child was quilty. We want police officers made accountable.

Quoted from statements made by children during the meeting with them...

Children working in marketplaces have been confronting following difficulties and problems, including:

- Intimidation and coercion from adults;
- Underpayment of labour wages and payments;
- To be not able to find labour that would fit them;
- Poor opportunities and conditions for having lunch and drinks;
- On some cases, demands from big children, street children, adults and drunk persons to give money, to get robbed and beaten;
- To have no one to get help, patronage when they get robbed, beaten and injured or harmed physically;

Children who confront difficulties and problems are not able to get usually help and assistance from others. For instance, 59.6 percent of boys and 39.2 percent of girls did not approach for someone to get assistance and help when they faced some kind of difficulty last time. But 20.6 percent of boys and 40.5 percent of girls have said that they approached their family members and relatives, and 15.4 percent of boys and 23 percent of girls have said that they requested for help from their friends relatively. Form children involved in the investigative surveying, when they were asked a question who do they approach when they face difficulties or problems, 42.4 percent of them answered that they approach their family members, 15.1

address police and 7.5 percent approach adults who work at marketplaces, whereas 35 percent have said they would approach no one.

From children involved in surveying, 69.6 percent have provided an answer that they have some kind of negative changes in their health since they began to work at marketplaces. For instance, 28.2 percent said that they began having backaches; 15.2 percent- headaches; 4.3 percent having leg and arm pains; and 8.6 percent – pains in internal organs; 17.3 percent- cough problems; 13.0 percent – have skin rashes; and 4.3 percent got allergic respectively. Also the status of child injuries and harms were identified through surveying. From children involved in surveying 19.6 percent said they had their legs injured, 43.9 percent- arms injured; 13.6 percent-spines injured; 9.0 percent- head injuries; 3 percent-frost-beaten and 4.5 percent skin burns. The fact that out of children working in marketplaces, 69.5 percent got sick to some extent and 63.6 percent got injured and harmed, indicates clearly that this kind of labour imposes real negative impact on the health of child labourers in marketplaces.

... People who have lower levels of an average living standards come to outdoor marketplaces. Therefore, there are no grounds that conditions here do not affect child's character negatively.

... Child labourers also involved in theft. The future of a child who has spent his childhood in such conditions is not really promising.

Quotes from an interviews held with adults engaged in labour at marketplace...

Questionnaire was used to survey on what children think about likely changes in the character of children that have been occurring among children engaged in same kind of labour at marketplaces. And from total number of children surveyed, 60.6 percent replied that character and temper of children engaged in labour are affected negatively, 33.3 percent said children get abd influence of others and steal things, 25.7 percent drink alcohol and 48.4 percent smoke sigarrettes. In addition,

75,3 percent of children involved in surveying done by Demography, Training and Research Center, MNU, have answered that it is common for children to drink alcohol-39.7 percent, and smoke-75.3 percent. Also 16 percent of them said that there are girls engaged in prostitution in marketplaces. Also, 23.8 percent of boys, 3.7 percent of girls and one third of children aged above 15, have said that they smoke regularly. Some examples and incidents indicate that girls working at marketplaces become victims of assault and sexual exploitation/pls. see part of the report on “Current status of crimes using children for sexual exploitation”/.

Adults who are engaged in labour at marketplaces, market employees and police officers hold a viewpoint that this kind of child labour has potential risks for affecting negatively the child character and attitude. Despite that, engaging in labour for children who are not attending schools and come from families with poor livelyhood is better than them wondering around in streets and is important in gaining work skills and habits as children say.

Marketplaces and trading centers operating in Ulaanabaatar city and other urban settlements are main arenas for members of families with low income and children to engage in labour. But

despite some positive aspects that exist among child labourers as their contribution made to family's income, for instance, by selling small goods under the supervision of their parents and etc., and gaining of work experiences and habits, the working conditions of children pose serious risks for the health of children. The worst yet intolerable form of child labour that exists in marketplaces which should be abolished immediately and holds serious risks and endangers their health is carrying and delivering of heavy luggages. Though types of child labour existing in marketplaces vary in terms of their difficulty and lightness or easyness, they still contain features of intolerable labour such as working for too long hours without resting.

5.5. Child Labourers Working in Railway Terminal

A team from the National Human Rights Commission has worked in Zamiin-Ud soum of Dornogoby aimag with the objective to assess the conditions of child labourers who are engaged at railway terminals. In terms of passenger and cargo flow in comparison to other urban settlements along the railway line, Zamiin-Ud port is bigger than others and related with that child labour has been comparatively higher in terms of percentage.

Zamiin-Ud was selected for the surveying since it has been considered that the state of child labourers in Zamiin-Ud soum could represent general conditions of children who are engaged in labour around railway terminals. Interviewing and questionnaires were taken from 30 more children engaged in child labour, along with having group discussion and completion of related case studies and ambient observations which had been subsequently documented within this study. In completion of a study, police officers from Zamiin-Ud Police Department have been collaborated.

There were altogether 47 children registered as child labourers in soum center by Zamiin-Ud soum Police Department as of August 2007, and all of them have been involved in child labour at around railway terminal and railcar depot. Related with greatly increased passenger and cargo turnover in Zamiin-Ud for the last few years, increased number of people has settled in this area but many of them live without official registration. Since child labourers are mostly children who do not study and come from migrated families it can be concluded that this is due to low level of livelihood of their families.

Out of total children who were involved in questionnaire, 35 percent were children from age group of 8-up to 14, 65 percent from 14-18 and 3 of them were girls. An average age of child labourers in Zamiin-Ud railway terminal was 14.

More than 40 percent of all children involved in the surveying belong to a family with number of members from 7-10 and average monthly income of their family's was from 100.000-200.000 tugrogs. If number of members in a family is compared with their average monthly income then it shows that livelihood of families of these children is being at the low level.

Child labourers all live either in gher or in small private shelters. From children involved in surveying 12 children or 40 percent of them have been school drop outs. Most of school drop out children were children from migrant families who came from rural areas and children who have no official residential registrations.

Girls engaged in labour around railway terminal area are mostly engaged in retail selling of items from hands whereas boys are engaged in hand or cart carrying and delivering of luggages. About 86 percent of them had to engage in child labour due to the need to earn their daily food and feed their families. Therefore, income earned by child labourers working in railway terminal is spent for supplying basic consumption needs of their families.

Labour environment, conditions and forms:

Child labourers working around railway terminal work in very dusty environment with high level of noise pollution. In addition to that they have to carry far too heavy loads on their shoulder that are potentially dangerous to impact their health. Most of child labourers are engaged in performing of such heavy manual tasks as loading and unloading of wagon cars, vehicles at the terminal cargo handling department and also pulling luggage carts and carrying hand luggages of passengers. At the cargo handling terminal of the railway station the large dimensional and heavy consignment of private and corporate businesses are loaded and unloaded and children usually perform pulling of cart carriages with cargo and its weighing. An average weight of consignment per cart carriage is about 500-600 kg but in some cases they carry cargo as heavy as 1 ton and more.

In addition to that few number of children are engaged in carrying, delivering of hand luggages and relatively small sized cargo of passengers to passenger wagons, selling of newspaper, magazines and food items to travellers, but that kind of labour is relatively easy and lasts for short period.

Children are engaged in labour throughout year or four seasons with no specifically designated days or time duration. Out of children engaged in the surveying 40 percent have been working for more than 8 hours per day, about 30 percent work for 4-6 hours a day, and the rest of them work for 1-3 hours per day. Children who work for more than 8 hours a day are ones who are school drop outs whereas children who work for certain hours do their labour after their lessons.

Out of children who are engaged in carrying luggages and their delivery, 45 percent of them have been involved in their labour only in summer and autumn seasons, whereas remaining 55 percent have been engaged in this labour during four seasons or permanently throughout a year. An interesting difference has been observed as a result of surveying as children who have been engaged in this labour on permanent basis were doing this work for last 2-3 years, whereas children who are engaged in this labour on seasonal basis (in summer, autumn) were mostly doing this labour mostly for last year. This fact shows that as children work for longer

time or more years and accumulate more experience then their work becomes more permanent in nature. Only one person involved in the surveying has been engaged in this labour for more than 7 years. Most of children who work for more than 2 years are school drop outs.

In terms of children's income it differs depending on their age. For instance, one child earns on average 3000-4000 tugrogs per day, however, daily income of children aged 14-18 is relatively higher and is about 4000-8000 tugrogs. Also 2 children involved in surveying said that they make 10000-25000 tugrogs per day.

