



Global Monitoring

status of action against commercial sexual exploitation of children

MONGOLIA



2nd EDITION

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GLOSSARY OF TERMS AND ACRONYMS

- **CRC:** United Nations Convention of the Rights of the Child
- **CSEC:** The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or third person or persons.
- **CST:** Commercial Sex Tourism
- **DPO:** Deputy Premier's Office
- **ECPAT:** End Child Prostitution, Child pornography and the Trafficking of Children for Sexual Purposes.
- **EU:** European Union
- **Grooming:** Preparing a child for sexual abuse or exploitation
- **ILO:** International Labour Organization
- **IOM:** International Organization for Migration
- **MGEC:** Mongolian Gender and Equality Center
- **MLA:** Mutual Legal Assistance Agreements
- **NAC:** National Authority for Children
- **NCC:** National Council for Children
- **NGO:** Non-governmental organization
- **NHRC:** National Human Rights Commission of Mongolia
- **NPA:** National Plan of Action
- **OPSC:** Optional Protocol on the sale of children, child prostitution, and child pornography
- **OSCE:** Organization for Security and Co-operation in Europe
- **SDA:** Seventh-Day Adventist Church
- **TAF:** The Asia Foundation
- **UN:** United Nation
- **UNICEF:** United Nations Children's Fund

FOREWORD

The 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (CSEC) represents a broad societal alliance that builds on more than twenty years of global action. The First World Congress against Commercial Sexual Exploitation of Children was held in 1996 in Stockholm, Sweden. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to an Agenda for Action adopted by 122 governments.

Since 1996, many actors around the world have focused their efforts around this common agenda, and more government and non-government entities have joined in to advance positive change for children and to protect their right to live free from sexual exploitation.

However, the increasing sophistication of resources available to those who seek to exploit children has grown in equal measure. Responding to these challenges, and particularly to new CSEC manifestations such as exploitation using the Internet and mobile technologies, requires new partnerships, and more coordinated and targeted efforts to address a borderless crime.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection determines the nature, quantity and quality of what the country achieves overall for its children. Unfortunately, country actions have not been uniform, and far more urgent work must be done. In particular, the Rio Declaration highlights the increased vulnerability of children in a less stable world.

This is why I welcome the publication of second editions of ECPAT International's Agenda for Action (A4A) Country Reports Monitoring the Status of Action against the Commercial Sexual Exploitation of Children.

We are confident these unique publications will support governments to take prescribed actions to protect children from such heinous violations, which are still perpetrated with impunity in many countries. They also have the potential to stimulate the exchange of experience and knowledge among different actors to create a dialogue that can enhance our collective efforts against CSEC.

Over the years, ECPAT's A4A reports have become a baseline of information on actions taken and a roadmap for addressing gaps in each country based on the framework of the Stockholm Agenda. The reports succeeded in their goal of providing a basis for more systematic assessment of progress on implementation of country commitments. Moreover, we know they provide an important support to the implementation of other international mechanisms that exist to protect children's rights, such as the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*. Today, 193 countries have ratified the CRC, and 143 the OPSC.

Production of such comprehensive publications requires global collaboration. ECPAT International would like to thank all those who participated in the work and contributed their inputs. This includes ECPAT member groups, local experts and organisations, as well as the dedicated staff and interns in the Secretariat of ECPAT International. We acknowledge the generous support of donors who back these efforts. The A4A reports would not have been realised without their support and solidarity.



Kathleen Speake
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2nd Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of

information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These 2nd Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on

specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and

validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2nd Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.



MONGOLIA

INTRODUCTION

Since the collapse of the Soviet Union, Mongolia has undergone significant political and economic changes. In 1990 the country transitioned from a planned to a market economy, and since 2006, Mongolia has experienced strong economic growth. In the political realm, Mongolia elected a democratic government and created a new constitution emphasising human rights. It is reported that these economic and political factors have contributed to an increase in resources and willingness to protect children's rights.¹

However, the economic and political upheaval has also served to increase the vulnerability of certain Mongolian children to commercial sexual exploitation. The transition to a market economy, high unemployment, increasing prices and reduction in government-provided social benefits has resulted in an increase in poverty among a large number of Mongolian

families.² The number of children living on the streets of Mongolia has risen sharply, a marked contrast to reports that street children were virtually unheard of during the Communist era.³ Accordingly, it is unsurprising that CSEC manifestations in Mongolia, such as trafficking in children, are considered newly emerging social issues.⁴ Following the 1996 Stockholm and the 2001 Yokohama global forums on CSEC, Mongolia reaffirmed its commitments at the World Congress III against the Sexual Exploitation of Children and Adolescents, in November 2008 in Brazil. The World Congress III renewed global commitment and galvanized international resolve to combat sexual exploitation of children and adolescents. In total, more than 3,000 people took part in the three-day gathering, including representatives from government, the private sector and civil society as well as 300 children and adolescents from around the world.

Child prostitution

A number of studies on prostitution, as well as reports by NGOs and media, clearly demonstrate that child prostitution is widespread and growing in Mongolia. Child rights NGOs report that in Ulaanbaatar alone there are about 10 prostitution facilities that sexually exploit women and children (about 30-40 young women and girls in each establishment). Girls can be kidnapped or recruited into these centres by their peers.⁵ Apart from these designated facilities in

Ulaanbaatar, a large number of girls living on the street or from poor families are also involved in prostitution. The demand for girls has increased manifold, partially because of perceptions that they are virgins with low probability of having sexually transmitted diseases or HIV/AIDS.⁶

Child prostitution is increasing in other large urban centres, such as Darkhan, Erdenet, Selenge Aimag, Dornod Aimag

and Zamiin-Uud (near the Chinese border).⁷ Research on prostitution conducted near mining sites has also indicated that child prostitution is prevalent in the Zaamar area.⁸ Based on research by the International Labour Organization (ILO-IPEC) and the Mongolian Youth Development Foundation, the number of registered cases of child prostitution rose from 48 in 1998 to 130 in 2002.⁹ More recently, police have registered 93 cases of child prostitution in 2006, 156 in 2006 and 127 in the first nine months of 2007.¹⁰ In addition, according to the Criminal Police Department, the number of minors held administratively liable for prostitution reached 380 in 2005, 402 in 2006 and 426 in 2007.¹¹ The disparity between these figures suggests that children involved in prostitution are not always identified or appropriately registered. Furthermore, there are still an alarming number treated as offenders rather than victims. Finally, this data suggests the actual number of children exploited through prostitution is likely to be high and increasing.

According to a report entitled “Country Gender Assessment 2008”, which was completed by the National Network of Mongolian Women’s Organizations in collaboration with other NGOs, the age of women and girls involved in prostitution in Mongolia has decreased significantly. The study found that the average age of the women working in the saunas and massage parlors was 18-25 years. More specifically, of the 234 sex workers surveyed in Ulaanbaatar, Darkhan and Erdenet, 10 percent were 15-19 years old and 80% were 20-29 years old. About 60 percent of respondents of this study reported having seen customers enter hotels or other service entities accompanied by adolescents.¹²

Another study on prostitution conducted in Ulaanbaatar and other areas in 2005 showed that the average age of the 91 women interviewed was 19.4 years, with the youngest

being 15 and the oldest 25. Sixty percent of these girls reported to have been involved in prostitution since the age of 18 or younger, the youngest starting at 12 and the average beginning age being 17 years.¹³

As for the reasons for becoming involved in prostitution, available research found that, despite higher levels of education among women in Mongolian society, poverty, unemployment, and domestic and sexual violence contribute to pushing many young women into prostitution.¹⁴ Girls who have moved among child-care homes for years, whose families have migrated to the city from rural areas, who work in markets, and who have stepfathers are said to be vulnerable to sexual exploitation.¹⁵ The National Human Rights Commission of Mongolia Report documents concerns that offenders who exploit children sexually include market sellers, adults living on the streets and alcoholics.¹⁶ Anecdotal reporting also suggests that some high-level government and police officials have been clients of minors exploited in prostitution. However, the government has reportedly not taken any steps to investigate or prosecute any of its officials for such offences.¹⁷

