

In 2016, Mongolia made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government expanded its List of Prohibited Work for Children, which bars children under age 18 from working in construction and mining, as well as in horse racing during the winter and spring seasons. The Family, Child, and Youth Development Agency organized training on the National Action Plan on Eliminating the Hazardous Work of Children and the revised hazardous work list for 55 local police staff and social workers in 27 counties. In addition, the Government expanded a nationwide, toll-free Child Helpline that receives and refers child labor complaints. Children in Mongolia perform dangerous tasks in herding, mining, and horse racing. Children also engage in the worst forms of child labor, including in commercial sexual exploitation. Labor inspectors lack adequate training on laws related to child labor, and state funding provided for the General Agency for Specialized Inspection is insufficient. The Government also lacks social programs to address child labor in certain relevant sectors.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Mongolia perform dangerous tasks in herding, mining, and horse racing. Children also engage in the worst forms of child labor, including in commercial sexual exploitation. The Mongolia National Child Labor Survey 2011–2012, published in 2013, indicates that 7.4 percent of 589,076 Mongolian children ages 5 to 17 engage in child labor, of which 11.1 percent, or 10,398 children, are involved in hazardous work. Nine out of 10 children exploited in situations of hazardous work are boys.(1, 2) According to the survey, children’s employment is more prevalent in rural areas than in urban areas.(1, 3) Table 1 provides key indicators on children’s work and education in Mongolia.

Table 1. Statistics on Children’s Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	13.8 (60,246)
Attending School (%)	5 to 14	87.6
Combining Work and School (%)	7 to 14	15.1
Primary Completion Rate (%)		98.3

Source for primary completion rate: Data from 2015, published by UNESCO Institute for Statistics, 2016.(4)

Source for all other data: Understanding Children’s Work Project’s analysis of statistics from Labor Force Survey-National Child Labor Survey, 2011–2012.(5) Data on working children, school attendance, and children combining work and school are not comparable with data published in the previous version of this report because of differences between surveys used to collect the data.

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

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

Sector/Industry	Activity
Agriculture	Herding† and animal husbandry†(1, 6-8)
Industry	Construction,† including carrying and loading bricks, cement, and steel framework, mixing construction solutions such as lime or cement,† binding steel framework, and cleaning at the construction site† (1, 9, 10) Mining† coal, gold, and fluorspar (1, 8, 11-14)
Services	Horse jockeying† (8, 13, 15-17) Scavenging in garbage dumpsites (1, 8, 13) Handling freight† (1) Domestic work† (10) Ticket-taking for public transportation† (8, 18) Street work, including vending† and washing cars (1, 8)

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

Sector/Industry	Activity
Categorical Worst Forms of Child Labor [†]	Commercial sexual exploitation, including use in the production of pornography, (8, 13, 14, 19)
	Forced labor in begging (8, 13, 14, 19)
	Forced labor in construction, mining, agriculture, horse jockeying, animal husbandry, industrial sectors, and contortionist work, each sometimes as a result of human trafficking (13, 14, 19)

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

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




Mongolian children are generally trafficked internally for the purpose of commercial sexual exploitation in saunas, bars, hotels, karaoke clubs, and massage parlors.(6, 14, 19, 20) In addition, the Family, Child, and Youth Development Agency (FCYDA), formerly the National Authority for Children, estimates that Mongolia has 10,699 registered child jockeys, and nearly all of them (96 percent) are boys younger than age 18.(21) Child jockeys face a number of health and safety hazards, including exposure to extremely cold temperatures, risk of brain and bone injuries, and fatal falls.(16, 17) Participation in pre-training and spring racing may also negatively impact a child’s school attendance, particularly when children as young as age 7 can participate in horse racing.(16, 17)

During the reporting period, government agencies collected data on exploitative child labor in Mongolia’s capital city. The Ulaanbaatar FCYDA identified 78 children engaged in begging and referred them to social service providers.(8) In addition, the FCYDA identified 1,498 children ages 8 to 18 working in informal artisanal mining and removed 44 children from hazardous work to be assisted by Legal Assistance Centers.(8)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

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

Table 3. Ratification of International Conventions on Child Labor

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

The Government has established laws and regulations related to child labor, including its worst forms (Table 4). However, gaps exist in Mongolia’s legal framework to adequately protect children from child labor.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	16	Article 109 of the Law on Labor (22)
Minimum Age for Hazardous Work	Yes	18	List of Jobs and Occupations Prohibited to Minors (18, 23)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		List of Jobs and Occupations Prohibited to Minors; Law on the National Naadam Holiday (18, 24)

Table 4. Laws and Regulations on Child Labor (cont)