Work and risks

From total number of children involved in the surveying, 36.3 percent have answered that they confront always difficulties such as sweating a lot or feeling too cold, getting very exhausted and not getting paid for work etc., whereas 75.9 percent of them replied that they experience difficulties as feeling cold or hot, getting exhausted, not being paid for work, getting hurt or injured, being chased away by others and being verbally assaulted have been confronted occasionally. Also 30 percent of all children involved in the surveying have answered that they face coercion and assaults from adults and co-worker children while they perform their labour duties. And they provided various incidents as an example of coercion faced from adults working around railway terminal, railway police officers and co-working children.

Though most of children involved in surveying have answered that they do not use labour protection wear, about 80 percent of them had been wearing recyclable working gloves. But it is noted that for children working in dusty environment, the use of face masks has been insubstantial.

From total number of children involved in surveying 39.6 percent have answered that with commencing of their labour at railway terminals changes have occurred in their health. Mostly they suffer from headaches and coughing, and there were incidents when they had their arms and legs injured. Namely, one of them had head injury, 2 leg injuries and 4 arm injuries since they began their labour at railway terminal.

Within study framework an investigation has been undertaken on how the labour itself and interaction with their co-workers impact the child labourer's character, attitude and upbringing. By surveying 40 percent of all children involved consider that their character and attitude have changed and 25 percent of them began to smoke and drinking alcohol under the bad influence of others. As the best part of their labour they have identified following as returning home after work, to earn money by working and purchasing of items of personal need, whereas as negative side they have named difficulties as carrying-on-shoulder heavy luggages, coercion exerted by adults and heavy so-called luggages in big 'piggy bags'.

Since railway stations are relatively small places in population and area sizes, then the supervision of adults and police organization over children who are engaged in child labour

is relatively good and involvement in labour by children in accordance with time schedule of trains, the hazards and risks that could be faced by them is being diminished. Despite that, it is required to pay due attention to the fact that lifting and carrying over too heavy luggages exceeding child's capability have reached the levels that could impact negatively and seriously children's health and contain features of intolerable yet worst forms of child labour.

5.6. Children doing labour in circus

Circus as a culture has been developing relatively successfully in Mongolia since 1940's, however commencing period of socio-economic transition circus as a culture has began staying outside of government's policy and support. Particularly, since 1994 an issue of state circus privatization began to be raised and public financing of state circus was ceased and as a result of shortage of income the number of spectators has dramatically shrunk and circus as a culture has began to develop 'on its own' and artists began to live 'as their hearts wish' or at their own will and risk.

Mongolian acrobats on camels and contortionists went on tour and gave performances in 1990 when Mongolian circus began to fall into recession and were highly acclaimed by spectators which has played important role for them in opening up European market. And among circus artists commencing this period, particularly, among contortionists who have been a so-called "visiting card" or the best part of Mongolian circus performance, a flow directed abroad has originated. There is no consolidated statistics available of circus artists working abroad. However, if number of members in circus artist's groups and performers are taken into account, there are more than 600 circus artists from our country, who have been living and working abroad on short and long-term contracts. And about 70 percent of circus artists working abroad are comprised of contortionists which indicate that Mongolian contortionists have reached world level standards. In fact, Mongolian contortionists have been performing in all continents and many countries around the world, but by number of artists and given performances, the most of them live and work on permanent basis in the USA, Russia, Canada, Germany, Italy, Spain, Turkey and Taiwan.

The demand and needs for circus performances have been showing tendency to rise not only abroad but also in Mongolia. With the development of tourism and culture sector, the circus artists, particularly, the contortionists, have began to participate in traditional art performances, show programs of tourist camps and resort houses, even in anniversary celebrations of organizations and banquets quite often. Though increased market demand and needs are important for circus development, the incidents of breach of circus artist's right, particularly, rights of child circus artists have began to occur along with that.

Circus is largely a culture for a young age. The specifics of a circus art is to begin to practice at the age of 5-6 in order to gain skills to begin performing as an artist at the age of 11-13. Since circus acrobatic, gymnastic and contortionist performances widely use the flexibility

and light weight of children in them, there are many or few number of children working in circus teams and groups. There are many children aged below 18 in Mongolian circus teams and groups working abroad. Approximately, it can be considered that about 100-120 children as circus artists are working abroad and there are about 300-400 children being trained to become circus artists in future. And substantial numbers of these children who are living currently in a home country are contracted and work in foreign countries on temporary basis. Also when requests and orders come from organizations and private persons to perform domestically they are engaged in giving performances in tourist camps, hotels, during show performances and entertainment programs.

Though not few number of children work in circus sector, not only working children, but entire sector have been staying outside of state policy and supervision, which caught out attention in the course of studying the issue of child labour. Therefore, with the aim to assess status of child's labour in circus and identify issues of future attention to be paid by the state in this sector, the child labour issues in circus have been studied within the study of "Worst forms of child labour". In doing so, along with main issue, some issues related with circus training, rehearsal and preparation which constitute integral part of this labour have been taken into account.

It should be noted that in collection information for the study, instructing trainers, performing artists of some training centers have been denying to give information and on many instances participants of the surveys have been reluctant to provide details on concrete facts and examples.

General information about children:

About 300-400 children aged below 18 are being trained in circus field and it can be considered that about 200 of them have been involved in performances in accordance with their specializations. In addition, there are not few children who are being trained at the moment, but willing and ready to accept performance work proposals if these are offered. In surveying child labour in circus, 12 trainers and artists were interviewed in person, and 38 children were involved in questionnaire, and moreover, cases and incidents have been collected and confirmed. Different questionnaires were prepared for those who have been engaged in labour actively and for those who have been engaged in training, and 24 children actively engaged in labour and 14 children engaged in training were involved in the study.

From total number of children involved in the study, 10.5 percent were aged below 10, 36.8 percent were from 11-14, 50 percent from 15-18, whereas 50 percent of children working and earning income were aged 15-18 and 41.6 percent were from 11-14. From that the average age of children actively involved in labour in circus is estimated to be 14-16.

Among total children involved in surveying, children involved to become contortionists have been in dominance. For instance, 29 out of 38 children surveyed or 76.3 percent were contortionists.

That is why there more children being trained to become contortionists because of greater opportunity for children-contortionists to be employed both domestically and abroad. Whereas, children who are being trained to become gymnasts, jugglers, acrobats, leg jugglers, rope-walkers or balancers make up 24.7 percent of total trainees. And related with dominant involvement of trainees to become contortionists in this surveying, 94.7 percent of them were girls.

From children involved in surveying 52.6 percent live in gher districts and 39.4 percent live in apartments. Also 10.5 percent of these children live in a family with 3 members, 84.2 percent live in families with 4-7 members, and 2.6 percent live in families with more than 7 members in it. When average monthly family income of children were clarified, only 40.02 percent of surveyed knew their family income. From children who have identified average income of their families per month, 36 percent said that their families earn 100000-200000 tugrogs per month, 12 percent live in a family with income of 200000-300000 tugrogs per month, another 12 percent in a family with income 300000-400000 tugrogs, and 32 percent in a family with income of more than 400000 tugrogs per month. If housing conditions and number of family members compared with average family income of children who are trained to become circus performers, then more than half of children belong to a family with the level of poor livelihood.

... the living conditions of this girl's family has been difficult. Even their family had not shelter at some point before. Despite that they pay 20000 tugrogs per month for her classes. Sometimes her mother does cleaning for us and provides assistance help for us to pay for her daughters classes. When her daughter arrived from successful labour trip home her heighbour family brought their child to our training center.

*Quoted from notes of an interview held with
contortionist trainer O...*

Mostly children whose parents or close relatives had been working in circus are being trained to become professional trainers or engaged already as professional artists or performers. Or in other woksds, circus performing tends to be inherited between generations to relatively large extent. In addition, parents have been driven mostly by an opportunity that allows gaining more income and revenue and making use of their children's efforts to improve their living conditions are main factors for having their children to be trained in circus.

A common picture has been observed that children who are being trained and working in this sector have entered the circus field mostly by the request of their parents, relatives and adults, and as soon as they master fine and difficult skills of their performances and begin earning income they get stimulated and interested more by themselves. For example, 18.4 percent of children surveyed have answered that they have entered and been trained in circus by the request of their fathers and mothers, whereas 47.36 percent of them replied that they have been trained upon their own wish and interest. However, 22.22 percent of children who have answered that they have been engaged in circus performing by their own wish and desire, responded that initially they have entered circus entrance by the request of their parents, but eventually they

got fond of it afterwards. From children surveyed 28.04 percent of children have been trained with the intention to become a famous performer in future. But in general, children who are being trained have been mostly driven by an objective to work abroad and earn better income. All children who were surveyed are happy with what they do and 94.7 percent are interested in working in future in accordance with their chosen path of circus performing.

