

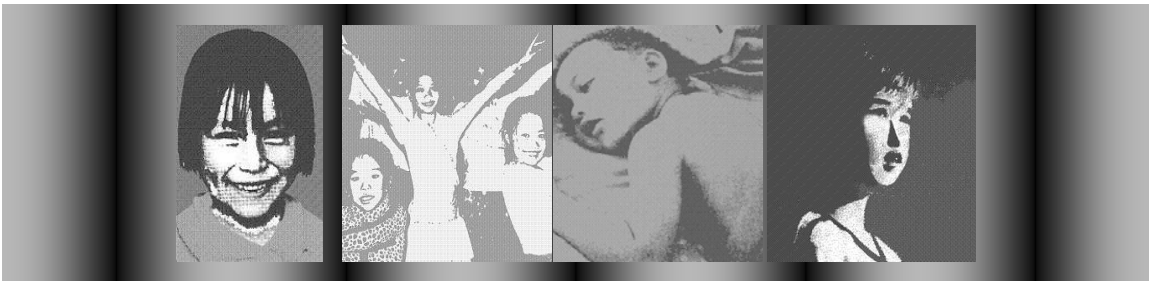


Post-Yokohama Mid-Term Review of the East Asia and the Pacific Regional Commitment and Action Plan Against Commercial Sexual Exploitation of Children (CSEC)

8–10 November 2004
Bangkok

MONGOLIA

Country Progress Report



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Pacific Regional Commitment and Action Plan against
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PROGRESS REPORT

1. Background

The Mongolian census of 2000 revealed that the population was 2,373,500. Annual average population growth was 1.4%, the lowest growth indicator registered since 1950. 46.6% of the population are aged up to 18 years and 12.1% are aged 19-24. Currently, urbanization is increasing: 58.6% of the total populations live in urban areas, 32.5% in Ulaanbaatar. This considerable rise in the urban population has put strains on urban schools, kindergartens, hospitals and other public services. Mongolia has ratified international legal documents concerning the pursuit of the rights of children, has been implementing its international commitments, and step-by-step has been introducing related national legislation.

Mongolia supports the concepts contained in the Convention on the Rights of the Child, 'A World Fit for Children' Declaration and the Millennium Declaration, and is actively implementing the principles of the declarations, along with stipulations and recommendations emanating from a series of East Asia and Pacific region ministerial consultations. Mongolia is paying careful attention to conventions on the protection of mothers, combating discrimination in education, voluntary marriage, age limits for marriage, proper registration of marriage, and other international legal documents relating to the protection of the rights of children.

Mongolians enjoy rights to freedom of opinion, expression, and association with others on their common interests, as well as other economic, social, cultural rights, as guaranteed in the Constitution. However the immense economic and social changes have created new problems such as poverty, unemployment, and lack of access to rights and their realization.

One of these negative impacts is the trafficking in women and young girls. Mongolian women and teenagers are engaged in the sex trade in Asia and in some European countries. The problem is just starting to attract public attention. This is an emerging issue, which requires research and appropriate response at all levels.

The problem of child prostitution at the present time is not very acute. Estimates range from between **400-1000** girls presently working in Ulaanbaatar, many of whom are juveniles. Prostitutes tend to work as part of street gangs and offer themselves for sale at certain bars, hotels, train and bus stations. Organization of

the prostitutes by pimps, to the extent that there is any, is rudimentary.¹ However, because Mongolia is located between Russia and China, Mongolian girls could easily become part of far more sophisticated international trafficking rings who take girls through Russia to Eastern and Western Europe and through China to Japan and Australia. Indeed, there is evidence that this is already occurring. In 2001 in the newspaper “Transitions Online” followed the story of two Mongolian girls who were trafficked by Russian brokers to Yugoslavia where they were forced into prostitution. The girls had been told they were to work as waitresses for high salaries they could not get at home.² Mongolia has an opportunity to enact preventative measures to prevent child prostitution and trafficking (as well as attendant social and medical problems, such as the increase in HIV/AIDS) from becoming the social scourge that it is in many other Asian countries.

Due to the lack of information on trafficking, the general understanding is that human trafficking still does not exist in the country. It is unknown how many more women or children have been trafficked because of non-detection. The increased number of newspaper advertisement registering young women for jobs in developed countries, weak border control over the adults who take children abroad upon the permission of their parents and the poor awareness of the general public on trafficking issues are major concerns which could lead to an increase in trafficking of young girls and children.