The majority of women and girls involved in prostitution have brokers, with the percentage being higher for younger girls aged 14-15 years old.¹⁸ Cases in which young girls were not paid cash by their brokers/owners but instead fed, clothed, or occasionally taken out to bars as remuneration were also reported.¹⁹

It may be noted that there have been no documented cases of boys involved in prostitution, likely reflecting social norms around masculinity that render the problem difficult to address.²⁰ Young street girls are, however, increasingly becoming vulnerable to prostitution with involvement of older street boys, in particular, in the ‘boss’ system linking organised prostitution and other criminal activities.²¹

Trafficking of children for sexual purposes

Mongolia has been classified as a source country for children trafficked for the purpose of sexual exploitation. The main destinations for victims of trafficking are China, Macau, Hong Kong, Malaysia, and South Korea.²² Internal trafficking is also said to be prevalent in Mongolia, with women and girls forced into prostitution at saunas and massage parlours.²³ There have been several reports of girls being kidnapped by organised criminal networks and being forced to work in the commercial sex trade.²⁴

There do not appear to be any recent estimates of the number of children who are sexually exploited through trafficking in Mongolia or specific reports of cases of child trafficking for sexual purposes. A study by the Mongolian Gender and Equality Center (MGEC) published in 2007 found that 4 out of the 48 victims of trafficking for sexual exploitation interviewed in Beijing, Hong Kong, Macao and South Korea were 16-17 years old.²⁵ Furthermore, the Mongolia Centre for Human Rights and Development conducted a survey showing that street children and youth without jobs are extremely vulnerable to traffickers. Several sources estimate approximately 3,700 to 4,000 street children in Mongolia.²⁶

Though the exact number of Mongolian women and children who have been trafficked is difficult to determine conclusively, statistics indicate that between 2003 and 2008, there was a sharp rise in the number of victims of trafficking, the majority of whom are women. More specifically, likely trafficking cases reported to the MGEC rose from 3 in 2003 to 58 cases in the first eight months of 2008 alone.²⁷ During 2010, the government investigated 13 cases of human trafficking and 16 cases of forced

prostitution. Data on the number of child victims was not provided.²⁸

Trafficking recruitment takes place through various means, including advertising in newspapers,²⁹ kidnapping,³⁰ and through local acquaintances that are part of an organised network that make false promises of employment or study opportunities.³¹ There is also evidence suggesting that parents are sometimes involved in placing their children in trafficking rings.³² Recent research indicates that former victims of trafficking are also commonly used to recruit new victims. The lack of reporting on the crime often leaves vulnerable children with no option but to work with the criminal gangs who recruited them, further complicating the investigation of human trafficking activities.³³

A number of vulnerability factors contribute to the risk of trafficking of Mongolian children to other countries. Apart from the lack of official monitoring and tracking mechanisms for Mongolian children, these are said to include the high level of poverty in the country, the higher salaries offered abroad, and the desire to live in other cultural environments or to become independent.³⁴ According to the Child Rights Information Network, in “recent years the rights of Mongolian girls have been violated severely as they travel abroad on a false advertisement and eventually become illegal asylum seekers with document infringements.”³⁵ Further enabling the trafficking of children is the fact that Mongolians are not required to obtain a Visa when travelling to Turkey.³⁶ Brokered marriages also contribute to girls’ vulnerability to CSEC, as many women and girls are forced into servitude following marriage, mainly to South Korean men.³⁷

The US Department of State annually releases a *Trafficking in Persons Report* which categorises countries into different “tiers” based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the *Trafficking Victims Protection Act’s* minimum standards for the elimination of trafficking are placed in **Tier 1**. Those that have made “significant efforts” to meet the standards are placed in **Tier 2** and countries that are not making significant efforts to combat human trafficking are placed in **Tier 3**.³⁸

In the 2011 report, Mongolia was placed in **Tier 2**.³⁹

Child pornography / child abuse images

There does not appear to be any available information on the extent to which Mongolia is affected by child pornography. There was one report of an isolated incident in 2008 reported to police.⁴⁰ More specifically, according to the US Department of State 2008 *Trafficking in Persons Report*, a foreign citizen reportedly forced an underage Mongolian girl to pose for pornographic photos. However, although the incident was reported to the police, no action was taken.⁴¹

According to the National Human Rights Commission of Mongolia (NHRC), pornographic commercials and advertisements can be easily accessed by children, especially through television, and contribute to child sexual exploitation. According to a surveillance study on the current situation of pornographic advertising

in the media conducted in 2007 by the “Mongolian Women’s Foundation” NGO and Sociology and Social Work Department of the National University of Mongolia (NUM), pornographic advertising on TV channels such as C1 and TV 8 made up a high percentage of the total broadcasting, and over 50 percent of TV Chat viewers were aged 14-24.⁴²

With regard to the risk of using the Internet in grooming of children for sexual purposes, it may be noted that internet penetration levels within the population of Mongolia are classified as low. Although internet penetration has increased significantly since 2001, it was reported in 2007 that only 10.3% of the total population were internet users.⁴³ Internet users have increased by one percent to 11.3% as reported in June 2010.⁴⁴

Child sex tourism

Although there have been no officially registered cases of child sex tourism in Mongolia in recent years,⁴⁵ reports from NGOs and employees in the tourism industry indicate that child sex tourists are operating in the country. According to NGOs and further confirmed in the latest *Trafficking in Persons Report*,⁴⁶ child sex tourists from South Korea and Japan are said to be visiting Mongolia in greater numbers.⁴⁷ Travel agents and tour guides have also noted that increasing numbers of South Korean sex tourists are arriving and that many of

them frequent areas that are well-known for prostitution of women and girls.⁴⁸

The involvement of children in sex tourism was also confirmed by a one-night survey by Ulaanbaatar police, during which officers discovered about 1,500 women and adolescents working in sex-related premises, such as bars, massage parlours and in hotels catering to foreign tourists.⁴⁹

ECPAT Mongolia, with the financial support of UNICEF, organised a 3-day training for

60 tour operators and Mongolian Tourism Institute teachers in 2009. Participants noted that the number of tourists visiting Mongolia for short periods has increased in recent years. Some tourist camps are located in remote areas, shielded from scrutiny by community and police and potentially leaving children vulnerable to child sex tourists.⁵⁰

Awareness of this trend was reinforced during the Passport Insert training for Border officers by Center for Child and Women Protection and ECPAT Mongolia in 2010. The Ministry of Justice and Border Protection Agency participants noted that the number of male tourists visiting Mongolia for 2-3 nights has drastically increased. Most of these tourists are from South Korea and Japan.⁵¹

NATIONAL PLAN OF ACTION

Mongolia's national plan of action in relation to CSEC was approved in 2005 and is known as the National Plan of Action on Trafficking and Protection of Children and Women from Commercial Sexual Exploitation (NPA). NPA implementation will proceed in three stages. The first stage covers the period from 2006-2008; the second stage from 2008-2011; and the final stage from 2011-2014.⁵²

In collaboration with UNICEF, the government has reportedly allocated USD 100,000 annually for NPA implementation activities.⁵³ The NPA foresees greater international, regional and bilateral cooperation, especially regarding the prosecution and sentencing of offenders, increased witness protection and legal aid, as well as rehabilitation and social integration of women and girls who have been victims of trafficking.⁵⁴ Prior to the enactment of the NPA, public awareness of sexual exploitation was scarce. Since its implementation, a national monitoring system reports annually on the success of the program. ECPAT, acting in a monitoring role, reported improvements to Mongolian legislation pertaining to child sexual exploitation. Mongolia ratified the Palermo Protocol and important amendments were made to the criminal code in 2008. Currently, the

Government is considering the adoption of a separate law on child and human trafficking which would give greater protection to victims'.⁵⁵

Despite objectives outlined by the NPA and instances of progress, cases of trafficking are increasing, prosecution rates remain low and new legislation is slow to take effect.⁵⁶ During the 2010 review by the Committee on the Rights of the Child (based on the 2008 State Report submitted to the Committee), concern was expressed that monitoring of the national plan on trafficking in women and children for sexual exploitation had not yet been carried out.⁵⁷

The NPA Implementation faces financial and coordination problems. According to ECPAT Mongolia, between 2004-2009 implementation efforts expended more than 4 million USD for anti trafficking projects, despite limited government allocation.

