



THE RIGHTS OF CHILD JOCKEYS IN SPRING HORSE RACING

RESEARCH REPORT



NATIONAL HUMAN
RIGHTS COMMISSION



LEGAL RESEARCH
CENTRE



unicef 

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PREFACE



Out of around 560 laws in force in Mongolia, 80 laws contain provisions concerning children and their rights. Nonetheless it has not created a sufficient legal framework on the protection of the rights of child jockeys.

International and national legislations have recognized children as individual legal body. Furthermore, although Mongolia joined the UN Convention on the Rights of the Child (1989), in 1990, ILO Convention No.182 the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999), in 2001, and No.138 concerning Minimum Age for Admission to Employment (1973), in 2002, the country has been unable to fulfill its obligations under these international agreements, proving that there is no sufficient legal framework in place and violation of child rights still exists.

The goal of this research is to examine issues related to the rights of the child in spring time horse racing through collection and analysis of hard evidence and facts, and to put forward recommendations to improve the legal framework for promoting the protection of the rights of child jockeys.

Pertinent to this goal, a research was conducted from 2011 under the article 19.3 of the National Human Right Commission of Mongolia Act. The Commission's recommendations were delivered to the Governors of aimag, soum and baghs, the Association of Horse Racing Trainers and Sport as well as the Prime Minister within their responsibility to protect the rights of child jockeys.

I find this research report as a very effective work in bringing the spring horse racing problems to the attention of legislators and law initiators, improving the legal framework, raising awareness of public on the potential harms to the health, physical, mind and education status of child horse jockeys due to the cold season horse racing, as well as reviewing cultural heritage issues related to child horse racing within the traditional Mongolian statehood.

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ABBREVIATIONS:

CRC	Convention on the rights of the child
ILO	International Labor Organization
MPDSP	Ministry of Population Development and Social Protection
NAC	National Authority for Children
NHRC	National Human Rights Commission
UNICEF	United Nations Children's Fund
UNESCO	United Nations Educational, Scientific and Cultural Organization





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ONE. INTRODUCTION



1.1 JUSTIFICATION OF THE RESEARCH

The rights of child jockeys have become critical issue in recent years, and many alarming issues have emerged concerning injuries or fatalities¹ of child jockeys due to the falling off horses during racing.

In 1990, Mongolia joined the UN Convention on the Rights of the Child (1989) and by ratifying the Convention, the Government has taken the responsibility to take immediate and efficient actions to eliminate any traditions that affect the health of children, and as and when necessary, to reform national legislation to comply with related international standards. As indicated in the Convention on the Rights of the Child, the interest of the child should be at the center, thus the protection of the rights of the child should be prioritized in any circumstances that create danger to the child's health and life without any prerequisite conditions.

According to the Law on Naadam, the minimum age of the child in horse racing is 7 years of age. Naadam, the traditional Mongolian festival, is held during summer time in July, and is part of the traditional cultural and historical heritage of the people of Mongolia with thousands years of history. However, children, sometimes as young as 7 years old, are competing in spring horse racing under circumstances that are detrimental to their health and lives, and it contradicts in many ways the effective enforcement of the core principles of international standards on child rights.

The ILO has expressed its concern² at the continued use of children under 18 years of age in horse racing as it considered that horse racing, by its nature and the extremely hazardous conditions in which

¹ According to the National center for traumatology and rehabilitation, there registered six (6) fatality cases of the child jockeys due to the falling off horses during the last three years.

² Direct Request (CEACR) – adopted 2013, published 103rd ILC session (2014)





it is performed, is likely to harm the health and safety of the children. The ILO consequently requests the Government of Mongolia to take the necessary measures to ensure that jockeys under 18 years of age do not perform such work under hazardous circumstances that are detrimental to their health and safety.

In this context, this research aims to look at following issues and make efforts to determine:

Firstly: Whether or not the minimum age of the child horse jockey in spring horse racing complies with the age requirements stipulated in the relevant international conventions,

Secondly: Whether or not the rights of the child to education are jeopardized by participating in spring horse racing,

Thirdly: Whether or not the use of a child as a horse jockey in spring horse racing constitutes hazardous child labour.

The research therefore emphasizes the issues pertinent to the national legal framework on the protection of the rights of the child horse jockey, potential health risks and hazards, and education related matters as the priority focus of the research and analysis. It can be noted that the issues touched upon by the research report relate to spring horse racing solely, and do not concern the traditional horse races that take place during summer.

1.2 OBJECTIVES OF THE RESEARCH

The goal of this research is to examine the issues pertinent to the rights of the child in spring horse racing through collecting and analyzing hard evidence and facts, and to put forward recommendations to improve the legal framework for promoting the protection of the rights of child jockeys. In this context, the research looks at the following issues with specific focus on the violations of the rights of children during spring horse racing:

1. Legal framework on the protection of the rights of child jockeys,
2. Health risks and hazards faced by child jockeys in spring horse racing,
3. The rights to education of child jockeys in spring,
4. Whether or not spring horse racing forms part of the cultural heritage of the traditional statehood of Mongolia?
5. Is the use of children as jockeys in spring races hazardous child labour?





The findings of the research shall be used in advocacy and awareness raising for policy makers, law enforcement officials and the general public to improve the legal framework, and to raise awareness of the potential harm of spring horse racing to the health and safety of child jockeys.

1.3 RESEARCH TEAM

The research work has been facilitated by Dr. Gunbileg, and two assistant researchers, Ts. Munguntsatsral and B. Mungun–Argamj.

Research team leader: Dr. B. Gunbileg, Head of International Law Committee, research work of the Mongolian Bar Association, researcher of NGO “Legal Research Center”, lawyer, Ph.D in Law.

Assistant researchers: Ts. Munguntsatsral, LL.B, researcher of NGO “Legal Research Center”, lawyer; and B. Mungun–argamj, LL.B, researcher of NGO “Legal Research Center”, lawyer.

Specialists who provided technical advice to the research work:

- M. Munkhbat, director of NGO “Legal Research Center”, professor at the School of Law of the Mongolian National University.
- S. Nyamjav, consultant of NGO “Legal Research Center”, the State Honored lawyer.
- S. Enkhtuvshin, meteorologist at the Institute of Meteorology and Hydrology.
- B. Davaajargal, medical doctor.
- T. Bayasgalan, head of the therapeutic medicine department of the Medical School.
- B. Batpurev, professor at the therapeutic medicine department of the Medical School, professor of urology team.
- T. Ariunaa, professor at the therapeutic medicine department of the Medical School, professor of urology team, PhD medical doctor.
- P. Bayarsaikhan, medical doctor, doctor at the complex trauma section of the National center for Traumatology and Rehabilitation.
- D. Munkhsaikhan, psychologist.
- M. Adilbish, veterinarian.





1.4 METHODOLOGY OF THE RESEARCH

The research team made the effort to study and analyze the issue using a scientific approach. The research used mixed methods approach, including casual observations, individual interviews, focus group discussions, clinical examinations, key informant discussions and an analysis of relevant documentation.

Observation and situation analysis:

Casual observation and situation analysis were carried out in both urban and rural areas where spring horse races take place. Observations in urban areas were conducted in the Ulziit community of Khan-uul district and the Nalaih district of Ulaanbaatar. The observations in rural areas were conducted in Sukhbaatar, Khentii, Bulgan and Tuv aimags (provinces). In some areas, observations were combined with an individual interview to analyze the situation and collect information.

Individual interview and focus group discussion:

Individual interviews and focus group discussions were organized with the aim to collect general information about child jockeys participating in spring horse racing, their socio-psychological condition, health status and education related issues. A total of 798 people participated in the interviews and discussions, including 529 child jockeys, 67 school teachers and school-based social workers, 102 horse trainers, 15 medical doctors and staff, and 85 people representing the general public, including key informants.

Individual interviews were conducted in the following residential areas: 19th khoroo and Ulziit community of Khan-uul district of Ulaanbaatar; Nalaikh district of Ulaanbaatar; Zuumod and Zuundelger soum of Tuv aimag; Bulgan, Bugat and Khishig-Undur soums of Bulgan aimag; Bayan-Undur soum of Orkhon aimag; Chinggis city of Khentii aimag; Baruun-Urt and Erdenetsagaan soums of Sukhbaatar aimag.

Focus group discussions were organized amongst school teachers, social workers, teachers and trainers of lifelong education centers, as well as horse racing trainers.





