



Хүний Эрх ба Хөгжил Төв

# МОНГОЛ УЛСАД ХҮН ХУДАЛДАХ ГЭМТ ХЭРЭГТЭЙ ТЭМЦЭХ НЬ: АСУУДАЛ БА АРГА ЗАМ



Combating human trafficking  
in Mongolia: issues and opportunities



АНУ-ын ОУХА



АНУ-ын Азийн Сан



Дэлхийн Зөн Монгол

# **Combating human trafficking in Mongolia: issues and opportunities**

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## Chapter 1

### EXECUTIVE SUMMARY

Mongolia has undergone dramatic social, economic, and political changes since the early 1990s. In 1992, a new Constitution was adopted establishing rights that have since been incorporated into domestic laws. These rights include the right to travel abroad which, combined with the social and economic dislocation many Mongolians have experienced, have resulted in a dramatic increase in Mongolians' mobility. Over the past ten years, the number of Mongolians studying or working abroad has grown from negligible numbers to an estimated 100,000 people. There has similarly been an increase in domestic migration from rural to urban areas. While more open borders and greater freedom to travel have opened up new opportunities to the citizenry, these changes have also made it easier for traffickers to prey on Mongolians looking for a better life through employment abroad—particularly young women.

Although there needs to be more in-depth research to establish the full scope and patterns of trafficking of Mongolians, this research report—one of the first studies of the problem in Mongolia—documents cases of trafficking and highlights key issues that must be addressed to prevent trafficking in persons, protect victims, and bring traffickers to justice. This study was designed to provide a more detailed and comprehensive understanding of the nature of the country's trafficking problem and to develop practical recommendations for combating this grave violation of human rights. The research methodology included:

- in-depth interviews with victims of trafficking;
- a review of trafficking cases that have made it to the Mongolian court system;
- a survey of media announcements offering to mediate overseas employment, permanent emigration abroad, or marriage with a foreigner;
- a survey of young women engaged in prostitution and/or working in adult entertainment establishments; and
- a comprehensive analysis of Mongolian laws, law enforcement mechanisms, and other relevant government policies and their compatibility with international standards.

#### **The main research findings include:**

- In all of the trafficking cases that CHRD documented, the women were recruited and transported abroad for the purpose of coerced prostitution, after being deceived about the nature and/or conditions of the «employment» awaiting them. Most are required to sign contracts, but the women are not told about the debts they will «owe,» nor are they aware of the dangers they may face.
- The recruiters were typically Mongolians, working in connection with agents abroad, and the recruits tended to be young, single women who were unemployed, students,

and/or engaged in prostitution. Traffickers lured victims with promises of high paying jobs, training, education, and/or assistance in marrying a foreigner.

- Ulaanbaatar and other major urban centers, including Darkhan, Erdenet, and Er-lian, are the main recruitment centers for traffickers and Macao is the most common destination, though Mongolian women are also trafficked to mainland China, other parts of Asia, and even Europe.
- The legal framework for combating trafficking in Mongolia is inadequate. Anti-trafficking provisions in Mongolia's Criminal Code do not give a clear definition of trafficking and provide— for only light penalties that do not reflect the gravity of the crime. Furthermore, there is little awareness of the problem of trafficking in Mongolia.
- Government officials who have responsibility for protecting the rights of victims and bringing traffickers to justice have little or no knowledge of the problem of trafficking, laws pertaining to trafficking, or their responsibilities under the law.
- Transnational and domestic law enforcement efforts are hampered by insufficient cooperation and information-sharing among relevant governmental actors within Mongolia, as well as between Mongolia and countries of destination. While the Mongolian government cooperated with local law enforcement in Yugoslavia in one documented case, there is little, if any, cooperation between Mongolian officials and the authorities in Macao nor is there a consulate or other official Mongolian presence in Macao.
- Interviews with victims suggest that victims of trafficking who return to Mongolia often suffer from depression, and emotional and/or health problems. Currently, there are almost no services to help victims reintegrate into society and there is no legal provision to allow victims to seek compensation for psychological and emotional damage.
- Victims of trafficking faced great obstacles to pursuing legal action against their traffickers. Moreover, in a number of cases, the women themselves were penalized for prostitution and immigration-related offenses they «committed» while being trafficked.
- There are many suspicious recruitment advertisements for women in the Mongolian press including ads for virgins and specifications about women's physical appearance. Although recruiters (called mediators) for overseas employment are required to obtain a license from the Ministry of Social Welfare, in fact, there is no mechanism for monitoring or enforcing this regulation.