... An education issue is a difficult issue among circus performers. In fact, can you imagine that some of our good performers are illiterate...

From an interview held with a circus performer Kh....

The state of school attendance by circus children has been an issue worth to draw an attention. Though 86.8 percent of total children have been attending schooling, and 7.8 percent were not attending schools, there are not few children who are in schools but not in a grade in which they are supposed to be by

their age. That is related with the children who take time off from their schooling due to a work for 3-6 months abroad on contractual basis and resumption of their studies upon returning home. Children take long time off from their studies but they say that it is not an issue of much concern in comparison with what they see, learn and money they make by performing abroad. In general, for children who have been studying quite successfully and able to perform in shows, an education issue comes at second after a work. And there is lack of attention and efforts on the part of parents and teachers. Though it has not been confirmed by our surveying but there are issues of concern for new generation circus artists related with education.

Labour conditions, forms and risks:

Circus arena, ring, applauses by spectators...though some types of performances are risky, it is a prestigious, easy and highly paid work... Most people who do not really know well this sector hold this belief about labour of circus artist or performer. But behind crowd's applauses, fame there are hours of hardwork, constant training and rehearsals, great patience and big risks involved.

A 7 year old contortionist girl surveyed responded that a good thing of working in circus are learning of doing things that she could not do before, overcoming difficulties by giving all out, and performing extremely complicated elements in unison.

From questionnaire replies...

In order to acquire a profession of a circus artist, children mostly have to undergo trainings and rehearsals for upto 2-4 hours per day for a period of 5-6 years starting from the age of 6-9. The specifics of this profession is related with the need to continue rehearsing even after you have acquired your profession. For instance, out of 24 children working in circus field,

58.3 percent have been trained and rehearsing for 4-6 years, 29.1 percent for more than 7 years, and 50 percent of them rehearse for 15-20 hours per week, 8.3 percent for 25-30 hours and 12.5 percent work and rehearse for 30-40 hours per week. Generally, children who work in circus

sector do work on average about 21.8 hours per week which is quite a heavy load for children aged 13-14. But that is information obtained while these children were in home country, with relatively low work load, and it increases 2-3 times when they work abroad. Girl contortionists while work abroad on some circumstances have to perform 7-8 times per day and it could be considered equal to a workload of giving 15-16 performances a day including warm-ups of their spines in accordance with their talks. That amount of workload is impossible for children with inborn flexibility to handle and therefore, in such circumstances girls with 'good spine' are left with a duty to continue the show in spite of huge workload.

It is also worth to note that circus children have to work during night hours. Though 'paid' working hours of children or their actual performances last for only 6-8 minutes, because of circus being as a type of entertainment business they have to work domestically and abroad during night hours. That is in breach of provision No.110.2 of the Article No.110 of the Labour Code of Mongolia which prohibits for having underaged children to work during night hours.

Contortionism is more a type of circus art but since it has many features of traditional culture, often many domestic tourism companies employ girl contortionists during the tourist season. On some cases, child interests and rights are breached because of unspecified working hours of children giving performances at tourist camps, at the wish of tourists during daily and night hours.

Contortionist classes charge approximately 20000-50000 tugrogs a month from a trainee, but performing children earn payments and bonuses from 5000-10000 tugrogs per performance by contracts established with organizations and companies. ASA circus which raised per performance rate of children upto 15000 tugrogs since December, 2007 is the highest appraisal rate of child's performance set domestically. But tourist camps, cabaret show clubs employ them and usually pay a salary of 70000-100000 tugrogs for a contortionist per month.

Circus, including contortionist training courses run their classes and based on student-centered approach and parents conclude contracts on behalf of students. For instance, 20 children out of 24 surveyed have concluded contracts with their teachers. However, this contract mostly regulates mutual liabilities of parties in relation to training and cost of training, whereas no concrete provisions are reflected in regards to insuring of children from accidents and injuries and protection of child rights and health in risky conditions, and liabilities imposed on parties in such circumstances. But Circus school under the College of Music and Dance has insured their students from accidents and injuries thus enabling protection of their children from potential risks.

As for the Mongolian circus, there are about 20 children who they allow to participate in their performance shows; however the children are not contracted through establishment of a labour contract, but tied up with a short term service provision contracts. But in fact, the acrobatic and contortionist performances given by these children are main circus performance components and integral part of every performance show. Currently, 13 groups of performers

are engaged in giving performances abroad under the contract terms and 3 children aged below 18 are involved among them.

... At that moment since there was no provision reflected in the contract we could do nothing. In future it is needed to be very cautious ahead. I will have reviewed by you from legal point of view the upcoming contract.

*Quoted from an interview
held with E, mother of a boy...*

Teachers have been concluding contracts of behalf of children in cases of children working abroad. Unfortunately, many cases of children harming and losing their health have occurred due to lack of legal and judicial knowledge of persons who are engaged in establishing contracts on behalf of children, and poor attention given by parents to liabilities

over protection from risks reflected in the contract. For instance, circus acrobat performing boy from Mongolian circus was seriously injured due to falling in lower leg because of poor standby safety fastening while working under contract in Korea in 2006. He had his bones fixed with nails during the treatment but upon returning to Mongolia his injury got inflammation and subsequent forming of puss matter. Though the contract has made liable a receiving party to be responsible for safety of artists, it has not provided concrete regulations on what measures should be undertaken in case if accidents or injuries could happen, and what shall be the amount of indemnification. And boy's trainer, parents have not paid due attention to this issue while contract was finalized, and boy was not able to get indemnified and reimbursed his loss and expenses. Also, girl contortionists aged 16 and 17 who had been working under the contract in Norway during 1998 got into car accident while were traveling from one city to other and a girl named E. had injured her arm seriously. And a girl named E. was not been able to get her losses indemnified since there was no provision specified in the contract telling what responsibilities are imposed on a contracting organization if possible accident or injuries occur during traveling of artists. And two arms of E. has been paralyzed and how she works as a instructing trainer of contortionists in her home country. Aforementioned are few examples of difficult problems arising in connection with contracts.

German citizen Teo Krat began marketing Mongolian contortionists in Europe since 1992. About 300-400 persons have gone through this channel. One group of contortionists leave for Europe and are exploited there and when they become adults they stay there by getting married or other way and quit the job then he arrives again in Mongolia and gets new children. Recently a woman representing Teo Krat came here and selected children.

*Quoted from an interview held with contortionist
trainer named O...*

Labour of children working in circuses abroad is yet an issue of concern. Mongolian circus artists in large numbers have been performing in many continents and countries around the world on regular basis, including USA, Russian Federation, Canada, Germany, Italy, Spain, Turkey, Taiwan and others. By our estimation, 100-120 children work as a circus artist abroad on short and long term contract terms.

When Mongolian contortionists have become known and famous in Western

European Countries since 1990's, many domestic and foreign individuals and organizations have evolved which were interested in gaining profits from this market. For instance, Mr. Teo Krat from Germany, and Ilkhaan Oyozdmer from Turkey are among many mediators of Mongolian contortionists actively operating in their home countries. Also, legal entity called Horizonte Show from Germany which has a contract with a famous Mongolian contortionist specializes in mediating artists and talents from many countries in European show business. Also Mongolian circus, circus training centers, course owners are in search for realizing an opportunity for having their artists and students to perform in show business markets abroad.

Business of Mongolian circus artists in countries of the same region have been facing difficulties in relation to dramatic decrease of spectators and people interested in circus in Europe since 1997-1998. Surely, the law of show business which allows for talented and skilled artists to charge top prices has been also true for Mongolian circus performers. Therefore, most skilled circus artists have been able to perform in world famous circuses on contracts, whereas ones who were not able to be rated at their level have nothing else than to perform in small hotels, entertainment places where their rights and freedom have been violated on many instances.

A general requirement of not establishing contracts with children aged below 18 and restricting them to perform in entertainment shows is applied in European countries, but despite those children aged 12-18 are being employed either by issuing them forged passports or through other different ways.