Donors include:

TAF	USD	800,000
UNICEF	USD	224,000
ILO	USD	160,000
World Vision	USD	35,000
IOM	USD	60,000
SDA	USD	2,000,000

Financial sources for the anti trafficking activities in Mongolia

	Mainly	Limited	None
International organisations		*	
Foreign Governments	*		
Government		*	
Local Government			*
Local and INGOs	*		
Private sector			*

Source: NPA Evaluation report, 2009, ECPAT Mongolia

Furthermore, it has also been identified that there are no procedures for regular evaluation of the performance of the National Council for Children (NCC).⁵⁸ While the Mongolian government has indicated that its internal monitoring mechanisms for government agencies work reasonably well, it appears to accept that more work must be done to improve monitoring of the implementation of children's rights.⁵⁹ Furthermore, the 2008 Trafficking in Persons Report by the US Department of State indicates that the NPA has not been fully implemented and many NGOs consider the plan to be largely ineffective.⁶⁰ The US State Department also notes that corruption is a key obstacle to anti-trafficking progress in Mongolia.⁶¹ According to the 2011 Trafficking in Persons Report, "the coordinating council mandated by the action plan met only annually and was generally ineffective; observers noted minimal coordination on anti-trafficking issues among agencies on a working level."⁶² Since March 2011, ECPAT Mongolia has supported quarterly meetings of this National Council but it still faces problem of coordination among partners. In April 2011, the Government of Mongolia signed a contract to shift the role of Secretary to the National Council to ECPAT Mongolia.

The National Council comprises 34 members and 15 technical specialists from relevant Ministries, UN agencies, INGOs, NGOs – including the ECPAT affiliate group in Mongolia, the US Embassy and the National Human Rights Commission.⁶³

The principles in the Rio Call for Action have been incorporated into the Priority Action Plan of the NPA 2010-2012, which was approved by the Minister for Social Welfare and Labour.⁶⁴ The particular action plan for 2011 was discussed in a National Council meeting on 6 April 2011 and was approved by the Head of the National Council, the State Secretary of the Ministry of Social Welfare and Labour. The budget for these activities was estimated at 140,000 USD, for which the Government is currently seeking funding.

In relation to broader children's rights, Mongolia also has in place a National Action Plan for Child Protection and Development covering the period 2002-2010.⁶⁵ Although not aimed at alleviating the risk of CSEC, the envisaged actions under this plan include improving health and education services, promoting family-based child protection and encouraging child participation, all of which will contribute to the fight against CSEC. However, it may be noted that the Committee on the Rights of the Child has expressed concern that this plan has not been updated since 2007 and that there is a lack of evaluation of implementation of the plan to date.⁶⁶

It appears that there are internal monitoring mechanisms for government agencies on the implementation of children's rights.⁶⁷ For example, it is reported that at the provincial level, local governors take responsibility for monitoring child protection strategies.⁶⁸

COORDINATION AND COOPERATION

Coordination and cooperation are crucial for an efficient and effective fight against CSEC. In accordance with the Stockholm Declaration, close interaction and

cooperation between government and non-government sectors is necessary to effectively plan, implement and evaluate measures to combat CSEC.

Local and national level

The primary institutions involved in child rights are The National Council for Children (NCC), the Deputy Premier's Office (DPO), the National Authority for Children (NAC) and the National Human Rights Commission (NHRC). The NCC, DPO and NAC are in charge of developing child protection policies, advocating for children's rights at the legislative and executive levels and monitoring the implementation of the CRC. The NAC and the NHRC support and monitor human rights in general, which includes children's rights, to ensure that they are in conformity with international treaties and conventions.⁶⁹

The NAC is supervised by the Deputy Premier in Mongolia and reports directly to the NCC. The NAC's primary responsibilities include sharing information among key stakeholders, ensuring that particular knowledge extends to the bodies that require it and enabling children to participate in the development process. The NAC works closely with the Ministry of Education, Culture and Science (MECS) (child education), the Ministry of Health (MoH) (child health), the Ministry of Social Welfare and Labour (MoSWL) (child welfare and care) and the Ministry of Justice and Home Affairs (MoJHA) (judicial and policy issues).⁷⁰ It also collaborates with UNICEF to promote child protection and empowerment. Child centres, whose aim is to encourage local-level participation in child's issues, have also been created in all aimags. Issues related to children have been incorporated into the functions of the *soum*

government and social officers.

The NCC, headed by the Prime Minister, consists of members from various relevant ministries and therefore allows for coordination among government agencies responsible for children's issues. The NCC, the NAC and the NHRC also collaborate with the private sector such as NGOs and the media to raise awareness and advertise child rights and development.⁷¹ For example, the government collaborates with NGOs to provide anti-trafficking training to police, immigration officials, border force officials, and civil servants. The NCC has implemented better child policies and ensures that legislation pertaining to children travels quickly through parliament.⁷² It may be noted however, that NGOs have reported that the quality of such efforts was inconsistent across various ministries.⁷³

During the recent review by the Committee on the Rights of the Child, the Committee observed that the political will to address children's rights was evident from the fact that there are three principal bodies dealing with children's issues. However, concern was expressed that there is insufficient coordination between the NCC, NAC and *aimag* Children's Centres at all levels and in particular at the local level.⁷⁴

The need for enhanced cooperation was acknowledged by the Mongolian government in the 2008 State Report to the Committee on the Rights of the Child. It was said that the role of the NAC ought to be expanded

beyond the typical executive agency to become more of a steering agency responsible for coordinating the implementation of child programmes and policies. To ensure implementation at the local level, it was

suggested that a child protection unit should be established in every *soum* and district. However, it was indicated that this could not be achieved without considerable budget increases.⁷⁵

Data collection

The Mongolian government has reportedly set up a State Information Centre for the collection of information on children's issues and is collaborating with UNICEF in order to improve the data collection system through development of new indicators. The government intends this expanded data collection to be the first step toward creating a national database on children, standardising definitions of forms of child vulnerability, as well as creating a training handbook.⁷⁶ The Committee on the Rights of the Child expressed concern, however, that data collection was hampered by a lack of coordination between the National Statistics Office and other governmental organizations

and the unavailability of data on child protection due to a "decentralized and underdeveloped child protection system."⁷⁷

As regards data specific to CSEC, concern was expressed by the Committee on the Rights of the Child that there is a lack of statistical data and research on the extent of child prostitution, child pornography and trafficking in children for sexual purposes in Mongolia.⁷⁸ Though the government's new plans for the collection and use of data are encouraging, it is important to ensure that these plans are efficiently implemented according to sound data collection methodology.

Private sector

Mongolia currently has 24 tour operating groups (including hotels) which have signed the Code of Conduct on prevention of child sex tourism. Signing the Code entails a commitment to adopting an ethical policy on monitoring and preventing child sexual exploitation, training staff and personnel in the country and those abroad in tourism, creating a clause of compliance with the Code when working with other organs, and

providing information on child sex tourism through brochures and reporting annually on progress of implementation.⁷⁹ In 2006, the Minister of Justice decided to close down any sauna and massage parlours partaking in illegal acts. Any new similar facilities opening have since been under closer governmental watch.⁸⁰ ECPAT Mongolia has begun sharing information on CSEC with the Mongolia Chamber of Commerce.

Regional and international level

At an international level, effective cooperation is required between countries and international organisations, including regional organisations, to ensure a concerted and coordinated approach is taken in eliminating CSEC.

