



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/OPSC/MNG/1
28 May 2009

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 12, PARAGRAPH 1, OF THE OPTIONAL
PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE
CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND
CHILD PORNOGRAPHY**

Initial reports of States parties due in 2005

MONGOLIA

[31 March 2008]

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1 - 3	6
I. THE LEGAL STATUS OF THE PROTOCOL IN THE NATIONAL LEGISLATION	4 - 32	6
A. The status of the Protocol in the internal law of the State party and its applicability in all relevant domestic jurisdictions	4 - 13	6
B. Information about the intention of the State party to withdraw any reservations if it is relevant	14	9
C. The governmental departments or bodies having primary responsibility for the implementation of the Protocol and the mechanisms that have been established or are used to ensure coordination between them, as well as with civil society, including the business sector and the media	15 - 21	9
D. The problems related to mechanisms and procedures in collecting and evaluating data and other information concerning implementation of the Optional Protocol on a periodic and continuing basis	22	10
E. The contribution of the Optional Protocol to the implementation of provisions of paragraphs 1, 11, 21, 32, 33, 34, 35, 36 and other paragraphs of the Convention	23 - 24	10
F. Accomplishments on exercising the rights reflected in the Optional Protocol	25 - 27	11
G. Issues and challenges encountered in the process of the implementation of the Optional Protocol	28 - 32	11
II. PROHIBITION OF THE SALE OF CHILDREN, CHILD PORNOGRAPHY AND CHILD PROSTITUTION	33 - 54	12
A. Age limit used for the definition and determination of crimes such as the sale of children, child pornography and child prostitution	33 - 38	12

CONTENTS (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
B. The aggravating or attenuating circumstances applicable to each of these penalties	39 - 40	13
C. The statute of limitation for each of these offences	41 - 43	13
D. Any other acts or activities which are considered as a crime under criminal or criminal procedural laws of the State party and which are not covered by article 3, paragraph 1, of the Optional Protocol	44 - 46	14
E. The liability of legal persons for the acts and activities enumerated in article 3, paragraph 1, of the Optional Protocol, indicating the definition of a legal person in the State party	47 - 48	14
F. The status, under the criminal or penal law of the State party, of attempts to commit and complicity or participation in any of the offences referred to previously	49	14
G. The information on the level of State party's involvement on the implementation of bilateral and multilateral agreements and its measures on child adoption by parties involved in child adoption	50 - 54	15
III. PENAL/CRIMINAL PROCEDURE	55 - 62	16
A. The measures to establish the State party's jurisdiction over the offences when: these offences are committed in its territory or on board of a ship or aircraft registered in the State party; the alleged offender is a national of the State party or a person who has his/her habitual residence in its territory; the victim is a national of the State party; and the alleged offender is present in its territory and it does not extradite her/him to another State party on the ground that the offence has been committed by one of its nationals	56 - 59	16
B. The seizure and confiscation of goods and proceeds	60 - 62	17

CONTENTS (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
IV. PROTECTION OF THE RIGHTS OF CHILD VICTIMS	63 - 92	18
A. Best interests of child victims are ensured in legal proceedings	69	19
B. The rights of the child victims to dignity and self worth during inquiry, investigations, court hearing and examination on testimonies provided by offenders and witnesses; the right of their parents or guardians to be present; the right to be represented by a legal adviser or to apply for free legal aid; legal consequences for juvenile offenders who was involved in a crime which was prohibited by the Optional Protocol	70 - 71	20
C. Providing juvenile witness and victims with information during criminal proceedings and responsibilities of officials in charge of this duty	72	20
D. Protecting a juvenile victim's dignity and freedom	73 - 74	20
E. Ensuring the safety of child victims, as well as of their families and individuals/organizations dealing with the prevention and/or protection and rehabilitation of child victims; children's right to access to adequate procedures to seek compensation for damages	75	21
F. On possibilities of the child to receive support and compensation on non discriminatory basis from persons liable under law	76	21
G. Providing child victims with physical and emotional rehabilitation and reintegration services	77 - 92	21
V. PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND PORNOGRAPHY	93 - 114	24
A. Policy and programmes as well as legal, court and administrative measures taken on protecting children from crimes specified by the Optional Protocol	93 - 95	24

CONTENTS (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
B. Training and dissemination of information for parents, children and public about the provisions of the Optional Protocol	96 - 108	25
C. Conducting trainings for officials and professionals who work with and for children	109 - 114	26
VI. INTERNATIONAL ASSISTANCE AND COOPERATION	115 - 118	27

Introduction

1. Mongolia is pleased to present its initial report under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child prostitution and Child Pornography to the Committee on the Rights of the Child (“the Optional Protocol”).
2. The organization of this initial report follows the general guidelines regarding the form and content of initial reports to be submitted by States Parties (CRC/C/5). A State Secretary of Social Welfare and Labour led a working group for a preparation of the report. The working group consisted of representatives from government ministries and agencies, national and international non-governmental organizations, women and children.
3. The working group drafted the present report integrating the data and statistical indicators sent by administrative organizations of all levels, civil society and citizens. Representatives of the public, national and international non-governmental organizations and children were involved in final discussions of the draft report.

I. THE LEGAL STATUS OF THE PROTOCOL IN THE NATIONAL LEGISLATION

A. The status of the Protocol in the internal law of the State party and its applicability in all relevant domestic jurisdictions.

4. The principles and notions contained in the Optional Protocol are reflected in the Constitution of Mongolia, the Law on Protection of Children’s Rights, the Criminal Code, the Criminal Procedure Law, the Law against Pornography and Prostitution, the Law on Advertisements, the Family Code, the Labour Code, and the Law against Domestic Violence and Package Laws on Social Welfare.
5. Article 16, paragraph 10, under Chapter 2, Human Rights and Freedom, of the Constitution of Mongolia declare that “The State protects the interests of the family, motherhood, and the child”; paragraph 4 of the same article states that “No one may be unlawfully forced to work”; and article 19, paragraph 1, states that “the State is responsible to the citizens for ... ensuring human rights and freedoms ...”
6. Article 5, paragraph 2, of the Law on Protection of Children’s Rights entitles the child with a right to grow up in the healthy and secure environment and be free from abuse. Article 7, paragraph 4, of the same law prohibits the involvement of the child in activities harmful to his/her physical, psychological, moral and intellectual development including crime, violations of the laws, gambling, pornography, prostitution, conflicts among adults, offering the child substance abuse, alcohol and tobacco, all forms of abuse (verbal, emotional, sexual and physical abuse), sale, trafficking, kidnapping, forcing to slavery or similar activities, neglect, abandonment, torture, use in spying or terrorist activities, forced marriage and early engagement, illegal adoption, illegal detention, taking the child to or from Mongolia on an illegal basis. Pursuant to the same article, citizens and entities are prohibited to engage children in the following activities: (a) involvement of children in labour harmful to their safety, health and moral development; (b) exploitation of child labour; (c) unfair payment for children’s work;

(d) forcing for begging and gaining profit using a child's name. Article 15, paragraph 2, of the Law on Protection of Children's Rights identifies children in difficult circumstances such as orphans, disabled, poor, unsupervised children, children disturbed physically or emotionally due to violence, neglect and abuse, children engaged in hazardous labour harmful to their wellbeing and health. Pursuant to this article the State is responsible for taking the following measures for their protection:

- (a) Providing access to educational and vocational training;
- (b) Recovering and rehabilitating through appropriate health services; providing disabled children with artificial organs and other equipment necessary for their wellbeing free of charge;
- (c) Supporting families who adopted children in difficult circumstances;
- (d) Accommodating the child in a care institution, if necessary;
- (e) Supporting families who take care of children in difficult circumstances on a voluntary basis;
- (f) Under article 5, paragraph 4, of the Law on Protection of Children's Rights, police, health, education and social welfare organizations shall provide recovery, rehabilitation and character education for children who have an addiction to alcoholic drinks or drugs and who are involved in prostitution - regular supervision of parents, caretakers or legal guardians is required during the interventions;
- (g) Pursuant to paragraph 5 of the same article, the State shall cover all costs of temporary or long-term accommodations, and vocational training institutions for street children, children with no residential addresses, run away children, children whose rights are violated and children in conflict with the law. The above-mentioned institutions may be funded by donations and supports of private entities, other organizations and individuals. Only qualified and specialized persons shall work in the institutions, including temporary detention centres, care centres and training centres for children. All facilities shall meet health and hygiene standards.

7. Under article 113.2.5 in chapter 17 of the Criminal Law, both individuals who sold and bought a child shall be condemned to imprisonment for a term of more than 5 to 10 years. Article 115 of the same law reads: "involving persons under legal age into heavy drinking, drug abuse, prostitution, vagrancy and beggary shall be punishable by a fine equal to 20 to 50 times the amount of the minimum salary, 100 to 250 hours of forced labour or incarceration for a term of 1 to 3 months. Intentional switching or illegal adoption of a child shall be punishable by a fine equal to 51 to 200 times the amount of the minimum salary, incarceration for a term of more than 3 to 6 months or for a term of 2 to 5 years (article 116). Illegally forcing a child to labour shall be punishable by a fine equal to 51 to 250 times the amount of the minimum salary or imprisonment for a term of up to 4 years (article 121). Taking of human blood, organs or tissues by the use of violence or threat shall be punishable by imprisonment for a term of up to 4 years with or without deprivation of the right to hold a specialized position or engage in a specialized business for up to 3 years (article 101). The same crime committed by a person who knew that the victim was not able to defend himself or herself or by an individual who abused the authority over the victim in financial or other forms of dependency shall be punishable by imprisonment for a term

of up more than 5 to 10 years, with or without deprivation of the right to hold a position or engage in the same business for up to 3 years. An individual, who prepared, disseminated, sold printed or videotaped materials or other items depicting pornography or imported, exported advertised or displayed these materials to the public shall have punishment of a fine equal to 31 to 50 times the amount of the minimum salary or by incarceration for a term of 1 to 3 months (article 123).

8. Article 3 of Law against Pornography and Prostitution defines “promiscuity” as “... an act of prostitution or involving other person in prostitution or being involved in prostitution, organizing or mediating it, and promoting pornography”; “promoting pornography” is defined as “exposing the sexual acts or sexual parts through reading or listening materials or displaying pornographic movies or videos with the purpose of creating a sexual desire of others ...”; and “erotic” is conceptualized as showing a nude human body in artistic ways. Provisions of Chapter 2 of the same law prohibit prostitution and promotion of pornography. Violation of these provisions shall result either in administrative or criminal liabilities. The police shall keep track of individuals who were imposed administrative measures for their engagement in prostitution. In addition, the police is entailed to disclose a case of law infringements related to promiscuity to the employer or educational institution where the accused person works or studies; if the accused person neither works nor studies then the disclosure goes to a governor of his/her respective *soum* (district), *bagh* (rural) or *khoro* (urban) or to the community.

9. The Law on Advertisement regulates relations on producing, distributing and allocating advertisements. The law prohibits any advertisements which are in conflict with the principles of fair competition; which are confusing or manipulating customers or are contradictory with their interest. Article 6, paragraph 5 of this law prohibits the production and dissemination of advertisements which may cause fear, violence, or misconduct; which are harmful to the well being, health or safety of others; and which promote prostitution and pornography. Under article 16, paragraph 1.4 of the Law on Protection of Children’s Rights the child involvement in the production of films or sounds or language materials which may depict a child in of a dangerous situation is banned. A citizen who violated these provisions shall be imposed a penalty of 10,000-50,000 MNT; a government officer - of 25,000-60,000 MNT. An economic entity shall pay a fine of 50,000-250,000 MNT.

10. Article 4 of the Family Code states: “commitment for healthy growth and development of the child in a family and protection of the best interests of the child shall be promoted”. Under the Family Law parents are prohibited to cause damage to mental, physical and moral wellbeing of the child; be cruel to the child; and abuse their parental rights. Pursuant to article 30, paragraph 1 of the same law, the parental right of an individual who abuses his or her parental rights (abandoning the child, purposely deluding the child, torturing, selling, leaving the child for a pledge, engaging the child in sexual or other forms exploitation or criminal activity) and neglects the psychological wellbeing of the child or deliberately avoids his or her parental responsibilities shall be terminated. Article 25 of the Family Code requests that the governor of the *soum* (district) appoint a legal guardian for the child if a contradiction between the child and parents with regard to the best interests of the child is confirmed. Article 66 of the same Code states that *soum* governors shall take care of a full orphan or an young child whose parents are diagnosed as having limited legal capacity or no capacity or whose parents lost their parental rights or whose parents are being treated at hospital for a long time or whose parents are imprisoned or individuals who have mental illness.

11. Pursuant to the Labour Code the employment of minors in a job under hazardous work situations shall be prohibited. A central State authority responsible for labour matters shall approve a list of jobs prohibited for minors. By this law, persons who have reached 16 years of age have a right to sign an employment contract (article 109). Minors should not be involved in a labour that will affect their health, physical growth and moral development (article 109). If there are no contradictions, persons, who have reached 15 years of age, may be admitted to employment with the permission of their parents or representatives (article 109.5). Persons who have reached 14 years of age may be allowed to be employed for the purpose of imparting vocational guidance and work experience with the consent and under the supervision of their parents or representatives.

12. Article 6 of the Law against domestic violence regulates measures on prevention, protection and rehabilitations from physical, mental, sexual and economic violence.

13. A package of laws on social welfare includes children in difficult circumstances as described in article 15 of Law on the Protection of Children's Rights in a vulnerable group and identifies six types of discounts and assistance for improving their living conditions. With consideration of changes in a minimum living standard the amount of the discounts and assistance shall be revised each year and reflected in the State budget annually.

B. Information about the intention of the State party to withdraw any reservations if it is relevant

14. Mongolia has no reservations to the Optional Protocol.

C. The governmental departments or bodies having primary responsibility for the implementation of the Protocol and the mechanisms that have been established or are used to ensure coordination between them, as well as with civil society, including the business sector and the media

15. Central and local government organizations including the Ministry of Social Welfare and Labour (MOSWL), the Ministry of Justice and Home Affairs (MOJHA) and the Ministry of Education, Science and Culture (MOESC) and their implementing agencies, governors and their offices at all levels are in charge of developing and undertaking a comprehensive national policy to prevent and combat sexual exploitation and trafficking in children, including the root causes and factors that place children at risk of such exploitation.