Clinic examinations

Clinic examinations and interviews with medical doctors and related staff were organized at community hospitals, health centers of soums, aimag level health centers, hospitals and emergency centers, operation sections and pediatriation centers, and traumatological sections and hospitals in the research target areas. Clinic inquiries were made at the National Center for Traumatology and Rehabilitation, and medical files on injuries were checked against cases of child jockeys who were treated at the center due to the falling off horses during races. Also, patients' histories were examined and analyzed with the guidance of medical specialists with the aim to determine the potential effects and health consequences of cold weather to the health condition of children. .

Analysis of secondary literature

The relevant national legislation and regulations were reviewed and analyzed, as were international conventions and standards concerning the rights of the child and the protection of child jockeys. Discussions were conducted with relevant officials and informants. Moreover, other materials reviewed and analyzed included relevant documentation and literature at the National Archive, research reports, articles, statistical news, as well as research and reports of medical institutions. This included for example a research report on the health and safety of child jockeys conducted by the National Authority for Children in 2010 with support from ILO IPEC.





TWO. EXECUTIVE SUMMARY

2.1 THE RIGHTS OF CHILD JOCKEYS

Horse racing events have been evolving from part of the traditional festive culture into a highly commercialized profit-oriented activity that takes place not only in summer but throughout the year in winter and spring seasons when children face a high level of risk of various injuries, and even fatalities. In this context, not only Mongolians but also the international community should be concerned about the rights of child jockeys in horse racing.

1. The national legal framework on the protection of the rights of child jockeys

There are approximately 569 laws and regulations in force in Mongolia, out of which 80 contain provisions concerning the rights of a child. However, these regulations are unable to create a strong legal framework for fully protecting the rights of child jockeys.

2. International standards on the protection of the rights of the child

Mongolia ratified the Convention on the Rights of the Child in 1990, ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2001, and ILO Convention No. 138 concerning the Minimum Age for Admission to Employment in 2002. However, the Government has not been making satisfactory efforts to fully enforce international standards, and this is evidenced by multiple incidences of violations of the rights of child jockeys as well as insufficient enforcement of the relevant national regulations and standards.



2.2 HEALTH HAZARDS FOR CHILD JOCKEYS IN SPRING HORSE RACING

1. Risk factors for potential health hazards

Based on interviews with medical doctors, health specialists as well as the analysis of clinical data and information on injuries and accidents, the major risk factors that put the life and health of child jockeys in danger can be described as follows: the age of child jockeys, weather conditions under which racing is organized, the horse – the unpredictability of the horse as a wild animal, the organization of the spring horse races, and last but not least the skills and experience of horse trainers.

2. Health hazards

Based on the analysis of the clinic research as well as injury records carried out at hospitals and medical centers, possible health hazards for child jockeys during horse racing can include head/brain and bone injuries, frosting, respiratory diseases, concussion of internal organs and eye infections. The psychological health of child jockeys was also assessed and the analytical statement of the psychologist who observed individual interviews of child jockeys indicated that the status of their psychological condition depends a lot on where (in which location) the child jockey lives and takes part in racing, and whose horses s/he rides. In other words, the psychological condition of the child horse jockey who lives with his/her own family and rides horses of his/her parents and grandparents is generally in a much better condition than that of the child who is hired as a horse jockey and stays with another family, riding the horses of other people.

2.3 THE RIGHTS TO EDUCATION OF CHILD JOCKEYS IN SPRING HORSE RACING

Taking part in the spring races leads child jockeys to ask for extended leave from school for a week or sometimes a month, and be absent from school. This negatively affects the attainment of children's education resulting in them lagging behind their peers and in some instances dropping out of school permanently.

When child jockeys lag behind their peers in school, their interest in and commitment to education become diminished, and they often drop out of school and engage in horse racing or related activities on a regular basis thinking that they can be a livelihood option. However, when child jockeys reach 12 or 13 years old, they stop riding in races due to the weight limit and remain without education, hope and aspirations for the future. Drop outs normally help horse trainers or relatives in training horses or help them to do some minor tasks such as feeding horses, cleaning horse fences, herding, or helping with household activities.





2.4 WHETHER OR NOT SPRING HORSE RACING FORMS PART OF THE CULTURAL HERITAGE OF THE TRADITIONAL STATEHOOD OF MONGOLIA

In October 2010, Naadam, the Mongolian traditional festival, was inscribed by UNESCO on the Representative List of the Intangible Cultural Heritage of Humanity. However, horse racing has been evolving from its traditional festive nature into a highly commercialized profit-oriented activity that takes place not only in summer but throughout the year in winter and spring where children face a high level of risk of various injuries, and are deprived from schooling.

The research team has reviewed 381 files about Naadam events (1803–1920) that are kept at the National Central Archive, and it became evident that the Danshig Naadam (the state Naadam) was celebrated between the months of May and August of each year. Also, the related files of the Galshar Uuliin hoshuu of Khan Khentii Uul province show the same evidence that the Danshig Naadam was organized in the months of May and August of each year.

It can therefore be concluded that spring horse racing was organized in limited geographical locations mostly on a small-scale between different households, and since 1905, it started evolving into a larger-scale nationwide event. Spring horse racing only started to be organized officially by Government decree in 2004.

Horse racing is part of the traditional cultural heritage of the people of Mongolia, however, no evidence has been found in the research to prove horse racing in winter and spring forms part of this cultural heritage of the traditional statehood of Mongolia. Interviews with elderly people show that household-based small-scale horse races were organized.

2.5 IS THE USE OF CHILDREN AS JOCKEYS IN SPRING HAZARDOUS CHILD LABOUR?

The research work shows that the use of minors as horse jockeys in spring can be considered as hazardous child labour in accordance with the ILO definition of “hazardous child labour” as spring races take place in challenging circumstances full of risks that are detrimental to the health and lives of child jockeys, and attending the spring races limits the participation of the children in education, and thus severely violates the rights of the children to education.





2.6 CONCLUSION

One. Mongolia is part of several international conventions, recommendations and protocols concerning the protection of the rights of the child, however, efforts to bring national legislation and regulations in line with international standards are insufficient. At present, the national legal system on the protection of the rights of child jockeys is not fully developed.

When child jockeys get injured, horse trainers and parents tend not to take it seriously and tend to only agree on medical costs as there are no legal regulations to determine and punish perpetrators, and this itself demonstrates serious violations of the rights of the child in horse racing.

Two. The findings of the clinic analysis shows that child jockeys face multiple risks and associated hazards not only during the racing itself but also during the preparation stages, e.g. pre-race training. Risk factors such as age of the jockey, extreme weather conditions, organizational matters including the race track etc. all increase the likelihood of possible injuries, and create hazardous conditions for the worst forms of child labour.

Three. The majority of child jockeys responded that they enjoy riding in horse racing, however, it is evidenced that many children are on this path, especially those from low income households, to support the livelihood of their families by bringing earnings from racing.

Four. The participation of school children in horse racing during the spring school period leads to the violation of the rights of the child to education. It affects negatively the school attendance and achievement of the child jockeys as long breaks and absences from school make them less interested in school and lead in some cases to them permanently dropping out. This hinders their future educational prospects and reduces their potential for obtaining decent livelihoods.



THREE. FINDINGS OF THE RESEARCH



3.1 THE RIGHTS OF CHILD JOCKEYS

By the end of the 20th century, Mongolians started pursuing changes in the traditional ways of training horses for racing and organizing horse races. It is unfortunate though that on this changing path, the issues pertinent to the health and safety and the rights of the child jockey were left out, and children became increasingly involved and exploited in horse racing that takes place under extreme weather conditions in winter and spring.

At the same time, horse racing events have been evolving from part of the traditional festive culture into a highly commercialized profit-oriented activity that take place not only in summer but throughout the year in winter and spring seasons when children face a high level of risks of various injuries, and even fatalities. In this context, not only Mongolians but also the international community should be concerned about the rights of child jockeys in horse racing.

1. The national legal framework on the protection of the rights of child jockeys

As of 9 September 2015, approximately 569 laws and regulations were in force in Mongolia, out of which 80 contain provisions concerning the rights of the child. The Constitution, promulgated in 1992, for the first time in Mongolia's history, has a separate chapter on human rights. Based on the spirit of the Constitution, the Government has adopted many laws and much legislation protecting and promoting the rights of the child such as the Law on Protection of Child Rights (1996), which provides a legal framework for actions concerning the special protection of children, the Social Welfare Law (1998), the Health Law (1998), the Labour Law (1999), the Family Law (1999), the Criminal Procedure Law (2002) and the Law against Domestic Violence (2004).

Several laws and regulations emphasize the importance of protecting the health, safety and rights of child jockeys.

Article 7 of the Law on the Protection of Child Rights prohibits citizens, entities and enterprises to employ or force children into types of work that are detrimental to their health and safety. Article 8 (8.1.) of the same Law stipulates that "...It is prohibited to engage children in profit-oriented festive activities that is dangerous to the health and safety of the children".