Labour appraisal of circus artists has been different from country to country. For instance, their salary and wages in Europe have been relatively high or at 1200-1300 euros per month, whereas they get 610-850 US dollars of salary by working in Asian countries as Taiwan, Korea and Singapore. Turkey market has been the lowest among European countries being at 500-850 US dollars per month. If a contract to work abroad is established via mediator, then 10 percent of a commission from a salary specified in the contract goes to a mediator, 10-20 percent to a trainer and instructor or organizer and the remaining is left for an artist personally. Generally, it can be concluded from the data and information obtained within the surveying that if an artist works successfully in Europe gets about 900-950 euros per month and if in Asia than 300-700 USD per month after deduction of all commissions.

...Turkey side did not pay our wages and we got into real difficulty. Then it was agreed to pay one package of sum per performance without paying wages for everyone. But some artists caused for disputes to arise by claiming that since they (children) do not bear a duty to win bread for their families, the adults should be paid first.

*Quoted from an interview
held with an artist E...*

Circus trainers, instructors and coaches involved in the surveying have said that there is no wage difference in this sector between adult and non-adult performers. Also, the issue of different salary and income between adult and non-adult circus artists has not been studied in-depth within our study.

There are persons who consider that salary levels of Asian and European countries are too low. The reason to consider that is explained by an opportunity to earn about 5000-6000 euros per month by European market rates since circus artists perform on many occasions at rich casinos, sea cruises and yachts. However, foreign organizations which offer performances of Mongolian artists have been valuing their labour very poorly, and earn themselves a lot of income and revenues. That what some artists involved in surveying have been very critical to.

... Since delay in provision of wages for artists who left for Turkey on contract in 2006, they expired their visa, and eventually, they had to perform at the hotel to pay for visa fine, and air flight fair to return home. Since they had no money to pay for luggage they had to leave their technical accessories. Parents of some contortionists came to get their children home. Parents of children have organized a demonstration in protest in front of Turkey Embassy in Mongolia. 19 performing artists have not been able to get their wages until now...

There have been many incidents occurring when rights and interests of Mongolian artists were violated due to poor fulfillment of contract liabilities by foreign parties who receive Mongolian circus artists. The most common breaches include, no provision of salaries promised, having them to work for long hours not provisioned by the contract and not allowing for returning home after expiration of contract validity period. For instance, children contortionists who went to Korea under the contract in 2006 under the supervision of a trainer "E" were supposed to get 500 USD per month

by giving 2 performances a day. But children had to perform 4-6 times a day and had not been paid for extra work. However, because of their poor legal knowledge and inability to get assistance there was no complaint submitted. Cases like this prove that when receiving party has been failing to meet its obligations, Mongolian circus artists were unable to have their rights protected through the court in accordance with the host country laws and regulations. That is related with the insubstantial legal and foreign language knowledges and as well as with their financial difficulties. Particularly, in cases when child right is violated they left with their rights, freedom, finances and health affected seriously.

In addition to that, when small aged children engaged in labour far from their homes they get extremely homesick and exhausted and as a result they fall into distress, reaching that state that makes them not able to fulfill contract duties. A girl named N. who had been engaged in performing of contortionist shows within a group of Mongolian folk performing artists in Namyanju city, South Korea, during the period from 1 March till October, 2007 had slipped into serious distress because of heavy workload and homesickness. A girl named P. had high temperature for many days several times and had to have intravenous injections. A girl named N had suffered extensive hair loss and exhaustion and was unable to complete contract duration. But she was not sent back home in due time though family of this girl had reached an agreement to have her back with group leaders and therefore, family had approached National Child Authority and appealed for help.

It is most likely that girl contortionists face risks of sexual exploitation and could be forced into pornography due to their nature of their working conditions as performing for the purpose of entertaining spectators during night hours by showing flexibility and beauties of woman's body. That situation could be observed from some incidents. For instance, a girl named B. who has been engaged in contortionism since the age of 6, had concluded a contract to perform in one night club in South Korea in 2002 when she was 19. She had been made to dance, present contortionist performances and serve at the table and was kept locked up in a room during the day time. One Mongolian guy had assisted her to escape from that night club and she has returned home with the assistance of her relatives living in Germany.

In any internet based search engine if you enter a phrase Mongolian contortionism one could easily find an entry entitled Erotic contortionist Tumendelger Enkhee with brief information and video from the URL [http://www.youtube.com/watch?v=UW3333333333](#). Though there is no personal information about this contortionist in this link, like in this example, there is greater risk for girl contortionists to be exploited for the purpose of sexual exploitation and promoting erotics and pornography.

But there are some positive sides to working abroad though it has been posing along above-mentioned difficulties and problems. Particularly, there are number of children who have been working successfully abroad, earning relatively high profits, and contributing significantly to livelihood of their families. When question was asked how they spent their income, 47.3 percent of children involved in surveying responded they spend for themselves, 26.3 percent spend for their families, 26.3 percent spend both for their and family needs, whereas 10.5 percent use for savings.

...Our daughter bought a gher for her family with her money earned by working abroad. She bought also wireless phone for her mom and paid tuition fees for her sister who studies at MN University. The positive impact of working abroad for life of children can not be denied. An issue for leaving to Spain and Italy for our children in resolved and they are waiting for visa. Their parents are glad too.

Quotes from an interview held with a contortionist trainer named O...

...There are times when we "pinch" them slightly. For instance, there is a girl named B. who does acrobatics on a horse at state circus. When she does her elements not properly her trainer does touch with her whip in her lower leg. She is no so used to that. Now she is hit in her lower leg and she performs properly...

Quotes from an interview held with artist E...

When children surveyed were asked a question whether they experience someone's coercion and intimidation and what kind of difficulties and problems they are confronted with, 92.1 percent of them replied that they do not experience any coercion or intimidation from others. But 4 children who have answered that they experience intimidation and coercion named their trainers, other performers and

co-working children as persons who intimidate them. Teacher methodology used in training of children and attitude have been clarified through an interview. Most of teachers do accept and agree that some slight form of physical punishment can be applied unless it does not harm children physically and they possess an attitude that this kind of training approach is an acceptable thing in acquiring of circus specializations by children. German court ruled out its decisions to imprison German citizen M. for 5 years and his wife T.- a Mongolian contortionist for 3 years and 7 months for battering, ill-treating and entering of border by forged passport of a Mongolian girl B. aged 13, who had been taught contortionist lessons by T. and ruled a decision to indemnify for health and psychological damages incurred on her by compensating 40000 euros to a girl named B.. Media sources have covered widely this incident. Besides, family of a contortionist T. consider that German court has made too one-sided ruling but family has not excluded the possibility of slashing her lower leg with thin stick. Family members of trainer T. were saying that during the training and rehearsal, teachers get very tired because of loud speaking and in order to have their students to perform contortionist elements properly they use sticks and this kind of method is not harmful to children. Also, it is most likely that incidents of coercion and intimidation among each other might occur because of explicit and implicit competition existing among children.

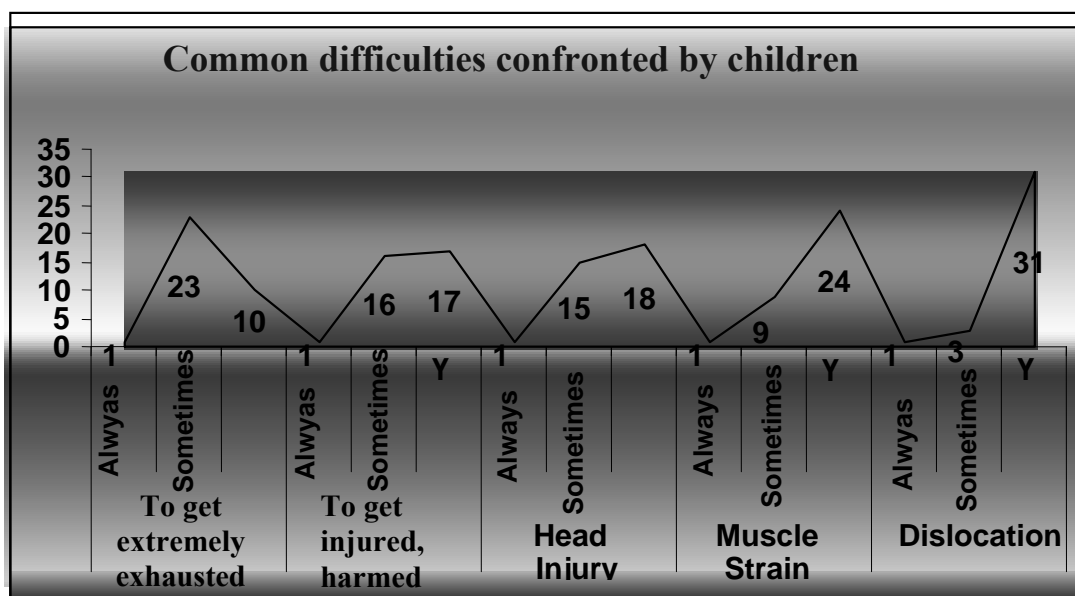
... to become a circus performer one, obviously can not avoid falling. Particularly, acrobats and rope walkers do fall many times in order to learn. For instance, myself began to exercise at 6. Had fallen many times. Now I have half of my body and two legs paralyzed. Like this there are many incidents when our rights are violated.

