

*In 2017, Mongolia made minimal advancement in efforts to eliminate the worst forms of child labor. Despite new initiatives to address child labor, Mongolia is receiving this assessment because the government did not permit the Labor Inspectorate to conduct unannounced inspections, which impeded the enforcement of child labor laws. The government amended the Criminal Code to prohibit and provide penalties for child trafficking. The Family, Child, and Youth Development Agency also organized trainings on child labor in 19 of Mongolia's 21 provinces for more than 1,200 government officials. In addition, the government adopted the National Action Plan on Combating Trafficking in Persons, which strengthens efforts to combat child trafficking. However, children in Mongolia engage in the worst forms of child labor, including in forced begging and commercial sexual exploitation. Children also perform dangerous tasks in mining and horse jockeying. Labor inspectors lack adequate training on laws related to child labor, and the number of labor inspectors in the General Agency for Specialized Inspection is insufficient.*



### I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Mongolia engage in the worst forms of child labor, including in forced begging and commercial sexual exploitation. Children also perform dangerous tasks in mining and horse jockeying. (1; 2; 3; 4) Furthermore, 9 out of 10 children exploited in situations of hazardous work are boys. (2; 5) According to Mongolia's National Child Labor Survey, children's employment is more prevalent in rural areas than in urban areas. (2; 6) Table 1 provides key indicators on children's work and education in Mongolia.

**Table 1. Statistics on Children's Work and Education**

Children	Age	Percent
Working (% and population)	5-14	13.2 (60,246)
Attending School (%)	5-14	96.3
Combining Work and School (%)	7-14	14.1
Primary Completion Rate (%)		93.6

Source for primary completion rate: Data from 2016, published by UNESCO Institute for Statistics, 2018. (7)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Labor Force Survey-National Child Labor Survey, 2011–2012. (8)

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	Animal husbandry,† including herding† (2; 9; 4; 3)
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† (2; 10; 4; 3) Mining† coal,† gold, and fluorspar (2; 11; 4; 12; 3)
Services	Horse jockeying† (13; 14; 15; 4; 1; 3) Scavenging in garbage dumpsites (2; 4) Handling freight† (2; 4) Domestic work† (4; 16) Ticket-taking for public transportation† (4; 16) Street work, including vending† and washing cars (17; 18)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, including use in the production of pornography (4; 19; 3) Forced labor in begging (4; 3) Forced labor in construction, mining, agriculture, horse jockeying, animal husbandry, industrial sectors, and contortionist work (20; 21)

† 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.

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Mongolian children are generally trafficked internally for the purpose of commercial sexual exploitation in saunas, bars, hotels, karaoke clubs, and massage parlors. (4; 22; 3) Children also work as horse jockeys and face a number of health and safety hazards, including exposure to extremely cold temperatures, risk of brain and bone injuries, and fatal falls. (14; 15; 1; 23) Participation in pre-training and horse racing during the November 1-May 1 racing season may also negatively impact children’s school attendance, particularly when children as young as age 7 can participate in horse racing. (14; 15)

During the reporting period, the Family, Child, and Youth Development Agency (FCYDA) collected data on exploitative child labor in Mongolia. The agency identified 99 children engaged in various forms of child labor in Ulaanbaatar, and registered 10,453 children in a nationwide database for child horse jockeys. (4)

## II. LEGAL FRAMEWORK FOR 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 (Table 4). However, gaps exist in Mongolia’s legal framework to adequately protect children from the worst forms of child labor.

**Table 4. Laws and Regulations on Child Labor**

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No	16	Article 109 of the Law on Labor (24)
Minimum Age for Hazardous Work	Yes	18	Article 141 of the Law on Labor; List of Jobs and Occupations Prohibited to Minors (25; 24)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		List of Jobs and Occupations Prohibited to Minors; Law on the National Naadam Holiday (25; 26)
Prohibition of Forced Labor	No		Articles 12.3, 13.1, 16.4, 16.10 of the Criminal Code; Article 7 of the Law on Labor; Article 7 of the Law on the Rights of the Child (5; 24; 27; 28)
Prohibition of Child Trafficking	Yes		Law on Combating Trafficking in Persons; Article 13.1 of the Criminal Code (5; 29; 28)
Prohibition of Commercial Sexual Exploitation of Children	No		Articles 12.3, 13.1, 16.8–16.10 of the Criminal Code; Combating Pornography and Prostitution Act (30; 5; 28)
Prohibition of Using Children in Illicit Activities	No		Articles 16.1–16.4 and 16.8–16.10 of the Criminal Code (5; 28)
Prohibition of Military Recruitment			
State Compulsory	Yes	18	Article 12 of the Law on Military (31; 32)
State Voluntary	Yes	18	Article 12 of the Law on Military (31; 32)
Non-state	No		
Compulsory Education Age	Yes	16	Article 46 of the Law on Education (33)
Free Public Education	Yes		Article 16 of the Constitution of Mongolia; Articles 6.1-6.3 of the Law on Education (34; 35)