Mongolia has demonstrated cooperation

with other countries and international bodies primarily on the issue of human trafficking, with little focus yet on other manifestations of the commercial sexual exploitation of children.

In April 2008, Switzerland and Mongolia signed an agreement on Combating Human

Trafficking whereby both parties agreed to work towards a reduction in the number of people trafficked for the purposes of sexual and labour exploitation within and across Mongolia's borders.⁸¹ Furthermore, a draft agreement on cooperation in fighting against human trafficking was also submitted to China in 2007.⁸² In December 2010, the agreement was approved, with the hope that it will increase victim identification, victim repatriation and compensation.⁸³

On October 18, 2010, Mongolia signed a bilateral agreement with Macau to improve bilateral cooperation in preventing and suppressing trafficking in persons, especially women and children. The agreement foresees victim protection, including rehabilitation efforts and safe return to countries of origin.⁸⁴ There are no statistics available on the number of trafficked victims between Mongolia and Macau; however, the countries recognize that human trafficking is an imminent issue in need of attention.

In February 2010, an OSCE (Organization for Security and Co-operation in Europe) Chairmanship international expert workshop called "Combating modern slavery: National, Regional and International Experiences" was held in Mongolia. The workshop was attended by approximately 40 experts including members of the OSCE, delegates of states who have implemented successful measures in combating human trafficking, and the representatives of ministries, agencies and NGOs of Mongolia.⁸⁵ The workshop objectives were to promote a better understanding of human trafficking, encourage exchange of information and share best practices in terms of prevention

and combating trafficking at the national, regional and international levels.⁸⁶ In 2010, the Mongolian government continued its collaboration with Kazakhstan and the OSCE by hosting an international workshop in trafficking. It is reported that the conference did not result in much success with regard to improving the registration of stateless Kazakh people in western Mongolia.⁸⁷

The United Nations has been working with Mongolia on altering the perceptions and responses of governmental and civil society organizations in an effort to enhance child protection, specifically, official perceptions of children in conflict with the law, violence against women and children, child sexual abuse and trafficking.⁸⁸ United Nations agencies succeeded in introducing the Convergent Basic Social Services and National Disaster Emergencies Programmes, which have served as models of effective services for children. Following the collaboration between Mongolia and the United Nations, UNICEF and the Government of Mongolia signed the Revised Country Programme Document on Cooperation for 2007-2011.⁸⁹

Mongolia is also part of the Bali Process, which was initiated in 2002 to help combat people smuggling, trafficking in persons and related transnational crimes in the Asia-Pacific region and beyond. In this framework, Mongolia participated in the workshop on "Human Trafficking: Victim Support" (Bali, Indonesia, 7-9 November, 2006)⁹⁰ and in the Third Bali Process Regional Ministerial Conference (Bali, Indonesia, 14-15 April 2009).⁹¹

PREVENTION

The effective prevention of CSEC requires multi-faceted strategies and policies that simultaneously address the different elements of the problem. These strategies should

target both vulnerable children and those who engage in sexual activities with children while also addressing the root causes of CSEC such as poverty and lack of education.

Mongolia has implemented several awareness raising programmes in an effort to prevent various manifestations of CSEC. For example, television programmes have been developed to warn the public about the negative consequences of trafficking in children, child prostitution and child pornography.⁹² There have also been other innovative awareness campaigns on CSEC; for example one campaign involved a musical event comprised of popular singers and another campaign targeted a large number of people by distributing information on trains from Ulaanbaatar to Beijing.⁹³

In addition, as part of the Human Trafficking Project funded by the Swiss Cooperation and implemented by the Human Security Policy Studies Centre in collaboration with the Ministry of Social Welfare and Labour, public service announcements to raise awareness of the general public on human trafficking were screened in three movie theatres (Urguu, Tengis and Soyombo) for a one-month period in cooperation with the Ministry of Social Welfare and Labour, Criminal Police Department and the Metropolitan Police Department.⁹⁴ The Government also distributes NGO 'inserts' into passport and train tickets alerting travellers to the dangers of trafficking and of resources available for victims.⁹⁵ In 2010, the Center for Child and Women Trafficking printed 500,000 of these Passport inserts and 1000 posters, with financial support of the IOM and the Asia Foundation. Passport inserts and posters are available in all 30 Border Crossing posts of Mongolia. These inserts target all age groups, and include the call: "Your help is appreciated to prevent human trafficking".⁹⁶

A continuing problem identified with these awareness campaigns, however, is that they are generally only "one time events" and are not sustained.⁹⁷ Consequently, short term information campaigns cannot deepen the understanding of potential victims effectively and consistently.⁹⁸

It appears that Mongolia has made certain

efforts to educate relevant officials as well as vulnerable groups on CSEC issues. For example, in 2009, 720 social workers reportedly participated in training on the protection of women and children from sale, child prostitution and child pornography.⁹⁹ In terms of trafficking for sexual purposes, it is reported that the current training and capacity development aims primarily at improving the criminal legal process and border control. The main participant groups for training are police, border police, prosecutors and judges.¹⁰⁰ In 2010, the Mongolian government reported training 6 police officers in Ulaanbaatar City on how to properly respond to reports of human trafficking as well as 50 employees of the General Agency for State Registration and Border Protection on ways to prevent trafficking.¹⁰¹ Despite these laudable initiatives, there appears to be insufficient training on service provision for those involved in the assistance and protection of victims of trafficking.

In relation to education of potential victims of CSEC, since a revision of the secondary school curriculum between 1998 and 2003, human rights education is now provided in secondary schools in Mongolia¹⁰² and the curriculum is said to include education on the Convention on the Rights of the Child.¹⁰³ However, it has been reported that the quality of the human rights training is low due to the lack of support and training given to teachers.¹⁰⁴ Furthermore, CSEC issues are only beginning to be included within the general human rights curriculum provided to secondary school students. During its Human trafficking Project (2008-2009), the Swiss Development Agency contracted development of the curriculum and training of teachers with a working group at the Ministry of Education, Culture and Science. This program has trained 700 teachers nationwide. Starting in 2011-2012 school year, students of 9 grade classes will receive a 3 hour program on human trafficking and CSEC. The Mongolian government should expand these programs to include all students in the education system.

Additionally, the Human Trafficking Project has established a working group at the Ministry of Education, Culture and Science to create the contents of a course on human trafficking as well as a manual for social science teachers on how to teach this topic to students. A training-seminar for 40 trainers (in October 2008) and a two-phase seminar for 200 social science teachers (in November 2008 and in January 2009) of general education from all secondary schools in Ulaanbaatar city on how to teach human trafficking issues to students were also conducted. The training included lessons on practices and studies from selected law enforcement officials and representatives from governmental and non-governmental organisations. In addition, in April 2009, a regional training-seminar on the same subject was organized for 30 secondary school History and Social Science teachers from Dornod, Sukhbaatar, and Khentii provinces in the Eastern region of Mongolia.¹⁰⁵

During the review by the Committee on the Rights of the Child in January 2010, the Mongolian delegation indicated that the principal cause for the commercial sexual exploitation of Mongolian children is poverty. It was said that the government was considering how it could better target the most vulnerable families by developing more effective poverty indicators to focus on those who live in the most extreme poverty.¹⁰⁶

Although not directly aimed at preventing CSEC, it is relevant to note that the Mongolian government has introduced programmes targeted at reducing the impact of poverty, such as distribution of textbook vouchers, free provision of educational supplies for vulnerable groups of children and free lunch for students of 1-4 grades. These measures are said to have reduced the number of school drop outs.¹⁰⁷ Since 2006, the government has also been issuing birth certificates for free.¹⁰⁸ Insuring proper documentation for all children

is an important tool for decreasing the CSEC vulnerability of stateless or other undocumented children.