16. The Government of Mongolia approved a National Programme on Protection from Trafficking in Children and Women with Purpose of Sexual Exploitation in 2005.

17. Actions to implement the National Programme during 2006-2008 have been taking place. Relevant ministries and local governors coordinate the implementation of the National Programme and allocate appropriate budget resources every year. Since 2005, in collaboration with UNICEF (United Nations Children's Fund), the MOSWL has implemented a Child Protection Programme and allocated every year 100,000 USD for activities to prevent children from sexual exploitation.

18. About 30 governmental and nongovernmental organizations cooperate in activities against child sale, child prostitution and pornography. In 2003, the End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes' (ECPAT) national network was established to raise public awareness of the sexual exploitation of children. This network has been a member of ECPAT International since February 2004.

19. ECPAT National Network actively collaborated with the Government on the development of the National Programme on Protection from Children and Women Trafficking with Purpose of Sexual Exploitation in 2005 (see paragraph 16 above).

20. The ECPAT National Network contributes to the implementation of the National Programme and expands the training and awareness-raising activities for the public and professionals. Recovery and rehabilitation services for child victims have been introduced through this Network.

21. The MOSWL, the Ministry of Transportation and Tourism, UNICEF and ECPAT National Network collaborated to commence a Code of Conduct against commercial sexual exploitation of children in relation to tourism. On 28 May 2004, about 30 tourist companies signed the agreement on implementing the Code of Conduct for the protection of children from sexual exploitation in travel and tourism. The performance of the companies who were signatory to the Agreement was monitored and the follow-up training on awareness-raising was conducted in 2006.

D. The problems related to mechanisms and procedures in collecting and evaluating data and other information concerning implementation of the Optional Protocol on a periodic and continuing basis

22. A National Council in charge of implementation and monitoring of the National Programme on Protection from Trafficking of Children and Women with Purpose of Sexual Exploitation has been set up under the MOSWL. The Council is responsible to present a performance report on the implementation of the National Programme every year. However, the Council's performance is not regularized.

E. The contribution of the Optional Protocol to the implementation of provisions of paragraphs 1, 11, 21, 32, 33, 34, 35, 36 and other paragraphs of the Convention

23. Pursuant to article 5.6 of the Law on Mongolian Citizen's Emigration or Travelling Abroad Mongolian law, a child has a right to migrate, to find refuge or to reside in another country and to return to his or her home country with his or her parents or legal guardians; the residence of the child may be changed only under legal justification without consent of the child and his/ her parents, care taker or legal guardians.

24. Paragraph 1 of article 7 of the Law on Mongolian Citizen's Emigration or Travelling Abroad states that: "... a person who either has not reached 18 years of age or has no legal capacity shall travel abroad or emigrate only when accompanied by his or her parent/s or legal guardian or caretaker"; And paragraph 2 of the same article states that: "... if a Mongolian

citizen who has reached the age of 16-18 who travels abroad or emigrates with his/ her parent/s or legal guardian, his/her written consent for the trip shall be required”; and paragraph 1 of article 9 states that: “... while staying abroad a citizen of Mongolia shall be in the protection of his/her State and his/her rights and interest shall be protected as stated in legal provisions”.

F. Accomplishments on exercising the rights reflected in the Optional Protocol

25. The departure and arrival cards to cross a Mongolian border have been added with questions of an accompanying child in order to prevent child trafficking. A passenger with an accompanying child should report the family and given names and the State registration number of the child. This information stored in a united database allows the monitoring of whether the child is returned back to the country.

26. The capacity of non-governmental organizations (NGO) to support children for exercising the rights reflected in the Optional Protocol is strengthened; and their collaboration with international organizations is expanding.

27. Public awareness of human trafficking has been increased.

G. Issues and challenges encountered in the process of the implementation of the Optional Protocol

28. The following common issues are observed during investigation and court hearing processes. For instance, under article 113 of the Criminal Code, cases of human trafficking often fail to be considered as crime due to the lack of evidence. It is unclear what kind of activities should be considered as human trafficking. For a testimony of trafficking in persons, the buyer should be involved in identifying how much money was paid for and how much profit was gained from the sale of a person. An assumption that the case should be transferred to a court after the identification of the price and the profit made, and after human trafficking has been proved is widespread.

29. Many cases of prostitution are not considered as illegal because of the following interpretations of a law provision: “... force and deception cannot be justified when a victim was fully aware that he/she might be engaged in a sexual activity with a client upon his/her request while he or she was providing singing or dancing services”.

30. There is no budget allocated for a trip to Beijing, Macao and other destinations of trafficking to conduct an interrogation and investigation of the “buyer”. For this reason, a human trafficking case may be dismissed.

31. Because a legal environment to protect a victim’s life or dignity or personal secret is not developed well, it is common for victims to withdraw their claim voluntarily or under a pressure during an investigation process.

32. Enforcing provisions of the Criminal Code in relation to human trafficking is an issue due to the ambiguity of the definition of “human trafficking” in legislation. The Supreme Court has not issued official interpretations of the law provisions in regard to human trafficking.

II. PROHIBITION OF THE SALE OF CHILDREN, CHILD PORNOGRAPHY AND CHILD PROSTITUTION

A. Age limit used for the definition and determination of crimes such as the sale of children, child pornography and child prostitution

33. For a definition of the ‘child’ the Committee is referred to pages 11-15 of the second report of Mongolia on the implementation of the Convention (CRC/C/65/Add.32). Some provisions of laws which were not described in previous reports are explained in the following paragraphs.

34. Every child from his or her birth till the age of 18 is under protection of the Law on the Protection of Children’s Rights. Children of foreign citizens residing in Mongolia and children of stateless persons are also under protection of this law.

35. Article 14 of the Civil Code states “legal capacity of a citizen shall start from the time of his/her birth and expire upon his/her death” ... and “... restriction of a citizen’s legal capacity shall not be prohibited ...”. Article 15 of the same law reads “a citizen shall be entitled to his/her full legal capacity by reaching 18 years of age”. The concept “full legal capacity” means the capacity to hold rights or responsibilities for his or her actions. In accordance with laws and regulations, citizens aged 16-18 may have his/her full legal capacity upon his/her request and approval of his/her parents or guardians or care takers. Citizens aged 14-16 have incomplete legal capacity, and citizens aged 7-14 have some legal capacity. Children aged up to 7 have no legal capacity. An individual who is not able to understand consequences of his/her action or to control his/her behaviours due to mental illness shall be considered as a citizen without legal capacity and guardians shall be appointed for him/her. Negations shall be conducted by his/her legal representatives (parents or guardians) on behalf of him/her.

36. Under Article 21 of the Criminal Code of Mongolia persons having attained 16 years of age at the time of committing a crime shall be subject to criminal liability. Persons of 14 to 16 years of age shall be subject to criminal liability for homicide (article 91), deliberate infliction of a severe bodily injury (article 96), rape (article 126), theft in aggravating circumstances (article 145), misappropriation (article 146), robbery (article 147), deliberate destruction or damage of property (article 153) and hooliganism in aggravating circumstances (articles 181.2 and 181.3).

37. Although paragraph 1 of article 9 in the Family Code prohibits a person under the age 18 to get married, the next paragraph specifies that paragraph 1 shall not apply to a person if he or she is under 18 and announced as a person with a full legal capacity as outlined in the Civil Code.

