

Mongolia Country Profile

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Employment of People with Disabilities: The Impact of Legislation (Asia and the Pacific)

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Table of Contents

1. INTRODUCTION	1
2. CONTEXT	3
2.1 PEOPLE WITH DISABILITIES	4
3. LEGISLATIVE FRAMEWORK	5
3.1 CONSTITUTION OF MONGOLIA, 1992	5
3.2 LABOUR LAW, 1999	5
3.3 THE MONGOLIAN SOCIAL SECURITY LAW FOR PEOPLE WITH DISABILITIES (MSSLPWD)	6
3.4 LAW OF MONGOLIA ON VOCATIONAL EDUCATION AND TRAINING (LMVET).....	7
3.5 OTHER LAWS OF RELEVANCE	7
3.6 INTERNATIONAL COMMITMENTS	8
4. IMPLEMENTATION	9
4.1 INSTITUTIONAL FRAMEWORK	9
4.1.1 <i>Ministry of Social Welfare and Labour</i>	9
4.1.2 <i>Central Employment Regulation Office (CERO)</i>	9
4.1.3 <i>Mongolian National Coordination Committee on Disabilities</i>	9
4.1.4 <i>Labour and Social Welfare Inspection Agency (LSWIA)</i>	10
4.1.5 <i>National Rehabilitation and Vocational Training Centre for the Persons with Disabilities (NRVTCD)</i>	10
4.1.6 <i>Workers' organizations</i>	10
4.2 POLICIES.....	10
4.2.1 <i>National Programme "Improvement of Situation of Persons with Disabilities"</i>	11
4.2.2 <i>Poverty alleviation</i>	11
4.2.3 <i>Poverty Partnership Agreement</i>	11
4.3 CONSULTATIVE MECHANISMS	12
4.4 ENFORCEMENT	12
4.5 EMPLOYMENT PROMOTION MEASURES	13
4.5.1 <i>Employment services</i>	13
4.5.2 <i>Quota and levy/grant scheme</i>	13
4.5.3 <i>Special projects</i>	13
4.5.4 <i>Self-employment</i>	13
4.5.5 <i>Poverty alleviation</i>	13
5. OUTCOMES AND IMPACT	15
5.1 OPEN EMPLOYMENT OPPORTUNITIES FOR PEOPLE WITH DISABILITIES.....	15
5.2 EMPLOYMENT OPPORTUNITIES FOR PEOPLE WITH DISABILITIES IN PROTECTED WORK ENVIRONMENTS.....	15
5.2.1 <i>Non-Governmental Organizations (NGOs)</i>	15
5.2.2 <i>Poverty Alleviation Fund Council and the Employment Promotion Fund</i> ..	15
6. CONCLUDING COMMENT	17

1. INTRODUCTION

Many countries throughout the world have, in recent years, adopted policies aiming to promote the rights of people with disabilities to full and equal participation in society. This has often been in response to the ILO Convention No. 159 concerning Vocational Rehabilitation and Employment of Disabled Persons (1983) policy on employment opportunities for people with disabilities is frequently supported by legislation and implementation strategies as essential tools to promote integration and social inclusion.

Countries in Asia and Pacific have made considerable progress in introducing legislation concerning the equalisation of opportunities for persons with disabilities, particularly during the Asian and Pacific Decade of Disabled Persons 1993-2002. Many of these laws have yet to be effectively implemented, however. The Biwako Millennium Framework for Action toward an Inclusive, Barrier-Free and Rights-Based Society for Persons with Disabilities in Asia and the Pacific refers to this in identifying critical issues to be tackled in the second decade which will span the period 2003 – 2012:

‘The challenge of integrating and including persons with disabilities in the economic mainstream has not been met. Despite international standards and the implementation of exemplary training and employment legislation, policies and practices in some countries, persons with disabilities, and especially women, youth and those in rural areas, remain disproportionately undereducated, untrained, unemployed, underemployed and poor.’

The question of the effectiveness of laws in improving employment opportunities for disabled persons – whether they are vocational rehabilitation laws, quota legislation anti-discrimination or employment equity legislation - is central, not only in terms of the economic rights of disabled people, but also to their broader social and political rights, which are closely linked to economic empowerment.

This country study for Mongolia is part of the ILO project ‘Employment of People with Disabilities – the Impact of Legislation’ which aims to enhance the capacity of national governments in selected countries of Asia and East Africa to implement effective legislation concerning the employment of people with disabilities. Starting with a systematic examination of laws in place to promote employment and training opportunities for people with disabilities in selected countries of Asia and the Pacific (Australia, Cambodia, China, Fiji, Japan, India, Mongolia, Sri Lanka and Thailand), the project sets out to examine the operation of such legislation, identify the implementation mechanisms in place and suggest improvements. Technical assistance is provided to selected national governments in implementing necessary improvements.

