

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED PRACTICE THAT DELAYED ADVANCEMENT

In 2018, Mongolia made a minimal advancement in efforts to eliminate the worst forms of child labor. The government conducted two major surveys on child labor and protection issues. In addition, the Family, Child, and Youth Development Agency, the General Agency for Specialized Investigation, and the ILO conducted a joint training on preventing child and forced labor for 64 child rights officers and labor inspectors. However, 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 may have impeded the enforcement of child labor laws. 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. Mongolia continues to have a number of legal statutes that do not meet international standards for the protection of children.



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. (1-3,4) Table I provides key indicators on children's work and education in Mongolia. Data on some of these indicators are not available from the sources used in this report.

Table I. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	13.2 (Unavailable)
Attending School (%)	5 to 14	96.3
Combining Work and School (%)	7 to 14	14.1
Primary Completion Rate (%)		92.6

Source for primary completion rate: Data from 2017, published by UNESCO Institute for Statistics, 2019. (5)

Source for all other data: International Labor Organization's analysis of statistics from Multiple Indicator Cluster Survey 5, 2013. (6)

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† (2-8,9)
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† (2,3,8,9-11)
	Mining† coal,† gold, and fluorspar (2,3,8,9,10,12-14)
Services	Horse jockeying† (1,3,8,9,15,16)
	Scavenging in garbage dumpsites (2,3,9,17)
	Handling freight† (2,3,9)
	Domestic work† (3,9,16)
	Ticket-taking for public transportation† (3,9,16)
	Street work, including vending† and washing cars (9,18,19)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, including use in the production of pornography (3,7,9,20)
	Forced labor in begging (3,7)
	Forced labor in construction, mining, agriculture, horse jockeying, animal husbandry, industrial sectors, and contortionist work. (7,11)

† 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. (3,7,9,17,21) 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. (1,9,15,21-24) 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. (15,22,24) Furthermore, 9 out of 10 children exploited in situations of hazardous work are boys. (2,3,8) According to Mongolia’s National Child Labor Survey, children’s employment is more prevalent in rural areas than in urban areas. (2,25)

As the mining industry continues to grow in the southern part of Mongolia, there is increased risk for children, particularly girls, of being exploited in prostitution by drivers waiting to cross the border into China. Nightlife establishments in and around mining towns also pose a risk of sexual exploitation of children. (7) Mining workers sometimes leave their children at home alone while on extended shift rotations, during which time the children are at elevated risk of sex trafficking. Child forced labor also occurs in connection with artisanal mining. (4)

The GASI conducted two major surveys in 2018, one on the use of child horse jockeying nationwide, and the other on the nationwide prevalence and distribution of child labor. These surveys were made publically available upon request in October 2018. (9,26) As a result of the nationwide inspections conducted in conjunction with the surveys, 53 children under the age of 7 were prevented from participating in horse races, and 495 children were found working in the informal sector. (9) In addition, the Ministry of Justice and Home Affairs provided funding to a local NGO to conduct a survey on the prevalence of labor exploitation, including trafficking in persons. (26)

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, including the minimum age for work.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	No	16	Article 109 of the Law on Labor (27)
Minimum Age for Hazardous Work	Yes	18	Article 141 of the Law on Labor; List of Jobs and Occupations Prohibited to Minors (27,28)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		List of Jobs and Occupations Prohibited to Minors; Law on the National Naadam Holiday (28,29)

