



# EXECUTIVE SUMMARY

## Mongolia\*



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## Introduction

Since the collapse of the Soviet Union, Mongolia has undergone significant political and economic changes. The economic and political upheaval has also served to increase the vulnerability of certain Mongolian children to commercial sexual exploitation. The transition to a market economy, high unemployment, increasing prices and reduction in government-provided social benefits has resulted in an increase in poverty among a large number of Mongolian families.<sup>1</sup> The number of children living on the streets of Mongolia has risen sharply.

Child prostitution is increasing in large urban centres<sup>2</sup> and mining sites.<sup>3</sup> Despite higher levels of education in Mongolian society, poverty, unemployment, and domestic and sexual violence contribute to pushing many young women into prostitution.<sup>4</sup>

Mongolia has been classified as a source country of trafficking of children for the purpose of sexual exploitation. Trafficking recruitment takes place through various means, including advertising in newspapers<sup>5</sup>, kidnapping<sup>6</sup>, and through local acquaintances that are part of an organised network making false promises of employment or study

opportunities. The lack of reporting on the crime often leaves vulnerable children with no option but to work with the criminal gangs who recruited them, further complicating the investigation of human trafficking activities.<sup>7</sup> Other factors are the high level of poverty in the country, the higher salaries offered abroad, and the desire to live in other cultural environments or to become independent.<sup>8</sup>

There is no specific data on child pornography, and it appears that the problem of child pornography is relatively small in Mongolia. However, according to the National Human Rights Commission of Mongolia (NHRC), pornographic commercials and advertisements can be easily accessed by children, especially through television, and contribute to child sexual exploitation.

Although there have been no officially registered cases of child sex tourism in Mongolia in recent years<sup>9</sup>, reports from NGOs and employees in the tourism industry indicate that child sex tourists are operating in the country. The police confirm that 1,500 women and adolescents are working in sex-related premises in bars, massage parlours and hotels catering to foreigners and tourist.<sup>10</sup>

## National Plan of Action (NPA)

In 2005, Mongolia approved the National Plan of Action (NPA) on Trafficking and Protection of Children and Women from Commercial Sexual Exploitation. The NPA is divided into a series of different timeframes: 2006-2008,

2008-2011 and 2011-2014. However, there are no concrete and substantive plans to eliminate the root causes of CSEC or to measure the progress by governments. Law enforcement and budget allocation remain the biggest challenge

to effectively implement the NPA. There is also a lack of coordination among the government agencies and NGOs monitoring the child's rights situation and providing services. To

assuage these problems, ECPAT Mongolia has initiated quarterly meetings among relevant stakeholders.

## Coordination and Cooperation

The government of Mongolia established a coordinating body comprised of the National Council of Children (NCC) and the Deputy Premier's Office and the National Authority for Children (NAC) to oversee the development of child protection policies, advocate for children's rights at the legislative and executive levels and monitor the implementation of the CRC. The NAC's primary responsibilities include sharing information among key stakeholders, ensuring that particular knowledge extends to the bodies that require it and enabling

children to participate in the development process. The coordinating body also collaborates with UNICEF to promote child protection and empowerment and create Child Centres, aiming to encourage local-level participation of children into child's issues.

At the international level, Mongolia has been cooperating on combating trafficking of children and women, reduce transnational crimes with different stakeholders.

## Prevention

The government of Mongolia has implemented a range of awareness raising activities, including a series of television programmes emphasising the negative consequences that victims of child trafficking, prostitution and pornography face in society and urging public prevention efforts. However, activities have remained *ad hoc*, which inhibits broad public awareness of CSEC.<sup>11</sup>

Mongolia currently has 24 tour groups (including hotels) that have signed the Code of Conduct on the protection of children from sexual exploitation in travel and tourism. This Code of Conduct requires adopting an ethical

policy on monitoring and preventing child sexual exploitation by training staff.

The government initiated courses and curriculum on human trafficking issues to raise awareness among students.<sup>12</sup> It has also attempted to reduce vulnerability through poverty reduction and vocational training programs to support the reintegration of street children.<sup>13</sup> The Ministry of Justice has outlawed advertisements in newspapers and televisions that procure or lure through offers of marriage or lucrative overseas jobs for women under 18.<sup>14</sup>

## Protection

Mongolia has signed several bilateral agreements with various countries to exchange legal assistance on combating trafficking of women and children, although the government has not adopted extradition laws for offenders of child trafficking, child prostitution and child pornography. The 1992 Mongolian Constitution contains sections on equal protection and a safe environment from abuse for children. The 1996 "Law on Protection of Child Rights" prohibits any activity harmful to the physical and psychological health of a child.