2. Progress on the EAP Regional Commitment and Action Plan against CSEC

A. Child Young People’s Participation

One of the most appropriate ways to protect children’s rights and promote the development of right attitudes in their lives is to provide children and adolescents with regular opportunities to express themselves in terms of their needs and concerns to decision makers such as parents, teachers and legislators.

Over the past twenty years we, the adults, have been putting an emphasis on health and education of children as well as on protection of children in difficult circumstances. Although the right to participate is set forth in the Convention on the Rights of the Child, children’s participation has not been receiving due attention. Mid-1990s saw a change of attitudes and policies to children’s participation reflected in decisions and resolutions of important events organized at the international level.

The most appropriate method to ensure child participation in Government planning and implementation processes is establishment of self-managed organizations of children and adolescents. In this respect the Government has made progress in the past few years. For instance, the Mongolian Children’s

¹ ILO/IPEC Report on Child Labour in Mongolia

² Nomin Lhagvasuren, Transitions Online, 21 August 2001.

Organization has joined the World Children's Parliament and plays the role of its vice chair, while the Mongolian Organization of Employed Children has become a member of the World Organization of Employed Children.

The participation of children has increased significantly since the UN Special Session on Children and the Government ensured the participation of children both in the development and implementation stages of the "National Programme of Action for Development and Protection of Children" that is the key state policy document on children for the period 2002 to 2010. The Programme was approved by the Government of Mongolia and includes a specific provision on children's participation, which demonstrates that the Government is fulfilling its pledge for "changing the world for children with children".

As a result, children have learned to respect themselves and have obtained the experiences needed in order to participate in family and community life by joining their communities and setting up their own organizations. Children have gained knowledge on norms of democracy, started to cooperate with basic administrative organizations and share their views on certain issues with members of the Parliament and the Government.

Out of 3,200 non-governmental organizations (NGOs) registered with the Ministry of Justice and Home Affairs, 164 NGOs work for children and nearly 10 are organizations with child members. These organizations have undertaken many actions and measures which positively contributed to increased children's participation in line with the emerging trend.

For illustration, while participating in Mini Parliament children learn to identify the challenges that they are facing in their life and search for ways to resolve them. They also learn to elect and to be elected, to be accountable to voters and to take responsibility. Moreover, the Cabinet of Mongolia held its last meeting of the millennium on 29 December 1999 with the members of the Mini Cabinet. The draft resolution of the Cabinet submitted by the members of the Mini Cabinet "to make the year 2000 as the year for Supporting Children's Development and under this framework, to create a new vacancy for social worker at each school" was approved and as a result, every school now has a social worker.

"One World" a series of conferences by the UN was the first of its kind and there has been no example in other countries where children gathered and held 7 conferences to freely discuss at the national level the themes of the international high level meetings of the last ten years. The UN Secretary General attached a high importance to this event and sent his envoy to participate in the One World - National Forum. Additionally, Mini UN Session was organized in Mongolia twice at the national level. Children representing the Mini UN learn about foreign policy, culture and customs, science, geography, math, economy and history of the country they would represent. The participants of this program learn the skills to

undertake research, oral and written presentation skills, problem resolution, decision making, compromise making and cooperation skills.

However, most children's organizations and movements are concentrated in central and urban settlements and do not involve all groups of the society, leaving nearly 80 percent of children outside of it. Moreover, various studies are conducted on issues related with children and adolescents, it is rare that the children participate in them. Two of the surveys described below are example where children were active participants.

a. Adolescents' Needs Assessment

This survey was carried out by the Mongolian Scouts Association with the support from UNICEF. The survey identified the main needs of adolescents and elaborated recommendations. Representatives of adolescents of various social strata responded to the survey questions, participated in focus group discussions and "Voice of Adolescents", "Social Development City" campaigns and many other meetings and seminars.

b. "Voice of New Century Citizens" survey

This survey was conducted by "One World-Adolescents" with the financial support of Mongolian Open Society-Soros Foundation. Within the framework of this survey, 6,572 children from 10 provinces and Ulaanbaatar expressed their opinion on "where the Government should pay more attention in implementing measures towards children", which were then handed over to the Prime Minister of Mongolia. The compilation of survey findings was delivered to the Working Group on national program on children to be implemented for 2002-2010. This means for the first time in Mongolia children participated in its development.