Article 8.2 of the Law on Mongolian national festival states that 7 is the minimum age for children riding racehorses, and this particular provision relates to horse racing during Naadam only, in the month of July every year. The revised regulation on the organization of horse racing of the national festival states that organizing horse racing at aimag and soum levels between the period of 15 October and 15 February of each year is not allowed.

According to Article 3.1.5 of the Law on Sport (2003), a child horse jockey can be considered as a sportsman³, hence the rights issues related to child jockeys can be regulated by this particular law. However, researchers have diverse opinions as to whether or not the three traditional games of Naadam can/should be considered as a type of sport, and hence it is doubtful to consider the child horse jockey as a sportsman.

The list of jobs and occupations prohibited for minors to be employed in was adopted by Order No. 107 of the Minister for Social Protection and Labour in 2008, and the list does not touch upon issues pertinent to horse racing activities.

The Government, by its Decree No. 303 of 2011, approved the National Action Plan on the Elimination of the Worst Forms of Child Labour, which prioritizes the formulation, adoption and implementation of national standards of personal safety of child jockeys⁴. As such, issues related to horse racing are included in the agenda of the national programme that addresses the “worst forms of child labour”.

The National Action Plan (objective 3.7.5) further prioritizes measures for researching potentially hazardous and harmful activities for children who are engaged in horse racing and herding, and to take necessary actions to include the hazardous activities in the list of jobs and occupations in which it is prohibited for minors to be employed.

With the purpose of ensuring the enforcement of the regulations for horse racing at the National Naadam Festival, the following were formulated: Government Decree No. 02 of 2011, Ordinance No. 05 of 2005 of the Deputy Minister of Mongolia, an appeal on ensuring the safety and health of child jockeys addressed to all horse racing trainers and people interested in horse sports, and a “Memorandum on partnership on the protection of the right-to-life and the safety of the child jockeys”.

The national standards MNS 6264:201 for personal safety, clothing and gear of child jockeys participating in national horse racing set the standard for the safety of child jockeys during preparatory phases and actual racing events, as well as the standard for safety clothing and gear such as helmets, glasses, jackets, horse saddles, bridles and whips.

³ Article 3.1.5 of the Law on Sport, 2003 stipulates that “a sportsman” is a person who does sports systematically on regular basis, and attends sport competitions.

⁴ Objective 3.1.4 of the National Action Plan on the Elimination of the Worst Forms of Child Labour approved by the Government decree No.303 of 2011.





2. International standards on the protection of the rights of the child

Mongolia ratified the Convention on the Rights of the Child in 1990, and has committed before the international community to make the national laws and regulations in line with the CRC and other international conventions that Mongolia has ratified, namely:

The Hague Convention No. 33 on the Protection of Children and Cooperation in Respect of Intercountry Adoption, in April 2000,

ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, in February 2001,

The Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, in January 2002,

The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in March 2002,

ILO Convention No. 138 concerning Minimum Age for Admission to Employment, in December 2002,

The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in June 2003,

The Optional Protocol to the Convention on the Rights of the Child on Children in Armed Conflict, in October 2004.

In its observations, the Committee on the Rights of the Child expressed concern “at the hazardous situation of children increasingly involved and exploited in traditional horse racing, which has undergone considerable changes from traditional sports to profitable businesses with child-abusive and exploitative features. In particular, it is concerned, that children, sometimes as young as 8 years old, are involved and that such involvement can generate serious injuries, even fatalities” (CRC/C/15/Add.254, 21 September 2005, paragraph 60). The ILO has expressed its concern at the continued use of children under 18 years of age in horse racing as it considered that horse racing, by its nature and the extremely hazardous conditions in which it is performed, is likely to harm the health and safety of the children. The ILO consequently requests the Government of Mongolia to take the necessary measures to ensure that jockeys under 18 years of age do not perform such work under hazardous circumstances that are detrimental to their health and safety⁵.

⁵ Direct Request (CEACR) – adopted 2013, published 103rd ILC session (2014)





3.2 HEALTH HAZARDS FOR CHILD JOCKEYS IN SPRING HORSE RACING

1. Risk factors for potential health hazards

All types of horse racing, simple horse riding or any tasks related to horse training or horse breeding engage associated risks for injuries or accidents. The findings of the clinic exams and analysis indicate that the life and health of child jockeys are at high risk of potential hazards and harms during racing in the wild where horses race at their highest speed.

According to the data of the national traumatological center, a total of 326 children received emergency medical care due to the falling off a horse in 2012, 308 in 2013, and 307 in 2014. The number of children hospitalized for the same reason totalled 181 in 2012, 219 in 2013, and 205 in 2014. The number of fatalities was 6 in the aforementioned three years.

Based on interviews with medical doctors and health specialists, as well as the analysis of clinical data and information on injuries and accidents, the major risk factors that put the life and health of child jockeys in danger can be described as follows:

Age. The majority of the children taking part in spring horse races are between the ages of 7 and 10 years old. At this age, children do not possess a full capacity to evaluate potential risks, manage risks properly or protect themselves from actual danger. Children of this age are usually unable to fully get accustomed to the character and behavior of horses to ride in racing. There is less or no sufficient time for some children to get closely familiarized with horses to ride. For example, child jockeys who are hired and reside in someone else's home in central locations sometimes are challenged to race straightway and race unfamiliar horses. Children at this age are still immature and their physical and mental development is incomplete.

Also, there is a trend amongst horse trainers to switch their own child jockeys with children of lighter weights just prior to the start of races, where the replacement children are totally new and unaccustomed to the horse to be raced.

Weather conditions. Spring horse racing starts by mid February, and the average temperature in this period of the year in Mongolia, one of the coldest countries on earth, can be between –10 and –20 Celsius degrees. This is why there is an imminent need for studying the potential risks to the health of child jockeys in horse racing in the spring season when the weather conditions are extreme.

The highest health risks that child jockeys face in spring horse racing under the cold temperature conditions is freezing or frosting. It is quite normal that the fingers of hands, toes of feet, and ears and noses of child jockeys get bitten by the cold during a long distance race in spring. These parts of the body are prone to easy frosting. Moreover, in cold weather, the general heating system of the human body regulates the warmth of the internal organs, and hence the blood circulation is not enough to warm the





parts of the body that are located far from the central organs such as the fingers of hands, toes of feet, and ears and noses, and thus these parts of the body are prone to easy freezing and frosting.

The below table indicates the wind chill, timing (in minutes) and air temperature as to when frosting happens.

WIND CHILL CHART (Celsius)

Wind speed (kph)	temperature (°C)									
	5	0	-5	-10	-15	-20	-25	-30	-35	-40
10	3	-3	-9	-15	-21	-27	-33	-39	-45	-51
20	1	-5	-12	-18	-24	-31	-37	-43	-49	-56
30	0	-7	-13	-20	-26	-33	-39	-46	-52	-59
40	-1	-7	-14	-21	-27	-34	-41	-48	-54	-61
50	-2	-8	-15	-22	-29	-35	-42	-49	-56	-63
60	-2	-9	-16	-23	-30	-37	-43	-50	-57	-64
70	-2	-9	-16	-23	-30	-37	-44	-51	-59	-66
80	-3	-10	-17	-24	-31	-38	-45	-52	-60	-67
90	-3	-10	-17	-25	-32	-39	-46	-53	-61	-68
100	-3	-11	-18	-25	-32	-40	-47	-54	-61	-69

$$\text{wind chill (°C)} = 13.12 + 0.6215T - 11.37(V^{0.16}) + 0.3965T(V^{0.16})$$

$$\text{frostbite times } \begin{matrix} \text{light grey} & \text{medium grey} & \text{dark grey} \end{matrix} \begin{matrix} 30 \text{ minutes} & 10 \text{ minutes} & 5 \text{ minutes} \end{matrix}$$

$$T = \text{air temperature (°C)} \quad V = \text{wind speed (kph)}$$

Source: US. National Weather Service: Meteorological Services on Canada

The chart shows that when the air temperature reaches -15 Celsius degrees, and the wind speed is 10 kph, the wind chill will reach -21 Celsius degrees, thus, causing frostbite within 30 minutes. This creates a high risk of frosting for child jockeys during spring racing. For example, in spring racing, the top three ages that take part are “ih nas” (6 years old horse), “azarga” (stallion) and “soyolon” (5 years old) horses. The average distance raced by the ih nas horse is between 18 and 20 km (one way from the start to the finish), whereas the azarga and soyolon horses race 16–18 km. A child jockey normally races two or sometimes three different ages of horse in one day, meaning that the child horse jockey could cover an average distance of 100–112 km (including the distance from the camping point to the start and from the start to finish) under an average temperature of -10 to -20 Celcius within 30 to 45 minutes in one day.