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In 2017, the government amended its Criminal Code to prohibit and criminalize child trafficking. (22; 4; 28) However, Mongolia's legal framework is lacking several international standards to protect children. (28; 5; 29) The minimum age for work does not apply to children in the informal sector or those that are self-employed (24). During the reporting period, the Ministry of Labor and Social Protection changed the prohibition on working and training as a horse jockey from being prohibited between November 1 and May 1 to only being prohibited during the winter season. This change leaves children unprotected from work as horse jockeys during more months of the year. (25; 36; 4; 23; 37; 16)

Laws related to forced labor are not sufficient, as neither forced labor nor debt bondage is specifically criminalized. (28; 5; 24; 27) Laws relating to the commercial sexual exploitation of children do not meet international standards because they do not create criminal penalties for the use of children engaged in prostitution. (30; 28; 5) Additionally, the laws prohibiting the use of children in illicit activities are not sufficient as they do not criminally prohibit the use, procurement, or offering of a child for the production and trafficking of drugs. (28; 5)

Mongolia's laws related to military service are not sufficient, as they do not prohibit non-state armed groups from recruiting children under age 18. (32)

### III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the authority of the General Agency for Specialized Inspection (GASI) that may hinder adequate enforcement of their child labor laws.

**Table 5. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
General Agency for Specialized Inspection (GASI)	Enforce labor laws, including those related to child labor. Conduct inspections at registered businesses. (18) As an independent agency, reports to the Deputy Prime Minister. (17)
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 for the National Committee on the Elimination of the Worst Forms of Child Labor. (17) Manage the national Child Helpline, the government-run shelter for children, and child protection services. (4; 32)
National Police Agency (NPA)	Maintain primary responsibility for investigating criminal cases. Provide protection to victims and witnesses throughout the judicial process. Report to the Ministry of Justice and Home Affairs. (17)
Organized Crime Division	Operate under the NPA, receive referrals, and open formal criminal investigations into human trafficking and sexual exploitation cases. (20) Work with the Prosecutor's Office to decide whether to take a case to court and initiate subsequent prosecution. (17; 38)
Metropolitan Police Department	Operate under the NPA and oversee police operations in Ulaanbaatar's nine district police offices. (17) Enforce labor laws and identify children in hazardous labor. (18)
Division for the Prevention of Domestic Violence and Crimes Against Children	Operate under the Metropolitan Police Department to protect unattended children on the streets. Identify and refer children to their parents or to Child Care and Protection Centers. (39)
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. (20) Follow up with law enforcement as necessary. (20)

#### *Labor Law Enforcement*

In 2017, labor law enforcement agencies in Mongolia took actions to combat child labor (Table 6). However, gaps exist within the authority of GASI that may hinder adequate labor law enforcement, including inspection planning. (17; 32)

**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

Overview of Labor Law Enforcement	2016	2017
Labor Inspectorate Funding	\$23,657 (19)	Unknown (4)
Number of Labor Inspectors	63 (19)	63 (4)
Inspectorate Authorized to Assess Penalties	Yes (19)	Yes (4)

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**Table 6. Labor Law Enforcement Efforts Related to Child Labor (cont)**

Overview of Labor Law Enforcement	2016	2017
Training for Labor Inspectors		
Initial Training for New Employees	Yes (19)	Yes (4)
Training on New Laws Related to Child Labor	No (19)	N/A (4)
Refresher Courses Provided	Unknown (19)	Yes (4)
Number of Labor Inspections Conducted		
Number Conducted at Worksites	Unknown (19)	Unknown (4)
Number of Child Labor Violations Found		
Number of Child Labor Violations for Which Penalties were Imposed	Unknown (19)	Unknown (4)
Number of Child Labor Penalties Imposed that were Collected	Unknown (19)	Unknown (4)
Routine Inspections Conducted		
Routine Inspections Targeted	Yes (19)	Yes (4)
Unannounced Inspections Permitted		
Unannounced Inspections Conducted	No (19)	No (4)
Complaint Mechanism Exists	Yes (19)	Yes (4)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (19)	Yes (4)

NGO and government officials reported that the enforcement of child labor laws remains challenging due to the legal requirement that GASI give employers 48 hours advance notification before conducting an inspection, which provides employers enough time to conceal violations. (4)

During the reporting period, GASI employed 63 labor inspectors. (4) The number of labor inspectors is likely insufficient for the size of Mongolia's workforce, which includes about 1.2 million workers. According to the ILO's technical advice of a ratio approaching 1 inspector for every 15,000 workers in developing economies, Mongolia would employ 83 labor inspectors – which would require the hiring of 20 additional inspectors to meet this threshold. (40; 41)

In 2017, the FCYDA organized training on child labor in 19 of Mongolia's 21 provinces for 1,245 government officials, including GASI labor inspectors. In addition, FCYDA conducted joint trainings with GASI, the National Emergency Management Agency, and medical providers in 11 provinces with small-scale mining sites. (4)

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 a day; complaints can be accessed through its database by the police. (42; 4; 43) During the reporting period, the FCYDA assumed responsibility for the Child Helpline, the government-run shelter for children, and child protection services. (4)

### *Criminal Law Enforcement*

In 2017, criminal law enforcement agencies in Mongolia took actions to combat child labor (Table 7). However, gaps exist within the operations of the criminal enforcement agencies that may hinder adequate criminal law enforcement, including training for criminal investigators.

