

In 2014, Mongolia made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government established a Child Hotline to receive reports of child abuse and refer cases to the police, including reports related to exploitative child labor. In addition, law enforcement agencies improved efforts to monitor horse races for compliance with age and safety requirements for child horse jockeys. The Government's Crime Prevention and Awareness Fund provided approximately \$30,000 for Anti-Trafficking activities in 2014, including training for law enforcement officers and prosecutors on investigation and victim identification techniques. However, children in Mongolia are engaged in child labor, including in animal husbandry and herding and in the worst forms of child labor, including in commercial sexual exploitation sometimes as a result of human trafficking. Gaps persist in the legal framework and operating procedures for prosecuting criminal offenders, specifically regarding commercial sexual exploitation. 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 are engaged in child labor, including in animal husbandry and herding. Children are also engaged in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. (1-6) Table 1 provides key indicators on children's work and education in Mongolia.

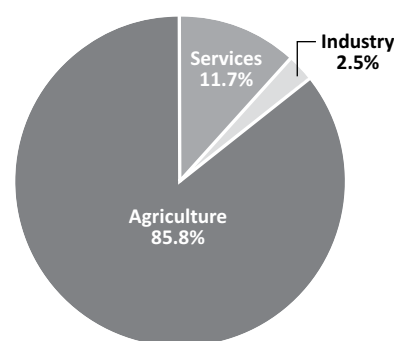
Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5-14 yrs.	13.8 (60,246)
Attending School (%)	5-14 yrs.	87.6
Combining Work and School (%)	7-14 yrs.	15.1
Primary Completion Rate (%)		130.2

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2015.(7)

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

Figure 1. Working Children by Sector, Ages 5-14



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, 2, 4, 9)
Industry	Construction,† activities unknown (2, 9)
	Mining† coal, gold, and fluorspar (2-4, 9-14)
	Horse jockeying (4, 9, 15-17)
	Scavenging in garbage dumpsites† (2, 4, 9, 18)
Services	Handling freight (2)
	Domestic Work† (9)
	Ticket-taking for public transportation* (9)
	Street work, including vending and washing cars (2, 3, 9, 11)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, including use in the production of pornography* sometimes as a result of human trafficking (3-6, 9-11, 19)
	Forced labor in begging and stealing* (3, 4, 6, 19)

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

Sector/Industry	Activity
Categorical Worst Forms of Child Labor‡	Forced labor in construction, mining, agriculture, horse jockeying, animal husbandry,* industrial sectors,* and contortionist work,* each sometimes as a result of human trafficking (4, 6, 19)

* Evidence of this activity is limited and/or the extent of the problem is unknown.

† 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.







The National Statistical Office’s (NSO) Social Indicator Sample Survey, published in June 2014, found that 15 percent of Mongolian children between the ages of 5 and 17 are involved in child labor. According to the survey, child labor is more prevalent in rural areas than in urban areas.(9, 20) In an earlier study, the NSO also found that 8 out of 10 children engaged in hazardous work are boys.(2) In 2014, the General Agency for Specialized Inspection (GASI) conducted a nationwide monitoring study focused on identifying incidents of children working in the informal sector, including in markets, artisanal mining sites, and at informal construction and brick-making sites. In their assessment of 121 informal locations, GASI identified 336 minors working, 246 of whom were boys.(9)

Mongolian children are primarily trafficked internally for the purpose of commercial sexual exploitation in saunas, bars, hotels, karaoke clubs, and massage parlors.(3-6, 19) During the reporting period, there were also instances of Mongolian minors being trafficked internationally for sexual exploitation.(6, 9, 21)