The country study outlines the main provisions of the laws in place in Mongolia concerning the employment of people with disabilities. A brief review of the implementation of the legislation is also provided, insofar as this was possible, based on a survey of documentary sources, a study by an in-country consultant and feedback from Mongolian delegates to a Project Consultation held in Bangkok, 17 January 2003. It may be read in conjunction with the regional overview prepared for this Consultation ‘*Employment of People with Disabilities – the Impact of Legislation (Asia and the Pacific). Project Consultation Report, Bangkok 17 January*’, ILO 2003.

2. CONTEXT

Mongolia achieved autonomy in 1911 after three hundred years of rule under the Manchu Qing Dynasty. In 1921, with the support of the Soviet Union, Mongolia was proclaimed an independent country and three years later became the Mongolian People's Republic. Political power belonged to the only party at the time – the Mongolian People's Revolutionary Party, which was strongly influenced by the Soviet Union for 70 years. During the Soviet era, political, economical, social and cultural policies were closely related to the Soviet Union. Social services including health, education and social protection were provided by the state within a strong communist ideology.

In the pre-transition era Mongolia was perceived to be free of social problems. Issues like poverty, unemployment, and care for vulnerable groups like the elderly and people with disabilities were not openly discussed.

In the early 1990s, the command economy and the one-party system collapsed with the withdrawal of technical and financial assistance from the former Soviet Union. Mongolia chose to develop towards democratic and free market economic system. Political reforms were introduced in conjunction with “shock therapy” economic reforms. Multiparty elections were held in 1990. A new Constitution was adopted in 1992¹. Poverty has become an issue. As 1995 for instance, 36.6 per cent of the total population lived below poverty line².

With a population of 2,654,999³, Mongolia is ranked 116 out of 162 on the Human Development Index (HDI), according to the UNDP Human Development Report for 2001, representing a drop of seven positions since 1990. Four key indicators used to calculate the HDI, longevity, educational attainment, standard of living and adult literacy rate show the following:

- Longevity, measured as life expectancy at birth, was 62.5 years for men and 60.5 for women;
- Educational Attainment, measured as gross enrolment ratio was 51 per cent for men and 64 per cent for women;
- Standard of Living, measured as annual per capita GDP, was US\$ 1,711 in 1999;
- Adult Literacy Rate was 99.1 per cent for men and 98.8 per cent for women.

In 2000, total employment was 809,000, in a labour force of 847,600, with a labour force participation rate of 63 per cent, and an unemployment rate of 4.6 per cent. Over 48 per cent are employed in the agriculture sector (mainly livestock husbandry), 18.6 per cent in manufacturing, over 10 per cent in commercial business, 4.2 per cent in transportation and communication, 3.3 per cent in construction and 15.4 per cent in other fields.⁴

Given that less than two thirds of the population of working age (1.347 million) participate in the labour market, it is not surprising that the informal sector is an important contributor to the national, and particularly the Ulaanbaatar, economy. According to a 2000 USAID financed survey of the informal sector in Mongolia⁵, an estimated 47,037 are employed in the informal sector in

1 The Constitution of Mongolia (1992), English version, can be consulted on the ICL web site at: http://www.uni-wuerzburg.de/law/mg_indx.html.

2 1996 Living Standards Measurement Survey.

3 World Fact Book, Mongolia, July 2001

4 Ibid.

5 The Mongolian Informal Sector: Survey Results and Analysis, Bikales, Bill et. al. April 2000

Ulaanbaatar alone. The total annual value added in 1999 for the informal activities surveyed⁶ is estimated at Togrog 94.1 billion (approximately US\$ 91 million at prevailing exchange rates). Women dominate all informal sectors except transport. In the retail sector, for instance, the number of women involved was twice that of men.

2.1 People with disabilities

According to the Ministry of Social Welfare and Labour, as of 2001, there were 115,000 persons with disabilities in Mongolia. 16.6 per cent blind, 25.3 per cent mentally ill, 25.2 per cent physically disabled people, 17 per cent deaf, and 13.2 per cent with other disabilities. Thirty nine thousand seven hundred persons with disabilities are able to work, but only 5,200 (13.1 per cent) are currently employed. 88 per cent of persons with disabilities are estimated to live below the poverty line.

For its part, the State Social Welfare Office (SSWO) estimates that there are 120,000 persons with disabilities in Mongolia. This number was determined by random sampling. The SSWO registered 84,000 people with physical disabilities, 37,000 of whom are children and young people. Thirty thousand of persons with disabilities are of the working age. Twenty thousand are able to attend basic, secondary, higher and/or special education institutions.