The risk of falling off a horse and getting injured increases due to the frozen and hardened land and a non-standard racing track, and the likelihood of this risk is increased when horses slip on the frozen track. The racing track in spring horse races is prepared by cleaning the snow in wild areas usually making quite a narrow track, and this does not allow for horses to race in a spread out way as they do in summer racing. This might cause the risk of a stampede of horses in the narrow track and a child falling from a horse getting hit by other horses on the track and getting injured. Because the race track is prepared in a





wild area, child jockeys face obstacles along the way, including trenches and sand, small and big stones, holes (mouse holes), swamps, streams, hills etc.

According to the child jockeys interviewed (529 children), 71.6 per cent referred to spring races as when the majority of accidents happen, and another 81.6 per cent referred to spring and winter as the least favorable seasons for horse racing mostly due to the extreme weather conditions.

Horses. Horses as wild animals can be considered a risk factor themselves. Accidents resulting in injuries or fatalities related to activities involving horses are as common as car accidents. It is considered that 40 to 60 percent of potential risks associated with horse racing can potentially be avoided by proper training of both horses and child jockeys for racing competitions, and fully ensuring the safety of horse jockeys during races.

The following are observed as the major reasons for accidents associated with activities involving horses:

- Insufficient or improper training of a horse or a child horse jockey for racing,
- Lack of understanding and familiarization, and thus feeling of the characteristics, behaviour and attitude, of the racehorse,
- Lack of or improper use of personal safety clothing and gear by jockey children, including the incorrect application of a saddle,
- Insufficient attention paid by child jockeys during races,
- Lack of capacity for potential risk assessment and preparedness during races.

The age factor (as mentioned above), combined with the lack of or a low level of capacity of child jockeys to assess risks and overcome unexpected challenges, put them at high risk of danger that might result in injuries and accidents during spring racing.

Organization of spring horse races. There is no common standard for the organization of spring racing, and therefore races are organized in diverse ways in different places. There is no common standard for the type or quality of equipment at the starting point, hence it is arranged differently at national and local levels, and the skills of the people responsible for taking care of the operation of the equipment vary and are sometimes limited. This allows mistakes to be made when operating/opening equipment at the start causing chaos where children en masse fall off their horses and get injured.

Another issue in relation to the organization of horse racing in general (both in summer and spring races) is that the races are followed by a large number of cars along the race track. Large amounts of dust whirl up when many cars “race” at the same time following and observing the racing closely. This considerably limits the visibility in the surrounding environment and makes it difficult and sometimes impossible for child jockeys to control the horse on the race track. This further worsens the situation and may create circumstances in which child jockeys could suffer from respiratory diseases (due to dust) or infections (e.g. an eye infection) or even be involved in a car accident. The situation gets worse during





soyolon races as these are observed by thousands of people as Mongolians believe that soyolon races bring fortune and happiness, so they are followed by a huge number of cars.

When asked about the major reasons for getting injured during spring horse racing, out of a total of 529 interviewed children, 158 referred to the race track, 129 referred to the cars following races and associated dust, 106 referred to the chaos at the starting point when children push or bite each other, and 104 referred to weather conditions such as snow, rain, wind etc.

Skills and experience of horse trainers. Skills and practical experience of horse trainers vary, which is reflected in the quality of safety instructions provided by trainers to child jockeys. Instructions provided by some trainers are not sufficient enough as to how to safely and properly use a saddle and personal safety clothing and gear during racing.

From the aforementioned issues, it can be concluded that child jockeys face multiple challenges and risks during spring horse racing that might result in potential injuries or even fatalities. It is clear that the safety of child jockeys depends on weather conditions, horses, organizational matters, level of skill and experience of trainers etc., and when all these are combined with the age factor, the level of risk increases.

2. Health hazards

Based on the analysis of the clinic research as well as injury records carried out at medical hospitals and centers, possible health hazards for child jockeys during horse racing can be described as follows:

Head/brain and bone injuries. The findings of the clinic examination and analysis indicate that head and bone injuries are the predominant types of injuries amongst child jockeys. Child jockeys face higher risks of these types of injuries during spring racing due to the frozen and slippery land (race track) covered by snow. According to the traumatological clinical hospital records, 326 child jockeys were treated in hospital due to the falling off horses in 2012, out of which 22.3 per cent were diagnosed with head/brain injuries, and 55.2 per cent with upper body bone injuries. Child jockeys frequently suffer facial bone injuries, broken arms and legs, joint dislocation, and spinal damage, and bone and muscle system injuries that often require surgical treatment.

Frosting. Injuries from extreme cold include frosting and freezing, and these types of injuries happen more frequently during spring racing. Frosting and freezing start happening when a child starts to feel chilling, the skin starts reddening, and the feeling of pain emerges. Eventually, freezing hands, arms and legs start losing consciousness, feeling itchy and blebs begin to emerge and the process leads to sphacelation in the end. Injuries from extreme cold can also be temporary without any signs of serious frosting or freezing. In this case, a child jockey could feel chilling and have some difficulties walking just after riding the horse, this condition normalizing itself after a few moments.





Respiratory diseases. Spring races usually take place in the months of February and March, and the average temperature in these months is –6 to –15 Celsius degrees. However, training or pre–racing events are organized in December and January, and the average temperature in these months is between –12 and –20 Celsius degrees. Various types of respiratory disease normally spread at the beginning of winter, and an activity such as a racing under extremely cold conditions increasing the risk of getting respiratory diseases such as cold, flu and gripe and or to contract pneumonia, or even lung fever in serious cases.

Concussion of internal organs. Children who participate in two or sometimes three long distance races in one day can experience the shaking of their internal organs. The continuous concussion of internal organs could cause liver expansion, inflammation and cholecyst stretching.

Concussion or shaking during races might also cause kidney related diseases, such as kidney inflammation, urinal defects such as urinating blood, anury or strangury, kidney stones and kidney disorders. Participating in horse races without a proper saddle and/or not using a traditional belt for a deel (traditional clothing) etc. all increase the risk of child jockeys experiencing concussion or shaking during races. The risk of shaking increases when the galloping of horses gets harder on the icy and frozen soil during spring races. Kidney related disorders normally do not emerge immediately in childhood, stay in a hidden form and become chronic or long–standing health problems when a child becomes an adult.

Boys face the risk of painful testicles and becoming infertile in their adulthood, and girls face the risk of a damaged hymen.

Eye infections. There is a danger for child jockeys to hurt their corneas when riding without appropriate protective glasses against the cold wind. Corneal inflammation and ophthalmic diseases occur frequently during sport activities such as mountain skiing, dog sleighing etc., and this can also easily happen to child jockeys during spring racing if the weather is cold and the wind speed is high. Frosting of the cornea produces the same symptoms as burning of the cornea. There are three grades of the freezing of eye lenses, first, second and third, and the highest–grade freezing of eye lenses requires surgical treatment.

A total of 529 child jockeys (95.6% boys, 4.4% girls) took part in individual interviews and shared their views about potential injuries and health hazards that might occur during spring races.

If we look again at the findings of the interviews with 529 child jockeys, 277 children reported that they have fallen off horses during racing at least once, and said that the major reasons for falling were due to slippery tracks and frozen land (121 children), horses stumbling over mouse holes (83 children), horses straying from the main race track due to whirling dust (53 children), and issues related to billets, saddlegirth, bridles and headropes (29 children). Out of a total of 277 children who reported falling off their horses, 196 children reported headaches and brain concussions (51 children), parts of their bodies turning blue, scratches and wounds (55 children), broken arms and legs (50 children), frosting of arms, legs and faces (34 children) and back and spinal damage (9 children). When asked whether or not the child jockeys who reported falling off horses were wearing their safety gear and clothing, 145 said yes, fully, 80 said they used some safety gear and clothing, and the remaining 52 said no.





When asked about whether or not the child jockeys who reported falling off horses received timely medical assistance, the majority said no or partially, and few (22.6 per cent) said yes.

Psychological health of child jockeys. The analytical statement of the psychologist who observed individual interviews of the child jockeys indicates that the status of their psychological conditions depends a lot on where (in which location) the child jockey lives and takes part in racing, and whose horses s/he rides. In other words, the psychological condition of the child horse jockey who lives with his/her own family and rides horses of his/her parents and grandparents is generally in a much better condition than that of the child who is hired as a horse jockey and stays with another family, riding the horses of other people.