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

Standard	Meets International Standards	Age	Legislation
Prohibition of Forced Labor	No		Articles 16.4 and 16.10 of the Criminal Code; Article 7 of the Law on Labor; Article 7 of the Law on the Rights of the Child (27,30-32)
Prohibition of Child Trafficking	Yes		Law on Combating Trafficking in Persons; Article 13.1 of the Criminal Code (30,32,33)
Prohibition of Commercial Sexual Exploitation of Children	No		Articles 12.3, 13.1, and 16.8–16.9 of the Criminal Code; Articles 8.1.3 and 10.2 of the Combating Pornography and Prostitution Act 30,32,34)
Prohibition of Using Children in Illicit Activities	No		Articles 16.1–16.4 and 16.8–16.10 of the Criminal Code (30,32)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Article 12 of the Law on Military (35)
Prohibition of Compulsory Recruitment of Children by (State) Military	Yes		Article 12 of the Law on Military (35)
Prohibition of Military Recruitment by Non-state Armed Groups	No		
Compulsory Education Age	Yes	16	Article 46 of the Law on Education (36)
Free Public Education	Yes		Article 16 of the Constitution of Mongolia; Articles 6.1-6.3 of the Law on Education (37,38)

In January 2018, the government passed Government Resolution No. 19, which prohibits children under the age of 12 from participating in winter and spring races held between the first day of the Lunar New Year and May 1st. Additionally, in March 2018, the government amended the List of Jobs and Occupations Prohibited to Minors to prevent children under the age of 12 from participating in horse jockeying and training from the Lunar New Year (sometime between the end of January and the end of February) through May 1st. (9,39) However, because the Lunar New Year is a vague timeframe with a different start date every year, child horse jockeys can still work as early as January. (21)

Mongolia's legal framework does not meet several international standards to protect children. (30,32,33) The minimum age for work does not apply to children in the informal sector or to those who are self-employed. (27) The Child Rights Protection Law does not specifically criminalize penalties for forced labor or slavery. Laws do not specifically criminalize forced labor other than forced begging and forced hazardous work. (27,30-32) Laws related to the commercial sexual exploitation of children do not create criminal penalties for the use of children in prostitution. (30,32,34) Furthermore, laws prohibiting the use of children in illicit activities do not criminally prohibit the use, procurement, or offering of a child for the production and trafficking of drugs. (30,32)

During the reporting period, the Ministry of Labor and Social Protection, in conjunction with the ILO, launched a study to determine all necessary legal framework amendments required for Mongolia to ascend to the ILO's Protocol of 2014 to the Forced Labor Convention. (26)

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)	Enforces labor laws, including those related to child labor. Conducts inspections at registered businesses. (19) As an independent agency, reports to the Deputy Prime Minister. (18) This agency was active during the reporting period. (39)

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

Organization/Agency	Role
Family, Child, and Youth Development Agency (FCYDA)	Implements and promotes government policies, legislation, and projects for children; supports child development and social participation; prevents children from becoming victims of violence; and provides social services. (39) Maintains a nationwide database for tracking case status and social services needs of vulnerable children; accessible from local and central offices. (9) Maintains a nationwide, toll-free Child Helpline, “108,” that captures child labor and child rights violations and is staffed by 22 employees, a social worker, and response team available 24 hours a day. (3,9,40,41) Reports to the Ministry of Labor and Social Protection. This agency was active during the reporting period. (39)
National Police Agency	Maintains primary responsibility for investigating criminal cases. (39) Provides protection to victims and witnesses throughout the judicial process. Reports to the Ministry of Justice and Home Affairs. (39) There are several divisions and departments under its authority that work to enforce laws on child labor. The Metropolitan Police Department oversees police operations in Ulaanbaatar’s nine district police offices, enforces labor laws, and identifies children in hazardous labor. (18,19) The Crime Prevention Division works to protect unattended children on the streets, and identifying and returning children to their parents or referring them to Child Care and Protection Centers. (39) The Juvenile Crime Prevention Unit protects children from being victims of crime and prevents them from committing crimes. (9,42) The Organized Crime Division, located under the Criminal Police Department, receives referrals, and opens formal criminal investigations into human trafficking and sexual exploitation cases, while working with the Prosecutor’s Office to decide whether or not to take a case to court. Oversees the Anti-Trafficking Unit. (18,19,43,44) The National Police Agency was active during the reporting period. (39)

During the reporting period, there were reports of authorities from the Metropolitan Police Department and the Criminal Police Department who were fining, arresting, detaining, and charging child trafficking victims for crimes and administrative offenses. (7,26)