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).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related 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; Article 6 of the Law on the Protection of the Rights of the Child (23, 24)
Prohibition of Hazardous Occupations or Activities for Children	Yes		List of Jobs and Occupations Prohibited to Minors; Law on the National Naadam Holiday (23, 25)
Prohibition of Forced Labor	Yes		Article 121 of the Criminal Code; Article 7 of the Law on Labor; Article 7 of the Law on the Protection of the Rights of the Child (22, 24, 26)
Prohibition of Child Trafficking	Yes		Law on Combating Trafficking in Persons; Article 113 of the Criminal Code (26, 27)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 115, 123 and 124 of the Criminal Code; Combating Pornography and Prostitution Act (26, 28)

Table 4. Laws and Regulations Related to Child Labor (cont)

Standard	Yes/No	Age	Related Legislation
Prohibition of Using Children in Illicit Activities	Yes		Articles 114 and 192 of the Criminal Code (26)
Minimum Age for Compulsory Military Recruitment	Yes	18	Law on Civil Military Duties and the Legal Status of Military Personnel (29, 30)
Minimum Age for Voluntary Military Service	Yes	18	Law on Civil Military Duties and the Legal Status of Military Personnel (29, 30)
Compulsory Education Age	Yes	16	Article 46 of the Law on Education (21, 31, 32)
Free Public Education	Yes		Article 16 of the Constitution of Mongolia; Law on Education (32, 33)

Mongolia's Law on Labor covers work performed within a labor contract, and there appears to be no other law that addresses work performed outside a labor contract. As a result, some working children may lack legal protection.(22, 34) The Ministry of Justice (MOJ) is in the process of revising the Criminal Code to more effectively prohibit the worst forms of child labor and to strengthen the protection of child victims of human trafficking during legal proceedings. A previous draft was submitted to Parliament in 2014 but was withdrawn by the new Minister of Justice in December.(35, 36) Although the current Criminal Code prohibits and prescribes an aggravated punishment for the use of a person under age 16 for the production of pornography, it does not expressly protect children ages 16 and 17. Mongolian law also does not expressly prohibit the possession of child pornography.(26, 38)

The minimum age for racing as a horse jockey (seven-years-old) does not meet the standards prescribed in international conventions, and current legislation does not fully protect children engaged in this sector.(13, 25) Sources report that a group of parliamentarians is developing revisions to a law that would ban children under age 16 from taking part in official races.(15, 16, 21)

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).

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.(3)
National Police Agency (NPA)	Maintain primary responsibility for investigating trafficking cases. Coordinate with the Organized Crime Department—successor to the Criminal Police Department (CPD) and the State Investigation Agency (SIA).(19) Report to the Ministry of Justice (MOJ).(9)
Organized Crime Department (OCD)	Receive referrals and open a formal criminal investigation of trafficking and sexual exploitation cases. Work with the Prosecutor's Office to decide whether to take a case to court and initiate any subsequent prosecution.(3, 39) Replaced the SIA and the CPD, which were merged into one office in January 2014.(9)
Metropolitan Police Department (MPD)	Operate under the NPA and oversee the district police divisions of Ulaanbaatar's nine districts.(39) Enforce labor laws and identify children in hazardous labor.(3)
Division for the Prevention of Domestic Violence and Crimes Against Children*	Operate under the MPD and protect unattended children on the streets. Identify and refer children to their parents or to Child Care and Protection Centers (CCPCs).(9)
General Authority for Citizenship and Migration (GACM)*	Register Mongolian citizens who enter and exit the country. Track children who leave Mongolia and do not return, and pregnant Mongolian women who leave Mongolia to give birth and return without their child.(19) Follow up with law enforcement as necessary.(19) Agency created as a result of a merger between certain units of the General Authority for Border Protection and the former Immigration Agency.(19)
Marshal (<i>Takhar</i>) Service*	Provide protection to victims and witnesses throughout the judicial process. Work towards establishing shelters throughout the country.(9, 40)

* Agency responsible for child labor enforcement was created during the reporting period.

Law enforcement agencies in Mongolia took action to combat child labor, including its worst forms.