Out of the 529 interviewed, 235 children live with their own families and ride their own horses, 193 ride horses of their close relatives and 124 are hired by others as horse jockeys for a fee. The majority of the child jockeys hired by others come from urban and near urban settlements such as Ulaanbaatar city, Khan-Uul and Nalaikh districts, Zuun mod and Zuundelger soums of Tuv aimag, while children from rural and isolated areas mostly ride their own horses or horses of close relatives and enjoy riding horses. This indicates that urban children from poor households are usually hired out by others as child jockeys, and live in strangers' homes facing multiple challenges including being homesick and missing their families and friends.

It has been observed that children who live with their own families are more self-confident and open, enjoy taking part in races and adore horse riding. If not all, the majority who reported staying in the homes of others and being hired to bring additional income to households show a lack of assurance and low levels of confidence. These children are normally from vulnerable households and their families usually have multiple problems, so they suffer from fear, anxiousness and loneliness. However, their skill and ability to ride a horse is at the same level as the other children and they also feel pride.

When asked about whether or not the child jockeys feel cold, hungry and exhausted, 354 children responded no, 72 said yes, and 103 said sometimes.

Out of 102 horse trainers interviewed, when asked about who usually supplies food, clothing and other necessary provisions for a child jockey, 63 horse trainers responded that trainers provide the necessary clothing etc., whereas 26 responded that it was the owner of the horse. To the questions asked to the children about the attitudes of horse trainers in the case of mistakes made by the children during pre-race training or during the racing, 318 children responded that "the trainers do not punish them in case of mistakes", 157 said "they blame and blow up", 24 said "they beat and kick", 15 said "they won't allow taking part in races", and 4 children said "they do not give food and drinks". To the question, "How about not taking part in horse racing in spring, and racing only in summer?" the majority of those children interviewed (56.5 per cent) said they prefer racing in summer, and going to school in winter and spring.





THE RIGHTS OF CHILD JOCKEYS IN SPRING HORSE RACING

The above findings indicate that there are occasions when horse trainers treat child jockeys improperly, and punish children by inappropriate means, and that child jockeys prefer summer races over spring races.

The number of child jockeys is increasing year by year. Unofficial figures show that approximately 40,000 child jockeys take part in horse racing events (both summer and spring). These children face multiple risks, hazards and health consequences when participating in races under harsh weather conditions such as extreme cold, becoming victims of events that are not properly organized, participating in long distance races and putting their health and life in potential danger etc., and this shows how unsafe, risky and precarious it is to take part in horse racing in general and in the spring season in particular. Due to these circumstances, in other countries, adults solely are permitted to participate in horse racing competitions.

The rights of child jockeys are being violated and child jockeys face risks in their future development of being brought up as healthy adults. There is serious demand for commissioning comprehensive medical research and analysis of the negative consequences of partaking in this hazardous activity, e.g. the effects of spring horse racing on the health and general development of child jockeys.





3.3 THE RIGHTS TO EDUCATION OF CHILD JOCKEYS IN SPRING HORSE RACING

The findings and analysis of the interviews and focus group discussions held with 67 school teachers and school-based social workers indicate that the rights to education of child jockeys are violated during spring horse racing events.

Below is an excerpt of a conversation with a school teacher who did not wish to disclose his/her identity:

... It has been observed that high ranking government officials at aimag level such as the head of the aimag level citizen's hural who own horses hire out children as a horse jockey. How do children suffer from this? The child jockeys ask leave from school for a prolonged period of time, few days, sometime for a month, to prepare and partake in pre-racing trainings which usually commence in January. School authorities do request teachers not to grant leave to children during winter and spring school sessions due to horse racing events, unfortunately, a high level official makes a call to the school and orders the teacher to allow the child to leave to attend racing.

It is my opinion that parents are sacrificing the life of their children in lieu of money. I worry that children might get injured seriously during racing, could suffer from a brain or spinal damage and might face the negative consequences of the injuries in the remaining lifetime. In the end, one can not live on riding a horse only and deserve decent livelihood without education...

In terms of school attendance, all child jockeys interviewed were in school as the research was conducted at schools in the targeted locations. However the concern relates to absenteeism and the quality of education. The findings of the interviews with school teachers and social workers indicate that child jockeys take leave for an extended duration, from 7 to 30 days during spring racing season, absenteeism is high among horse jockeys, the level of educational attainment is lower, and their right to education is severely violated.

When asked about the situation in relation to absenteeism among child jockeys, 41.7 per cent of school teachers responded that the child jockeys are absent from time to time, 35.8 per cent said they take leave frequently. When requested to share their opinions on the level of educational attainment of child jockeys in general terms, 1 teacher referred to A–B grades, 9 teachers referred to B–C grades, 38 teachers referred to C–D grades, and 19 teachers referred to D–F grades. The school teachers expressed their concerns about child jockeys lagging behind in terms of educational attainment to a high extent, as 43 per cent said child jockeys seriously lag behind compared to their peers, 46.2 per cent referred to this level as middle or average and the remainder said the level of lagging behind is minor.

The major responsibility for providing the necessary help and support to students lagging behind lies with teachers. However, the teachers interviewed expressed their concerns about the lack of resources and time for providing additional classes, insufficient classrooms, and lack of added value of additional



courses as child jockeys usually are tired and exhausted and have little ability to keep up with their studies. This coincides with the results of the interviews with child jockeys who reported that they try to catch up after long absence from school with help from their friends.

Local authorities and school administrations normally request teachers not to grant leave to children to attend horse races in particular in the months of spring. However, the majority of horse owners are authoritative people, and some of them call schools and order teachers to let the children go, leaving the teachers with little option but to obey.

Child jockeys as drop outs

When child jockeys lag behind from their peers in school, their interest in and commitment to education become diminished, and they sometimes drop out of school and engage in horse racing or related activities on a regular basis thinking that they can be a livelihood option. However, when child jockeys reach 12 or 13 years old, they stop riding in races due to the weight limit and remain without education, hope and aspirations for the future. Drop outs normally help horse trainers or relatives in training horses or help them to do some minor tasks or work such as feeding horses, cleaning horse fences, herding, or helping with household activities.

Lately, some practices have start emerging whereby horse owners from neighboring or remote aimags and soums hire children as jockeys negotiating conditions verbally with the parents on rates, school related matters etc. Horse owners who hire child jockeys offer for them to stay at their homes and promise their parents to register them at school. However, there are an increasing number of child jockeys who have been registered to schools, but never or seldom attend. The findings of the study indicate that this has been the case especially during the last 5 years in areas such as Tuv aimag, Nalaikh district, and 19th khoroo of Khan-Uul district of Ulaanaatar, or the so-called Ulziit community that is considered as the horse racers village.

Another important finding of the survey is in relation to the quality of education of child jockeys.

Following spring horse racing events, promotion exams usually take place, and according to the current educational evaluation system, schools are evaluated and ranked based on the results of their students' promotion exams. It has been observed from conversations with the school teachers interviewed that this allows some teachers to assess the level of educational achievement of child jockeys falsely for the sake of the reputation of their schools. This certainly contributes to the issues of low quality education and non-compliance with the relevant educational standards.

The timing of the horse racing in spring coincides with the most important development stages of children in terms their education as well as physical and mental development processes, and this allows the conclusion to be drawn that the rights of children to education are severely violated during horse racing events that take place in spring season.





3.4 WHETHER OR NOT THE SPRING HORSE RACING FORMS PART OF THE CULTURAL HERITAGE OF THE TRADITIONAL STATEHOOD OF MONGOLIA

In October 2010, Naadam, the Mongolian traditional festival, was inscribed by UNESCO on the Representative List of the Intangible Cultural Heritage of Humanity. With this, the Mongol Naadam or the three traditional games of horse racing, wrestling and archery were accepted in the international arena as the intangible national cultural heritage of the people of Mongolia.

At national level, according to the National Security Declaration approved by the Parliament Decree No. 48 of 2010, “ensuring the conservation of the national history, language, culture, custom, tradition and heritage is the foundation of the existence of the Mongolian nation”.⁶ The 1992 Constitution declares it the esteemed mission to treasure the traditional cultural heritage, history and customs of the people of Mongolia. With this, traditional horse racing is considered an inherent part of the traditional culture that has to be preserved and protected by the State, and the national feast, traditional games and rituals are accepted by their nature as the forms of the intangible cultural heritage.

The preservation and conservation of the cultural heritage have to be enforced in compliance with relevant international treaties and conventions concerning human rights, particularly the Human Rights Declaration of 1948, International Covenant on Economic, Social and Cultural Rights of 1966, and International Covenant on Civil and Political Rights of 1966. Hence, while horse racing is considered as part of the national cultural heritage on the one hand, it is necessary to consider human rights issues, particularly the rights of the child, on the other hand.