The Mongolian government has certain social welfare schemes aimed at alleviating poverty amongst children, such as a modest monthly allowance for all children under 18, a one off payment upon the birth of a baby and annual welfare payments to mothers with more than 5 children.¹⁰⁹ There have also been initial efforts to prevent children from living on the streets and reintegrate unsupervised children with their families. Apart from implementing awareness raising campaigns in Ulaanbaatar and four regional centres to change stereotypes against street children (through documentary movies, handbooks, flyers, brochures, TV programmes, and TV and radio talk shows), a database of unsupervised children has been created and a number of services were provided, including reintegration into the family, alternative education programmes and crime prevention training.¹¹⁰ However, although education and vocational programmes for reintegration of street children (including CSEC victims) exist, these are found mainly in Ulaanbaatar and are not easily accessed by child victims in rural areas.¹¹¹

However, the government has been making steady efforts to permeate the rural regions of Mongolia. In an effort to suppress vulnerability to CSEC, the government is attempting to educate children residing in remote areas by ensuring that they have access to TV and radio and by increasing the number of child friendly channels.¹¹² Such efforts are especially important considering reports claiming that up to 91 percent of boys residing in rural Mongolia drop out if high school.¹¹³ In 2006, the project “Increased Access to Information at Remote Areas” was launched, resulting in the installation of 4 main Mongolian television channels in 353 points in *aimags*, *soums*, remote districts of Ulaanbaatar and

other settled areas. Although the government has succeeded in implementing the project throughout the country, there is still some concern that children have access to inappropriate material.¹¹⁴

In the framework of the Human Trafficking Project, the National Human Rights Commission has carried out an overall analysis of existing laws pertaining to human trafficking with a view to improve counteraction, prevention, and victims' identification and to reform current anti-

trafficking legislation. The research report was presented to government and non-government officials, officers, researchers and students through four consultative workshops held in 2009.¹¹⁵

The Ministry of Justice also reports having taken steps to prevent trafficking in persons by issuing a decree banning advertisements in newspapers and on television that involve children under 18, offer women for marriage, or promise lucrative overseas jobs.¹¹⁶

NGOs running activities against human trafficking and CSEC in Mongolia

Name of NGO		Developed material 2006-2009			Organised activity against human trafficking 2006-2009			
		Number of Surveys/ Research	Technical Handouts	Advocacy materials	Training, workshops / people involved	Meetings, Work shops/ people involved	Campaign / people involved	Number of people and children received services
1.	Adolescents Development Center	1	4	10	48/1440	60/1200	8/10.000	820
2.	Office of ECPAT Mongolia	6	2	18	10/300	30/600	5/3000	
3.	Gender Equality Center	8	5	8	250/5500	320/4000	3/80.000	250
4.	Human Rights Development Center	9	3	1	30	40/800	0	105
5.	National Center Against Violence	10	14	9	21	8/160	5	2711
6.	Ariun Sanaa	3	1	3	36/300	4/60	3/3000	200
7.	Equal Step	2	1	2	5	9/180	8 төсөл	1062
8.	Social Work and Teachers Association		1		30/813			60
9.	Center for Human Security Policy Studies	8	3	15	10/1200	9/500	5	50
10.	Development Chain				30	1/20	80	30
11.	Light Center/Dornod province				30	1/10	250	30
12.	Nisora foundation				200	10/80	300	120
Total		47	33	66	700/9869	492/7610	667/96.000	5438

Source: Reports sent to ECPAT Mongolia in connection with NPA Evaluation, 2009

PROTECTION

Comprehensive and effective legislation is essential to protect children from CSEC. Specific laws must be developed, implemented and/or strengthened to combat the various manifestations of CSEC. These laws must be reviewed and updated regularly to incorporate evolving forms of CSEC, such as grooming or viewing and accessing

child pornography online, and changes in the international legal framework. As well as enacting legislation that is compliant with international standards and obligations, national laws must be effectively enforced. Policies and procedures to protect child victims and/or witnesses are also essential.

Regional and international level

Although Mongolia does not appear to be a member of any regional organisation that addresses CSEC issues, it may be noted that within the region, Mongolia has entered into mutual legal assistance agreements (MLAs) with the following countries: the People's Republic of China, the Russian Federation,

Kazakhstan, South Korea, Kyrgyzstan and Vietnam. MLAs have also been entered into with France, India, Poland, Turkey, and the Ukraine.¹¹⁷ However, to date Mongolia has not sent or received a request to extradite an offender for an offence in relation to CSEC.¹¹⁸

Children's Rights Instruments related to CSEC

International instruments	
Human rights bodies related to child rights	Comments
Charter-based bodies	
Working Group of the Universal Periodic Review – Human Rights Council	Report Submitted January 4, 2011.
Special Rapporteur on the sale of children, child prostitution and child pornography	No country visit so far.
Special Rapporteur on trafficking in persons, especially in women and children	No country visit so far.
Treaty-based bodies	
Committee on the Rights of the Child	<ul style="list-style-type: none"> - 2010 – Key conclusions regarding implementation of the OPSC: - harmonise national legislation in line with the OPSC - improve data collection on CSEC

Children's rights instruments	Date of ratification	Date of submitted reports
Convention on the Rights of the Child - 1989	05/07/1990	2008 -3-4th periodic report submitted; 2003 – 2nd periodic report submitted 1994 – 1st periodic report submitted
Optional Protocol on the sale of children, child prostitution and child pornography – 2000	27/06/2003	2008 – 1st report submitted. 2010 – concluding observations of the CRC
ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182)	26/02/2001	2009 – report submitted.
UN Convention against Transnational Organized Crime – 2000	27/06/2008	
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – 2000 (supplementing the UN Convention against Transnational Organized Crime)	27/06/2008	
Regional Instruments		
None	N/A	

Regional and international level

As it stands Mongolia's national legislation falls far short of international standards and does not comply with the obligations Mongolia has assumed by ratifying the OPSC. The principal flaw is the absence of clear and comprehensive definitions of key concepts, such as "child prostitution", "trafficking in children" and "child pornography." Mongolia must take urgent action to adjust its national laws to better protect children from CSEC.

Mongolia's Law on the Protection of Child Rights, introduced in 1996, as well as the 1992 Constitution of Mongolia, guarantee equal protection under Mongolian legislation, namely to grow up in an environment safe from abuse. Specifically, Article 7.4 of the Law on the Protection of Child's Rights prohibits the involvement of children in any activities that are harmful to their physical or psychological health. This includes the engagement of children in pornography and prostitution, as well as abusing selling, kidnapping and

trafficking children. According to the Law on the Protection of Child's Rights, the State is responsible to provide protection indiscriminately to children in the form of education, vocational training, and support and healthcare services. Furthermore, "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."¹¹⁹

In contrast to the requirements of the OPSC, Mongolia has not included a clear definition of child prostitution in its national legislation in line with the OPSC and has not criminalised the offering, obtaining, procuring or providing of a child for engagement in sexual activities.

Mongolian Law Against Pornography and Prostitution prohibits prostitution and sets out administrative or criminal penalties for offenders. The same law also defines “promiscuity” as “an act of prostitution or involving other person in prostitution or being involved in prostitution, organising or mediating it. It appears that the police are entitled to disclose criminal records relating to promiscuity to the employer or school of an offender.¹²⁰

Although Mongolia’s Criminal Code does not contain a clear definition of child prostitution, it contains a few provisions that could be used to prosecute some acts related to child prostitution. For example, Article 115-1 prohibits involving persons under the legal age in prostitution. The offense is punishable by a fine equal to 20 to 50 times the minimum salary, 100 to 250 hours of forced labour or by incarceration for a term of 1 to 3 months. Higher penalties are imposed where the offense is committed repeatedly, by using violence or threat (Article 115-3). Article 124-2 prohibits organising prostitution (e.g. by financing or operating brothels). According to Article 124-1 it is prohibited to involve anyone (including children) in prostitution by force or deception. If an organised group commits this crime, punishment may be between 3 and 5 years’ imprisonment (Article 124-3).