From an interview held with circus trainer B. ...

There are many circumstances when children have injuries and hurt themselves during their work, training and rehearsal. Children who involved in surveying replied that the most common difficulty they confronted with was fatigue and exhaustion (2.9 percent confront always, 67.6 percent face occasionally, 29.4 percent do no confront), having injuries and harms (confront always-2.9 percent, confront occasionally-47 percent, do not confront-

52.9 percent), stretching your muscle (confront always-2.9 percent, confront occasionally-26.4 percent, do not confront-70.5 percent), joint dislocation (confront always-2.9 percent, confront occasionally-8.8 percent, do not confront-67.6 percent), and also they replied that children from circus field whom they know end up having poor health, bad temper and coward and fearsome. And contortionists are affected the most by exhaustion and fatigue and they get hurt and injured more frequently, whereas acrobats, rope walkers have more muscle strains, head injuries if above responses are classified into circus performance types.

Whether circus profession will affect health of children negatively depends largely on training and rehearsal. Because children who have acquired properly performance technics and been properly trained can be engaged in circus labour without affecting negatively their health and children suffer with their health only when children have had insufficient training and coaching. Therefore, some issues related with circus training has been studied.



Some issues in circus training:

Training and rehearsing are integral part of circus work activities. Though it might seem that the duration of working time spent by circus artists in front of spectators is not too long, there are hours of diligent, hardwork of training and rehearsing behind that. In this sense, within the framework of study on child labour it has become necessary to look into circus training issues. On the other hand, physical forms and health of those involved in circus are largely defined by training and rehearsing therefore, it is an issue of attentive consideration from the perspective of child rights.

A circus school was established by decision of the 10th Party Congress of the Mongolian People's Party. And the first trainees of this school had acquired complicated and difficult elements within short period of time as result of training held by Russian trainers at that time and Mongolian circus was established a year after since the establishment of a circus school. Currently, Circus school named after J. Radnaabazar is functioning under the Music and Dance College under MECS.

About 900 qualified personnel have graduated circus school since its establishment. The school selects not more than 25 children from graduates of grade 7 of general secondary schools once in 4-5 years. Currently, Circus school is providing speciliazed and combined training in 4 main forms of circus art such as juggling, gymnastics, rope walking and acrobatics and 2 chidlren are being trained to become as contortionists. It is related with the fact that informal training is not usually offered in main types of circus art except contortionism. Because special purpose areas and facilities with equipment needed for training and exercising in juggling, gymnastics, rope walking and acrobatics, therefore, opportunities for provision of non-formal training in above-mentioned specializations is limited. Thus School of Circus is mainly concentrating mainly on educating and training of circus jugglers, gymnasts, rope walkers and acrobats.

Circus training has began to be considered as having features of vocational education and training since 2007 and students of Circus Schools began to be provided a stipend of 45000 tugrogs per month. That has been contributing significantly to resolve social issues of trainees and provision of some expenses related with training. However, no measures have been undertaken by the state aimed at enhancing buildings and facilities, equipment and tools, garments and gear, training environment and improving working conditions of trainers for the past years. Though teachers of circus school teachers have been undertaking possible measures to improve their training means and equipment, even making some of training tools relying on own reserves and initiatives, which is still not sufficiently enough to meet levels of training required. State has to specially draw its attention towards physical conditions, equipment and tools, facilities in halls and arenas, lighting and heating of premises which are potentially likely to affect health of children trainees.

In parallel with School of Circus under the college of Music and Dance, circus artists are being trained through non-formal channels, including courses, private and group lessons which mainly undertake student-centered approach. However, most of these courses are run in the area of training contortionists and only few courses offer training in acrobatics. This situation is related, on one side, with less requirement of contortionism in comparison with other circus arts in spaces and facilities, training equipment and tools, and on other side, with the growing demand of Mongolian contortionists in entertainment market abroad. Contortionist courses are offered not only in Ulaanbaatar, but in Darkhan-Uul, Orkhon and Dornod aimags. About 30 non-formal education entities are engaged in provision of courses in circus arts nationwide. These informal courses are provided involving as few as 8-10 children and in some cases as many as 50 child trainees.

Since there is no unified programs and standards of circus, particularly in contortionist courses, teachers are offering courses and training in their own methods and approaches. Proper physical warming-up, inspection of technical means and equipment, ensuring safety and protection are integral elements of duties to be fulfilled by a circus artist; hence these issues should be integrated in circus training. However, some training courses and classes do not cover these aspects and issues in their training, and teachers have insufficient knowledge and skills on these techniques and methods.

Since there is no common requirements imposed on facilities, rooms used in provision of circus training and safety, non-formal training classes are taking place all sorts of spaces including even private homes, whenever found rooms and facilities. That is why children in many numbers have to undertake lessons and practices either in too cold or in restricted small areas with poor sanitation and hygiene conditions.

Physical development of a child who is engaged in becoming a circus artist takes largely very different path depending on nature of training and practices. Hence the role of trainers and instructors in ensuring healthy and aesthetical development of a child at his/her crucial physical development period is extremely important. However, in our country due to lack of a system

that endorses, inspects and provides licencing for circus trainers, children are at the risk of harming their health and proper physical development. Circus professional teachers have noted that since physical and spine flexibility of children are different yet individually variable, they require individually specific approaches and technics, and only by ensuring that condition it can be possible to avoid risks for health and proper growth of children. But in reality, the fact that in some cases contortionist classes have been offered and run by teachers of secondary schools, former gymnasts and even young mothers who take contortionist classes, which makes difficult that children are trained professionally and gain professional specifics and nuances. Because all consequences of trainings run by professional, non-professional or anyone interested shall be endured by children. In future, it is necessary to undertake measures to draw needed attention from related public institutions towards circus training issues and ensure protection of children from risks and non-violation of their rights.

Though circus art creates an opportunity for proper development of children physically, and their aesthetical perception, and earn relatively big income and revenues and enable to enhance family livelihood, it also carries along risks for children to drop out of schooling, get injured and cause harms to their health. State control and monitoring have not been established, despite emergence of various types of businesses specializing in mediating circus artists to domestic and foreign markets, and education and training children in circus professions. Therefore, increased attention should be drawn upon emergence of conditions which bear potential risks for violating child rights and economical and sexual exploitation of children. Not only training field but entire circus art itself, currently, stay outside of state supervision.

While child labour issues in circus field have been researched, issues related with child models have also been emerging in connection. Children surveyed have been informing us about many 16-18 years old girls who are engaged in modelling work on short and long term contracts abroad like child artists in circus and particularly, about girl models who are involved in modelling in small entertainment providers and hotels in Europe and Asia, and about violation of their rights, and even about becoming victims of sexual exploitation and violence in some instances. Further, it is required for this issue to be surveyed more in-depth.

5.7. Child domestic workers

“Baseline survey on Child Domestic Workers” was undertaken by Population, Training and Research Center of MNU in 2005. Though labour of an au pair is not as difficult in terms of working conditions in comparison with waste dump points, marketplaces and railway terminals, but it lasts for many hours, and in some cases child employers might confront risks of intimidation, coercion and assault by an employer, therefore, some issues of concern raised in aforementioned survey are reflected in this report.

By the random distribution estimations, 6148 children have been working as au pairs in six central districts of Ulaanbaatar city, out of which 56.7 percent are males and 43.3 percent are females. An average age of children working as au pairs in urban settlements for males is 13

whereas for females in 14. And 31.1 percent of children who work as au pairs are half orphans (father's died), and 6.7 percent are full orphans, and about half of them do not live with their parents. In addition, 12.3 percent of them have no private homes or apartments.

From children aged 7-15 who work as au pairs in urban area, 25.3 percent of them are school drop outs and more than half of drop out children have slipped into this state because of shortages and life hardships in their families. 8.9 percent of children are illiterate, 11.1 percent cannot write. Moreover, half of children aged 6-11, and 25 percent of children aged 12-14, do not know that they should be studying instead of working.