Labor Law Enforcement

In 2018, labor law enforcement agencies in Mongolia took actions to combat child labor (Table 6). However, gaps exist within the authority of GASl that may hinder adequate labor law enforcement, including inspection planning.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2017	2018
Labor Inspectorate Funding	Unknown (3)	Unknown (9)
Number of Labor Inspectors	63 (3)	66 (9)
Inspectorate Authorized to Assess Penalties	Yes (3)	Yes (9)
Initial Training for New Labor Inspectors	Yes (3)	Yes (9)
Training on New Laws Related to Child Labor	N/A (3)	N/A (9)
Refresher Courses Provided	Yes (3)	Yes (9)
Number of Labor Inspections Conducted	Unknown (3)	2,010 (9)
Number Conducted at Worksite	Unknown (3)	Unknown (9)
Number of Child Labor Violations Found	Unknown (3)	63 (9)
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown (3)	15 (9)
Number of Child Labor Penalties Imposed that Were Collected	Unknown (3)	15 (9)
Routine Inspections Conducted	Yes (3)	Yes (9)
Routine Inspections Targeted	Yes (3)	Yes (9)
Unannounced Inspections Permitted	No (3)	No (9)
Unannounced Inspections Conducted	No (3)	No (9)
Complaint Mechanism Exists	Yes (3)	Yes (9)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (3)	Yes (9)

In 2018, the Family, Child, and Youth Development Agency (FCYDA) employed 32 officers who oversaw child protection issues, including child labor. (9) In addition, the FCYDA launched a fingerprinting registration system to improve regulation of child jockeying. (24) However, NGO and government officials reported that the enforcement of child labor laws remained challenging due to the legal requirement that GASl must give employers 48 hours advance notification before conducting an inspection, which provides employers with enough time to conceal violations. (3,7,9)

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Two to three times each year, the government conducts internal trainings for labor inspectors. In July 2018, with funding from the EU, GASI, FCYDA, and the ILO, the government organized training on preventing child and forced labor for 64 child rights officers and labor inspectors. (9) In November 2018, the U.S. Embassy sponsored an International Visitor Leadership Program training session for 10 senior-level GASI officials. The training focused on occupational, safety, health issues, and best practices to address child labor issues. (9)

The government only provides child labor inspections at horse racing events once a year. During these inspections, the government verifies that riders meet minimum age requirements, use safety equipment, and obtain required insurance. (9)

During the reporting period, the government and NGOs noted that funding and resources for inspectors were insufficient, as was the total number of inspectors. (7,9,21,26) It was noted that there were no inspectors specifically dedicated to child labor. (9) Additionally, 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 about 80 labor inspectors, which would require the hiring of 17 additional inspectors to meet this threshold. (45,46)

Criminal Law Enforcement

In 2018, criminal law enforcement agencies in Mongolia took actions to combat child labor (Table 7). However, gaps exist within the operations of criminal enforcement agencies that may hinder adequate criminal law enforcement, including insufficient training for criminal investigators.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2017	2018
Initial Training for New Criminal Investigators	Unknown	Yes (9)
Training on New Laws Related to the Worst Forms of Child Labor	No (3)	Unknown (9)
Refresher Courses Provided	No (3)	Yes (9)
Number of Investigations	Unknown	Unknown (9)
Number of Violations Found	Unknown	Unknown (9)
Number of Prosecutions Initiated	Unknown	Unknown (9)
Number of Convictions	Unknown	Unknown (9)
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	Unknown	Unknown (39)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (3)	Yes (9)

In 2018, there were 15 separate trainings focused on trafficking in persons, preventing the sexual exploitation of children, improving investigative tactics, and enhancing the provision of support services. (9,39)

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 many government officials that only girls can be victims of human trafficking. (4) 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. (4,19,47)

The National Police Agency’s Organized Crime Division 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. (3,9) The FYCDA runs a temporary (24 to 168 hours) shelter for children, but they have the ability to provide a maximum of 6 months shelter service, depending on the severity of the case. (3,9)