38. Article 109 of the Labour Code states that individuals having reached the age of 16 shall have the right to enter into an employment contract. The Code also specifies that individuals having reached the age of 15 may have an employment contract with an approval of his/her parents or guardians in cases which are not contrary to the article 109.5 of the same Code. In order to receive vocational orientation, children having reached the age of 14 may enter into an employment contract with the approval of his/her parents or guardians or the national government organization in charge of labour issues. Individuals under age of 18 are prohibited to

work in labour hazardous to their mental and physical development. A government member in charge of labour issues is assigned to produce a list of work places where employment of individuals under age of 18 is prohibited.

B. The aggravating or attenuating circumstances applicable to each of these penalties

39. Article 115 of Criminal Code stipulates that involving persons under the legal age into heavy drinking, drug abuse, prostitution, vagrancy and beggary is felony. Offenders who involved persons under the legal age into heavy drinking, drug abuse, prostitution, vagrancy and beggary shall be punishable by a fine equal to 20 to 50 times the amount of the minimum salary, 100 to 250 hours of forced labour or by incarceration for a term of 1 to 3 months (article 115.2, Criminal Procedure Law). The same crime committed by an educator, parent, guardian or custodian who was legally assigned with the duty of upbringing the person under legal age shall be punishable by a fine equal to 51 to 100 times the amount of the minimum salary, or by incarceration for a term of more than 3 to 6 months with or without deprivation of the right to hold specified positions or engage in specified business for a term of up to 2 years (article 15.3). The same crime committed repeatedly, by using force or threat shall be punishable by 100 to 250 hours of forced labour or imprisonment for a term of 3 to 5 years. Under article 123 of the same law, the preparation, dissemination, sale, and depiction to the public, and transport across the State border of any materials advertising pornography, including books, films, video tapes and other items, are prohibited. This offence shall be punishable by a fine equal to 31 to 50 times the amount of the minimum salary or by incarceration for a term of 1 to 3 months. Inducing a person under 16 to engage in the same crime shall be punishable by a fine equal to 71 to 100 times the amount of the minimum salary or by incarceration for a term of more than 3 to 6 months. The same crime committed by the use of violence against a minor, or by a person who previously was sentenced for this crime, by an organized group or by a criminal organization shall be punishable by imprisonment for a term of up to 5 years.

40. Each of these offences is classified in the group of a “not serious” category. Promoting pornography or prostitution is a crime against social morals and harmful people’s health, in particular youth development and population reproduction. Therefore, the public has a common perception that such offences should be included in a category of “serious” felonies.

C. The statute of limitation for each of these offences

41. Pursuant to article 208, Criminal Code a criminal case shall be terminated on the following grounds (there are grounds indicated in articles 24.1.1-4 of this Law): the participation of a suspect or accused in commission of the crime has not been proved, even when all possibilities for collecting supplementary evidence have been exhausted; a victim of the crime specified in article 25.1 of this Law has reconciled with the suspect, accused or defendant of the case.

42. If termination of a case based on the grounds stated in article 24 of this Law is objected by the accused and his/her defence counsel their complaint shall be lodged to court and the court shall execute judicial examination in a regular manner and shall review and resolve whether the person involved in the case is guilty or not.

43. In accordance with one of special provisions of Criminal Code, the case can be dismissed if the crime is classified in the “not serious” category and a victim voluntarily has reached agreement with the offender. However, this provision does not apply when the victim is under the control of the offender or is not able to protect his/her legal rights and interests. In such case, the offence should go through court.

D. Any other acts or activities which are considered as a crime under criminal or criminal procedural laws of the State party and which are not covered by article 3, paragraph 1, of the Optional Protocol

44. Article 112 of the Criminal Code regulates the offences related to a human hostage.

45. Pursuant to article 112.1 taking or keeping of a person as a hostage with the purpose of extracting money or other property from a business entity, organization or citizens, or for the purpose of forcing them to perform or to restrain from committing any conduct shall be punishable by imprisonment for a term of up to five years.

46. Article 108 of Criminal Code stipulates that kidnapping that has no signs of taking a hostage shall be punishable by imprisonment for a term of 3 to 5 years. Illegal detention that has no signs of a crime of malfeasance or a crime against the administration of justice, as well as kidnapping or taking a hostage as specified in this Code, or taking of a hostage or kidnapping shall be punishable by a fine equal to 51 to 70 times the amount of the minimum salary or by incarceration for a term of more than 3 to 6 months (article 109 Criminal Code).

E. The liability of legal persons for the acts and activities listed in article 3, paragraph 1, of the Optional Protocol, indicating the definition of a legal person in the State party

47. The Criminal Procedure Law authorizes investigation and prosecutors offices as well as courts and their staff to conduct investigation proceedings.

48. Pursuant to article 28 on investigation, an inquiry officer shall execute minor and less grave cases specified by the Criminal Law. An investigator carries out grave and extremely grave cases. Inquiry officers or investigators who initially started an investigation shall be obliged to finish it. Article 30 of the same law assigns procurators to monitor the application of the provisions of the law during the inquiry and investigative actions, and to take part in court hearing as a public prosecutor. Courts established only according to the Constitution shall implement administration of justice with regard to criminal cases (article 31 Criminal Procedure Law).

F. The status, under the criminal or criminal procedure law of the State party, of attempts to commit and complicity or participation in any of the offences referred to previous chapter

49. A contractor, organizer, instigator, principal and collaborator shall be recognized as accomplices in a crime (article 35 Criminal Code). Pursuant to article 37.1, in determining the type and amount of criminal liability of the accomplices the court shall take into account the role,

character and degree of actions of each accomplice in committing the crime and apply article 35 of the general part of the Criminal Code. In other words, persons involved in child sale, child prostitution and pornography shall be subject to the above-mentioned criminal liabilities. The accused persons of foreign nationality can be extradited from the country according to Mongolian bilateral legal arrangements with other countries.

G. The information on the level of State party's involvement on the implementation of bilateral and multilateral agreements and its measures on child adoption by parties involved in child adoption

50. Chapter 7 of the Family Code regulates the matters of adoption. The Law states that adoption shall be take place for the best interests of the child. Adoption shall be approved by the child's biological parents. If parents do not have full legal capacity and it is not otherwise stated by the Law the child's guardian(s) or the care institution shall give a permission to adopt the child. The child over 7 years-old shall be consulted about his/her adoption. In a regular case, a person who is interested to adopt a child shall submit his/her application to a Governor of his/her registered *soum* or district. Then, the Governor shall assess the application and make his/her decision within 20 days after receiving the request.