The collection of data on persons with disabilities in Mongolia is extremely difficult. Existing information is contradictory and often incoherent. Every agency uses its own numbers dependent on services offered. Mongolian agencies agree that the existing data on disability is incoherent and unreliable.

⁶ Retail trade, financial services (e.g. pawnshops and money changers), transport (e.g. taxis, trucks, minibuses, garages), services (e.g. shoe repair, chemists, canteens, barbershops, home cooked meals, games) and manufacturing (e.g. baked goods, soft drinks).

3. LEGISLATIVE FRAMEWORK

The main legal instruments in this area are the Constitution of Mongolia, 1992 the Mongolian Social Security Law, 1995 (amended in 1998) and the Labour Law, 1999.

3.1 Constitution of Mongolia, 1992

The Constitution of Mongolia provides protection of the general rights of the population and outlines overall social policy. The Constitution acknowledges the principle of equal right for employment, education and health care for all Mongolians and right for material and financial assistance for disabled people.⁷

The Constitution unambiguously states that “...everyone has the right to work...” and that “the duty to work is inseparable from the right to work, except for those persons whose capacities have been diminished by age, sickness, or disability.”⁸

The Constitution comprehensively identifies the rights of workers⁹ as well as the duties of the State¹⁰ in respect of work. It provides “...all workers, regardless of their age, sex, race, nationality, land of origin, religion, or political or ideological convictions...” are entitled to “...remuneration for their work according to its quantity, nature, and quality...” noting particularly “...the principle of equal pay for equal work...”. State duties include securing “the conditions of work, remuneration, and rest to which workers are entitled...”, proposing and maintaining “a national minimum wage and maximum wage” and “setting limits on the length of working time at national level.”

The state is obliged to take note of “...workers' needs, the increase in the cost of living, the degree of development of the forces of production, economic and financial stability, and the formation of capital for development...”¹¹ The state must ensure “special protection at work...for disabled persons.”¹² The necessity for the provision of “Material assistance when [disabled people] are involuntarily unemployed.” is also observed¹³. The Constitution also grants the “...right to material and financial assistance...” for disabled persons “...as provided by law.”¹⁴

3.2 Labour Law, 1999

The Labour Law was introduced in 1996 and amended in 1999. The purpose of the Law is defined in the Article 1, which states that “...(the law) resides in governing the relations connected with the exercising by citizens of their right to work on the basis of employment agreement...”

Article 74.1 stipulates: “It is prohibited to deny employment to disabled person and pygmies if their physical conditions enable them to be employed in the industrial and service jobs...” it continues as “... the administration is required to provide industrial and/or service jobs to disabled and defective (sic) persons according to their abilities...”

Article 111 of the amended Mongolian Labour Law specifically promotes the employment of persons with disabilities, by providing that if “...an enterprise and /or establishment, [has]...50 or more employees [it] shall occupy three or more percent of the work and/or positions for the

⁷ Article 16. Constitution of Mongolia, 1992.

⁸ Constitution of Mongolia, 1992, Article 58

⁹ Ibid Article 59 (1)

¹⁰ Ibid Article 59 (2)

¹¹ Ibid

¹² Ibid

¹³ Ibid

¹⁴ Ibid Article 16

disabled or pygmy persons...”. A proviso is made, however: “...if such employment is not inimical to the specific nature of the work and industry.” Where employers do not meet their quota obligation, they are required to a monthly fee “appropriate to each count as if it were occupied...”. The fee is to be fixed by the government and “...concentrated in the central budget and be allocated to fund social security measures for disabled and pygmy persons”. -----

...The fee collected is to be contributed to the Employment Promotion Fund, with collected resources spent on provision of information and mediator’s services; training for self-employed or people not covered by unemployment insurance; public awareness and education by Governor’s Office together with State Employment Offices and other activities on promotion of employment. Employment Promotion Fund is resourced from state and local budgets unemployment insurance; bank interest on deposit to the fund; international loans for employment promotion; and other donations. The Mongolian Labour Law does not provide any additional provisions regarding employment of people with disabilities.

3.3 The Mongolian Social Security Law for People with Disabilities (MSSLPWD)¹⁵

The Mongolian Social Security Law for People with Disabilities (MSSLPWD) was approved by the Parliament in December 1995 and amended in November 1998. This law specifically serves to protect and support the rights of persons with disabilities.