Regarding researches on Commercial Sexual Exploitation of Children (CSEC), there is no particular evidence on participation of children as this phenomenon exists in our country in its hidden form. The Government has recognized the principles of the Stockholm Declaration and Agenda for Action against Commercial Sexual Exploitation of Children, joined the Yokohama Declaration and have started drafting of a National pLan of Action plan against sexual abuse of children and trafficking of children for sexual purposes. UNICEF is active supporting this national initiative a "Memorandum of Understanding on the Code of Conduct for the Tourism Sector for Protecting Children against Sexual Exploitation" was signed between the UNICEF, Mongolian Toursim Association, Mongolian Tourism Board and the Affiliated Group of ECPAT International in Mongolia bringing about the global initiative into our country.

There is one existing outreach programme to CSEC victims which involves youth. The Mongolian Youth Development Center project for girls at risk of being exploited in prostitution utilizes the experience of girls rescued from prostitution to extend outreach to others at risk. This programme may serve as a model for

the involvement of youth in other CSEC prevention and support activities and could be expanded to include, for example, peer-to-peer counseling.

As mentioned above, the Government is committed to develop a National Plan of Action on CSEC which will have detailed activities including researches on CSEC with participation of children and on their views on actions against CSEC.

It is worthwhile to mention that resources, both human and financial, is increasing to address CSEC in the past few years and capacity and skills of organizations in the related area have improved significantly. However, resources for programmes to reach children at risk of commercial sexual exploitation are highly dependent on donors and international organizations.

B. Coordination and Cooperation

There are several ongoing initiatives for cooperation between the Government and international and local NGOs who are working with vulnerable children. These include initiatives that increase cooperation between agencies to enhance child rights programming; to provide training of police officers, social workers on improving procedures for victims of sexual abuse; to establish child-friendly interview rooms; and to create joint outreach activities for vulnerable street children.

In the last few years there have been a number of initiatives wherein UN Agencies collaborated with and supported local NGO partners in projects related to children. These include some activities directly relevant to CSEC, such as support for research on the issue, the provision of services to vulnerable children, education initiatives, capacity building and training of police on child friendly procedures.

Much of the child protection related work that is conducted at the agency and inter-agency level appears to be focused in Ulaanbaatar. As a result, a risk exists that issues in the countryside and in the provincial cities may not be adequately understood or addressed, and that any plans and actions that will be taken will not be directly relevant to these situations.

As mentioned above, Mongolia has no widespread cases of CSEC and some cases have been officially registered with the police. Due to economic hardship, some girls see prostitution as the easiest way to survive and help their families. Therefore, it is necessary to intensify fight against CSEC, especially to improve legal provisions related to punishment of clients. CSEC is a complex and multi-sectoral issue and interagency and intersectoral cooperation is essential. For example, although there is concern that advertising agencies and Internet service providers are serving as conduits for bogus advertisements which lure girls with false offers of employment abroad, no organization is currently involved in

systematically assessing the policy implications or the measures required to bring about interface with the private sector on issues of child protection. Nevertheless, the involvement of the private sector will be important in addressing issues such as Internet-based solicitation for child marriage, sex tourism, and in the production of and distribution of child pornography.

The Government focal point for the fight against CSEC is the Ministry of Social Welfare and Labour and the Ministry of Justice and Home Affairs. The Department of Population and Social Protection of the Ministry of Social Welfare and Labour provides coordination among key actors working on child protection issues including the issue of CSEC at the policy and implementation level. In 2002, the Government adopted a new National Plan of Action for the Development and Protection of Children. Article 94 National Programme of Action for the Development and Protection of Children on CSEC is formulated to reflect this quote “Cooperate with other countries and international organizations to prevent the sale of children for sexual exploitation”.-unquote.

The Ministry implementing Child protection project with UNICEF support aims at protection of children at risk of violence, CSEC and trafficking. Most of the activities planned in 2004 related with issues on CSEC, including support to Government in development of Action Plan on CSEC, support activities of ECPAT network of Mongolia, conducting situational analyses on CSEC and capacity strengthening of Government officials. Within the frame of the project an ECPAT mission has worked in Mongolia in 2003 and met with key stakeholders working on child protection issues discussed their experiences and perspectives in the fight against CSEC, visited programmes and departments (GO, NGO, UN) working on child protection and CSEC, and issued important policy recommendations for strengthening the protection of children against CSEC.

A Task Force has been established under the Population and Social Protection Department by the Order of the Minister for Social Welfare and Labour responsible for formulation, coordination and implementation of the NPA against CSEC. Stakeholders of all sectors, including State Civil Registration and Information Center, General Department of Border Defense, General Intelligence Agency and NGOs constitute the Task Force. Therefore, it is considered that the members of the Task Force would be the focal points to ensure coordination and implementation of the Action Plan on CSEC.