51. Article 58 of the Family Code regulates the issues concerning adoption of children by foreign citizens. In 1999, Mongolia ratified the Hague Convention of 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption. In the framework of these legal documents, the Regulation of Adoption of the child of Mongolian Nationality by Foreign Citizens /the attachment to the Joint Order of Ministries of Justice and Home Affairs and Social Welfare and Labour, No. 100/32 of 2001/ was endorsed. A foreign citizen shall apply for adoption of a child to an authorized organization of Mongolia through an authorized organization of his/her own country. This provision shall not apply to those foreign citizens who have been residing Mongolia for the past six months. A foreigner who is interested in the adoption of a child of Mongolian nationality who is residing in a foreign country shall apply through a diplomatic or consular organization of Mongolia in the respective country. A foreign citizen interested in adopting a Mongolian child shall submit his/her application (if married then jointly) with its notarized translation along with other accompanying documents, including medical certificates proving the applicant has no AIDS/HIV, TB or mental illness; a copy of a marriage certificate, a residential address proved by an authorized organization, a document certifying the applicant's financial status issued by the relevant organizations of their country; and recommendation letters for the applicant issued by the central government organization in charge of population issues of his/her country. The central State authority in charge of population issues shall keep records on foreign citizens applied for adopting a child of Mongolian nationality; and cooperate with international organizations or relevant organizations on the adoption process and protection of the best interest of the adopted child. Pursuant to the Law on Legal Status of Foreign Citizens in Mongolia, the Immigration and Naturalization Office makes a final decision on adoption of a child of Mongolian nationality by a foreign citizen. After receiving a permission to adopt the child from the Immigration and Naturalization Office the applicant shall submit his or her notarized request for the adoption of a child of Mongolian nationality or stateless children residing in the country to the National Centre on Citizens' Registration and Information in the capital city or a local centre on citizens' registration and information in a provincial centre.

52. A decision on adoption of a child of Mongolian nationality who resides in a foreign country shall be made by a diplomatic and consular office of Mongolia in accordance with provisions of relevant laws.

53. Pursuant to the Law on Citizens' Registration and Information, the National Centre on Citizens' Registration and Information, a unit on citizens' registration and information under an *aimag* (province) governor's office and *soum* (district) governor's office as well as a diplomatic or consular organization of Mongolia in a foreign country register the adopted child and issue three types of certificates in regard to adoption. A new birth certificate for the adopted child shall include given and family names of the child, date of birth, place of birth, given and family names of biological parents and given and family names of parents who adopted the child or guardians, the name of organization which issued the birth certificate, certificate number, date of issuance, signature of the officer and stamp. Both parties adopted and adopting the child get certificates too. If the adoption is registered in a place different than where the child's birth was registered, an officer in charge of citizens' registration and information shall send a memo notifying a registration change to a governor's office of the administration unit where the child's birth was registered.

54. If the adoption is terminated by a court decision, an officer in charge of citizens' registration and information shall amend the child's registration of the adoption and reissue the original birth certificate to his/her biological parents or guardians.

III. PENAL/CRIMINAL PROCEDURE

55. The Criminal Procedure Law regulates all criminal procedures.

- A. The measures to establish the State party's jurisdiction over the offences when: these offences are committed in its territory or on board of a ship or aircraft registered in the State party; the alleged offender is a national of the State party or a person who has his/her habitual residence in its territory; the victim is a national of the State party; and the alleged offender is present in its territory and it does not extradite her/him to another State party on the ground that the offence has been committed by one of its nationals**

56. Article 3 of the Criminal Procedure Law shall be equally applied in criminal proceedings regarding crimes committed on land owned by a diplomatic representative office that is considered a part of Mongolian territory or on board of ships or air planes carrying a flag of Mongolia (article 3.3 of Criminal Procedure Law). In executing criminal proceedings in relation to crimes committed by foreign citizens or persons without citizenship on the territory of Mongolia, the rules set by the Criminal Procedure Law shall be adhered to (article 4 of Criminal Procedure Law). With respect to foreign citizens possessing the right of diplomatic immunity and inviolability, criminal proceedings provided by the present Code shall be executed only upon their request or with their consent (article 4.3 of Criminal Procedure Law). Consent for executing criminal proceedings with respect to persons enjoying diplomatic immunity and inviolability shall be sought through central State administration organ in charge of external affairs of Mongolia. Instructions of an organization or an official of a foreign country on execution of procedural actions shall be implemented by an inquiry officer, investigator, procurator and court

according to normal rules provided by this Law (article 401.2 of Criminal Procedure Law). In implementing the instruction, norms and provisions of foreign procedural actions may be applied if international agreements provide so (article 401.3 of Criminal Procedure Law). If international agreements provide so, a representative of relevant organization from the foreign country may participate in implementing the instruction (article 401.4 of Criminal Procedure Law). If it is not possible to implement the instruction and if international agreements do not provide otherwise, the received documents shall be returned to the foreign organization who gave the instruction through the Procurator General's Office or central State authority in charge of legal affairs stating the reason for non-implementation. If implementation of an instruction is contradictory to the sovereignty and security of Mongolia or violates legislation, it shall be sent back (article 401.5 of Criminal Procedure Law).

57. Extradition of accused foreign citizens is regulated as described below. Pursuant to article 13 of the Criminal Procedure Law, persons who have committed crimes in the territory of Mongolia shall be subject to the criminal liability. In case of committing a crime on the land in possession of a diplomatic representative office of Mongolia in a foreign country, on a board of a ship flying the state flag of Mongolia or aircraft that is beyond Mongolia's borders the culprit shall be subject to criminal liability under this Law (article 13 of Criminal Code). Citizens of Mongolia shall not be extradited to a foreign State for prosecution and criminal liability. If foreign nationals and stateless persons who committed crimes beyond the territory of Mongolia are within the territory of Mongolia, those may be extradited to the foreign States for criminal liability or for serving punishment as provided in international treaties to which Mongolia is a party (article 15 of Criminal Procedure Law).

58. Mongolia has established agreements on mutual legal assistance with China, Kazakhstan, France, Poland, Russian Federation, the Republic of Korea, Ukraine, Vietnam, Turkey and India.

59. In regard to conditions described in article 5 of the Optional Protocol, according to the information released by the Criminal Police in 2007, Mongolia has not sent or received a request to extradite an offender described by paragraph 1 of article 3 of the Optional Protocol.

B. The seizure and confiscation of goods and proceeds

60. Under article 49 of Criminal Code the seizure of items created by way of crime, arms and means used for committing it, or income gained by crime and other things incidental thereto shall be mandatory in addition to the confiscation of property.

61. There are no detailed provisions in the Criminal Procedure Law on these measures.

62. Article 13.2.3 of the Law on Prostitution and Pornography states that: "if the media has served as an instrument for offences (described by article 5.1 of this Law) the proceeds shall be confiscated. An official involved in this conduct shall be imposed to a penalty of 40,000-60,000 MNT and an economic entity shall pay 100,000-150,000 MNT. If the offence is repeated within a year the media organization shall be closed down. Pursuant to article 13.2.4 of