Major reasons for children to engage in labour includes following: need for increasing family income (25.6 percent), parents and guardians are unemployed (21.1 percent), to help others (23.3 percent) and to make own money (18.9 percent).

Children working as au pairs in families mainly do babysitting, taking care elderly, cleaning, washing, cooking, look after homes, bringing water, chopping and preparing fire wood, and besides that they also do household chores, take turns in working as salesman in host family owned retail stalls and kiosks, working as street vendors or barrow boys, chopping fire wood in marketplaces, packing in sacks and watching after a car in carparking lots. For instance, 22 percent of children involved in surveying do additionally extra labours mentioned above, and for doing extra work they spend on average 3 days per week.

Children work on average all days per week and 30 percent of them work for 7 and more hours per day. And more than 40 percent of children who do not work for families with their relatives, work all days or without off days. From children surveyed 14.4 percent have responded that they work sometimes during evening and night hours, and 46.7 percent of them do not have rest during days of public holidays. Moreover, 66 percent of children who do not rest during public holidays have said their workload increases significantly on these days. Half of them eat hot food once per day whereas 37 percent eat hot food twice per day.

... In general, working as au pair for a family is a difficult labour. Babysitting is not difficult. The most difficult thing is they drink always. Since I am tall the adults who visit them do hassle me a lot.

(15 year old girl, BG district, UB)

... before I used to work for a different family. But that family had a debt for another family, therefore they made me work for this family as a collateral for a debt.

(16 year old female, BZ district, UB)

44 percent of children surveyed answered that they get their wages in cash, and 49 percent get in in-kind form, wheread 6.7 percent do not get wages at all. An average wage of children per month of those children who get their wages in cash, is 11000 tugrogs.

In addition to getting their wages on not regular basis, incidents occur when children get harmed psychologically and their health was affected negatively. Moreover, incidents when children were

beaten by an employer and employers family members, cases of their intimidation, sexual assault and even case of being left as a debt hostage has happened. As common difficulties confronted by children working as au pairs, the children surveyed have answered the following: 20 percent of them said their hostess/home owner beat them, 53.3 percent said they get verbally assaulted, 20 percent get intimidated, whereas 11.1 percent of children responded equally as following: having not enough food, low wages and not getting wages respectively. But 1.1 percent of them were victims of sexual assault.

Children, particularly those small aged children do get ill more often, and they are affected mostly by influenza, headaches, throat problems, and skin rashes and eruptions. In addition, 85.6 percent of them have replied that an employer treats them well and provides them with good food and nice clothes, whereas the remaining percentage of children have answered that their family hosts treat them badly as they beat and scold them and do not allow children to attend schools.

90 percent of all children involved in the study have expressed that they are interested and willing to study in future. However, quarter of children have expressed their interest in working (better than doing nothing, enables them to get money for own use, and help their family). Children who have answered that they dislike their labour, among reasons that make them to think that have said that they get very exhausted, do not interested in their work and not able study in schools. Particularly, children aged 6-11 replied that they get very tired after their labour, which clearly indicate that the labour and its duration children are engaged in are not in compliance with their age and physical abilities.

The consumption of alcohol drinks and use of tobacco among children working as au pairs is in existence and 10 percent of children aged above 12 years of age do smoke, and 11.6 percent of children aged 12-14 have an experience of consuming alcohol drinks. In addition, there were few incidents when children have smoked herbs, drugs and snuffed petrol for the purpose of indulging in excitement and pleasure. It is striking that number of girls who have said they have an experience of using is more in comparison to boys.

5.8. Chapter Conclusions

Child labour issues in formal and informal sectors in urban settlements have been studied within this study “Worst forms of child labour”.

Though measures are being undertaken by public organizations over ceasing off employing persons aged younger than 18 years of age in prohibited workplaces of formal sector, children continue to be engaged in child labour in construction, brick production, sewing factories, and hotel and entertainment businesses.

From total of about 6950 children engaged in child labour in informal sector of Ulaanbaatar city, aimag centers and other centralized settlements, including soums, about 4600 children

work in Ulaanbaatar. If labour conditions and types are considered then about 1200 children or 24.3 percent of child labourers working in informal sector of Ulaanbaatar city are engaged in performing worst intolerable forms of child labour.

Child labourers are aware of risks and difficulties of their working conditions but they have not been using means of labour safety consistently. That is related with poor understanding of child labourers about importance of the means of labour safety and their negligence. There is no work or activities being implemented on raising awareness of children about importance of the means of labour safety.

There are about 120-140 children engaged in labour at Ulaanchuluut waste dump site as of 2007 and number of children engaged in labour at waste dump points have been increasing on annual basis. Children engaged in labour at waste dump sites work in an outdoor environment which is highly polluted with smoke and dust and ambient air (stinky odours), with a risk of waste piles to collapse, with high risk of unexpected fires, and without potable water sources for many hours. These children do not have an opportunity for regular food intake, even some of them survive on food items found at waste dump sites. Children's health and lives are endangered because of their practice of hanging onto waste disposal trucks, and incidents of being caught under collapsed waste mass, but they have been not able to compensate and indemnify their losses.

About 1800 children are engaged in labour for short periods or regularly at small and big retail and trading centers in Ulaanbaatar. Most of them work in extremely dusty, noise, smoke, toxic gases polluted environment throughout year, in summer and winter in outdoor conditions which have reached such levels that could affect negatively their health. Lifting and carrying too heavy luggages as a form of labour which children are engaged in many numbers in marketplaces should be regarded as worst intolerable forms of child labour. In addition, many children are engaged in labour for many hours, without resting and are being affected by coercion, intimidation by customers, police officers, inspectors working at marketplaces and other co-working children.

Since railway station is relatively small and therefore, the workload of children working there and labour duration is considerable short. However, lifting up and carrying over too heavy loads exceeding permitted sizes pose serious risks for children's health.

Though circus art creates an opportunity for proper development of children physically, and their aesthetical perception, and earn relatively big income and revenues and enable to enhance family livelihood, it also carries along risks for children to dropping out of schooling, economical and sexual exploitation and harming their health. Labour of circus children abroad is an issue of a concern. Contract duration for working abroad is on average for 3-6 months and during that period children are not able to attend schooling. There are not few cases and incidents when children are harmed physically, economically and psychologically due to poor legal and judicial knowledge by party concluding contracts on behalf of children and non-

fulfillment of contract liabilities by a receiving party. Child circus performers work during night hours, particularly, their working hours of children giving performances at tourist camps are unspecified, at the wish of tourists both during the day and night hours. Children get harmed by their health since there is no training programs for preparing contortionists and standards for facilities to use for exercising, and anyone interested in provision of training, not importantly whether a professional or non-professional, are involved in running training courses.

Survey findings have shown that though labour of an au pair is not as difficult in terms of working conditions compared with waste dump points, marketplaces and railway terminals, but it lasts for many hours, and in some cases child employers might confront risks of intimidation, coercion and assault by an employer. In addition to not getting payments regularly, the incidents have been occurring among au pairs when they were harmed economically and psychologically. Also there were cases when au pairs were beaten, intimidated, assaulted and left as debt collateral by family hosts. The opportunities for these children to have their rights protected are limited.

SIX. CHILD LABOUR IN AGRICULTURE SECTOR

6.1. Labour of children who herd livestock for households

Agriculture sector, as being one of main economic sectors of Mongolian economy, has exhibited some unique features during the transition process. By privatization of livestock of agriculture communes or collectives, animal husbandry has become virtually a private economic sector, allowing for number of livestock heads to increase dramatically, and enabling for growth of citizen who owns thousands of heads of animal year by year. Despite that, people who used to herd small number of livestock had been affected seriously by series of dzud, draught and other reasons which resulted in significant decrease of their livestock and they have been left with no option but to herd animals for others.

Big state owned collective farms which were growing wheat, vegetables and cattle were also privatized and small size economic entities have began to dominate in crop industry sector. With the drastic increase of livestock of some people, these herders have come to a need to have their herds to be looked after by others and hire work force. In compliance with these changes occurred in agriculture sector, a new form of child labour has emerged in animal husbandry as herding livestock for other families or households.

At the national scale, there is no consolidated figure or statistics yet on exact number of child labourers who are engaged in herding livestock for families. However, when some organizations have undertaken partial surveys, to small extend some numbers on children herding livestock for families have been obtained.

International labour organization has carried out a baseline survey about children who herd livestock for households. The survey has involved 270 children herding animal for households

in Uvorkhangai, Khovd and Khuvsgul aimags, and 64.4 percent of them were males, and 35.6 percent females, and 21.5 percent aged 6-11, 36.7 percent aged 12-14, and 41.9 percent aged 15-17 respectively. Most of these children were herding animals for households in their respective native areas, whereas 28.5 percent of them have been herding animals for households in other soums.