By the end of the 20th century, Mongolians started pursuing changes in the traditional ways of training horses for racing and organizing horse races. It is unfortunate though that within this changing path, issues pertinent to the health and safety and the rights of child jockeys have been left out, and children have been increasingly involved and exploited in horse racing that takes place under extreme weather conditions in winter and spring. Horse racing has been evolving from its traditional festive nature into a highly commercialized profit-oriented activity that takes place not only in summer but also in winter and spring when children face high levels of risk for various injuries, and are deprived of schooling. In this context, not only Mongolians but also the international community should be concerned about the rights of child jockeys in horse racing.

The research team has reviewed 381 files about Naadam events (1803–1920) that are kept at the National Central Archive, and it became evident that the Danshig Naadam (the state Naadam) was celebrated between the months of May and August of each year. Also, the related files of the Galshar Uuliin hoshuu of Khan Khentii Uul province show the same evidence that the Danshig Naadam was organized in the months of May and August of each year.

⁶ Article 1.1.6 of the National Security Declaration of Mongolia





It can therefore be concluded that spring horse racing was organized in limited geographical locations mostly on a small-scale between different households, and since 1905, it started evolving into a larger-scale nationwide event. Spring horse racing only started to be organized officially by the Government decree in 2004. Horse racing is part of the traditional cultural heritage of the people of Mongolia, however, no evidence has been found in the research to prove horse racing in winter and spring forms part of this cultural heritage of the traditional statehood of Mongolia. Interviews with elderly people show that household-based small-scale horse races were organized. Thus, there is a need to use a different approach in regulating the cultural heritage of the traditional statehood, namely Naadam and races of a household-based nature.

3.5 IS THE USE OF CHILDREN AS JOCKEYS IN SPRING HAZARDOUS CHILD LABOUR?

People assume that the use of children as jockeys, in particular in spring horse racing is child labour. Some assume it is the case, whereas some disagree. In order to consider whether or not the practice can be viewed as one of the worst forms of child labour, multiple aspects should carefully be looked at including whether child jockeys enter into an employment relationship and earn an income from it, whether they ride in races following their interests (as a sport activity), the minimum age related aspects, etc.

It was the goal of this research to find an answer to this particular question, focusing more on the hazardous elements of horse riding by young children in spring horse racing.

The below excerpts from conversations with horse trainers show that minors who have not reached the legal minimum age for employment stipulated in the Labour Law are in employment relationships and do work within agreed conditions with employers including the rate, duration of work, etc.

...These days, horse owners look for a child jockey to hire through friends mostly. As for me, I hire the son of my friend's brother as a jockey...

...In Baga Ovoo naadam, a child horse jockey gets 50,000 tugrug per race, but if the horse owner has little money, a child gets no less than 40,000 tugrug. The child jockey who is included in the first five places at aimag festivals receives the award himself. If the child jockey is included within the first 10 places, s/he gets approximately 70,000–80,000 tugrug.

The practice nowadays is that horse owners pay between 250,000–400,000 tugrus. In our area, the rate is 250,000 per month if the child is hired for the whole year. Usually, the rate is never below 250,000 tugrug...

An excerpt from the conversation with a horse trainer from Baruun-Urt soum of Sukhbaatar aimag





According to Article 3 (d) of ILO Convention No. 182 on the Worst Forms of Child Labour, hazardous work is defined as “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”

ILO Convention No. 138 on the Minimum Age states that the minimum age for admission to employment or work is 15 years old, and in any case, not less than the age of the end of compulsory schooling. The Convention further states that the minimum age for admission to hazardous work shall not be less than 18 years old, and national laws or regulations or the competent authority may, after consultation with employers’ organizations and workers concerned, authorize employment or work from the age of 16 years old. This is based on the condition that the health, safety and morals of the young persons concerned are fully protected and that they have received adequate specific instruction or vocational training in the relevant branch of activity.

The research findings indicate that horse owners and child jockeys enter into an employment relationship as the child jockey is hired and related conditions such as a rate etc. (as specified earlier, monthly minimum rate of 250,000 tugrug) are agreed. Those children who live with their own families and attend races riding their own horses following the traditions and their own interests are not considered to be in labour relationships.

Taking into account the following factors, the use of young children as jockeys in spring horse racing can be considered as hazardous child labour:

- Age factor: The majority of child jockeys attending spring horse racing are as young as 7–10 years old. At this age, children in general do not have a full capacity to evaluate potential risks, manage risks properly or protect themselves from actual danger. Children at this age are still immature and their physical and mental development is incomplete.
- Organizational factor: The circumstances in which spring horse racing is organized create major risks for accidents, and thus for injuries that cause health problems, including chronic illness and even fatalities.
- Educational factor: Taking part in spring races leads child jockeys to ask for extended leave from school for a week or sometimes a month, and be absent from school. This negatively affects the attainment of children’s education resulting in them lagging behind their peers and in some instances dropping out of school permanently.
- Commercialized event: Spring horse racing becomes year by year an increasingly commercialized event, including a gambling element. The study finds that the practice of “hiring out” a child jockey for a fee became common among wealthy horse owners and there is no regulation of contractual arrangements between horse owners and child jockeys. Thus, due to possible health, psychology and education risks associated to the horse racing children, it can be concluded that horse racing by young age children in spring time is child hazardous labour.

FOUR. CONCLUSION

One. The observations and the situation analysis carried out by the research indicate that the majority of the child jockeys in spring horse racing are children between the ages of 7 and 10 years old, and the majority of them are boys. These children are immature and are unable to comprehend the health risks and associated negative psycho-social consequences of participating in spring horse racing under the extreme weather and/or otherwise hazardous conditions. Meanwhile, it has been observed that these children are interested in horse racing and are proud of themselves for being horse jockeys.

Mongolia is part of several international conventions, recommendations and protocols concerning the protection of the rights of the child. However, efforts to bring national legislation and regulations in line with international standards are insufficient. At present, the national legal system on the protection of the rights of child jockeys is not fully developed.

Evidence and facts collected during the research work indicate that the rights of child jockeys to be brought up healthy and to obtain quality education are severely violated. The findings further indicate that child jockeys participate in spring horse racing under hazardous conditions that mean it can be considered as one of the worst forms of child labour.

There is no guarantee of ensuring the safety and health of child jockeys during spring horse racing due to the insufficient organization of races, which in many instances leads to accidents, injuries or even to fatalities.

In cases when child jockeys get injured, horse trainers and parents tend not to take it seriously and tend to only agree on medical costs as there are no legal regulations to determine and punish perpetrators, and this itself demonstrates serious violations of the rights of the child in horse racing.

Two. The findings of the clinic analysis shows that child jockeys face multiple risks and associated hazards not only during racing itself but also during the preparatory stages, e.g. pre-race training. The risk factors such as age, extreme weather conditions, organizational matters including the race track etc. all increase the likelihood of possible injuries, and create conditions for the hazardous and the worst forms of child labour.



The conclusions of the psychological analysis of child jockeys show that children hired as child jockeys who live in strangers' households face multiple challenges while living under their obedience such as feeling hungry and thirsty, feeling cold during pre-race training and the actual races, performing double work related to breeding and herding etc. while also racing. Hired child jockeys who live far from their own families and outside of the attention of their parents live for an extended period of time with young adult horse trainers, and experience negative attitude and behavioral changes, e.g. using abusive language and smoking.

Three. The majority of child jockeys responded that they enjoy riding in horse racing. However, it is evident that many children are on this path, especially those from low income households, to support the livelihoods of their families by bringing earnings from racing.

The average age of child jockeys is 6–16 years old, or the age when children are still immature and are unable to represent themselves and properly negotiate with others. Horse trainers and parents (mostly from low income households) take advantage of this and negotiate and agree amongst each other the conditions for hiring children as child jockeys. In most cases the money is paid directly to parents, and many households survive on the income that their children bring from horse racing.

Often, child jockeys receive petty rewards such as candies, juices and huushuur (fried dumplings) as one-time meals, or at the most are awarded stationary or other school related items. This highlights the exploitation of children who are engaged in horse racing in extremely difficult conditions.

Four. The participation of school children in horse racing during the spring school period leads to violation of the rights of the child to education. It affects negatively school attendance and the achievement of child jockeys as long breaks and absences from school make them less interested in education and lead some to permanently drop out. This hinders their future educational prospects and reduces their potential for obtaining decent livelihoods.