the same law goods produced as an outcome of pornography shall be seized and the offender shall be imposed a penalty of 40,000-50,000 MNT. If pornographic materials including books, movies and videos (described by article 5.2 of this Law) were prepared, distributed, sold, intentionally possessed, advertised, exported or imported, the goods shall be seized; the offender shall be imposed a penalty of 35,000-50,000 MNT or arrested for 7-15 days; and an economic entity shall pay a penalty of 200,000-250,000 MNT; an offender who violated a Procedure on Selling Pornographic Magazines, Books or Videos described in article 7 of this Law or depicted pornographic images to persons who have not reached 18 years-old (article 8.1.3) shall be imposed a penalty of 25,000-30,000 MNT. If this misconduct performed by an economic entity, it shall pay a penalty of 150,000-250,000 MNT. Article 13 of this Law prohibits depicting any pornographic movies, videos, plays, or striptease (described by article 8.1 of this Law) in the places other than described in article 8.1.1. In case of violations of article 8.1.2 by showing pornographic movies or videos on a public TV channel, proceeds shall be seized and the offender shall be imposed a penalty of 25,000-50,000 MNT and an economic entity pays a penalty of 150,000-200,000 MNT. Under article 13.2.9 of the Law on Prostitution and Pornography, an authorized board shall review books, movies or videos with an erotic nature (described by article 9.3 of this Law) and give media organizations a consensus. If a media organization produces erotic materials without a consensus of the Board, the goods shall be seized. The offender shall be imposed a penalty of 30,000-50,000 MNT and an economic entity pays a penalty of 100,000-200,000 MNT. In 2006, the Department of Criminal Police seized 243 pornographic movies in six districts of the Capital. The police identified six pornographic websites; one of them was closed immediately; cases of two sites were transferred to a criminal inquiry department; all pornographic movies at one site were erased; and the police sent a letter to two foreign website servers to close their sites. The woman who played in a joint Mongolian and Korean pornographic movie was identified. Currently, this case is under investigation. However, no information is available whether the accommodation which was used for producing this movie was closed down or not.¹ Under paragraph 5 of article 25 of the Law on the Protection of Children's Rights a citizen who forced a child to beg or an official who exploits a child in forced labour shall be imposed a penalty of 10,000-20,000 MNT.

IV. PROTECTION OF THE RIGHTS OF CHILD VICTIMS

63. There are hotlines which receive the information about offences and victims of child sale, trafficking, prostitution and pornography and provide referral services to victims. For instance, 24 hours hotline "Close Talk - 464060" at the Centre for Protection a Child from Abuse receives information from children and provides phone counselling to them; The telephone 312151 at the Adolescent Future Centre provides advices on reproduction health. The Trust line-1903 at the Centre for Gender Equality provides information on human trafficking. The telephone - 99927644 is being operated at the Adolescent Future Centre; the phone 1930 - at the Centre for Youth Development and 70150150- at the Equal Steps Centre operates in line with their respective functions in the protection of children.

¹ The information was released by Criminal Police, 2007.

64. By August 2006, police received 21 complaints with a nature of human trafficking. Two cases involving 18 persons were finalized with court trial. Court referred another case with two victims back for a more detailed examination to the investigation department. Eight cases involving 67 victims were annulled. Court refused to impose criminal liability for two cases with nine victims. Three cases involving 14 victims are being under investigations. In June 2006, the Police Department in Zamin-Uud *soum*, Dornogobi province assisted five victims who trafficked to a border town, Ereenhot, China. The Centre for Gender Equality, NGO registered two cases of child trafficking. The Mongolian Consular Office in Ereenhot recorded two cases of child trafficking.

65. By 2006, five cases which might be classified as of child sale and abduction were inquired. Three cases with seven victims of human trafficking for sexual exploitation were registered. One of them was dismissed. Two of them went through a court trial. Victims were adolescents of 15-17 old years. A case of 17 years old girl who might have trafficked for a marriage in Korea was registered. However, this case was annulled because a proof whether the girl was trafficked and officially married a Korean man was missing. A case a 13 years old girl who was adopted by a Chinese citizen had suspicion that she would have sold under adoption. Nevertheless, the case was annulled because a proof of the child sale was not available.

66. Four cases of forced child prostitution were registered within the territory of Mongolia: A victim of 17 years old was involved in prostitution because of an organized group activity; two victims aged 14 and 15 years old were forced to drink alcohol, and, subsequently, they were sexually assaulted. All these offences were dismissed. One case of forcing 17 years old into prostitution was taken to the Court.

67. There are quite many cases of child sexual abuse.

68. Some adolescent girls have a desire to find an employment with a good salary or marry a foreigner. Their false hope may lead them to risks of being victims of prostitution and pornography.

A. Best interests of child victims are ensured in legal proceedings

69. Pursuant to article 269 of the Criminal Procedure Code hearing of a testimony by minor witnesses shall be carried out according to procedures set forth in article 267 of this Law. Court may allow the parents or legal representatives of the minor witnesses as well as a teacher to take part in hearing their testimony. They may question the child witness with a permission of a chair of the judicial session. If it is significant for identifying the objective truth of a case, the testimony of a minor witness or victim may be heard after a defendant may be taken out of the courtroom by a decree of the court or order of a judge. When the defendant returns to the courtroom, a content of the testimony of the witness or victim may be presented. Subsequently, the dependant can have a chance to ask questions from the witness or victim. A minor witness or victim shall be escorted from the courtroom at the end of his/her testimony, if further presence of the child is not necessary.

B. The rights of the child victims to dignity and self worth during inquiry, investigations, court hearing and examination on testimonies provided by offenders and witnesses; the right of their parents or guardians to be present; the right to be represented by a legal adviser or to apply for free legal aid; legal consequences for juvenile offenders who was involved in a crime which was prohibited by the Optional Protocol

70. Articles 148 and 145 of Criminal Code set forth the procedures for questioning juvenile witness and victims.

71. Pursuant to article 42.1 of Criminal Code a victim is an individual who is affected by moral, physical, or property harm due to crime. However, there is no separate definition on a child victim. The victim is entitled with a right to have a defence counsel (article 42.3.1 of Criminal Code); request for an examination of an evidence (article 42.3.3 of Criminal Code); to be compensated for losses incurred due to crime (article 42.3.9 of Criminal Code); receive a copy of a court decree on discharge or punishment; and present a complaint through an appeal or a review procedure (article 42.3.10 of Criminal Code).

C. Providing juvenile witness and victims with information during criminal proceedings and responsibilities of officials in charge of this duty

72. No information is available how provisions of the Optional Protocol to allow the views, needs, and concerns of child victims to be presented and considered in criminal proceedings and provide them with psycho-social, emotional and language assistance during all stages of legal procedures are reflected in the national legislation.

D. Protecting a juvenile victim's dignity and freedom

73. Pursuant to article 16 the Constitution, all persons have a right to personal liberty and security. No one shall be subjected to torture, inhuman, cruel or degrading treatment. Security of citizens, their families, correspondence and homes shall be protected by the law.

74. The Law on Confidentiality of Personal Information, Criminal Code and Criminal Procedure Law protect a dignity and freedom of persons. The Law on Confidentiality of Personal Information defines a "personal information" as information or document or objects kept in confidentiality by a citizen of Mongolia or a foreign citizen or a stateless person in accordance with laws and regulations of Mongolia and disclosure of which can be bring a potential damage to his/her legal interest and/or dignity. Paragraph 4 of article 5 of this law prohibits disclosing confidential personal information obtained legally or as a trustee. Paragraph 1 of article 12 of Criminal Procedure Law protects the inviolability of private, family and correspondence secrets. This right may be restricted only by a procurator's sanction and according to grounds and rules provided by the law. Pursuant to article 12 of the Law on Advocacy, a defence counsel shall maintain the confidentiality of information about the State, organizations, individuals, and clients acquired in the course of performing his or her professional duties and while providing representation. All these laws guarantee the right to privacy and confidentiality. Thus, child victims are under legal protection for their dignity and rights.