There is no experiences in establishing bilateral cooperation, and in this respect, the Government is interested how these bilateral agreements have been achieved in other countries. Issues related to establishment of Memorandums of Understanding or agreements to combat cross-border trafficking of children will be incorporated into the Action Plan on CSEC which is being drafted by the Government.

Signing of the “Memorandum of Understanding on the “Code of Conduct for the Tourism Sector for Protecting Children against Sexual Exploitation” with tourist camps has become an important step in fighting against CSEC, as most cases of prostitution take place in the tourist camps. However, it is important to have signed such Memorandums in other service facilities, such as night clubs, hotels and saunas, where prostitution of underage girls is evident.

Regarding the trafficking of children for sexual purposes, the issue is very new in Mongolia and there is a handful number of cases. However the Task Force is planning to reflect establishment of bilateral agreements with neighbouring countries to prevent girls from being trafficked.

C. Prevention

Initiatives that are being undertaken in the family and social welfare sector to prevent children from violence and CSEC include:

- Adoption of the law on Domestic violence (2004);
- Adoption of a family development, with measures for implementation currently in progress(2003);
- The Government has announced year 2004 as Year to Promote Family Development and approved Plan of Actions to be undertaken within this year.
- The Government has signed the Yokohama Declaration in 2002.
- The Mongolian Parliament ratified the Optional Protocols to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and the Optional Protocol on the Involvement of Children in Armed Conflict in 2002.
- Amendment of the Law on the Child Rights Protection has been undertaken.
- The Government has approved the National Programme of Action on Development and Protection of Children in December, 2002 for the period 2002-2010.
- An ECPAT mission has worked in Mongolia in 2003 and provided with essential policy recommendations on further actions.
- An ECPAT network of Mongolia has been established with membership of key stakeholders and started to conduct important measures.
- A multi-sectoral Task Force on development and coordination of NPA on CSEC was established.
- A Working Group on amendments of Intercountry adoption related laws and regulations has been formed under the Ministry.
- A Memorandum of Understanding on the Code of Conduct for the Tourism Sector for Protecting Children against Sexual Exploitation was signed involving many tourist agencies.
- The Government of Mongolia in cooperation with the UNICEF has organized a National Summit on Children and discussed implementation of the NPA on Development and Protection of Children in May 2004.

- Government and NGO delegation has participated in Regional Meeting on CSEC held in Medan, Indonesia.
- The Ministry of Social Welfare and Labour in cooperation with the Parliamentary Standing Committee has organized lobby meeting among key stakeholders to promote development of NPA on CSEC.

There have been revisions of the Criminal law in 2002 and include provisions against trafficking of human beings. Generally, there is little evidence of any trafficking in Mongolia. However, the growing interest in overseas employment increases the risk that persons seeking opportunities outside the country will fall victim to traffickers. The presence of intermediate agencies is already visible and advertisements which offer employment and lure potential workers with promises of high paying jobs are increasingly being displayed.

The main area of emphasis with regard to child protection is the family. The objective of this work is to strengthen family units through education and increased economic opportunities.

All stakeholders, including Government agencies, the police, and NGOs, seem to recognize the root causes that create vulnerability for children to CSEC. For example, there is recognition that the incidence of poverty, increasing migration, the transition of Mongolian society to a market economy, and domestic abuse and sexual violence against children are major contributing factors which create pressure on children and increase their vulnerability to all forms of exploitation. This understanding of linkages between underlying causes provides a solid base upon which to build coordinated action to prevent CSEC. In addition, it is acknowledged that children outside of the family structure are especially vulnerable to CSEC.

CSEC is an emerging issue in Mongolia. Therefore awareness campaigns (e.g. radio, TV, flyers, posters) on child protection issues, CSEC and trafficking at national and sub-national level would be an important initiative for educating the general public on the issue and raising awareness amongst groups at risk.

Also, involvement of relevant private sector entities would be essential in combating CSEC. Examples are the tourism industry in preventing child sex tourism, and Internet service providers and Internet cafes in raising awareness on dangers children may encounter online.

D. Protection

The Government is committed to introducing changes to protect children in the judicial system. This is reflected in the several training initiatives and pilot projects with improved procedures for victims. The police are a key stakeholder in combating CSEC and protecting children, as CSEC is a criminal activity.