Mongolian law remains unclear with regard to the significance of foreknowledge of an individual involved in prostitution. The Mongolian government reported to the CRC that article 124-1 has been interpreted such that where a victim is involved in working in the entertainment sector and is fully aware he/she might be engaged in a sexual activity with a client upon the client’s request, it may

be held that force and deception cannot be proven and, therefore, article 124-1 does not apply. Because of a lack of distinction between adults and children in Mongolian law, it would thus seem that any person who organises or induces a child to be involved in the entertainment industry where sex is also provided may be able to escape liability if it can be shown that the child was aware that sexual services would also be required.¹²¹

However, a 2008 Resolution by the Mongolian Supreme Court attempting to clarify the meaning of Article 113 of the Criminal Code, which addresses trafficking, as well as distinguish between Article 113 and Article 124 (governing prostitution), the Court stated that where “victims of Criminal Code Article 113 never know about the possible or further prostitution in advance, however, victims of Criminal Code Article 124, are differentiated by the victims of Criminal Code Article 113 by knowing about the possible or further prostitution in advance [sic].¹²²” Under this interpretation, it would be possible for an individual to be prosecuted for inducing a child (or adult) into prostitution even when the child is aware of the possibility of prostitution, so long as some kind of threat or force is used.

Though Mongolian law appears to still be unsettled on this point, under either interpretation, children are insufficiently protected as there is no distinction between adults and children in the law, which forces prosecutors to show that there were threats or force in order to prosecute an offender for involving a child in prostitution. Such a potentially onerous burden of proof in cases involving children facilitates those who benefit from the prostitution of children to escape criminal liability so long as they can

show that the child “willingly” entered into the arrangement, with no threat or force used.

Another flaw in Mongolia’s national legislation is that it does not state that a person who purchases sexual services from a child will be liable to punishment.¹²³ The Criminal Code Article 122 punishes individuals who have sexual intercourse with a person under 16 years of age, but there appears to be no protection for children 16-18.¹²⁴ In 2010, the Mongolian government

reported convicting 5 sex offenders under Article 124; however sanctions were not severe, with two offenders sentenced to one year imprisonment and the remaining 3 awaiting sentencing.¹²⁵

In order to overcome the difficulties listed above, Mongolia must amend its national legislation to comply with the OPSC, in particular, it must be specified that a child’s consent is irrelevant to the offence of prostitution and that a child must never be punished for involvement in prostitution.

TRAFFICKING OF CHILDREN FOR SEXUAL PURPOSES

Although the Mongolian legislation contains several provisions which can be used to address the issue of child trafficking for sexual purposes, further revisions should be carried out in order to bring the criminal legal framework fully in line with the provisions of the OPSC.

The Law on Protection of Children’s Rights prohibits the involvement of a child in trafficking, kidnapping, slavery, forced marriage or illegal adoption. The same law also prohibits taking a child to or from Mongolia on an illegal basis and involving children in labour that is harmful to their safety, health and moral development. Trafficking of children is punishable with a prison term of 10 to 15 years.

Article 113 of the Criminal Code also contains provisions on trafficking, which criminalises selling and buying of persons for the purposes of prostitution and covers both national and cross border trafficking.¹²⁶ Under Article 113.2.5, the offense of trafficking a person under the legal age shall be punished by imprisonment for a term of more than 5 to 10 years. If the offense is committed by an organized group or a criminal organization, it shall be punishable by imprisonment for a term of more than 10 to 15 years.

However, in contrast to the requirements under the Trafficking Protocol, Mongolian legislation does not contain any definition of trafficking which includes recruitment,

transfer, transportation, harbouring and receipt of children for purposes of exploitation regardless of consent of the child or the means used.

The interpretation of Article 113 by Mongolia’s Supreme Court and law enforcement officials has led to weak enforcement and indirect violation of the UN Trafficking Protocol.¹²⁷ The US State Department states that the interpretation of the law has led to ambiguities, which is also acknowledged by the government,¹²⁸ as to when the law should be applied; specifically, since the Supreme Court states that ‘individuals who know they are being transported for sex work cannot be classified as trafficking victims’, prosecutors must often rely on lesser offences (Article 124 - forced prostitution).¹²⁹

Another barrier to enforcement of anti-trafficking laws stems from the widely held view among law enforcement officials that before a court process can be initiated, the act of trafficking must be proved, as well as the price of the transaction and profit made precisely identified. Lack of evidence often prevents cases from reaching court.¹³⁰ Since

trafficking often involves a network of many actors, in practical terms it is likely to be challenging to locate the buyer and obtain proof of the price and profit obtained for a particular victim.¹³¹

So long as this view prevails, there are likely to be many cases of trafficking that are not brought to justice. The definition of trafficking should be expanded to include those who are involved in the recruitment, transfer, transportation, harbouring and receipt of persons as well as lowering of the evidentiary threshold to allow proof to be established at trial rather than before the investigation has been completed.

In 2009, it was reported that offenders convicted under the anti-trafficking provision contained in Article 113 of the Criminal Code received sentences of from 10 to 15 years' imprisonment.¹³² However it appears that none of the victims included children.¹³³ It may be noted that the forced prostitution provision in article 124 of the Criminal Code is often used to prosecute offences that in fact constitute trafficking, which results in offenders receiving more lenient sentences than they would if prosecuted under trafficking legislation.¹³⁴ In 2009, the government prosecuted 11 people for four sex trafficking cases; those charged under Article 113 received sentences of 6 – 15 years, while those charged under Article 124 received one year.¹³⁵ In 2010, there were 13 cases investigated under Article 113, resulting in

9 prosecutions, 5 of which were convicted and 4 acquitted. All of the cases involved sex trafficking offenders. Sixteen cases were investigated under Article 124, resulting in 11 prosecutions, of which 6 offenders were convicted and 5 dismissed. Sentencing patterns followed those of 2009.¹³⁶ The government did not report if any of the cases involved child victims. Furthermore, there have been reports of complicity by government and law enforcement officials in severe forms of trafficking; however, there have been no investigations or prosecutions of such crimes.¹³⁷

Another challenge of the Mongolian legal system is that criminal cases are only initiated upon a victim's request, and, thus, victims are required to 'assist' in the prosecution.¹³⁸ Such a system can lead to trafficking victims feeling reluctant to report due to fear of their traffickers as there is no formal procedure for victim/witness protection. Currently, Mongolian legislation on trafficking does not contain any provisions relating to the recovery and reintegration of child victims of trafficking,¹³⁹ nor does legislation contain procedures for children to seek compensation for damages. In this regard, it may be noted that the Mongolian government is reported to be considering the adoption of a separate law on child and human trafficking, which would give greater protection to victims.¹⁴⁰ As of August 2011, this law has not yet been passed.¹⁴¹

CHILD PORNOGRAPHY

CHILD ABUSE IMAGES

Mongolia has three laws in place that address pornography in general terms, however none of those laws contain a definition of child pornography in line with the OPSC.

The Law on Protection of Children's Rights (Article VII) prohibits the involvement of children in "any work that is likely to be harmful to the child's health and moral", which may include child pornography, and prohibits the dissemination of any material

advertising pornography to children (Article VI – 5) but it does not provide any definition of child pornography.

Similarly, the Law Against Pornography and Prostitution does not contain provisions

specifically addressing child pornography. Article 3 of the Law defines “promoting pornography” 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”. Chapter 2 of the same law prohibits promotion of pornography. Violation of these provisions shall result either in administrative or criminal liabilities.

The Criminal Code, which does not contain any definition of child pornography, punishes any individual who produces, distributes, sells, imports, exports or displays to the public materials or other items depicting pornography (Article 123). The same provision also punishes the inducement of a person under 16 to engage in the preparation, distribution, sale or display of pornographic items.