E. Ensuring the safety of child victims, as well as of their families and individuals/organizations dealing with the prevention and/or protection and rehabilitation of child victims; children's right to access to adequate procedures to seek compensation for damages

75. The Criminal Code and Criminal Procedure Law have no provisions how family members of a witness can be protected from revenge and other forms of infringements. However, the rights and responsibilities of witnesses and their family members are legalized. Pursuant to article 145, before an interrogation, a minor witness shall be explained about the importance of telling truthfully all circumstances of a case known to him/her, but it shall be prohibited to warn him/her of responsibility for refusing to give or evading from giving a testimony or for giving deliberately false testimony. During an interrogation of a minor witness, his/her parents, legal representative, relative or teacher shall be present and they shall be explained of their rights and duties, and this shall be noted in the record of the interrogation. The persons present at the interrogation may ask questions from a minor witness; however, an inquiry officer or investigator shall have the right to prevent the child to answer to the questions; and the questions shall be noted in the record. Upon completion of an interrogation the correctness of the recording of the testimony shall be confirmed and the persons who were present at the interrogation shall sign the record.

F. On possibilities of the child to receive support and compensation on non discriminatory basis from persons liable under law

76. Article 42.3.3 of the Criminal Procedure Law allows a victim to be compensated losses incurred due to crime.

G. Providing child victims with physical and emotional rehabilitation and reintegration services

77. The International Programme on the Elimination of Child Labour (IPEC) of the International Labour Organization (ILO) has been operating in Mongolia since 1999. Within a framework of IPEC in the country, the Adolescent Development Centre, a NGO implemented a programme for preventing, protecting and rehabilitating disadvantaged girls from sexual exploitation. Since 2001, about 400 girls were involved in this programme.

78. Since 2005, the Centre for Protecting a Child from Violence, a NGO, has provided counselling services for child victims of sexual exploitation or abuse. So far, the Centre provided counselling to 436 victims on a phone; individual counselling to 96 children; case management services to 29 children and support group training of 6-8 series for more than 500 children.

79. The National Centre for Child Rights, a NGO, undertook projects called "Girls" and "a Closed Club" for girls affected by sexual abuse and exploitation. The Centre published a book "Emergency Interventions for Girls" with seven chapters. Every year the Centre organizes an event to assist unsupervised girls with health checkups and rehabilitative services. During the past two years, 25 girls received social integration services. Since 2003, about 100 girls affected by sexual exploitation, abuse and prostitution and their family members benefited from this NGO.

80. Since 2004, the Equal Steps, a NGO, has undertaken the measures to prevent girls working in open markets from sexual exploitation and abuse. So far, the Equal Steps prevented 116 girls from risks of being sexually exploited and referred about 60 girls in social welfare services.

81. Since 2004, the Centre “Ariun Sanaa”, a NGO, has provided health advices for girls engaged in prostitution. The centre serves more than 100 children a year.

82. The Centre “Princess”, a NGO, was established in 2005. The centre provides training and counselling for teenage mothers and helps them to get access to basic social services.

83. Since 2000, the Centre against Domestic Violence has protected the best interest of child victims of domestic violence, in particular, incest. The centre provides adolescents with temporary shelters and counselling services; and prepares them for family reunification.

84. The Centre for “Gender Equality”, a NGO, has conducted a wide variety of activities to protect the best interests of child victims since 2001.

85. Since 1998, the Centre for Human Rights Development has carried out research studies on human trafficking and trainings for staff of the relevant organizations. The centre provides legal and counselling services for child victims of sexual exploitation and sexual abuse. This organization analyzed a legal environment of Mongolia and developed recommendations to amend the Criminal Code and other relevant laws.²

Achievements

86. National governmental and NGOs are working together on addressing issues related to human trafficking. NGOs working in this field are building their capacity to provide legal assistance, counselling and social welfare services for victims. Advocacy and awareness raising activities for restraining and stopping human trafficking target the at-risk groups. Collaboration among public services agencies, professional and civil society organizations is being strengthened. Capacity building trainings for media officers take place on a regular basis. As a result, the media broadcasting and publishing policy has begun to put a more focus on the protection of victim’s interests; prevention from human trafficking; and raising public awareness on the issues. Their information has become reliable and valid. This change has contributed to the enhanced transparency of legal proceedings to the public.

Issues and challenges

87. An implementation system of the National Programme on Protection from Trafficking of Children and Women with Purpose of Sexual Exploitation is not strong. Monitoring of the Programme has not done yet. The budget for the implementation of the Programme was hardly allocated from central and local governments. Political will and interests to contract out some services planned in the Programme to NGOs are not apparent. In the recent years, as a result of extensive training and awareness raising activities, policy level representatives of some sectors

² Information from ECPAT national network, 2007.

have improved their understanding about the offences related to the child sale, exploitation and prostitution. However, their commitment to the improvement of examinations, investigations and criminal liabilities for these offences should be enhanced.

Budget and funding

88. In 2006, from the funding of a project jointly implemented with the MOSWL, UNICEF Child Protection Programme allocated 21,000 USD for activities aimed at preventing children for sexual abuse and exploitation and providing rehabilitation services for child victims. 20,000 USD were spent on training and study tours of custom and border security inspectors and police officers. 10,000 USD were used for upgrading custom facilities and network connections.

89. ILO/IPEC supports projects to prevent children from sexual exploitation, child prostitution and child pornography. For this purpose, 23,000 USD were allocated in 2001-2002; 28,000 USD - in 2003-2005. The budget amount of 65,000 USD has been planned for 2006-2009.

Research

90. In 2004, the Population Teaching and Research Centre, National University of Mongolia conducted a study on the perception, trends and nature of child prostitution with the funding of ILO.

91. In 2005, with funding of Asian Foundation, the Centre for Gender Equality conducted a study "Public Awareness on Sexual Abuse and Sexual Crime".

(a) UNICEF supported a study called "A Registration System on Young Children Who Crossed Border Points of Mongolia and its Upgrading" was taken place at International Airport "Buyant Ukhua", railway station in Zamiin Uud and auto station in Selenge *aimag*.

(b) ILO financed a study "Child Labour and Child Prostitution in Service Industry" which was conducted at border points of Mongolia and target points in urban and rural areas.

(c) World Vision and UNICEF funded a study "Issues of Sexual Abuse of Children and Women and Human Trafficking". Students of universities and institutes in Ulaanbaatar, residents of care centres, and pupils of secondary schools, factory workers and people who were actively looking for a job were surveyed for the study. Researchers visited Seoul, Beijing, Hong Kong and Macao for study observations.

(d) In 2006, the Asia Foundation funded a study "Human Trafficking in Mongolia: risks, vulnerability and consequences".

92. Findings of these studies showed that human trafficking in Mongolia had forms of sexual abuse, fraudulent marriage with foreign citizens, forced labour and forced prostitution.

V. PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND PORNOGRAPHY

A. Policy and programmes as well as legal, court and administrative measures taken on protecting children from crimes specified by the Optional Protocol

93. The Government of Mongolia is implementing the National Programme for Child Development and Protection 2002-2010, the National Programme for Youth and Adolescent Development and the National Programme on Protection from Trafficking of Children and Women with Purpose of Sexual Exploitation. The National Programme on Protection from Trafficking of Children and Women with Purpose of Sexual Exploitation defines the following five strategies:

(a) Create and expand a network of governmental, international, regional, national and local organizations including child-led organizations, public sector agencies, NGOs and private entities; ensure the involvement of these stakeholders in planning, monitoring and evaluating programs and projects aimed at elimination of child sexual exploitation;

(b) Guarantee every child with the access to primary education and health services; support vulnerable families with the opportunities to enhance their livelihood;

(c) Improve a legal system to prevent children from sexual exploitation; criminalize child sexual exploitation and treat the sexually exploited child as a victim; change the criminal proceeding procedure so that a case of the victimized child can be processed without a consideration of a place of the crime or where the child resides; authorize the roles of civil society and community in protection of children from sexual exploitation;

(d) Protect the rights of victims of sexual exploitation and strengthen recovery and rehabilitation services for them;

(e) Encourage child participation in planning, monitoring and evaluating programs and projects on preventions from child sexual exploitation.

The Programme is planned to be implemented in three stages. A first stage covers a period of 2006-2008, a second stage- 2008-2011. A final stage will be implemented in 2011-2014.

94. The Government of Mongolia assigned the Ministry of Social Welfare and Labour to submit a narrative report on the implementation of the National Programme within a first quarter of each year.

95. Representatives of unsupervised children and children living in difficult circumstances or care centres participated in three level workshops "I Have a Word to Say". One session of the workshop covered topics of this Protocol. Children's comments were heard at all levels of governments.

B. Training and dissemination of information for parents, children and public about the provisions of the Optional Protocol

96. With the collaboration of UNICEF, the MOSWL and Ministry of Justice and Home Affairs undertook a project “Protection of Children from Violence, Sexual Exploitation and Trafficking” during 2002-2006. Within a framework of the Project, NGOs developed and disseminated promotional materials against child abuse and trafficking across the country. The United Nations Study on Violence against Children and Handbook on Child Protection for Parliamentarians were translated into Mongolian language and disseminated.

97. In order to prevent the public from becoming victims of human trafficking, the Centre for Human Rights and Development published and disseminated 10,000 copies of brochures.

98. During 2005-2007, the National Centre for Child Rights, a NGO published four volumes of a newspaper *Suuder* in 8000 copies and disseminated free of charge in order to raise awareness of the public on the prevention from trafficking in persons and sexual exploitation against children and women.

99. Another NGO, the Centre for Gender Equality developed and disseminated books and promotional materials on trafficking in persons including a “Handbook for Trainers”, “Child Protection Handbook for Social Workers”, “Handbook for Policemen to Work on Child Sexual Abuse Cases” and flyers “A Victim”, “What is trafficking in Persons” and “If Your Child is Sexually Abused?”.

100. The websites www.stoptrafficking.mn, www.ecpat.mn, www.stpochildabuse.mn, www.naiznet.mn designed to introduce the laws, policies and programs on protecting children and women from sexual exploitation and trafficking to the public. EXPAT Network or other organizations exchange their information through this website.

101. Asian Development Bank is conducting training for preventing from HIV/AIDS for mobile employees. Jointly with the Centre for Gender Equality, the Students’ Union of Mongolia and Asia Foundation trained peer educators. The training reached children at summer camps and children who were travelling by a train. The Association of Children’s Summer Camps and International Camp Centre “Friendship” jointly deliver peer education training.

102. Governmental and NGOs have been conducting a 16 days nationwide campaign for protecting children and women from all forms of abuse and violence in the past three years.

103. In order to prevent from pornographic depictions on the Internet, web hosting and domain service agencies are required to include provisions of article 41, the Law on Administrative Responsibilities and article 123 of Criminal Code in their work contract forms with individuals and economic entities.

104. The Criminal Police Department conducted prevention and enforcement campaigns against pornography and prostitution during 2003-2005.

105. During 2005-2007, in order to prevent children from child prostitution and pornography, the Criminal Police Department and Ulaanbaatar City Police Department took enforcement actions against citizens and economic entities that carried out business activities which violated the law.

106. July 16, 2007, the General Police Department jointly with State Crime Investigation Department and the Centre for Gender Equality organized one day event with a motto: "For Peaceful Life". They disseminated guidelines and brochures on the prevention of children and women from becoming victims of human trafficking and sexual exploitation.³

107. Trust Line 1903 is being operated. Brochures against human trafficking and sexual exploitation have been placed at places accessible for at-risk groups.

108. Although governmental and NGOs conducted a number of activities on raising public awareness with funding of donors some children are still being left out without enough information. At a discussion where a draft of this report was introduced to children, they made comments including: "... this is our first time we have heard about the Optional Protocol ...", "... we have seen these types of crime only from foreign movies. We have never heard these offenses took place in Mongolia ..." and "... young people can be victims to such offences due to lack of information".

C. Conducting trainings for officials and professionals who work for and with children

109. Within a framework of the Project "Protecting Children from Sexual Abuse Exploitation" and/or Trafficking staff of organizations from ECPAT network, police departments and courts was participated in capacity building training and study tours.

110. NGOs trained representatives of community members and employees of border points from 21 *aimags* how to work with at-risk populations. 150 people from the media 300 employees from court and prosecutor offices and police departments, 430 employees of health organizations, 500 employees from service organizations (such as bars, hotels, saunas and massage parlours) and 50 employees from tour operating companies were trained.

111. Eleven NGOs which work with and for children provide counselling and social integration services as well as health counselling for child victims and their family members.

112. Employees of more than 30 tour operating companies in Mongolia were trained. A UNICEF consultant invited by UNICEF/Mongolia and ECPAT National Network trained employees of 40 tour operating companies and 40 service entities on the protection of children from becoming victims of sexual exploitation in tourism.

113. In 2006, ECPAT Network announced a painting competition in order to raise public awareness on child sexual abuse and exploitation. Subsequently, calendars and brochures with paintings which won the competition were printed out and disseminated among adult population.

³ Information released by Criminal Police, 2007.

114. At a discussion where a draft of this report was introduced to children participants recommended training for employees of law enforcement agencies. They suggested that the governmental and non-governmental organizations who were addressing these issues in the most efficient way should get support.

VI. INTERNATIONAL ASSISTANCE AND COOPERATION

The framework of activities in the process of implementation at local, regional, national and international levels

115. At consular meetings, the Ministry of Foreign Affairs of Mongolia introduced its proposal to make an agreement with Governments of South Korea and China for collaborating in fighting against human trafficking. In 2006, during a visit of the Minister of Foreign Affairs, a draft agreement on mutual legal assistance in civil affairs was given to the Government of Korea. A draft agreement on cooperation in fighting against human trafficking was submitted to Chinese party in 2007 during a consular meeting.

116. Mongolia is complying with Stockholm Declaration and Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children (1996), Yokohama World Declaration on Child Sexual Exploitation (2001), Medan Declaration to Combat Trafficking of Children for Sexual Purposes in Southeast Asia (2004), Convention No. 182 on Elimination of Worst Forms of Child Labour issued by ILO and Recommendations 190 of ILO (2000).

117. In 2007, the Ministry of Foreign Affairs, jointly with the International Organization of Migration has been implementing a project on rescuing victims of human trafficking, bringing them to the country and rehabilitating them.

118. Diplomats and consuls of Mongolian diplomatic and consular offices in foreign countries bear a duty to protect the rights of Mongolian citizens abroad. They work with law enforcing organizations of the countries where they carry out diplomatic missions for preventing Mongolian citizens from trafficking in persons and assisting victims (children and women) of trafficking and repatriating.