**Table 7. Criminal Law Enforcement Efforts Related to Child Labor**

Overview of Criminal Law Enforcement	2016	2017
Training for Investigators		
Initial Training for New Employees	Unknown	Unknown
Training on New Laws Related to the Worst Forms of Child Labor	N/A	No (4)
Refresher Courses Provided	Yes (19)	No (4)
Number of Investigations	Unknown	Unknown
Number of Violations Found	9 (19)	Unknown

**Table 7. Criminal Law Enforcement Efforts Related to Child Labor (cont)**

Overview of Criminal Law Enforcement	2016	2017
Number of Prosecutions Initiated	Unknown	Unknown
Number of Convictions	75 (19)	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (19)	Yes (4)

In 2017, law enforcement agencies did not conduct training on child labor laws; however, law enforcement officials and cadets attended training on human trafficking organized by the IOM, The Asia Foundation, the Ministry of Justice and Home Affairs, and the National Police Agency. (22)

Despite these capacity-building efforts, police officers reported 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, which 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. (21) 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. (18; 44)

The National Police Agency's 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. (4)

#### IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8).

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

Coordinating Body	Role and Description
Anti-Trafficking Sub-Council	Coordinate government efforts to combat human trafficking and monitor implementation of anti-trafficking legislation. Function as part of the Council on Crime Prevention under the Ministry of Justice and Home Affairs. (20; 18) Currently has 15 members representing 12 different organizations, including two NGOs. (20)

In 2017, the Coordinating Council to Implement the National Action Plan for the Elimination of the Worst Forms of Child Labor was dismissed, and its responsibilities were incorporated into the National Program on Child Development and Protection. (4)

#### V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies that are consistent with relevant international standards on child labor (Table 9).

**Table 9. Key Policies Related to Child Labor**

Policy	Description
National Program on Child Development and Protection (2017 – 2021)†	Incorporated the National Program for the Elimination of the Worst Forms of Child Labor and National Action Plan. (4) Coordinates child labor and child protection issues through the Ministries of Labor and Social Protection; Education, Culture, Science and Sports; and Health. (4) In 2017, established an interagency permanent working group to institute programs to address child labor in certain sectors, including herding. (4; 16; 32)
National Action Plan on Combating Trafficking in Persons (2017 – 2021)†	Aims to strengthen efforts to prevent and combat different types of human trafficking, including the commercial sexual exploitation of children and improve protective services for victims. (4; 22)
State Policy on Herders	Describes the acceptable minimum conditions and criteria for employing children in herding. (45) Activities include projects to improve housing and access to information for herders, and ensure that children engaged in herding receive an education. Each year, the government allocates 1 percent of its budget to implement the policy. (46)
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)

† Policy was approved during the reporting period.

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Research was unable to determine whether activities were undertaken to implement the State Policy on Herders or the National Development Strategy during the reporting period. (16)

### VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2017, the government funded and participated in programs that include the goal of eliminating child labor, which cover the main sectors where child labor has been identified in the country (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 collect data, 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 the Global Action Program on Child Labor Issues (GAP), implemented by the ILO in approximately 40 countries, including Mongolia. Additional information is available on the USDOL website. (48; 49)
Children's Money Program†	General Agency for Social Welfare and Service, General Agency for State Registration, and Human Development Fund program that distributes approximately \$8 per month to children under age 18 whose families meet certain economic criteria. (4; 32)
School Lunch Program†	Government program that subsidizes meals to encourage low-income children to attend school, particularly at the secondary level. (18)

† 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. (17)

### VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

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

**Table 11. Suggested Government Actions to Eliminate Child Labor**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that laws clearly and comprehensively prohibit using, procuring, and offering of all children under age 18 for prostitution, the production of pornography, and pornographic performances.	2014 – 2017
	Ensure that the law criminally prohibits using, procuring or offering of children under age 18 in the production and trafficking of drugs.	2016 – 2017
	Ensure that all forms of forced labor are criminally prohibited.	2016 – 2017
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2017
	Ensure that laws adequately prohibit children from horseracing at all times of the year.	2017
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 – 2017
	Publish information on the number of labor inspections conducted, the Labor Inspectorate funding, the number of child labor violations found, and the number of child labor violations for which penalties were imposed and collected.	2015 – 2017
	Publish criminal law enforcement data, including the number of investigations, violations found, prosecutions initiated, and convictions achieved.	2017
	Ensure that investigators receive training on new laws and refresher courses related to the worst forms of child labor.	2017
	Strengthen the inspection system by permitting the General Agency for Specialized Inspections to conduct unannounced inspections and provide adequate funding.	2013 – 2017
Policies	Ensure that violations of child labor laws are investigated and charged according to appropriate law articles, and that offenders are promptly prosecuted.	2011 – 2017
	Ensure that the State Policy on Herders and the National Development Strategy are implemented.	2017

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