Five. The analysis of the archive materials (the files about the Naadam events organized at “aimag” and “hoshuu” levels etc) was unable to confirm the fact that spring horse racing formed part of the cultural heritage of the traditional statehood of Mongolia. The interviews with horse trainers and elderly people produced some evidence that “household-based” horse racing involving few horses (sometimes as few as 5–10) was arranged in winter or spring amongst a small number of neighboring households for celebrating family events such as the birth of a child. It can be concluded that horse racing nowadays is losing some of its traditional characteristics, for example through “racing cars” following the horse racing, the considerable number of horses take part in each race, etc.





Six. The number of horse races is increasing due to gambling, keen competition for rankings, authority and honor, and attractive awards including monetary prizes, a new four-wheel drive vehicle etc., and this becomes a cause of the poor level of organization of the races.

Seven. There are no standard safety clothes and gear suited for spring horse racing. Due to the cold, child jockeys are asked to wear woolen caps inside their safety helmets, although most of the child jockeys refuse wearing helmets together with a woolen cap because they find it uncomfortable, and choose either a helmet or a cap.

Eight. The general public understands that spring horse races are organized by the NGO “Association of horse racing sports and horse trainers”. The Association is not a public legal entity as it has the status of a non-governmental organization. However, due to low levels of awareness of the status of the Association, people involved in horse racing tend to report that they follow and comply with the rules and regulations of the Association and tend to organize multiple races in diverse locations.



FIVE. RECOMMENDATIONS



Based on the research findings, the below recommendations are made for improving the legal framework for the protection of the rights of child jockeys.

1. Recommendations for improving the legal framework for the protection of the rights of child jockeys, and ensuring compliance with international standards:

- Establish legal framework for informing local authorities of injuries to child jockeys during pre-race training or actual racing, determining the perpetrators and imposing penalties.
- Make amendments to the Law on Traffic Rule permitting only four major types of vehicles to be allowed to enter the area where horse racing is organized, namely the vehicles of the main organizing unit, ambulance, police and media.
- Initiate collaboration with the Water, Weather, and Environment Research Center in the preparation and organization of horse racing in terms of predicting the weather, releasing weather forecasts in the area where horse racing is being organized, and taking necessary precautions.
- Eliminate the practice of granting rankings to horse trainers and various types of awards and honors in order to reduce considerably the number of races to be organized in spring. Make necessary amendments and changes to the rules and regulations for providing permission for the organization of horse racing. Introduce regulations for imposing administrative penalties in case of granting rankings and honors.
- Ensure compliance with international conventions by establishing the legal framework and regulations for setting the minimum age for child jockeys in spring horse racing at 18 – the age when children become mature in terms of their ability to apprehend their own actions, assess possible risks and hazards and protect themselves.
- Review the currently active laws and regulations with regard to horse racing, withdraw provisions imposing responsibilities on child jockeys, and revise the roles and responsibilities of horse trainers.





- Punish parents who permit their children to be hired as child jockeys for profit.
- Acknowledge that attending spring horse races as a hired child horse jockey is child labour, initiate review and revision of the list of work prohibited for minors and consider including in this list minors hired as a child jockeys as one of the worst forms of child labour.
- Intensify efforts to ensure compliance with relevant international conventions, including the ILO CEACR recommendations with regard to hazardous child labour.
- Establish a legal entity responsible for the organization and monitoring of horse racing.

2. Recommendations for minimizing health risks and hazards, and addressing education issues during spring horse racing:

- Limit the participation of younger children in spring horse racing, and determine and set the minimum age for participating in spring races basing on a thorough investigation and research.
- Except during school holidays, do not allow horse racing to be organized during winter and spring school seasons.
- Set standards on acceptable distance (by km) of racing per day in spring taking into account specific ages and possible weather conditions etc., based on comprehensive research and analysis.
- Accommodate issues pertinent to the health of child jockeys when setting or determining the time to organize horse racing events, and initiate and enforce regulations that allow the postponing of races in the case of disastrous weather conditions such as severe cold, dustiness, heat, snow and dust storms, and heavy rain. This can incorporate regional specifications, and reflect the opinions of the local community and child jockeys.
- Develop standards for horse racing tracks and roads and have them approved, strengthen monitoring and inspection by horse commission and the National Authority for Children, and recommend that relevant authorities ban horse racing on non–standard racing tracks and roads.
- Provide sufficient information and explanation to child jockeys concerning potential risks before or during race preparations and races, and remind them that they are not obliged to race.
- Ban cars and vehicles from following horse races.
- Establish geographic zones taking into account the diverse weather conditions, and set permitted times of year for organizing regional and aimag level horse races, and monitor enforcement with respective aimag and soum authorities.
- Initiate comprehensive clinic research and analysis on potential injuries and health risks, and associated psychological and physical impacts and consequences.





- Amend related rules and regulations to strengthen the responsibilities of horse owners and horse trainers hiring children as jockeys or assistant workers performing horse breeding or training tasks while living in their households. This should include the responsibilities of registration following the internal migration or movement of a child, concluding a written employment contract, including for example specific provisions concerning the working conditions and rates for reimbursement in case of injuries. Make provisions for imposing penalties on horse trainers in case of violations of the rights of child jockeys clear and obligatory.
- Determine the maximum number of horses that can race per competition.



SIX. ANNEXES



Annex 1.

SUMMARY OF THE STUDY ON “THE RIGHTS OF CHILD JOCKEYS IN SPRING HORSE RACING”

Within the framework of the study on “The rights of child jockeys in spring horse racing”, individual interviews were conducted in the following residential areas: 19th khoroo and Ulziit community of Khan–uul district of Ulaanbaatar; Nalaikh district of Ulaanbaatar; Zuunmod and Zuundelger soum of Tuv aimag; Bulgan, Bugat and Khishig–Undur soums of Bulgan aimag; Bayan–Undur soum of Orkhon aimag; Chinggis city of Khentii aimag; Baruun–Urt and Erdenetsagaan soums of Sukhbaatar aimag.

A total of 798 people participated in the interviews and discussions, including 529 child jockeys, 67 school teachers and school–based social workers, 102 horse trainers, 15 medical doctors and staff, and 85 people representing the general public, including key informants.

Individual interviews and focus group discussions were organized with the aim to collect general information about child jockeys participating in spring horse racing, their socio–psychological condition, health status and education related issues.

Below is a summary of the findings of the interviews and focus group discussions:

Out of total 529 interviewed children, 95.6 per cent were boys, 64 per cent were aged 10–13 years old, and 362 children responded that they started riding in races at the age of 5–7 years old.

A total of 235 children or 44.4 per cent live with their own families and ride their own horses, 193 or 36.4 per cent ride horses belonging to their close relatives, and 124 or 23.4 per cent are hired by others as horse jockeys for a fee. The majority of child jockeys hired by others come from urban and near urban settlements such as Ulaanbaatar city, Khan–Uul and Nalaikh districts, Zuun mod and Zuundelger soums of Tuv aimag, while, children from rural and isolated areas mostly ride their own horses or the horses of close relatives and enjoy riding horses. This indicates that urban children from poor households are usually hired out by others as child jockeys, and live in strangers’ homes facing multiple challenges including being homesick and missing their families and friends.





The majority of the children interviewed (87.3 per cent) said they rode in races following their own interests and enjoy riding. Meanwhile, 9.2 per cent of those interviewed said they do it to earn money.

The average age of child jockeys is 6–16 years old, or the age when children are still immature and are unable to represent themselves and properly negotiate with others. Horse trainers and parents (mostly from low income households) take advantage of this and negotiate and agree amongst each other the conditions for hiring children as child jockeys. In most cases the money is paid directly to the parents, and many households survive on the income that their children bring from horse racing. Often, child jockeys receive petty rewards such as candies, juices, huushuur (fried dumplings) as one-time meals, or at the most are awarded stationary or other school related items. This highlights the exploitation of children who are engaged in horse racing in extreme difficult conditons.

Interviews and discussions were conducted with school teachers and school-based social workers. When asked about the general situation of the households of child jockeys, 4.4 per cent of teachers said the situation is generally good, 44.7 per cent said it could be considered at a middle level, and 50.7 per cent said the families mostly belong to low income or poor households. Also, 4.4 per cent of the teachers interviewed think that the families pay good attention to their children, while 40 teachers or 59.7 per cent referred to “not enough”, and 24 or 35.8 per cent “not good”.

All the child jockeys interviewed were in school (100 per cent) as the research was conducted at schools in the targeted locations. The interview conducted during the Shiirkhairkhan horse racing festival in Nalaikh district also resulted in the same findings that all the participating child jockeys attend school. When asked whether child jockeys attend school during spring races, 89.3 per cent of the teachers responded “yes, they attend school”, and 10.7 per cent said “no, they often miss classes”.