Standard	Meets International Standards: Yes/No	Age	Legislation
Prohibition of Forced Labor	No		Articles 113, 121, and 124 of the Criminal Code; Article 7 of the Law on Labor; Article 7 of the Law on the Rights of the Child (2, 22, 23)
Prohibition of Child Trafficking	No		Law on Combating Trafficking in Persons; Article 113 of the Criminal Code (2, 25)
Prohibition of Commercial Sexual Exploitation of Children	No		Articles 115, 123, and 124 of the Criminal Code; Combating Pornography and Prostitution Act (2, 26)
Prohibition of Using Children in Illicit Activities	No		Articles 114 and 192 of the Criminal Code (2)
Minimum Age for Military Recruitment			
State Compulsory	Yes	18	Law on Civil Military Duties and Law on the Legal Status of Military Personnel (27, 28)
State Voluntary	Yes	18	Law on Civil Military Duties and Law on the Legal Status of Military Personnel (27, 28)
Non-state Compulsory	No		
Compulsory Education Age	Yes	16	Article 46 of the Law on Education (29, 30)
Free Public Education	Yes		Article 16 of the Constitution of Mongolia; Article 5 of the Law on Education (31, 32)

In February 2016, the Ministry of Labor and Social Protection (MLSP) issued an order that expanded the types of hazardous work prohibited to children, including working and training as a horse jockey in winter and spring races, construction, and mining and exploration.(8, 18, 33, 34) In addition, the Government amended Article 109 of the Law on Labor to raise the minimum age for engaging in “light work” from 14 to 15 years, cap the workweek at 30 hours for children age 15 and under and 36 hours for children ages 16 and 17, prohibit children from engaging in irregular work conditions and work that affects their mental development and health, and extend labor protections to children working without employment contracts.(8, 22)

Mongolia’s Criminal Code does not sufficiently prohibit child trafficking, or the use, procurement, or offering of a child for commercial sexual exploitation or illicit activities, in accordance with international recommendations, as it leaves children age 16-17 vulnerable to involvement in the worst forms of child labor, sometimes as a result of human trafficking.(2, 35) In addition, laws related to forced labor are not sufficient, as debt bondage is not criminally prohibited.(2) Mongolia’s laws related to military service are not sufficient, as they do not prohibit non-state armed groups from recruiting children under 18.

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

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
General Agency for Specialized Inspection (GASI)	Enforce labor laws, including child labor. Conduct inspections at registered businesses.(20) As independent agency, reports to the Deputy Prime Minister.(8)
Family, Child, and Youth Development Agency (FCYDA)	Implement programs directed toward families and children for the Ministry of Labor and Social Protection and other government agencies. Perform secretarial duties of the National Committee on the Elimination of the Worst Forms of Child Labor.(8)
National Police Agency (NPA)	Maintain primary responsibility for investigating criminal cases. Report to the Ministry of Justice and Internal Affairs (MOJIA).(8)

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

Organization/Agency	Role
Organized Crime Department	Operate under the NPA, receive referrals, and open formal criminal investigations of human trafficking and sexual exploitation cases.(19) Work with the Prosecutor’s Office to decide whether to take a case to court and initiate subsequent prosecution.(8, 36)
Metropolitan Police Department	Operate under the NPA and oversee police operations in Ulaanbaatar’s 17 district police offices.(8) Enforce labor laws and identify children in hazardous labor.(20)
Division for the Prevention of Domestic Violence and Crimes Against Children	Operate under the Metropolitan Police Department and protect unattended children on the streets. Identify and refer children to their parents or to Child Care and Protection Centers.(37)
General Authority for Citizenship and Migration	Register Mongolian citizens who enter and exit the country. Track children who leave Mongolia and do not return, as well as pregnant Mongolian women who leave Mongolia to give birth and return without their child.(19) Follow up with law enforcement as necessary.(19)
Marshal (Takhar) Service	Provide protection to victims and witnesses throughout the judicial process. Work toward establishing shelters throughout the country.(37, 38) Abolished in July 2016; responsibilities assumed by the National Police Agency.(8)

Labor Law Enforcement

In 2016, labor law enforcement agencies in Mongolia took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2015	2016
Labor Inspectorate Funding	Unknown (10)	\$23,657(8)
Number of Labor Inspectors	88 (10)	63 (8)
Number of Child Labor Dedicated Inspectors	2 (10)	0 (8)
Inspectorate Authorized to Assess Penalties	Yes (10)	Yes (8)
Training for Labor Inspectors		
Initial Training for New Employees	Yes (39)	Yes (8)
Training on New Laws Related to Child Labor	N/A	No (8)
Refresher Courses Provided	No (10)	Unknown (8)
Number of Labor Inspections	Unknown* (10)	Unknown* (8)
Number Conducted at Worksite	Unknown* (10)	Unknown* (8)
Number Conducted by Desk Reviews	Unknown* (10)	Unknown* (8)
Number of Child Labor Violations Found	Unknown* (10)	Unknown* (8)
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown* (10)	Unknown* (8)
Number of Penalties Imposed that Were Collected	Unknown* (10)	Unknown* (8)
Routine Inspections Conducted	Yes (10)	Yes (8)
Routine Inspections Targeted	Yes (10)	Yes (8)
Unannounced Inspections Permitted	No (10)	No (8)
Unannounced Inspections Conducted	N/A	N/A
Complaint Mechanism Exists	No (10)	Yes (8)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (37, 39)	Yes (8)

* The Government does not make this information publicly available.