In order to comply with its obligations under the OPSC, Mongolia must amend its legislation to include a definition of child pornography according to the terms set out under the OPSC. Mongolia must also criminalise the production, offering and distribution of child pornography, clearly defined as distinct from pornography more generally. The OPSC requires that possession of child pornography is criminalised where the possession is for the purpose of production, offering or distribution. However, in line with international best practice, it is recommended that Mongolia criminalise the simple possession of child pornography and knowingly accessing and viewing child pornography through information communication technologies. It is also recommended that Mongolia criminalises the grooming of children for sexual purposes.

EXTRATERRITORIAL LEGISLATION WITH REGARDS TO CHILD SEX TOURISM RELATED OFFENSES

In relation to child sex tourism, Mongolia’s national legislation falls short of the standards in the OPSC. The OPSC requires state parties to ensure that crimes under the OPSC are subject to extra-territorial jurisdiction. During the recent review by the Committee on the Rights of the Child, it was observed that Mongolia’s national laws are

yet to be amended to include extra-territorial jurisdiction for crimes under the OPSC.¹⁴²

Despite evidence that suggests that Mongolia is a child sex tourism destination, so far there have been no arrests or convictions of foreigners for child sex offences in the Mongolian territory.

Child-friendly justice procedures

Due to the lack of a framework for witness protection, it is said to be common in Mongolia for victims of crimes (including child victims of CSEC) to “voluntarily” withdraw their claims due to pressure during the investigation process.¹⁴³ Since law enforcement officials do not proactively partake in victim identification, it is the responsibility of victims to come forth with reports of exploitation. Victims are thus required to assist in the prosecution of their offenders and unfortunately, the government does not provide witness protection.¹⁴⁴ This process and the lack of protection deter victims from filing complaints of sexual exploitation.

Currently, improving child witness support is said to be one of the main priority issues for the Mongolian government. The Mongolian Police are reported to be considering establishing a specific unit to deal with child trafficking, involving UNICEF to devise better provisions for

child victims involved in police investigations. The government is reportedly encouraging NGOs to establish shelters for child victims and child witnesses.¹⁴⁵

With regard to court room procedures, it is reported that the possibility exists for child witnesses to testify out of the court environment and for the child witness to be questioned without the presence of the alleged offender.¹⁴⁶ Interview rooms have been established that are equipped with video camera facilities and anonymous victim identification procedures are being explored.¹⁴⁷ Article 260 of the Criminal Procedure Code allows parents, teachers and legal guardians of minor children to be present in the courtroom when a child is acting as a witness. If necessary, a child's testimony may be heard once the defendant has been removed from the courtroom.¹⁴⁸

Child protection units

Although there are no units with a specific mandate to identify and manage cases related to the commercial sexual exploitation of children in Mongolia, it is reported that there are designated police officers that deal with issues concerning children throughout the nation.¹⁴⁹ Furthermore, there are said to be female police officers that deal with issues related to girls and women.

In July 2010, the Mongolian government instated an anti-trafficking unit under the Special Investigation Department. The 4 officer unit is limited to cases filed under Article 113.3, which focuses on transnational sex trafficking; however, it is reported that the unit does not receive adequate funding to carry out its tasks.¹⁵⁰

Mongolia's Law on Primary and Secondary Education has incorporated the role of child protection worker into the title and responsibilities of school social workers. Supported by Save the Children, UK, a pilot program teaching child protection was initially taught in 2 social work schools, and over the years has been incorporated into the curricula of other social work schools.¹⁵¹

Some *aimags* are equipped with centers providing free psychological counseling services to families. In addition, the General Office for Law Enforcement has psychologists and social workers within its agencies and uses their services when conducting police interviews, investigations and court proceeding to ensure that children's best interest is a priority.¹⁵²

Support services for children

Strategies for the recovery and reintegration of victims of CSEC ought to contain immediate and long term policies. Immediate assistance could include medical and psychological care, provision of shelter and legal assistance whereas longer term assistance could include reintegration into school, return to family and financial assistance. In relation to child victims of trafficking for sexual purposes, it is also important to have in place procedures for repatriation or other special assistance for non-nationals.

Although not operated exclusively for victims of CSEC, there are reportedly 42 residential care centres, serving 1,200 children in Mongolia. The majority of the centres are run by the State, while others are managed by non-governmental organizations. Since January 2009, the government has adopted standards on the quality of services and the qualifications of the staff within the centres. There is said to be provision for monitoring of standards, although the first monitoring report had not yet been completed.¹⁵³

There are several NGOs operating in Mongolia that provide assistance to victims of CSEC. For example, since 2005, the Centre for Protecting a Child from Violence has provided counselling services for more than 1,000 child victims of CSEC and sexual abuse. The Centre's hotline receives approximately 200-350 calls per year, of which 10% originate from CSEC victims.¹⁵⁴ Every year the National Centre for Child Rights is said to organise an event to assist unsupervised girls with health checkups and recuperative services. The Centre "Ariun Sanaa" has also provided health advice for girls involved in prostitution and is said to serve more than 100 children each year.¹⁵⁵ As part of the Human Trafficking Project, a shelter run by the Gender Equality Centre was opened in 2008. This facility has the capacity to accommodate six victims of trafficking per shift (including children) and provides basic assistance, full medical check-ups and treatments, and psychological and legal counselling.¹⁵⁶ Mongolia also has hotlines in place to receive information about CSEC offences and provide referral services to victims.¹⁵⁷

"Friendly Talk" is a 24-hour NGO-run crisis hotline offering intake services for people reporting instances of child abuse. The center also provides psychological

counseling to child victims. In 2006, 237 child victims of violence were provided with in-person or over the phone counseling, and 29 received case management services.¹⁵⁸

According to recent observations, Mongolian helplines suffer from limited technology and therefore may not be effectively reaching their targeted population.¹⁵⁹ As of 2011, the hotline is facing financial difficulties and is only operational during working hours. The Mongolian Gender Equality Center, however, is also running a general hotline at number "1903" for human trafficking victims.¹⁶⁰

According to the US Department of State, assistance measures in relation to victims of trafficking are inadequate. In 2009, the government provided USD 10,000 to the National Centre Against Violence, which sometimes shelters victims of trafficking, and USD 3,000 to an NGO working to counsel and assist children vulnerable to trafficking.¹⁶¹ Mongolia must develop and implement formal victim identification and referral procedures to ensure that victims are found among at-risk populations and referred for appropriate services, rather than being criminalised for their involvement in prostitution.¹⁶² In 2010, the government donated USD 14,400 to NGOs providing victim assistance and referred 13 victims of trafficking to an NGO shelter. The Mongolian consulate in Erlian, China, established a 3-bed shelter from its own budget to help Mongolian victims of trafficking, as the area is a central border crossing with Mongolia.¹⁶³

It has been reported that Mongolian Government does not provide direct assistance to Mongolian trafficking victims repatriated from other countries and continues to rely too heavily on NGOs to provide support services.¹⁶⁴

Law enforcement training

According to the 2011 Trafficking in Persons Report, the Mongolian government did not report providing specialized training on victim identification to law enforcement officials. There was a report, however, on

anti-trafficking training to Mongolian troops prior to deployment in international peacekeeping missions.¹⁶⁵ Specifically, officers and soldiers were instructed on how to respond to situations involving children.