Based on these findings, the research team recommends that the Government of Mongolia take action in the following areas:

- **Legislation.** The Criminal Code should be amended to adequately define human trafficking and its elements: the recruitment, transport, and transfer of persons for the purpose of coercive labor and other forms of exploitation. The Supreme Court needs to immediately issue an official interpretation of the Criminal Code's trafficking-related provisions until the Code can be amended. The Civil Law should

be amended to provide for compensation to victims for psychological and emotional damage resulting from trafficking. The government should ratify the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Specially Women and Children, supplementing the UN Convention on Transnational Crime.

- **Prosecution.** All incidents of trafficking should be considered felony or «lese majeste» crimes, with penalties commensurate with the gravity of the offense. A long statute of limitations on cases of trafficking and procedures needs to be put in place that facilitates investigations and prosecutions. Trafficking for the purpose of forced labor or servitude (in addition to the «buying and selling» of human beings) should be considered a felony under Article 113.2. Repeated incidences of trafficking or severe harm to victims should be classified as the most serious crime—«lese majeste»—in addition to trafficking cases linked to an organized group.
- **Protection.** New legislation is needed to protect victims of trafficking and witnesses in trafficking cases. Government officials, including the police, border and customs officials, consular officials, prosecutors, and judges, need to be trained to recognize incidents of trafficking, treat it as a serious crime, and view trafficked persons as victims whose privacy and rights need to be respected, not as offenders. Establish a «Victim Support Fund» from fines imposed on traffickers and from other sources to provide victims of trafficking services they need, such as shelters, physical and mental health services, and legal counseling. Train police, border guards, judges, and consular officers in destination countries to protect the rights and privacy of victims.
- **Coordination.** An integrated information database that connects all relevant law enforcement agencies needs to be established to facilitate coordination and cooperation across agencies. The government needs to take concrete measures to coordinate with other governments on combating trafficking, such as establishing a consulate in Macao and other common destination countries, and signing extradition and other agreements that will facilitate cooperation to stop trafficking. The Mongolian government needs to establish support networks in destination countries including training consular staff in destination countries and coordinating with governments in those countries to ensure victims rights are protected
- **Education and awareness.** Raise public awareness in rural and urban areas about the crime of trafficking and the tactics traffickers use through public education campaigns and accurate, informative media coverage; particular efforts should be made to reach young, single unemployed women, students, and/or women involved in prostitution, especially in Ulaanbaatar and other urban centers. Support safe migration programs that include information on avenues for legal migration and provide legal international employment mediators and contact information on how to reach Mongolian consular officials and organizations providing help to victims in destination countries.
- **Prevention.** Address the economic dislocation, income disparities, and lack of adequate domestic employment opportunities that make people desperate for overseas employment and thus vulnerable to being trafficked.
- **Monitoring and enforcement:** Advertisements offering to mediate overseas employment and marriages should be monitored and suspicious advertisements

investigated; those operating without government permission should be punished under the Law on Mediating International Employment.

- **Further research.** Support research in Mongolia as well as in known destination countries, including Macao and other destination countries focusing on at-risk groups and registration procedure of non-adult citizens undertaking travel across border.

## Chapter 2

### INTRODUCTION

#### 2.1. THE PROBLEM

Mongolia has undergone dramatic social, economic, and political changes since the early 1990s. In 1992, a new Constitution was adopted establishing a series of new rights that have since been incorporated into domestic laws. These rights include the right to travel abroad, and combined with the social and economic dislocation many Mongolians have experienced, the result has been a dramatic increase in Mongolians' mobility. Over the past ten years, the number of Mongolians studying or working abroad has grown from negligible numbers to an estimated 100,000 people.<sup>1</sup> There has similarly been an increase in domestic migration from rural to urban areas.

One of the consequences of more open borders has been that it has been easier for traffickers to prey on migrant Mongolian workers—particularly young women—by offering promises of jobs in foreign countries, marriage to foreigners, or other false promises. In recent years, cases of trafficking in women have been documented, and there is evidence that the incidence of trafficking seems to be growing. Trafficking in persons refers to the recruitment, transport, and trade in human beings for the purpose of forced labor or servitude, forced prostitution, forced marriage, or other forms of exploitation. Trafficking has been condemned as a grave human rights violation in numerous international agreements, obligating governments to take concrete steps to prevent trafficking, punish traffickers, and provide justice to trafficking victims.