NGOs and government officials reported that the enforcement of child labor laws remains challenging due to the legal requirement to provide 48 hours advance notification for inspections and the lack of resources for inspections, including the number of inspectors and the state funding provided to the General Agency for Specialized Inspection (GASI). In 2016, GASI employed 63 labor inspectors, a decrease from 88 in the previous year as a result of administrative restructuring.(8) The number of labor inspectors is insufficient for the size of Mongolia’s workforce, which includes over 1,164,000 workers. According to the ILO’s recommendation of one inspector for every 15,000 workers in developing economies, Mongolia should employ roughly 78 labor inspectors in order to adequately enforce labor laws throughout the country.

While new inspectors receive an initial training course that includes a component on child labor, existing labor inspectors last received training in 2014.(8) Research indicates that employers often disregard the law and require minors to work over 40 hours per week and pay them less than the minimum wage.(13)

In 2016, GASI conducted an unspecified number of horse racing inspections in 20 of Mongolia's 21 provinces to verify that riders met the minimum age requirement and used proper safety equipment. During these visits, GASI inspectors imposed a total of 105 fines, prevented 212 underage children from participating in the races as jockeys, and corrected 932 safety equipment violations.(8) In addition, GASI worked with provincial governments to increase public awareness of horse racing safety, provided hand-outs to horse trainers, and conducted a joint training with FCYDA in Omnogovi province for 130 children at a summer camp; however, FCYDA reports that some individuals avoid regulations by registering their races as family gatherings.(8)

Child labor and child rights violations can be reported to the FCYDA through a nationwide, toll-free Child Helpline commonly known as "108," which is staffed with 22 dedicated employees as well as a social worker and response team who are available 24 hours.(8, 40) During the reporting period, the Child Helpline received 1,069 calls, of which 48 calls were related to child labor.(41)

Criminal Law Enforcement

In 2016, criminal law enforcement agencies in Mongolia took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	Unknown	Unknown
Training on New Laws Related to the Worst Forms of Child Labor	N/A	N/A
Refresher Courses Provided	Yes (10)	Yes (8)
Number of Investigations	8 (33)	Unknown
Number of Violations Found	4 (33)	9 (8)
Number of Prosecutions Initiated	0 (33)	Unknown
Number of Convictions	3 (33)	75 (8)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (42)	Yes (8)

In 2016, several entities provided training to law enforcement officials on combating human trafficking and child labor laws. The National Police Agency (NPA) reported that 191 officers received training on the new laws on child rights and child protection.(8) The FCYDA organized training on the National Action Plan on Eliminating the Hazardous Work of Children and the revised hazardous work list for 55 local police staff and social workers in 27 counties.

However, despite these capacity-building efforts, police officers reported that there is a general lack of knowledge and training on how to apply criminal trafficking laws to cases of commercial sexual exploitation of children. Authorities use provisions of the Criminal Code that carry less stringent penalties when boys are the victims of human trafficking due to the misconception among government officials that only girls can be victims of human trafficking.(14) As a result, many cases that could have been prosecuted under the human trafficking article of the Criminal Code were instead prosecuted under related articles of the Criminal Code that carry lighter penalties.(20, 42, 43)

NPA investigators use an 11-question risk assessment checklist to help them accurately identify human trafficking victims. Investigators refer victims who meet more than five of the criteria to short- or long-term care facilities.(8)

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

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

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Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Coordinating Council to Implement the National Action Plan for the Elimination of the Worst Forms of Child Labor (Coordinating Council)	Guide government efforts on child labor and implementation of the National Action Plan for the Elimination of the Worst Forms of Child Labor. Chaired by the MLSP, with the FCYDA as the lead implementing agency.(8) Comprises 21 organizations.(20, 44)
Anti-Trafficking Sub-Council (Sub-Council)	Coordinate government efforts to combat human trafficking and monitor implementation of anti-trafficking legislation. Function as a part of the Council on Crime Prevention under the MOJIA.(19, 20) Currently has 15 members representing 12 different organizations, including two NGOs.(19)

Following the June 2016 parliamentary elections, personnel changes and government restructuring prevented further meetings of the Coordinating Council to Implement the National Action Plan for the Elimination of the Worst Forms of Child Labor until 2017.(8)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 9).