Projects are in place which focus on collaboration between the Government and different NGOs to reduce re-victimization of child victims of sexual violence. Even though these projects are not specific to victims of CSEC, they provide an opportunity to include CSEC-specific components.

The police division on children's affairs has designated police officers that deal with issues concerning children. The juvenile inspectors cover the capital and all provinces and provide a nationwide structure for child protection.

Some child-friendly procedures are being piloted in the country. Police officers in civilian clothes work together with NGO personnel in outreach activities. There are female police officers that deal with issues related to girls and women. Interview rooms with video camera facilities have been set-up, and special identification rooms where a victim can identify the offender while remaining anonymous are being explored.

Mongolia has ratified the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography. With regard to trafficking, Mongolia is studying carefully to sign the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which provides a framework for combating trafficking in children at the international level.

It appears that law enforcement against the sex client of children exploited in prostitution is not adequate. Facilitators of prostitution are being convicted in court, but it seems that in the case of the clients there have been no convictions. Therefore the Government is planning to reflect issues related to introduction of mandatory child friendly procedures for use with child victims of sexual exploitation in the national criminal procedure code and adoption of the UN Trafficking Protocol (*The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*).

E. Recovery and Reintegration

There are several programmes run by the Government and NGOs, which focus on maintaining children within the family. This includes family development programmes and education programmes but also activities aimed at reintegration of unsupervised children back into their family environment.

Some targeted interventions for reintegration of street children exist. However, only one programme, run by Mongolian Youth Development Center (MYDC) in a district of Ulaanbaatar for girls at risk of exploitation in prostitution, focuses specifically on reintegrating victims of CSEC.

There is existing collaboration between NGOs and police to assist vulnerable children on the streets of Ulaanbaatar. MYDC and the police cooperate in outreach activities, with police officers in civilian clothes accompanying NGO workers on the streets.

There are some programmes that provide services to street children. For example, the programmes run by MYDC and the mobile night health clinic provided by the Christina Noble Foundation, focuses on the capital. The Government and various NGOs also run care centres for children in Ulaabaatar and in the provincial capitals.

As victims of CSEC often require specialized services for their recovery and reintegration, the NPA on CSEC will have some provisions on targeted services for addressing the problems of CSEC victims and will stress the need for a multidisciplinary response to victims of abuse and exploitation.

Although some initiatives exist for the rehabilitation of child victims of sexual exploitation, a multi-pronged strategy of intervention is visibly lacking. This is exemplified by the fact that most initiatives have a single intervention focus, which is to reintegrate child victims with their families. While Mongolia's focus on family is commendable, it must be noted that the complex social problems that lead children to the street and entrap them in sexual exploitation will require a broader menu of interventions. This is particularly evident when we consider the findings of research conducted by stakeholders who work with street children in Mongolia, which indicates that children end up on the street largely because they are escaping poverty, unfavourable family environment, domestic abuse and violence. Given this evidence, a strategy focused solely on reintegration of street children/child victims to the family must be received from a wider perspective of social and economic dimensions.

There is a shortage of skilled social workers specialized in working with sexually exploited children. As the education initiatives for increasing the number of social workers in general are recent in Mongolia and are still in a start-up phase, the lack of specialized social workers is not surprising.

Although there are a few educational and vocational programmes available for street children, mainly in Ulaanbaatar, this aspect of the reintegration process needs to be expanded in both numbers and geographical coverage.

3. Monitoring

The multi-sectoral Task Force on CSEC at the Ministry of Social Welfare and Labor would serve as the monitoring focal point at national level. The NPA on CSEC and Trafficking will have a special part on monitoring indicators and provisions on monitoring mechanism.

At the higher level the National Council for Children (NCC) headed by the Prime Minister is obliged by the Law on the Protection of the Rights of the Children (Article 19.1) to advise the Government and other relevant organizations on the implementation of the Law and regulations to protect the rights of the child and monitor the implementation of the State policies to protect the rights of the child. The NPA on CSEC will be discussed by the NCC and approved by the Government.

Conclusion

The Government of Mongolia is fully committed to fight against CSEC. It is illustrated by adoption of Yokohama Declaration and pledge to develop and implement a National Plan of Action on CSEC and Trafficking. The signing of the Memorandum of Understanding on the Code of Conduct for the Tourism Sector for Protecting Children against Sexual Exploitation serves as an important step against CSEC.

The Government has established a Task Force that will serve as focal point to coordinate activities reflected in the NPA on CSEC and Trafficking and monitor its implementation. It is crucial to get assistances of international and donor agencies to ensure successful implementation of the NPA.

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