The Law against **Pornography and Prostitution** prohibits prostitution and sets out administrative or criminal penalties for offenders. The same law also defines "promiscuity" as an act of prostitution or involving other persons in prostitution, though lacks provisions specific to children. However, **child prostitution** is prohibited by the Criminal Code (Art 115-1). The Law on Protection of Children's Rights prohibits the involvement of a child in **trafficking**, kidnapping, slavery, forced marriage or illegal

adoption. The same law also prohibits taking a child to or from Mongolia on an illegal basis and involving children in labour that is harmful to their safety, health and moral development. However the legal system struggles to adequately prosecute offenders, as the evidentiary requirements are high. There are also no specific provisions focused on **child pornography**; rather the legal penalty depends on the interpretation of other laws such as Law on Protection of Children's Rights, Law against Pornography and Prostitution and the Criminal Code. In relation to **child sex tourism**,

Mongolia's national legislation fails to include extra-territorial jurisdiction. Regarding child protection units, the government of Mongolia encourages NGOs to take active roles in providing shelter and services to victims of CSEC.<sup>15</sup> Some areas are equipped with centres providing free psychological counseling services to families. The General Office for Law Enforcement has psychologists and social workers within its agencies and uses their services when conducting police interviews, investigations and court proceedings to ensure that children's best interest is a priority.<sup>16</sup>

## Child and Youth Participation

In 2004, the government endorsed a new strategy through the National Authority for Children (NAC) aimed at initiating and institutionalising children's participation in the decision making process.<sup>17</sup> The goals of the National Policy are to create a social, cultural and political environment that support and facilitate children's participation, by

strengthening structures which enable their participation and by increasing their capacity to meaningfully participate in different sectors of society.<sup>18</sup> Most importantly the youth participation programmes are designed to be sensitive and friendly for victims of CSEC and children with HIV/AIDS.

## Priority Actions Required

### National Plan of Action and policies on children and CSEC

In line with the Rio Declaration and Call for Action, Mongolia must ensure that its updated National Plan of Action provides for the involvement of the private sector and participation of children in anti-CSEC measures.

### Coordination and cooperation

Mongolia should take steps to improve coordination between the National Council for Children, the National Authority for Children and Children's Centres. To improve coordination at the local level, Mongolia should examine possibilities and resources available to set up child protection units at the district and soum level. In particular, priority should be given to areas that are prone to child trafficking and child prostitution.

Mongolia should further strengthen bilateral, regional and international cooperation at judicial and police levels to counteract all manifestations of commercial sexual exploitation of children, particularly in relation to sharing of information and repatriation of victims.

### Prevention

Mongolia should expand human rights training and education on CSEC issues to ensure all students have access as well as build the capacities of the teachers in charge of implementing this curriculum. In-depth research on all manifestations of CSEC should be urgently developed, paying particular attention to issues yet unexplored (i.e. child sex tourism and child pornography) and follow up in a sustained approach with awareness raising campaigns that seek to prevent CSEC.

## Protection

To comply with its obligations under the OPSC, it is necessary that Mongolia enacts or amends legislation to define child pornography and prohibit its production, dissemination, sale, possession, and knowingly accessing and viewing.

Mongolia must amend its legislation to include a definition of child prostitution in the terms set out under the OPSC. Furthermore, Mongolia must criminalise the offering, obtaining, procuring or providing of a child for child prostitution and ensure that the penalties for offenders are sufficiently stringent.

Mongolia must urgently amend its legislation

to include a definition of child trafficking in the terms set out under the Trafficking Protocol and ensure that the penalties for offenders are sufficiently stringent and provide comprehensive protection for victims and incorporate an obligation to provide recovery and reintegration services to victims of trafficking.

## Child and youth participation

Implement and finalise the Mongolian draft National Policy on Children and Adolescent Participation that has been ongoing since 2005 and enact policy with adequate resource allocation to support the institutionalisation of children's participation in the country.

## Endnotes

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