Table 9. Key Policies Related to Child Labor

Policy	Description
National Program for the Elimination of the Worst Forms of Child Labor (2011–2016) and National Action Plan (2014–2016)	Identifies specific actions to combat child labor through 2016 in a National Action Plan for the Elimination of the Worst Forms of Child Labor. Aims to improve legal protection for children and increase children’s access to health care and education.(11) Will be included as sub-programs in the new Child Protection Strategy (2017-2020).(8)
State Policy on Herders	Describes the conditions and criteria for engaging children in herding, to eliminate the worst forms of child labor in that sector.(45, 46) Activities include projects to improve housing and access to information for herders and to ensure that herder children receive an education. Each year, the Government sets aside one percent of its budget for implementation of the policy.(39)
National Development Strategy	Calls for improvements in education, health, social welfare, and labor policies through 2020. Priorities include the education, safety, and health of vulnerable children.(47)
Child Protection Strategy (2011–2016)	Aims to provide child welfare programs at the local level in collaboration with NGOs and local government offices. Includes a component related to child labor prevention and elimination.(20, 48)

During the reporting period, the Ministry of Justice and Internal Affairs submitted a draft National Action Plan on Combating Trafficking in Persons for 2017–2021 to the cabinet, which aims to strengthen efforts to prevent and combat different types of human trafficking, including commercial sexual exploitation.(49)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Table 10. Key Social Programs to Address Child Labor†

Program	Description
USDOL-Funded Projects	USDOL-funded projects that aim to promote the safety and health of young workers on the job; build the capacity of the national government and legislation; conduct research and data collection; strengthen legal protections and social services delivery for child domestic workers; and increase the public’s awareness of children engaged in hazardous work and its negative consequences through posters and television. These projects include <u>Building a Generation of Safe and Healthy Workers: Safe and Healthy Youth</u> , implemented by the ILO with Mongolia as one of the countries, and the <u>Global Action Program (GAP) on Child Labor Issues</u> , implemented by the ILO in approximately 40 countries, including Mongolia. For additional information about USDOL’s work, please visit our Web site .
Children’s Money Program†	General Agency for Social Welfare and Service, General Agency for State Registration, and Human Development Fund program that distributes approximately \$12 per month to children under age 18 from families in need.(10) Partial continuation of a former program that distributed national profits from mineral resources to funding for health insurance, pensions, and education tuition.(20, 50-52)
School Lunch Program†	Government program that subsidizes meals to encourage low-income children to attend school, particularly at the secondary level.(20)

† Program is funded by the Government of Mongolia.

‡ The Government had other social programs that may have included the goal of eliminating or preventing child labor, including its worst forms.(8)

In 2016, the MLSP and FCYDA distributed \$64,104 to local governments in Mongolia for programs aimed at preventing and reducing child labor and supporting the employment of adult family members.(8)

During the previous two reporting periods, two programs that formerly provided shelter and social services to children working on the street were discontinued. The Address Identification Center was converted to a shelter for victims of domestic violence, and the Child Development and Protection Center became an orphanage.(37) This reduction in care centers leaves street children vulnerable to involvement in child labor. Although the Government continued to operate mining, cash transfer, and school lunch programs, research found no evidence that the Government carried out programs specifically designed to assist children working in herding and those working on the street.(8)

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

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Mongolia (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor, Including Its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that laws clearly and comprehensively prohibit the use, procurement, and offering of all children under age 18 for prostitution, the production of pornography, and pornographic performances.	2014 – 2016
	Ensure that the law criminally prohibits the use, procuring or offering of children under age 18 in illicit activities, including in the production and trafficking of drugs.	2016
	Ensure that laws criminally prohibit child trafficking for the purpose of commercial sexual exploitation and forced labor.	2015 – 2016
	Ensure that debt bondage is criminally prohibited.	2016
	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016
Enforcement	Increase the number of labor inspectors and investigators responsible for enforcing laws related to child labor, including its worst forms, in order to provide adequate coverage of the workforce.	2014 – 2016
	Institutionalize child labor training for labor inspectors, including by providing refresher courses for current inspectors.	2015 – 2016
	Continue to enforce safety standards for child jockeys, particularly at the community level.	2013 – 2016
	Strengthen the inspection system by permitting the General Agency for Specialized Inspections to conduct unannounced inspections.	2013 – 2016
	Ensure that violations of child labor laws are investigated and charged according to appropriate law articles, and that offenders are promptly prosecuted.	2011 – 2016
	Publish information on the number of labor inspections conducted, the number of child labor violations found, and the number of child labor violations for which penalties were imposed and collected.	2015 – 2016
Social Programs	Restore programs that provide support services, and shelter to children found working on the streets.	2014 – 2016
	Institute programs to address child labor in relevant sectors, including in herding.	2012 – 2016

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