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Labor Law Enforcement

In 2014, the General Agency for Specialized Inspection (GASI) employed 47 labor inspectors countrywide, two of whom focused primarily on child labor issues. An additional 100 junior inspectors also dedicated limited time to labor issues.(3, 9) During the reporting period, approximately 20 GASI inspectors received training on labor exploitation conducted by the Ministry of Justice (MOJ) and The Asia Foundation.(40) Both NGOs and government officials note that the number of inspectors and the state funding provided for GASI is inadequate, given the scope of the child labor problem, the growing number of businesses in the country, and GASI's broad responsibilities in the areas of labor monitoring and health and safety regulation.(3, 9)

GASI conducts both complaint-driven and routine labor inspections. During the reporting period, GASI conducted 1,054 general labor inspections.(21) In addition, each year GASI varies onsite inspections according to themes. In 2014, the theme focused on the safety of child jockeys and GASI conducted inspections at 195 capital- and provincial-level races, 75 races in honor of county anniversaries, and four races at regional festivals.(9) As a result of the inspections, GASI identified 63 violations of child jockey safety regulations and subsequently prohibited 56 underage children from racing. GASI also organized public awareness campaigns on the rights of child jockeys at the provincial level and reported that all but three provinces have now banned the use of children under age seven as jockeys.(9) Furthermore, GASI signed tripartite agreements with horse trainers, insurance companies, and parents in an effort to improve safety monitoring for children participating in races.(9) Despite these efforts, there continues to be little regulation over community-level races in rural areas.(9, 17)

The Metropolitan Police Department (MPD) and the Metropolitan Office of Child and Family Development (MOCFD) identified 70 children living and working on the streets through two jointly conducted campaigns.(9) Some of these children were referred to Child Care and Protection Centers (CCPCs) in Ulaanbaatar to receive social services. In June 2014, the Government created a Child Hotline to receive general child abuse complaints and to serve as an informational resource for minors. The Child Hotline received 42,946 calls on child-related issues from its opening in June 2014 through the end of the year.(9, 21) According to statistics from the National Authority for Children (NAC), the hotline received 26 reports of children working in hazardous labor, 37 reports of children engaged in forced begging, and no reports of human trafficking. The statistics did not provide information on whether follow-up actions were taken in response to these calls.(21) Research found that despite the new hotline, there is still no specific referral procedure to ensure that children identified in exploitative labor situations during investigations receive the support services they need.(9)

While inspectors have the authority to assess penalties for child labor law violations, either during the initial inspection or after the fact, GASI did not issue any fines during the reporting period.(9) The Law on State Inspections requires GASI to announce the sites it plans to inspect over the course of the year and to give two days' notice prior to visits. According to GASI officials, these requirements may have contributed to the fact that no child labor violations were detected during the year.(3, 9)

Criminal Law Enforcement

In 2014, the Organized Crime Department (OCD) had six officers responsible for investigating cases of trafficking in persons.(9) Research indicated that this number was inadequate to address the scope of the problem.(3, 21) During the reporting period, a total of 71 police officers participated in training conducted by the International Center for Missing and Exploited Children and the U.S. Federal Bureau of Investigation (FBI) on techniques for investigating crimes against children. Several officers also received trainings on human trafficking and labor exploitation.(9) At the request of the Ministry of Justice (MOJ), the anti-trafficking NGO, Gender Equality Center (GEC), provided basic training on trafficking in persons to approximately 400 police officers across 9 provinces.(9)

In 2014, the National Police Agency (NPA) investigated eight trafficking in persons cases, involving 11 alleged perpetrators and 9 alleged victims, one of whom was a minor. Of the eight cases, one was prosecuted in court and resulted in the conviction and sentencing of one perpetrator to a prison term of between 5 and 8 years.(9, 40) It is unclear whether this case involved a child victim. Under article 121 of the Criminal Code, the court prosecuted one case of forced child labor, and convicted and sentenced two offenders. The NPA also investigated 18 cases related to commercial sexual exploitation involving three child victims.(9) Court rulings in four of these cases resulted in the conviction of eight individuals, but information is not available on whether these cases involved child victims.(9) During the reporting period, the GEC provided assistance to 13 female minors, all victims of commercial

sexual exploitation.(9, 39) However, there is no formalized referral mechanism between government law enforcement agencies and social service providers to ensure that children identified as engaged in the worst forms of child labor receive appropriate support services.(9)