The Law provides the legal definition of disability in Mongolia:

“persons with disabilities are those with limited physical or mental abilities, either genetically inherited or acquired during life, persons born with deformations or disability caused by illness or accident which limits full ability to work, mute persons or person officially diagnosed with sight, hearing, or body or mental disabilities”. (translation by the consultant)

The state agency responsible for implementation of this law is the Ministry of Social Welfare and Labour.

In addition to defining disability, the SSLPWD includes regulations regarding provision of identification cards, defines government agencies and officials responsible for the implementation of the law, defines the type of the support from the government for the individual and disability-focused non-governmental organizations, defines right for rehabilitation and after care, and outlines entitlements for education, employment, recreation and social services for people with disabilities. The SSLPWD also states that disabled persons should be entitled to vocational training opportunities.

Article 5.6 of SSLPWD notes that management of trade, transportation, communication, health and public places shall introduce special bylaw to serve persons with disabilities.

Article 8 of the SSLPWD includes provision for vocational training for persons with disabilities. It states:

- The State shall support education and vocational training of persons with disabilities in the mainstream system unless the person has a highly transmittable disease, like tuberculosis.
- All levels of education and vocational training institutions must not refuse for persons with disabilities to write the entering examination unless the person has highly transmittable diseases like tuberculosis.
- The State shall financially support higher education, college and vocational training for students with disabilities that have successfully passed entrance exams. Beneficiary shall come

¹⁵ Translation of the Consultant

from very poor families, or from families with a member that has fully lost his/her working ability.

Article 9 of MSSLPWD is dedicated to employment of persons with disabilities. It states that:

1. The State shall give all manner of support to employ persons with disabilities and support the businesses and services run by persons with disabilities based on the person's working skills and education.
2. The State shall facilitate and support the enterprises and organizations employing persons with disabilities. A Committee of Government, Provincial/Municipal's Citizen Representatives can use state provincial budget resources to compensate business loss in connection with employing persons with disabilities or those run by the blind, deaf or/and people with physical disabilities.
3. Enterprises or organizations must not refuse to employ persons with disabilities, and must provide suitable work placement for the persons with disabilities unless the person has highly transmittable diseases like tuberculosis.
4. Enterprises or organizations shall reduce the working day by two hours for blind persons.

3.4 Law of Mongolia on Vocational Education and Training (LMVET)¹⁶

The LMVET was discussed and approved by the Government in June 2002. Article I defines the purpose of this law:

The purpose of the present law is to define the content, structure, system, administration and institutional arrangement of vocational education and training and to regulate relation with regards to allocation of vocational education and vocation, provision of vocational skills upgrading training and rights and duties of interested parties...

This law has many important provisions that directly support vocational training for persons with disabilities. Article 12.4 covers education and vocational training for persons with disabilities. Article 11.2 contains organizational matter on the training at classrooms and employment places. Article 11.3 notes that the nature of training "... shall be provided by day, evening, external and distant learning courses, best suited for the persons with disabilities.

Article 25.4 allows member of vulnerable groups, which include persons with disabilities, to receive tuition for the training from the Employment Promotion Fund.

Article 23.1 on Social Partnership, stipulates that "Social partnership shall involve state, employers, employees, trade unions, vocational associations, enterprises, organization and community organizations. ..." Article 25 reflects important provisions of ILO Convention 159.

3.5 Other laws of relevance

Other laws which impact in some way on the participation of people with disabilities in the labour force in Mongolia are

- the State Social Welfare Law and related government regulations, which, among other things, details basic disability benefits from the Social Welfare Fund and the legal requirements which people with disabilities have to meet, in order to receive these benefits.
- The Mongolian Social Security Law, which, among other things, provides legal protection and benefits to people injured at work, who have contributed to the social insurance scheme.

¹⁶ Unofficial Translation of the Law

3.6 *International commitments*

Mongolia ratified Convention 159 on 3 February 1998.¹⁷ It became a signatory to the Proclamation on the Full Participation and Equality of People with Disabilities in the Asian and Pacific Region on 1 September 2001.

¹⁷ No Government Report received by ILO.

4. IMPLEMENTATION

4.1 Institutional framework

The Ministry of Social Welfare and Labour (formerly the Ministry of Health and Social Welfare) is the main government department concerned with the promotion of employment opportunities for people with disabilities. The Mongolian National Coordination Committee on Disabilities plays an important role in providing support for disabled job seekers and employees. The Poverty Alleviation Fund Council, the Local Development Fund and the Employment Promotion Fund also create an impact in this area.

4.1.1 Ministry of Social Welfare and Labour

The Ministry of Social Welfare and Labour (MSFL) is responsible for implementation of the state policy for vulnerable groups in Mongolia including persons with disabilities. Agencies of MSWL are responsible for monitoring and delivery of services in provinces and in city districts.