CHRD has been working to raise awareness and understanding regarding the issue of trafficking in persons in Mongolia for the past four years. In 2000, CHRD released its first report analyzing the incidence of trafficking in Mongolia and the government's response to this problem<sup>2</sup>. In 2001, CHRD staff members provided legal counseling and representation for two women who had been trafficked to Yugoslavia. And in 2002, CHRD completed another study of the Mongolian trafficking situation in cooperation with the National Human Rights Commission<sup>3</sup>. In this time, CHRD has gained an in-depth understanding of Mongolia's legal framework for addressing trafficking, as well as of the government's response to trafficking in practice. CHRD also has built working relationships with a range of people involved in anti-trafficking efforts, including law enforcement officials and others in the Mongolian government.

CHRD's past research and practical experience demonstrated an urgent need to improve the effectiveness of Mongolia's efforts to prevent and punish trafficking. However, to

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<sup>1</sup> Based on unofficial data from the Legal and Consular Office of the Ministry of Foreign Affairs.

<sup>2</sup> CHRD, *Current situation of trafficking related issues in Mongolia*, 2000.

<sup>3</sup> CHRD and NHRCM, *The crime of trafficking of women and children in Mongolia: The current situation*, 2002.

develop an effective anti-trafficking strategy, it was first necessary to gain a more detailed and comprehensive understanding of the extent and scope of trafficking in Mongolia, of the populations most at risk of being trafficking, and of relevant government policies and initiatives. This study was designed to respond to these needs and develop practical recommendations for combating trafficking in persons. Specific objectives of this project included:

1. Establishing baseline data regarding the scale of the trafficking problem in Mongolia.
2. Describing trafficking patterns and identifying the characteristics and tactics of traffickers.
3. Identifying the factors that increase a person's vulnerability to trafficking.
4. Identifying gaps in the existing legal framework for combating trafficking.
5. Making recommendations to improve the effectiveness of the Mongolian government in preventing trafficking, prosecuting traffickers, and assisting trafficking victims.

## **2.2 METHODOLOGY**

There were four main components to this research project: (1) in-depth interviews with victims of trafficking and a review of trafficking cases that have made it to the Mongolian court system; (2) a survey of media announcements offering to mediate overseas employment, permanent emigration abroad, or marriage with a foreigner; (3) a survey of young women engaged in prostitution and/or working in adult entertainment establishments; and (4) a comprehensive analysis of Mongolian laws, law enforcement mechanisms, and other relevant government policies and their compatibility with international standards. These efforts are described in more detail in the following chapters, and questionnaires and other survey instruments are included in the appendix.

In addition, CHRD observed border transit points to document and evaluate border control procedures and consulted with a range of experts in the field of trafficking. Interviews were conducted with border police, border-monitoring volunteers, and other relevant actors in the border areas. Three Focus Group Discussions (FGD) were conducted: one with government prosecutors, one with police officials, and one with private lawyers. In addition, 14 interviews were conducted with the following key informants:

- A female Parliament member;
- The Chair of the Legal Standing Committee of the Parliament,
- Vice Minister of the Cabinet Secretariat and chief of the National Council on Gender Equality
- Director of the Consular Office of the Ministry of Foreign Affairs;
- A judge from the Supreme Court;
- The prosecutor who chairs the Inquiry Department;
- A police officer from the General Police Office;
- Representative from the General Intelligence Agency
- Representative from the Forensic Hospital
- Official from the Intellectual Property Office,
- Representative from the National Human Rights Commission,
- The Chair of the Advocates Association

- Activist from the National CEDAW Watch Network Center (which monitors implementation of the Convention on the Elimination of All Forms of Discrimination Against Women—CEDAW)
- Activist from the National Center Against Violence;

The group discussions and individual interviews were designed to assess their understanding of the current situations, their perception of trafficked persons, and their views on gaps and weaknesses in the laws, policies, programs, and institutional mechanisms for combating trafficking—and how they should be reformed. The focus group with the police also focused on identifying those at risk of being trafficked and those involved in perpetrating trafficking offenses. (The questions that formed the basis of these discussions, along with the questionnaire used in interviews with key informants, are available in Appendix A.)

CHRD conducted the research from January to May 2003, in the capital city of Ulaanbaatar and three Mongolian provinces: Dornod province, including the eastern border point of Havirga; Selenge province, including Darkhan and the northern border point of Altanbulag town; and Dornogobi province, including the southern border city of Zamiin-Uud and the Chinese town Er-Lian just across the border. Once the draft study was ready, the study team organized a consultative workshop inviting all relevant stakeholders to share the findings of the study and finalize the recommendations.