CHILD AND YOUTH PARTICIPATION

The Mongolian government has made considerable efforts in mainstreaming children's participation and claims to have achieved a noticeable expansion in child participation within the framework of child development and protection efforts. The government further claims positive impact as demonstrated in the increased policies and programming on children's participation, as well as reflected in the attitude of adults towards child participation in recent years.¹⁶⁶

According to responses provided to the United Nations Questionnaire for the Study on Violence Against Children, the government has repeatedly provided funding to children's conferences, including a USD 16,000 donation to a documentary made by children on how to enhance Mongolian children's quality of life.¹⁶⁷ Children's work is also found in magazines, newspapers and on television, funded by independent donors. There has been international funding provided to youth projects by various organizations, such as the UNPFA, the Asian development Bank and the Embassy

of the Netherlands. In 2003, these 3 organs extended EUR 14,000 to help the Centre for Development of Mongolian Children publish a children's newspaper for low-income families.¹⁶⁸

In 2004, the government endorsed a new strategy through the National Authority for Children (NAC) aimed at initiating and institutionalizing children's participation in the decision making process.¹⁶⁹ Within this, the national Policy on Children and Adolescent's participation is being formulated. The goals of the National Policy are to create a social, cultural and political environment that support and facilitate children's participation, by strengthening structures which enable their participation and by increasing their capacity to meaningfully participate in different sectors of society.¹⁷⁰ Although the significant delay in finalizing and enacting the policy, as noted by the CRC Committee in its recent review, is a major setback in achieving this institutionalization of children's participation within the country.¹⁷¹

The government, in close cooperation with UN Agencies such as UNICEF and other organizations, has promoted children's participation in health and nutrition programmes, in increasing access to education, preventing HIV/AIDs and strengthening young people's protection from exploitation and abuse.¹⁷² They have also been involved in research, monitoring and evaluations of programmes and policies affecting them.¹⁷³ In regard to children's participation in addressing CSEC, vulnerable children provided inputs in the NPA evaluation to combat CSEC, the identification of objectives, and calling for adult support to achieve them.¹⁷⁴ Similarly, children's participation forums were also organized to provide children's perspectives on the Juvenile Justice Reform project.¹⁷⁵

Furthermore, one of the outreach programmes for CSEC victims involved children who were former victims of prostitution. The Mongolian Youth Development Center project for girls at risk of being exploited in prostitution also seeks to build on the experience of girls rescued from prostitution to extend outreach to other young people at risk.¹⁷⁶

The NGO "Adolescent's Development Center" operated a project from 1 November 2006-30 March 2010, entitled "Removal,

rehabilitation and prevention of girls from sexual exploitation and improving public awareness on the sexual exploitation of children." The program involved 636 girls (12-18 years old). The Center assisted young people living in vulnerable conditions to develop self-confidence as well as develop skills to be well-adjusted citizens. In total, the Center assisted 860 children.¹⁷⁷

A peer to peer approach has also been used in the implementation of a major campaign to prevent trafficking launched in 2007 by the Asia Foundation, in collaboration with the Mongolian Students' Union (MSU). Through community outreach, peer educators, university and community discussion forums, youth events, and media programming, the MSU delivered prevention messages and raised awareness on the risks to get involved into trafficking for sexual and other purposes.¹⁷⁸

On January 8, 2010, the Human Rights Commissioners, an independent body which receives complaints from children, met with NGOs and children to discuss how to better address human rights complaints from children. The Deputy Prime Ministry is also reportedly working with a group of children and civil society organizations to amend sections of the national human rights legislation.¹⁷⁹



PRIORITY ACTIONS REQUIRED

National Plan of Action and policies on children and CSEC

- In line with the Rio Declaration and Call for Action, Mongolia must ensure that its updated National Plan of Action provides for the involvement of the private sector and participation of children in anti-CSEC measures.
- Mongolia must put in place stronger measures for monitoring the implementation of policies and activities envisaged under its National Plan of Action.

Coordination and cooperation

- In line with recent recommendations from the Committee on the Rights of the Child, Mongolia should take steps to improve coordination between the National Council for Children, the National Authority for Children and aimag Children's Centres.
- To improve coordination at the local level, Mongolia should examine possibilities and resources available to set up child protection units at the district and *soum* level. In particular, priority should be given to areas that are prone to child trafficking and child prostitution such as urban areas, areas close to international borders and mining areas.
- Mongolia should further strengthen bilateral, regional and international cooperation at judicial and police levels to counteract all manifestations of commercial sexual exploitation of children particularly in relation to sharing of information and repatriation of victims.

Prevention

- Mongolia must adopt a sustained approach to awareness raising campaigns that seek to prevent CSEC.
- Mongolia should expand human rights training and education on CSEC issues to ensure all students have access as well as build the capacities of the teachers in charge of implementing this curricula.
- In-depth research on all manifestations of CSEC should be urgently developed, paying particular attention to issues yet unexplored (i.e. child sex tourism and child pornography).
- Specific measures and programmes to address issues on domestic violence, which is one of the key factors contributing to the vulnerabilities of children to fall into sexual exploitation, must be developed and implemented.

Protection

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

- ✘ In line with international best practice, Mongolia should take steps to enact legislation that prevents and punishes the grooming of children for sexual purposes.
- ✘ Legislation should also be enacted to prevent and punish knowingly accessing and viewing child pornography.
- ✘ Mongolia must amend its legislation to provide for extra-territorial jurisdiction for all offences covered under the OPSC.
- ✘ As a matter of urgency, Mongolia must amend its legislation to include a definition of child prostitution in the terms set out under the OPSC. Furthermore, Mongolia must criminalise the offering, obtaining, procuring or providing of a child for child prostitution and ensure that the penalties for offenders are sufficiently stringent.
- ✘ It is of great importance that Mongolia enacts legislation to ensure that child victims of CSEC are never treated as criminals but instead are referred to services for recovery and reintegration.
- ✘ Mongolia must urgently amend its legislation to include a definition of child trafficking in the terms set out under the Trafficking Protocol and ensure that the penalties for offenders are sufficiently stringent.
- ✘ The national law on trafficking should be amended in order to provide comprehensive protection for victims and incorporate an obligation to provide recovery and reintegration services to victims of trafficking.
- ✘ Mongolia must improve law enforcement by putting in place procedures to identify and protect child victims of CSEC (e.g. witness protection as well as remove the need for the child to press charges for a case to be filed in court) instead of criminalisation for prostitution or related charges as the result of having been trafficked.
- ✘ Special police units should be established to identify and manage cases of sexually exploited children for commercial purposes.
- ✘ Mongolia must provide systematic training for those involved in the assistance and protection of child victims of trafficking.
- ✘ Mongolia must develop and implement formal victim identification and referral procedures in relation to victims of trafficking and adopt a child rights approach to ensure that child victims are not criminalised.
- ✘ Mongolia must also ensure that effective assistance is provided to child victims of trafficking who are taken outside Mongolia's borders and require repatriation.

Child and youth participation

- ✘ The revisions to the Mongolian draft National Policy on Children and Adolescent Participation that has been ongoing since 2005, needs to be immediately finalized and the policy enacted with adequate resource allocations to support the institutionalization of children's participation in the country.
- ✘ Particular emphasis should be given to the participation of those children who are most isolated, marginalized and at-risk of abuse and exploitation if meaningful children's participation is to be mainstreamed in all sectors of the society.

ANNEX

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*

Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.

C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter,

the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

II – Forms of Sexual Exploitation and its New Scenarios

Child pornography/child abuse images

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual

images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.

- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
- (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
- (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
- (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and

implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.

- (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
- (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
- (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
- (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
- (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.

Sexual exploitation of children and adolescents in prostitution

- (14) Address the demand that leads to children being prostituted by making

the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.

- (15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

Sexual exploitation of children and adolescents in travel and tourism.

- (16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.
- (17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.
- (18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.
- (19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.

- (20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

- (21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

Trafficking and the sexual exploitation of children and adolescents

- (22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.
- (23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.
- (24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.

- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.
- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF

Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).

- (27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

III – Legal Frameworks and Enforcement of the Law

- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.
- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/ children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.
- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions

as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

IV – Integrated Cross-Sectoral Policies and National Plans of Action General

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.
- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising

awareness and preventing the sexual exploitation and trafficking of children and adolescents.

- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

Prevention

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.
- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability

to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.

- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

Protection of the child

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.
- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new

ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psychosocial support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.

- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.
- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with

due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

V – International Cooperation

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.
- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime

in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

VI – Social Responsibility Initiatives

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and new technologies for the grooming of

children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

VII – Monitoring

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and in ensuring, where necessary, that child victims have effective remedies and

redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.
- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

- (67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

- (68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

- (69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including

through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

C. Call for Action

(1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the

Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

ENDNOTES

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