From children herding animals, 30 percent were herding livestock for their grandparents and siblings, 41.9 percent for other relatives, and 28.1 percent for families with no relative connection. In terms of their age group, aged 6-11 or small aged children were herding animal at their grandparents or siblings (43.1 percent), whereas children aged 12-14 were herding animals in non-relative families (34.3 percent) and for age group of 15-17, the highest percentage was, herding animals for their relatives.

From total number of children surveyed 7.8 percent were half orphans, 5.6 percent full orphans and 116 children out of 270 or 43 percent of them were not living in their homes with their parents. As for children who herd animals for other families it is important to ensure the fair appraisal of their labour, and avoid exploitation of child labour, and ensure their rights to study and grow properly.

In most cases, children who are engaged in herding livestock for other families do not conclude labour performance or paid work contracts with their employer, do conclude written contracts in advance with their parents on labour wages and working conditions, but mostly have their children to work under verbal agreement and terms imposed by an employer. And because of that incidents have been occurring as to exploiting child labour, harming them and breaching of child rights.

... A 16 years old boy named "Y", a son of citizen "O" who lives in Bayantooroi bag, Tsogt soum, Gobi-Altai aimag, had come to an agreement at the end of March 1998 to employ his son that his son will drive herds for a herder "C", owner of more than thousand heads of livestock, from Uvorkhangai aimag that he will drive his herd to his native land and as a wage he will give 10 goats to his son and cover his travel costs to return him in early December of the same year. Herder "C" did not arrive in Uvorkhangai but moved to Darkhan-Uul aimag and a child's family could not get in touch with their son and identify his whereabouts. But herder "C" did not contact the boy's parents and got silent and did not allow a son to return home for 4 years and 7 months during which he was forced to do labour and constantly intimidated and beaten. But luckily, the neighbours had learnt about this and had organized an escape for a child with people who arrived from the capital city in 2003 and enabled him to arrive at their sister's family. They then appealed to the NHRC and the commission had inspected the incident and indemnified the losses incurred to a child. During the whole time employer did not notify the child's family at all, while the family was searching for their son.

As the surveying done by Consulting unit of Social Development Center among 291 herder children from 12 soums of Uvorkhangai and Khovd aimags, 72.8 percent of children herding animal for households were school drop outs or children who do not attend school at all. And 87.6 percent of them were herding animal against their will, because of life hardships, in order to help relatives and siblings and to herd their own livestock. And 45 percent of these children have expressed that they are interested in studying in future, and children aged 9-12 mostly want to attend a school, whereas children aged 13-16 are interested mostly to study with mobile teacher, or on their own through distance learning. As these indicate, child herding animal restricts negatively their interest to study and particularly, to receive basic education. Within the surveying records were made over serious breach of child rights herding animal for households and even incidents of death of child herder.

For instance, a child named “G” aged 16, who lived in a family with seven members, had to quit his school and left to herd for 5 year period to one family in Zuunkharaa, Selenge aimag. Once while he was herding his sheep, wolves attacked his herd and because of that he committed suicide by hanging himself. Like in this example, children from poor households are engaged in labour without any supervision and on any terms imposed, thus providing opportunities for their exploitation and breach of their rights.

These facts clearly show that the issues raised in relation to child labouring in agriculture sector should be taken under serious consideration by government and public institutions, and particularly by local administrative authorities.

Researchers have noted that to certain extent incidents of breach of child labourer rights herding animal for other families have been occurring, namely, children getting homesick, getting hungry, cold or hot, also being beaten, scolded, intimidated, getting exhausted due to heavy workload, becoming sick, losing lives, for girls to be sexually assaulted by drinking family heads etc. More than 50 percent of children engaged in herding animal for other families work on average for 8-10 hours per day, and as they have said even for more hours in some circumstances, and confront on regular basis difficult working conditions as long working hours during spring offspring birth times, look for lost animals, driven away by storms, blizzards, getting wet under snow and rains, getting cold or hot, surviving without meal and drinks for long hours, getting hungry and thirsty and etc. Herder children identified their labour as hard and difficult work. Therefore, child labour of children who herd animals for other families, particularly, of those small aged children who are at the age of getting basic education, should be classified and included in the worst, intolerable forms of child labour and be banned. And control and supervision of local administrative authorities in overseeing the labour and employment of children in animal husbandry should be enhanced and made consistent and sustainable.

6.2. Child labour of child jockeys of racing horses

Mongolia is a country with the unique heritage of celebrating festival of ‘three manly games Naadam’, that dates back to ancient times. One kind of three manly games is a horse

racing which is raced by small aged children jockeys, that could be seen as a matter of pride, on one side and on the other side, particularly, when it seen from the child safety perspective, is largely risky affair that has been increasingly drawing public attention and anxiety.

However, horse racing has become not only limited by national Naadam festival during the past years, and races been organized more often on various reasons in summer and winter or basically throughtout a year. Besides, in many ways it has become more commercialized and the issue of their safety and protection of their rights have become priorty issues to address to because of increasing number child jockeys involved in horse racing. Even Government has addressed this issue and adopted a Law on Naadam Celebrations, with subsequent approval and implementation of a Government ordinance establishing regulations on organization of horse races in accordance to which it has been banned to have as child jockeys to be not younger than age of 7, and ruled to have them compulsorily insured, and wear protective gear, which has become, undoubtedly, an important principal measure in stepping up protection of a child right.

There are about 27600 child jockeys nationwide by an estimation carried out by National Human Rights Commission and National Authority for Children in 2007. And these child jockeys have been participating in aggregated number in about 150.0 horse races per annum. If training preparatory races are added than this number will increase greatly by more than 10 times. In fact, preparatory period of racing horses have began to last for longer time with increased training race numbers. And tens of big horse races have been organized on annual basis which made for some owners of race horses and their trainers to come into teams in preparation of their horses for next races which is operational throughout a year. Therefore, it has become very obvious that children have began to spend great efforts, labour and time in order to participate in horse race competitions and in-between training exercises.

In parallel with that, the priority issues to address in regards to children riding race horses, first of all, are issues related with safety and protection of their life and health, secondly, issues related with appraisal of child labour. There is no quaratee that horse racing would not endanger and harm life and health of child jockeys. However, there are some people who consider that racing horses make children physically stronger and make them more enduring and patient, but there is little evidence found through the surveying to support this veiwpoint. There are not few incidents of death of child jockeys because of falling during the race, harming their health and becoming invalids.

By sporadic surveying which has covered period since 1996, there has been 18 incidents of death of child jockeys recorded in the course of horse races because of child jockey's falling off horses during the race. The most cases of death of these 18 child jockeys, except 2, happened after 2000and it is broken down into 4 in 2004, 5 in 2005 and 7 in 2000. There are not few tragic incidents of death of child jockeys. A horse racing was organized on 18 of February 2005 in Sukhbaatar soum of Sukhbaatar aimag, when snow blizzard broke and a horse of 13 year old boy gone uncontrollable and run away, and eventually a child fell off a horse, was lost in snow

blizzard and frozen to death. His body was found next day. A horse racing was organized on 6 of February, 2006 in Asgat soum, Sukhbaatar aimag, a child jockey fell off from his horse during the race of a eldest horse age group. But his father forced him to race for a race of a next horse age group, during which a boy had fainted and lost his life after falling off from a horse. A 12-year old boy fell off from his horse during the race held early July, 2007 in Ulziit sub-district of Songinokhairkhan district, UB, and died because of serious head injury. In addition to that there are relatively large number of cases when children get injured because of falling off from horses during the race and becoming invalids and disabled.

A review study undertaken by Human Rights Commission in 2006 has found that 2006 child jockeys had been injured because of falling off from horses during the period of 3 years (2004-2006). 39.8 percent of them had been injured slightly, 31.0 percent had been badly injured and 20.8 percent were seriously injured. Children who fell off from racing horses, mostly get injuries in their head and brain, arms, legs and collar bone. From injuries and harms inflicted on children, child arms, collar bones and shoulders were injured in 40.3 percent of all cases, head and brain injuries were at 29.8 percent of cases, and legs and support organs were injured in 24.1 percent of cases. Out of 2006 children injured due to falling off, 91.8 percent were injured during actual race and 9.2 percent during the training races.