### **2.3 LIMITATIONS OF THE RESEARCH**

Interviews with trafficked women and an extensive analysis of the few trafficking cases that have been prosecuted to date in Mongolia were used to shed light on the nature of trafficking and the government's response. However, the information provided in this report is intended to represent a first step towards addressing trafficking in persons in Mongolia. It should not be viewed as definitive research on all trafficking trends occurring in Mongolia and to Mongolians. While anecdotal information points to Mongolian women forced into prostitution abroad, few cases have been substantiated. As awareness of the problem grows within the country and as steps to strengthen the legal framework are initiated, it is expected that there will be increased reporting of the crime and improved data for future analysis.

## Chapter 3

### TRAFFICKING IN MONGOLIAN WOMEN: VICTIMS' EXPERIENCES

Information about the experiences of trafficked women is critical for preventing trafficking in persons and improving the Mongolian government's response to this crime. This chapter describes the process of recruitment, transport, and trade in Mongolian women, and the experiences of trafficked women after they reach the destination country, as well as when they return to Mongolia. Insight into the profiles and methods of traffickers, as well as the characteristics and attitudes of trafficked women, is critical for preventing women from becoming victims of trafficking and meeting the needs of those who are trafficked.

#### 3.1. TRAFFICKING PATTERNS: FROM RECRUITMENT TO RETURN

The information in this section is drawn primarily from in-depth interviews with ten victims of trafficking. These firsthand accounts are supplemented with information from past research efforts and from interviews conducted by CHRD with experts in the field (for more information about who CHRD interviewed, see Chapter 2). The interviews with trafficking victims were conducted by two officials in the Mongolian government—one from the Criminal Police Office (CPO) and the other from the General Intelligence Agency (GIA)—based on a questionnaire developed by CHRD.

Finding trafficking victims to interview is extremely difficult given the underground nature of the crime, the reluctance of victims to come forward and tell people about their experiences, and the fact that trafficked women are often mobile and do not stay in one place very long. (In addition, CHRD was limited by a short time frame for completing this research.) The women interviewed for this report were victims in trafficking cases that were investigated by law enforcement authorities, but their cases were later dropped for various reasons. Experts in the field believe that most victims do not come forward,<sup>4</sup> so the ten women interviewed may not be truly representative of the larger population of Mongolian women who are trafficked.

CHRD tried several methods to identify additional victims, including meeting with staff of human rights and advocacy organizations, meeting with journalists who have written about trafficking, placing newspaper and radio announcements, and interviewing women who might be vulnerable to being trafficked, such as women in prostitution. However, while these efforts yielded secondhand information about women who had been trafficked, CHRD did not find other trafficking victims to interview.

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<sup>4</sup> Proceedings from the International seminar "Cooperation for prevention from trafficking of girls", Ulaanbaatar, 2001.

### 3.1.1. The Women

The women trafficking victims shared a number of similar traits. Nine of the ten trafficked women who were interviewed were between the ages of 18 and 25; one woman was 30 years old. This age range is consistent with information from other research and other trafficking cases that have been documented in Mongolia. All of the women were healthy and very attractive. All of them were single—one was divorced and the rest had never married—and half of them were raised in single-parent families. Finally, all of the women were living in Ulaanbaatar when they were recruited; one had moved there from Selenge *aimag* (or province), a rural province on the Russian border. Results from previous research indicates that trafficking victims are typically recruited from urban centers such as Ulaanbaatar, Darkhan, Erdenet, and Er-lian (for more on these cities, see Chapter 4 below), often after moving to these cities from more rural areas.<sup>5</sup>

At the time that they accepted offers to work abroad, four of the women were unemployed, two were students, two were working in prostitution, one was a dancer, and one was a cook. All of them believed that they could make a lot of money in a short period of time if they worked overseas, and nine stated that therefore they had had a strong desire to go abroad (the tenth did not answer this question) though the majority had never before left the country. One of the victims said that despite her experience of being trafficked, she was willing to try working abroad again.

The women's educational background varied. Five of the women had completed secondary school, including one with a higher education degree. The rest had at least some secondary education. Five of the women had some knowledge of Russian, though none of them knew the languages of the countries they were trafficked to: China (Macao<sup>6</sup>), South Korea, and Japan.