Ministry of Social Welfare and Labour has established Employment Agencies with the principal task of matching locally unemployed people to suitable vacancies. These agencies have no specific expertise in relation to disabled job seekers.

The Ministry, in collaboration with an Italian Non Governmental Organisation¹⁸ and the Rehabilitation Unit of World Health Organisation initiated a Community Based Rehabilitation to support the vocational training activities for disabled young adults.

4.1.2 Central Employment Regulation Office (CERO)

The Central Employment Regulation Office (CERO) is a policy implementation agency of the MSWL and is responsible for implementation of state policy regarding employment, job creation and reduction of unemployment; for planning of labour force in accordance with labour market; for organization of labour market information; for allocation of the State Employment Promotion Fund resources; and for regulation of relations between officers and state employment agencies in provinces and sub-provincial units. The CERO is the institution responsible for enforcing new amendment in the Labour Law and monitoring employment-related legislation in general. It is also responsible for collecting levy payments for the *Fund for the Development of Disabled Persons and Dwarfs* from institutions that fail to hire persons with disabilities, and allocating grants from this Fund. There are 20 staff working at CERO and 117 staff working in a network of 29 employment regulation offices throughout the country.

The National Employment Council, housed in CERO, consists of members of the government (representatives of Social Welfare and Labour, Finance and Economy, Education Issues); Workers' Representatives (three members representing rights and legal interest of majority of worker); and Employers' Representatives (three members representing and protecting the rights of employers).

4.1.3 Mongolian National Coordination Committee on Disabilities

The Mongolian National Coordination Committee on Disabilities, established in 1996, has two main targets, firstly, to establish appropriate conditions for ratifying ILO Convention 159 and secondly, to create income generation for disabled adults.

¹⁸ A.I.F.O. No further information

4.1.4 Labour and Social Welfare Inspection Agency (LSWIA)

The LSWIA was established in 1996 to regulate occupational safety and health. The Agency has 25 staff and one to two officers working in every province. This is the state agency responsible for monitoring wage rates, hours of work and working conditions in industrial establishments to ensure safety standards. The agency also provides monitoring of employment injuries and occupational disease insurance, and assesses loss of working ability of persons with disabilities claiming insurance benefits. LSWIA provides monitoring of implementation of laws and regulations on social insurance and social welfare payments.

4.1.5 National Rehabilitation and Vocational Training Centre for the Persons with Disabilities (NRVTCD)

Two organizations, the Vocational Training Center for Persons with Disabilities and Prosthetic-Orthopedic Service Centre, joined together to form the NRVTCD in 1999. The Centre was established to improve health, education, employment and rehabilitation services for persons with disabilities. Today NRVTCD is the only state agency providing a number of different vocational training for persons with disabilities. NRVTCD consists of a prosthetic-orthopedic workshop, a vocational training department and a clinical rehabilitation department. Since 1966, the Prosthetic-orthopedic workshop department has been the only governmental unit serving persons with disabilities throughout the country. It has a capacity to serve about 1000 people a year. The staff includes a manager, medical doctors, technologists, designers, model makers, tailors and shoemakers, producing the equipment using Russian technology.

The Vocational Training Department has 15 teachers, engineers, technologists and pathologists. The staff works mainly with people with speaking, hearing and mental difficulties. Rehabilitation doctors, physiotherapists and nurses work at the clinical rehabilitation department. According to the Head of the Department, main focus of the unit is provision of preventative and rehabilitation services for different kinds of disabilities. The department has been active since 2000 and has served about 1500 in and out patients. The department serves people with limb amputation, stroke, spinal cord injury, arthritic conditions, consequences of poliomyelitis and different bone pathologies.

As the only institution of its kind in the country, the center is unable to satisfy all demand. NRVTCD has difficulties supporting its branches in 11 provinces. The organization needs to update equipment and methods of treatments, provide training and enhancement of qualification for the staff.

4.1.6 Workers' organizations

The Mongolian Free Trade Unions' Federation, which includes the Free trade Union of Disabled People, and the Confederation of Mongolian Trade Unions influence the promotion of employment of people with disabilities in Mongolia. The Confederation is obliged by its Constitution to concern itself with the employment situation faced by disabled people. Its priority is job placement and training, particularly learning new skills.

4.2 Policies

Mongolia has ratified ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159). Special provision on promotion of employment of persons with disabilities is reflected in the Labour Law of Mongolia. The Government of Mongolia declared 2001 as The Year for the Promotion of Employment of the Disabled Person, and adopted a national program to be implemented with funding from the state budget.