By the study of National Traumatology and Rehabilitation Center, a total of 220123 persons had recieved medical help during the period of 2003-2007. And it has been revealed that 816 out of them were children who had recieved injuries due to falling from racing horses which take up 0.3 percent of total persons recieved medical help.

There are many facts and examples when child health has been seriously affected because of falling off horses and becoming disabled. For instance, a 12 year old girl fell off her horse during the race organized in Uvorkhangai aimag in 2004, and her upper leg bone was broken and she had to be amputated and got seriously disabled because of lack of treatment costs to undergo treatment abroad.

A 8 year old boy has had his legs paralyzed after having injuries in brain and spine because of falling off a horse during the eldest age horse racing held in Tuv aimag in 2005, and 10 year old boy fell off from his horse in youngest horse age group and had to undergo brain surgery after which his legs were paralyzed and now he can not walk. A grade 2 child had his legs frozen and could not stand any longer after participating in racing of two age horses held in February, 2006 in Sumber soum, Gobisumber aimag, and there were many children who had their cheeks, legs and arms frozen after a race which was held in spite of freezing temperatures at about -30 degrees C in celebration of horse trainers early February, 2006.

A national conference of child jockeys was organized by the efforts of related organizations in 2005 and surveying was carried out among them along with medical check up. When medical check up was carried out of 120 children who participated in the national conference, more than 30 percent of them had kindey infections, 20 percent liver inflammations, most of them had scars and marks on their faces, and 33.8 percent out of 59 children surveyed have said that they

were falling off their horses during horse races, and 10.1 percent were getting injured, and 38.9 percent of them said that they had their legs, arms and faces frost-beaten during races organized in winter season, and 28.9 percent have answered that they get tired after racing, and more than 10 percent have responded that they get feelings of fear while race horses. These figures, facts and information indicate clearly that horse racing carries along great risks and dangers for child jockey's life and health and potentially endangers them to become physically handicapped.

“Regulations of racing horse competitions” approved by the Government Ordinance No.119 issued in 2005 is only enforced during the National Naadam Festival and other horse races organized by Government decisions and has not been enforced during other racing competitions.

In accordance with this regulation, which regulates such conditions as child jockeys to be not less than 7 years of age and to wear special protective gear and tools (helmet, vest, shoulder and ankle protections, saddle with protective stirrup), and they should be insured against health and injuries, and have to undergo medical check-ups. However, this regulation is not being implemented properly at the ground level. Particularly, its implementation is weak and poor in rural areas.

Though the regulation provides names of protective gear, but it does not specify clearly their design, standards, quality and sizes, therefore, it has been difficult what shall be considered as a protective gear. Therefore, a study should be undertaken to identify clearly which type and form of gear with what specifications should be adopted as accepted protective gear. In fact, domestic producers, have initiated and began producing items as saddles, stirrups, helmets and importing some other items but in terms of prices these have been relatively expensive. That is why, state has to provide support production of protective wear and its supplying.

Another issue to be raised in relation to child jockeys of racing horses is the issue of appraisal of their labour and payment. The abovementioned rule provisions that more than 20 percent of prize money won by a winning horse should be allocated for a child jockey. However, upto 30 percent of all horses participated in a race are rewarded with prize money and bonuses. But then an issue of child jockeys who have participated in races till their cheeks get wind-blown and butts get bruised but not been able to get payments or bonuses is raised and whether they should continue to sacrifice is the question to tackle eventually. As like these there are many issues surrounding labour of child jockeys of racing horses that need to be tackled from the perspective of child right protection.

It is considered as justified that the labour of child jockey should, under current conditions when it poses real danger and risks for children harming their health and endangering their lives, and of race being originated by entertainment purposes, requiring spending of concrete amount of time, and which is quite common to children living in rural areas, and not fully regulated legally in terms of labour wages, safety and legal liabilities, therefore it should be regarded as the intolerable and worst form of a child labour.

SEVEN. INTEGRATED PROPOSALS AND RECOMMENDATIONS.

1. Establishing common understanding on aversion of and intolerance against worst forms of child labour, with immediate abolition of those, prohibition and establishment of integrated database to combat it;
2. Implementation of monitoring and assessment on implementation of international treaties, conventions and national legislation and laws on child labour issues, and identification of strategies for further actions and measures to undertake;
3. Implementation of national level policies and integrated, complex of measures that are aimed at improving conditions of children engaged in child labour by taking into account opinions and views of children being affected by various risks.
4. Reforming of policies and legal environment for elimination of child labour and its worst intolerable forms, and enhancing legal environment of labour regulations;
5. Developing of sensitization, awareness raising strategies aimed at abolition of worst and intolerable forms of child labour and strengthening collaboration between organizations in this direction;
6. Implementation of the Convention No.182 of International Labour Organization on “Prohibition and Abolition of Intolerable Forms of Child Labour”, and adoption and release of renewed list of intolerable forms of child labour;
7. Development of programs and action plans to abolish child labour and prevent from it based on renewed list of child labour by identifying places where such labour exists with their subsequent abolition;
8. Complete reflection and inclusion of intolerable forms of child labour provisioned in “a”, “b”, and “b” of the Provision No.3 of the International Convention into Mongolian Criminal Law and related laws and regulations, and changing some of articles and provisions in the Criminal Law on the justifications and grounds noted within this report;
9. Combatting against crimes as child trafficking, child sexual exploitation and exploitation in pornographic productions and promotions, and exploitation of child labour, and enhancing implementation of projects and programs being implemented targeting aforementioned problems, improving capacities for legal investigation, tracking, processing and adjudicating of this type of crimes, undertaking of measures to capacitate human resources of related public institutions and organize training activities;
10. To review regulations and procedures for adoption of children by foreign citizen in order to prevent underaged children from cross border trafficking and sexual exploitation

and improving monitoring of child right protections of those children adopted by foreigners;

11. Establishment of system that will modernize registration and tracking of children, their movement, particularly of those who are without supervision and caretaking of adults, and who are most likely to and vulnerable to be trafficked, and become a victim of a crime, and analysis of returning of children travelling abroad, and undertaking of measures that will help to prevent them from this kind of crimes;
12. Carrying out of national scale consolidated study on child labour issues, and identification of reasons and conditions that lead for children to engage in intolerable forms of labour, undertaking of measures to abolish them, and studying of child labour issues in particular local territories, and increasing accountability of a local administration on abolition of intolerable forms of child labour;
13. Creation of workplaces for adult family members from poor and extremely poor households, where children are engaged in child labour, increasing their family income by involving in projects and programs, and alienation of children from intolerable forms of child labour;
14. More effective organization of awareness raising and advocacy measures and activities directed at parents and communities on provisions of domestic and international legislations on child labour and its negative impact and consequences on a child, particularly, on intolerable forms of labour, and change of adults and parents attitudes towards child labour;
15. Immediate prohibition of child labour in formal and non-formal mining sectors and extraction of gold, fluor spar and coal, collection of waste, and alienation of child labour by children engaged in labour in such places, undertaking due measures for these children to access schools and education, and undertaking measures on sensitizing parents whose children are involved in these types of labour and establishing a system that will make them accountable;
16. Provision of support to and cooperation with citizen, non-governmental organizations, projects and programs that are involved in alienation by children forms of labour that children are engaged in urban settlements, involving them in formal and non-formal trainings, protection of their rights;
17. Reforming of legislative regulations to prohibit child labour of children aged below 14 of age at marketplaces and railway terminals by carrying and lifting heavy luggages, reinforcing accountability measures for parents and guardians who made children aged below 14 to engage in harsh child labour, and organization of wide scope of advocacy measures;

18. Paying attention to activities that use children to generate income by organizing training among children in culture sector, particularly, in circus (contortionists, acrobatics) and fashion and modelling, and enhancing public control of allocating permissions for organizing trainings and performance shows, and prevention of child labour exploitation, and infliction of negative impacts to the life and health of children;
19. Drawing public attention towards circus non-formal training, and developing of common requirements and standards to be imposed for a training program, facilities and a trainer with performing of subsequent monitoring over their implementation;
20. Prohibition of small age or primary school age children to herd animal and work as au pairs in a family, and introducing accountability measures with owners who employ small aged children;
21. State Great Ikh Khural or Parliament hearings to finalize the issue of labour of child jockey's of racing horses on whether it should be included as a form of intolerable child labour or not, and if it decides that this form of a labour is impossible to be included in the list, then adoption of legislative regulation in horse racing by establishing age limit of child jockeys to be not less than 9 years of age, and restriction of requirements to be imposed on labour protection and safety, and establishment of regulations for fair appraisal of their labour.

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