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. As a result, many cases that could have been prosecuted under the trafficking article of the Criminal Code were instead prosecuted under related articles of the Criminal Code that carry lighter penalties.(3, 38) The National Authority for Children (NAC) reported that there is a general assumption that victims of sexual misconduct must be girls, resulting in a failure to recognize boys as potential victims of sexual exploitation.(3) When boys are victims of sexual exploitation, the offense is rarely prosecuted and, when prosecution does occur, charges are likely to be filed under an article of the Criminal Code that carries a lighter sentence and includes no aggravating penalty for committing the crime against a minor.(3)

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 6).

Table 6. 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 Ministry of Labor (MOL), with the National Authority for Children (NAC) as the lead implementing agency.(9) Comprised of 21 organizations, including the Ministries of Population Development and Social Protection; Justice; Education; and Agriculture; the General Agency for Specialized Inspection (GASI); the Confederation of Mongolian Trade Unions; the ILO; and NGOs.(3, 21)
Anti-Trafficking Sub-Council (Sub-Council)	Coordinate government efforts to combat trafficking in persons and monitor implementation of anti-human trafficking legislation. Function as a part of the Council on Crime Prevention under the Ministry of Justice (MOJ).(3, 19) Currently has 15 members representing 12 different organizations and two NGOs. Government members include the Border Protection Agency, the Ministry of Foreign Affairs, the Ministry of Health, the MOJ, the MOL, the Ministry of Population Development and Social Protection, the General Authority for Citizenship and Migration, National Authority for Children (NAC), and the National Police Agency (NPA).(19)

The Coordinating Council, which was briefly established and then dissolved in 2013, was reestablished in November 2014. Although the Coordinating Council plays an important role in guiding government efforts on child labor, the reestablished body did not convene before year's end.(9)

In 2014, the Government's Crime Prevention and Awareness Fund allocated roughly \$30,000 to fund the work of the Anti-Trafficking Sub-Council.(39) During the reporting period, approximately 30 representatives from Sub-Council member organizations participated in a training on how to provide specialized services to victims of human trafficking. With funding from The Asia Foundation, the Sub-Council also collaborated with a local NGO to conduct a training for journalists on how to effectively report on trafficking in persons cases in a manner that protects victim identity and privacy.(19)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Mongolia has established policies related to child labor, including its worst forms (Table 7).

Table 7. Policies Related to Child Labor

Policy	Description
National Program for the Elimination of the Worst Forms of Child Labor and National Action Plan (2011-2016)	Identifies specific actions to combat child labor through 2016 through 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.(13) In 2014, key stakeholders agreed to update the activities described in the National Action Plan, and a budget of nearly \$96,000 was allocated for its implementation.(9)
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.(18)
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.(41)

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Table 7. Policies Related to Child Labor (cont)

Policy	Description
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. (3, 42) In 2014, the National Authority for Children (NAC) received a budget of \$62,296 for implementation of activities.(9)
Strategy for Strengthening Child Protection (2010–2015)	Aims to prevent and eliminate child labor, commercial sexual exploitation, and human trafficking. Seeks to strengthen relevant legislation to protect children's rights, including the Law on Labor, and to build the capacity of child protection workers.(43)

* Child labor elimination and prevention strategies do not appear to have been integrated into this policy.