4.2.1 National Programme “Improvement of Situation of Persons with Disabilities”¹⁹

In 1998 Government of Mongolia adopted National Programme on “Improvement of the Situation of Persons with Disabilities”. This Programme is to be implemented between 1998 and 2004. The main objective of the Programme is to “... to improve the quality of life of persons with disabilities and build an environment to increase participation and integration of persons with disabilities into society.” The programme includes the following provision for improving vocational training and employment opportunities for persons with disabilities:

This part of the National Program will support professional and vocational training of persons with disabilities; strengthen the material basis of the institutions for training; financially support students with disabilities; create economic mechanism to provide work placements for persons with disabilities; and promote persons with disabilities led businesses and the sale of products manufactured by persons with disabilities.

The National Programme is one of the key Government of Mongolia documents concerning implementation of International Convention 159 on Vocational Rehabilitation and Employment (Disabled Person).

4.2.2 Poverty alleviation

Poverty is a new phenomenon in Mongolia. Since the transition to a market economy the country has witnessed an increase in absolute poverty from the very low levels characteristic of centrally planned economies to a situation where it now affects the lives of more than one in three Mongolians. The depth and severity of poverty in Mongolia is also increasing.²⁰ (See Annex VIII. Poverty)

The Government of Mongolia responded to the emergence of poverty with the creation of the National Poverty Alleviation Program (NPAP) in 1994. The main objectives of the NPAP were to reverse the trends of increasing human deprivation and human capital erosion on a sustainable basis, and to reduce within a six-year period the number of poor from the 1994 level of 26.5 per cent of the population to 10 per cent or less.

The more recent Interim Poverty Reduction Strategy Paper (2001) seeks to entrench Mongolia’s commitment to poverty reduction by placing the country on a sustainable development path. Specifically, the strategy calls for the reduction by at least 25 per cent the proportion of people living in extreme poverty by year 2005, and half by the year 2015; the reduction by at least half the proportion of people below the government’s officially defined poverty line by the year 2005, and by a further 25 per cent by the year 2015; the delivery of universal primary education by the year 2005; and the reduction by half the mortality rates for infants and children under 5 years of age.

4.2.3 Poverty Partnership Agreement

In March 2000, to promote policy on social development, the Government of Mongolia signed a “Poverty Partnership Agreement” with the Asian Development Bank (ADB). This agreement includes a Social Security Development Program, which will receive a US\$12 million loan. The resources will be spent:

¹⁹ Translation of the Consultant

²⁰ The “depth” is the percentage that the average poor person’s income is below the poverty line. The “severity” takes into account income distribution within the poor, giving more weight to those who are furthest from the poverty line. In 1995 the depth of poverty stood at 10.9 per cent. By 1998 it had increased to 11.7 per cent. The severity of poverty increased from 4.8 per cent to 5.7 per cent between 1995 and 1998. (*Human Development Report Mongolia, 2000*).

1. For people above the poverty line but likely to become poor: skills development and labour advisory programs, and small enterprise development;
2. For the poor below poverty close to the poverty line: skills development and labour advisory programs, small enterprise development, sustaining access to social services, and developing social infrastructure;
3. For the very poor: training and labour advisory programs, sustaining access to social services, and developing social infrastructure;
4. For the ultra poor: targeted assistance for the really vulnerable including persons with disabilities, aged, orphans, and multi children households.²¹

This programme also includes a project grant from the Japan Fund for Poverty Reduction on Expanding Employment Opportunities for Poor Disabled Persons. The project total of US\$1 million will be spent to reduce poverty among persons with disabilities, to upgrade their employment skills, to support business development by persons with disabilities, to facilitate integration of persons with disabilities into the mainstream workforce, and to maintain sheltered employment opportunities. It will also support efforts to raise public awareness of disability issues. The project started in June 2002.²²

The Mongolian Government adopted the Law on Vocational Training in June 2002. Implementation policy regarding the Law has not been addressed yet.

A new law establishes the Development Fund for Disabled Persons or Dwarfs. This fund will have resources originating from fees imposed on businesses of 50 or more workers if they have not hired 3 or more per cent of disabled workers. Funds will also be sought from donations and assistance from foreign governments, international institutions NGOs or individuals. The fund will be used for vocational training or retraining, granting small loans. Up to 5 per cent of the Fund may be used to cover administrative costs of the Employment Offices.

4.3 Consultative mechanisms

Other than the National Coordination Committee on Disability, established in 1996 with a specific task of preparing the for the ratification of ILO Convention 159, there does not appear to be an established consultation mechanism in place to involve the social partners and organizations of persons with disabilities in the development of legislation and policies.