In response to the question on their level of achievement in school, 177 children or 33.4 per cent referred to their achievements as A–B levels, 228 or 43.1 per cent as B–C levels, 102 or 19.2 per cent as C–D levels and 16 children or 3 per cent as D–F levels. The responses of teachers were different, as 1 teacher referred to A–B grades, 9 teachers referred to B–C grades, 38 teachers referred to C–D grades, and 19 teachers referred to D–F grades.

64.2 per cent of the children who participated in interviews responded that they ask for leave to attend spring horse racing, 1.5 per cent responded that they miss school, and 34.2 per cent referred to both: either ask for leave or miss school. The majority of child jockeys (43.2 per cent) responded that they ask help from friends to make up for missed classes, whereas 31 per cent replied that they ask for support from teachers. When asked about the situation in relation to absenteeism among child jockeys, 41.7 per cent of school teachers responded that child jockeys are absent from time to time, while 35.8 per cent said they take leave frequently. School teachers expressed their concerns about child jockeys lagging behind their peers in educational attainment to a high extent, as 43 per cent said child jockeys seriously lag behind compared to their peers, 46.2 per cent referred to this level as middle or average and the remainder said the level of lagging behind is minor. When teachers were asked whether or not they have possibilities





to support students lagging behind (in terms of time and resources etc.), 49.2 per cent said yes, teachers provide support as much as they can, and 50.8 per cent said no.

In response to the question, “Where do you live during the horse racing?” 182 children said they stay in another person’s home (mostly referring to horse trainers’ homes), 196 said they stay with their own families, and 153 said they stay in relatives’ homes. Meanwhile, 90.2 per cent of the horse trainers interviewed (83 people) responded that they let child jockeys stay in their own homes.

When asked about whether or not the child jockeys feel cold, hungry and exhausted, 354 children or 66.9 percent responded no, 72 children or 12 per cent said yes, and 18.9 per cent said sometimes. Out of 102 horse trainers interviewed, when asked who usually provides food, clothing and other necessities to child jockeys, 63 horse trainers responded that trainers provide the necessary clothing etc., and 26 referred to horse owners.

In response to the questions asked to the children about the attitudes of horse trainers in case of mistakes made by children during pre-race training or races, 318 children or 60.1 per cent responded that “the trainers do not punish them in case of mistakes”, 157 or 29.6 per cent said “they blame and blow up”, 24 children or 4.5 per cent said “they beat and kick”, 15 or 2.8 per cent said “they won’t allow taking part in races”, and 4 children or 0.7 per cent said “they do not give food and drinks”.

In response to the question, “How about not riding in horse racing in spring, and racing only in summer?” the majority of the children interviewed (299 children or 56.5 per cent) said they prefer taking part in the races in summer, and going to school in winter and spring, and 227 children or 42.9 per cent said it is nice and they enjoy it.

In terms of use of the safety clothes and gear, 278 children (or 52.5 per cent) answered that they usually wear the necessary safety clothes and gear during horse racing and at other times when working with horses. Meanwhile, 47.5 per cent responded that they use them during the actual racing only and not during preparatory stages, e.g. pre-racing.

A total of 277 children or 52.3 per cent reported that they have fallen off horses during racing at least once, and said that the major reasons for falling were slippery tracks and frozen land (121 children or 43.6 per cent), horses stumbling over mouse holes (83 children or 29.9 per cent), horses straying from the main racing track due to whirling dust (53 children or 19.1 per cent), and issues related to billets (the billet has been cut off), saddlegirth, bridles and headropes. (29 children or 10.4 per cent).

Out of all children (277) who reported falling off their horses, 196 children or 70.7 per cent reported headaches and brain concussion (51 children or 26 per cent), parts of their bodies turning blue, scratches and wounds (55 children or 28 per cent), broken arms and legs (50 children or 25.5 per cent), frosting of arms, legs and faces (34 children or 17.3 per cent) and back and spinal damage (9 children or 4.5 per cent). When asked whether or not the child jockeys who reported falling off horses were wearing their safety gear and clothing, 145 or 52.3 per cent said yes fully, 80 or 28.8 per cent said they used some parts of safety gear and clothing, and the remaining 52 or 18.7 per cent said no.





As for the questions on proper use of safety clothes by child jockeys, 44.9 per cent of them answered that they use both helmets and jackets, 34 per cent referred to helmets only, and 15.8 per cent referred to jackets only.

In response to the questions regarding “the major reasons for getting injured during pre–race training or actual racing”, 158 children referred to a race track, 129 referred to the cars following races and associated dust, 106 children referred to the chaos at the starting point when children push or bite each other, and 104 referred to weather conditions such as snow, rain, wind etc.

When asked about whether or not the child jockeys who reported falling off horses received timely medical assistance, 44.8 per cent said no, 33.1 per cent responded partially, and 22.6 per cent said yes. The major reason for not seeking medical help stated by the respondents (98 children or 63.6 per cent) was that the injuries were minor.

71.6 per cent referred to spring races as the race season when the majority of accidents happen, and another 81.6 per cent referred to spring and winter as the least favorable season for horse racing mostly due to the extreme weather conditions. When asked about the most dangerous conditions for horse racing, 223 children or 42.1 per cent referred to slippery race tracks, and 183 children or 34.5 per cent referred to snow storms during pre–race training or actual racing.

The findings of the clinic examination and analysis indicate that head and bone injuries are the predominant types of injuries amongst child jockeys. Child jockeys face higher risks of these types of injuries during spring racing due to the frozen and slippery land (race track) covered by snow. According to the traumatological clinical hospital records, 326 child jockeys were treated in hospital due to the falling off horses in 2012, out of which 22.3 per cent were diagnosed with head/brain injuries, and 55.2 per cent with upper body bone injuries. Child jockeys frequently suffer facial bone injuries, broken arms and legs, joint dislocation, and spinal damage, and bone and muscle system injuries that often require surgical treatment.

The study made an effort to hear the opinions of the general public on issues pertinent to the rights of child jockeys in spring horse racing. When asked about whether or not the use of children as jockeys in spring horse racing violated the rights of the child, 54 people (63.5 per cent of the respondents) answered “yes, it is a violation”, and 31 people (36.4 per cent) replied “no”. 30.5 per cent of the respondents suggested that the age of 7 or above is the right age for participation in horse racing, while 34.1 per cent referred to 9 years old and above. Also, 60 people (70.5 per cent of the respondents) considered that spring is not a favorable season for organizing horse racing, meanwhile 25 people or 29.4 per cent said that spring is fine for organizing horse racing as long as safety is ensured.





Conclusion of the study

Overall, it can be concluded that children from low income or poor households who are less cared for by their parents tend to participate in spring horse racing, and many such households survive on the profits and income brought by child jockeys for sustaining their livelihoods.

The conclusions of the psychological analysis of child jockeys show that children hired as child jockeys who live in strangers' households face multiple challenges while living under their obedience such as feeling hungry and thirsty, feeling cold during pre-race training and actual racing, performing double work related to breeding and herding etc. while also racing. Hired child jockeys who live far from their own families and outside the attention of their parents live for an extended period of time with young adults horse trainers, and experience negative attitude and behavioral changes, e.g. using abusive language and smoking.

It is evident from the interviews with school teachers and social workers that there are many child jockeys registered at school who seldom attend. Local authorities and school administrations normally request teachers not to grant leave to children to attend horse racing in particular in the months of spring. However, the majority of horse owners are authoritative people, and some of them call schools and order teachers to let the children go leaving the teachers with little option but to obey. The major responsibility for providing the necessary help and support to students lagging behind lies with teachers. However, the teachers interviewed expressed their concerns about the lack of resources and time for providing additional classes, insufficient classrooms, and lack of added value of additional courses as child jockeys usually are tired and exhausted and have little ability to keep up with their studies.

It was observed that some teachers falsely assess the achievement levels of child jockeys for the sake of the reputation of their schools and to promote the child to next grade. This has been noticed during general observation of students in the same class in terms of their levels of achievement, ability to comprehend subjects, reading and writing skills etc.

Many of these children are hardly keeping up with their education, and their future is uncertain. Even if they graduate from secondary school, they are not well prepared to make a smooth transition to a decent future in terms of education and life skills.

The study revealed a small number of child jockeys as drop outs. The study also revealed that there might be a big number of child jockeys who have not registered their injuries with medical centers or hospitals, as many interviewed children responded that they did not ask for medical assistance because their injuries were minor. Based on this, it can be concluded that the cases of injuries registered at hospitals or medical centers might only refer to severe injuries that required serious medical assistance and treatment.