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Due to the issuance of 3 separate directives to its supporting agencies asking for improved public awareness and better identification methods, the FCYDA was able to identify 534 children working in sectors on the List of Jobs and Occupations Prohibited to Minors who were potential victims of child labor. All of these children were screened using the 11-question risk assessment checklist, and received health, education, and social services. (9) During the reporting period, there were reports that child sex trafficking victims were penalized with fines. (9)

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 & Description
National Committee for Children	Serves as overall coordinating body for nationwide child protection efforts. Implements the National Program on Child Development and Protection (2017–2021). (9) During the reporting period, met for the first time on May 8, 2018, to discuss their work plan. (39)
Anti-Trafficking Sub-Council	Coordinates government efforts to combat human trafficking and monitors implementation of anti-trafficking legislation. Functions as part of the Council on Crime Prevention under the Ministry of Justice and Home Affairs. (11,19,26) Has 15 members representing 12 different organizations, including two NGOs. (11) During the reporting period, met to discuss their work plan for the year. (39)

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)	Incorporates the National Program for the Elimination of the Worst Forms of Child Labor and National Action Plan. (3) Coordinates child labor and child protection issues through the Ministries of Labor and Social Protection; Education, Culture, Science and Sports; and Health. (3) During the reporting period, in an effort to advance the National Program on Child Development and Protection, FCYDA accredited 41 NGOs to assist in providing child protection services. (9,48) This policy was active during the reporting period. (39)
National Program 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 to improve protective services for victims. (3,7,17) This policy was active during the reporting period. (39)
State Policy on Herders (2016–2020)	Describes the acceptable minimum conditions and criteria for employing children in herding. (49) 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. (50) This policy was active during the reporting period and in its second phase. (39)
Three-Pillar Development Policy (2018–2020)†	Calls for improvements in education, health, social welfare, and labor policies through 2020. Priorities include the education, safety, and health of vulnerable children. (48) This policy was active during the reporting period. (39)

† Policy was approved during the reporting period.

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2018, the government funded and participated in programs that include the goal of eliminating child labor (Table 10). However, gaps exist in these social programs, including funding of programs to address the full scope of the problem in all sectors.

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Table 10. Key Social Programs to Address Child Labor

Program	Description
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. (3,53) This program was active during the reporting period. (39)
School Lunch Program‡	Government program that subsidizes meals to encourage low-income children to attend school, particularly at the secondary level. (19) This policy was active during the reporting period. (39)

† 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. (18)

NGOs reported that the \$8 per month funding for families participating in the Children's Money Program is insufficient. (9,39)

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 criminalize using, procuring, or offering all children under age 18 for prostitution, the production of pornography, and pornographic performances.	2014 – 2018
	Ensure that the minimum age for work applies to children in the informal sector and those that are self-employed.	2018
	Ensure that the law criminally prohibits using, procuring, or offering of children under age 18 in the production and trafficking of drugs.	2016 – 2018
	Ensure that all forms of forced labor are criminally prohibited.	2016 – 2018
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2018
	Ensure that laws adequately prohibit children under the age of 18 from horse racing at all times of the year.	2017 – 2018
Enforcement	Cease fining, arresting, detaining, or charging child trafficking victims with crimes and administrative offenses, as a result of having been subjected to human trafficking.	2018
	Increase the number of labor inspectors to meet the ILO's technical advice.	2014 – 2018
	Publish information on the labor inspectorate funding and the number of labor inspections conducted at worksites.	2015 – 2018
	Publish criminal law enforcement data, including the number of investigations, violations found, prosecutions initiated, and convictions achieved.	2017 – 2018
	Ensure that investigators receive training on new laws related to the worst forms of child labor.	2017 – 2018
	Strengthen the inspection system by permitting the General Agency for Specialized Inspections to provide sufficient funding, allocate resources, and conduct unannounced inspections, including conducting regular inspections at horse racing events.	2013 – 2018
Social Programs	Ensure that the Children's Money Program is sufficiently funded to support its participants.	2018

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