4.4 Enforcement

The implementation of the quota scheme is monitored by the Central Employment Regulation Office, which is responsible for the collection of levy payments from employers who do not fulfil their quota obligation.

²¹ ADB: Report and Recommendation of the President to the Board of Directors on Proposed Loans and Technical Assistance grand to Mongolia for the Social Security

²² ADB: Japan Fund for Poverty Reduction Grand for Mongolia for Expanding Employment Opportunities for Poor Disabled Persons, August 2001.

4.5 Employment promotion measures

4.5.1 Employment services

Employment services are provided by the network of employment regulation offices is in place throughout the country, under the CERO. There is no information on the extent to which people with disabilities benefit from these services.

4.5.2 Quota and levy/grant scheme

The quota and associated levy/grant scheme is the main tool in place to promote employment for disabled persons.

4.5.3 Special projects

There have been several projects, financially supported by international agencies like the World Bank, the Asian Development Bank and UNDP (the project on self-employment were implemented through Poverty Alleviation Program). These projects have been implemented to secure income and support for poor and very poor segments of the population. The projects include small support for businesses to grow vegetable, dairy processing, etc. Development of small business is difficult in the Mongolian environment since the introduction of cheap foreign products limits demand for domestic alternatives. The poor development of the banking and loan system also makes it difficult to support small business, especially in rural areas.

4.5.4 Self-employment

The government of Mongolia recognizes the importance of development of small and medium scale business. This is one of the government strategies to overcome poverty. Development of investments and loan sources for employment related fund, programs on lending for small and medium scale production and services are activity supported by the government. There is, however, no special state policy or programme supporting self-employment and income generation for persons with disabilities. The Government of Mongolia does, however, define persons with disabilities as vulnerable and therefore entitles them to support under the Poverty Alleviation Programme.

4.5.5 Poverty alleviation

To support achievement of its Poverty Alleviation goals, the Government of Mongolia recently introduced a National Household Livelihood Capacity Support Program (HLCSP). The main objective of the HLCSP is to reduce poverty among poor and extremely poor households and to prevent from falling into poverty households with low income by extending economic and social services. The Program is to be implemented in two phases between 2001 and 2006. The Prime Minister of Mongolia chairs the National Committee on Household Livelihood Capacity Support. The HLCSP is to be financed through donor assistance, central and local budget allocations and other sources. Guidelines for implementation of the Program were approved on 16 July 2002 at a meeting chaired by the Minister of Labour and Social Welfare and attended by the Prime Minister.

5. OUTCOMES AND IMPACT

5.1 Open employment opportunities for people with disabilities

As indicated earlier, according to the MSFL, as of 2001, there were 115,000 persons with disabilities in Mongolia. About 39,700 of them were disabled people capable of working, 87 per cent were unemployed.

The Mongolian Employers Federation (MONEF) has provided unofficial or informal data on employment of persons with disabilities at private enterprises. According to the data provided by MONEF, there are six private companies and enterprises employing persons with disabilities. A total of 533 persons with disabilities are employed in the private sector.²³

The Ministry of Social Welfare and Labour (MSWL) is responsible for employment of persons with disabilities. (See Annex VI. Mongolian Social Policy Structure). As indicated earlier, according to the MSWL, as of 2001, there were 115,000 persons with disabilities in Mongolia. About 39,700 of them were disabled people capable of working, 87 per cent were unemployed.

5.2 Employment opportunities for people with disabilities in protected work environments

The Government of Mongolia does not set-aside job programs for persons with disabilities. There are no official services for transitioning workers with disabilities from protected employment to open employment. Consequently, data on persons with disabilities who have made the transition does not exist.

5.2.1 Non-Governmental Organizations (NGOs)

Non-governmental organisations working to enhance employment opportunities for disabled persons include the National Association of Disabled People's Organisation in Mongolia. The Production Teaching Centre for Blind Persons and the Special Care Centre for Vocational Training and Enterprises also operate in this area.

Production Teaching Centre for Blind People

The Production Teaching Centre for Blind people in Ulaanbaatar is the only specialist institution for training and job creation. It provides work for 120 workers, the majority of whom are blind or otherwise visually impaired. The work consists of knitting children's clothes and producing horse hair and wool products for gers. However, since 1990, there has been no market for these products and the centre has been seeking viable replacement products. It has had only limited success with this, and as a result, in 1995, needed government help to cover an operating deficit.

Special Care Centre for Vocational Training and Enterprises

The Special Care Centre for Vocational Training and Enterprises is also situated in Ulaanbaatar. The aim is to teach trainees skills, which they can use in employment or self-employment within the context of the market economy.