Due to complications resulting from the restructuring of the Government of Mongolia in 2014, relevant agencies made minimal efforts to implement the National Program for the Elimination of the Worst Forms of Child Labor. The Ministry of Labor disbursed a portion of the policy budget to the provinces and the districts of Ulaanbaatar for local-level implementation of activities to prevent child labor.(9) In particular, funds were used for public awareness projects related to child jockeying. Government officials reported that they lacked sufficient knowledge of the contents of the National Action Plan and of implementation efforts.(9)

During the reporting period, the Anti-Trafficking Sub-Council began drafting a revised National Action Plan on Trafficking in Persons, but it is not expected to be finalized until 2015.(39)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2014, the Government of Mongolia funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms. The Government has other programs that may have an impact on child labor, including its worst forms (Table 8).

Table 8. 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 \$12 per month to children up to age 18. Partial continuation of a former program that distributed national profit from mineral resources to funding for health insurance, pensions, and education tuition.(3, 44-46)
School Lunch Program*‡	Government program that subsidizes meals to encourage low-income children to attend school, particularly at the secondary level.(3)
Global Action Program on Child Labor Issues (GAP11) (2011–2015)	USDOL-funded project implemented by the ILO in approximately 40 countries, to support the priorities of the Roadmap for Achieving the Elimination of the Worst Forms of Child Labor by 2016 established by the Hague Global Child Labor Conference in 2010. Aims to build the capacity of the government and develop strategic policies to address the elimination of child labor and forced labor.(47) In 2014, the Ministry of Justice (MOJ) completed its review of the Criminal Code and related legislation to more comprehensively prohibit the worst forms of child labor and forced labor. MOJ submitted the revised draft of the Criminal Code to Parliament; however, in December the draft was withdrawn by the new Minister of Justice for further review.(21, 35, 47)
Government Sub-Program on Development of Small-Scale Mining (2008-2015)	Minister for Agriculture and Industry, Minister for Energy, and local governor-implemented program that aims to eliminate child labor in the mining sector, with provisions for providing children with informal or distance education.(14, 39)

* The impact of this program on child labor does not appear to have been studied.

‡ Program is funded by the Government of Mongolia.

During the reporting period, two programs that formerly provided shelter and social services to children working on the street were discontinued. The Address Identification Center (AIC) was converted to a shelter for victims of domestic violence, and the Child Development and Protection Center became an orphanage.(9) This reduction in care centers leaves street children engaged in child labor vulnerable.(9) Although the Government is implementing a program to address child labor in mining, research found no evidence that the Government carried out programs to assist children working in many relevant sectors, including in herding, animal husbandry, and commercial sexual exploitation.

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 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that laws related to labor cover all children, including those working without employment contracts.	2009 – 2014
	Ensure that laws clearly and comprehensively prohibit the use, procurement, and offering of all children under age 18 for the production of pornography, and that they criminalize the possession of child pornography.	2014
	Ensure that the legal minimum age for children working as horse jockeys adheres to international standards.	2012 – 2014
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
	Enforce safety standards for child jockeys, particularly at the community level.	2013 – 2014
	Ensure that the law allows GASl to conduct unannounced site visits to inspect for labor law compliance.	2013 – 2014
	Establish mechanisms to refer children identified in situations of child labor, including its worst forms, to social services.	2014
	Ensure that violations of child labor laws are investigated and charged according to appropriate law articles and that offenders are promptly prosecuted.	2011 – 2014
Coordination	Ensure that the Coordinating Council meets to implement and coordinate activities set forth in the National Action Plan for the Elimination of the Worst Forms of Child Labor.	2014
Government Policies	Integrate child labor prevention and elimination strategies into the National Development Strategy.	2011 – 2014
	Fully implement the National Action Plan for the Elimination of the Worst Forms of Child Labor.	2013 – 2014
Social Programs	Assess the impact that existing programs may have on child labor.	2012 – 2014
	Restore programs that provide support services and shelter to children found working on the streets.	2014
	Implement child labor-specific programs, particularly in sectors in which children are known to work, including street work, herding, animal husbandry, and mining.	2012 – 2014

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