5.2.2 Poverty Alleviation Fund Council and the Employment Promotion Fund

The government operates two funds, one for the alleviation of poverty, and the second for the promotion of employment. The Poverty Alleviation Fund targets vulnerable groups in general. People with disabilities are not specifically mentioned as beneficiaries, although, some of the

²³ Meeting with Ms. S. Oyunchimeg, Senior Specialist, MONEF.

projects for vulnerable groups supported by this fund include disabled people. Between 1994-2000 the National Poverty Alleviation Programme implemented 20 projects to support persons with disabilities. Projects worth a total of Togrog 182.3 million projects were implemented in 10 provinces and three districts of Ulaanbaatar. Six hundred and ninety eight persons with disabilities received vocational training and 153 of them obtained permanent work placements through programs supported under the NPAP. Twenty centers in the city and provinces are now equipped with medical and other special equipment and training materials to provide regular training and services for average of 200 persons with disabilities a year.²⁴ Despite these achievements, 88 per cent of persons with disabilities remain below the poverty line.

The Employment Promotion Fund targets two groups, one of them being disabled persons. This fund runs local labour intensive public works programmes for the development of infrastructure and the financing of small-scale capital projects, in addition to providing financial support for the special equipment needs of the institutes/factories training or employing disabled adults and credit for the development of small-scale enterprises and support for skill and business training.

²⁴ Government of Mongolia: Poverty Alleviation Report 1994-2000, Ulaanbaatar, 2001

6. CONCLUDING COMMENT

In Mongolia, both the Constitution and the recent Labour Law contain provisions, which support the employment of people with disabilities. Not only does the Constitution acknowledge the principle of “equal pay for equal work” for all workers but also recognises the need for “...special protection at work for...disabled persons.”²⁵ In this regard, the Labour Law establishes an employment quota.

However, the institutional framework is not as well developed as its legal counterpart. The Ministry of Health and Social Welfare is the main government department promoting the employment of people with disabilities. In addition, the Mongolian National Coordination Committee on Disabilities works to create income-generating activities for disabled adults. There are also two centres²⁶ focussed upon job placement and training of disabled persons. However, although a basic institutional structure exists, the policies and programmes of the ministry, committee and centres are limited.

Thus, whilst, there is an existing legal framework for the promotion of opportunities for disabled job seekers and support for disabled employees, there is little evidence of specific policies and programmes to implement these legal provisions.

In Mongolia, persons with disabilities are still perceived as persons with limited ability to contribute to and/or benefit from the working environment. There is a need for comprehensive government policy on the promotion of persons with disabilities as valuable members of the work force. An important tool for this is awareness-raising among employers to hire persons with disabilities and improvement of work places for persons with disabilities.

As mentioned earlier there are almost 40,000 people with disabilities capable of working. The needs and abilities of each of them vary. Some of them are able to hold a job at an open market, some are able to work at sheltered work environment, and some require an environment specifically suited to them. All of the above are limited in Mongolia.

People with mental illnesses are most likely to be excluded from employment due to the attitude of officials at different levels. Persons with mental disabilities are generally considered unable to perform any productive task.

The Mongolian Law on Social Security does not provide for any support for people who lose less than 50 per cent of their working ability. As a result, according to the Labour and Social Welfare Inspection Agency, many unable to work as a person without disability do not receive benefits from the State Social Security Fund.

A new amendment to the Mongolian Labour Law, to create a Development Fund for Disabled and Dwarfs, will support employment of persons with disabilities. However, there are major implementation constraints in the current environment. The Central Employment Regulation Office (CERO) is the agency that is directly responsible for implementation and monitoring of the new Article in the Law. According to recent studies from the CERO, there are 708 institutions in Mongolia with 50 or more employees, mainly state owned institutions. The budgets of state organizations do not provide for payment of this tax. As a result enterprises are unable to pay the tax if/when it is levied. Organization or enterprise wishing to employ disabled person must, moreover, re-design access to the building, bathrooms etc. to allow employment of persons with disabilities. Most are not able to afford to undertake the modifications. The provision contributes little, as a result, to the promotion of employment opportunities for persons with disabilities.

²⁵ Constitution of Mongolia, 1992 Article 59

²⁶ Production Teaching Centre for Blind People, Special Care Centre for Vocational Training and Enterprises

Instead of introducing a punitive tax measure to promote persons with disabilities employment opportunities, the government could introduce more progressive measure, like tax exemptions for those who employ persons with disabilities. Nevertheless, the provision is the must be seen as the first step taken by the Government of Mongolia within the “Improvement of Situation of Persons with Disabilities” National Program to improve employment opportunities for persons with disabilities.