Before they accepted the job offers, most of the women told their families that they were going abroad to work, and in some cases asked for their family's permission. However, two of the women said that they deceived their families by telling them that they were going abroad to work in a training program, though they knew they would actually be working in massage parlors.

### 3.1.2. The Recruiters

The first link in the trafficking network is the recruiter in Mongolia. The recruiter has connections with trafficking agents abroad and makes an agreement with them to recruit Mongolian women for overseas employment. While evidence from a few years ago indicated that trafficking recruiters were typically foreigners, this research suggests that today recruiters are more likely to be Mongolian, as all ten women interviewed were recruited by Mongolian citizens.

Most recruiters were women ages 27 to 35; others were men ages 25 to 30. Three of the women reported being recruited by three different sets of brother-sister teams. One woman

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<sup>5</sup> National Human Rights Commission and the Centre for Human Rights and Development, *The current situation of the crime of trafficking in women and children in Mongolia*, Ulaanbaatar: 2002, p. 17.

<sup>6</sup> Macao, located on the southern coast of China, is a former Portuguese territory that was returned to Chinese rule in December 1999. Chinese is the dominant language.

was recruited by relatives of a Mongolian woman who was married to a Korean man—this woman was then trafficked to South Korea.

Government officials involved in combating trafficking in Mongolia believe that though the trafficking process is becoming more organized, those involved in recruiting women are not yet highly organized. Recruiters typically work in small groups, are poorly educated, are single or female heads of households, and often have backgrounds in small trading or prostitution.<sup>7</sup> In some cases, the recruiters may themselves have been trafficked in the past, and are now being paid to traffic others.

### **3.1.3. The Job Offer**

The first responsibility of the recruiters is finding Mongolian women who will accept an offer of employment in a foreign country and then «registering» them—obtaining their names, contact details, other basic information, and their photographs. This formalized registration process serves to ensure that the women fulfill the criteria stipulated by foreign trafficking agents (employers or brokers), and at the same time helps to convince the women that they are responding to a legitimate employment offer.

Of the ten trafficked women interviewed for this report, one had learned of the overseas employment opportunity through a newspaper announcement and another had heard about it on the radio. The other eight women said that they first heard about the offer from a friend or relative. In one of these cases, the woman's friend had read a newspaper announcement placed by a recruiter. In the other cases, it is not clear how the friend knew of the job offer, though experts in the field believe that recruiters commonly operate by meeting potential recruits at bars, massage parlors, and karaoke establishments and then networking with their friends.

The trafficked women said the recruiters promised them that they would receive training and learn a foreign language. They were also told that their food, housing, and travel expenses would be covered. Five of the women accepted offers to work as masseuses in Macao, earning US\$500-1,000 per month. Two agreed to work as waitresses (one in South Korea, one in Macao), and two as dancers (one in Japan and one in Macao). One woman, who was recruited while working in prostitution in Mongolia, was offered better pay for similar work in Macao.

Only four of the women signed contracts with their recruiters before leaving Mongolia. Two of the women who agreed to go to Macao signed six-month work contracts, the woman who went to Japan signed a contract to work as a dancer, and the woman who went to South Korea signed a two-year contract to work as a waitress, agreeing to pay back 50 percent of her salary during these two years. This last woman also was asked to sign a paper stating that she was borrowing a large sum of money (approximately USD 20,000), but she refused.

Other research confirms that trafficking recruiters often deceive women about the nature of the job they are going to do, promising jobs as masseuses, for example, and not telling them that they will have to provide sexual services to their customers. Or, if they are recruiting women who are already engaged in prostitution, they promise them more money

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<sup>7</sup> Proceedings from the International seminar "Cooperation for prevention from trafficking of girls", Ulaanbaatar, 2001.

than they could ever make in Mongolia. In both cases, recruiters promise high salaries of USD 500-2000 per month and short contracts of three to six months. They do not tell the women about the false debts they will «owe», or the coercion they will face. They may also promise other benefits such as assistance in marrying a foreigner.

#### **3.1.4. Traveling to the Destination Country**

Once a woman has accepted a job offer, the recruiter is responsible for ensuring that she has the documents she needs for foreign travel. This often means organizing and obtaining visas, and may also include obtaining false marriage registrations or teaching dancing or a foreign language—services that often carry a fee. To obtain a visa for the woman trafficked to South Korea, for example, the recruiter arranged a false marriage with a Korean man. (Eight of the ten women interviewed for this report were trafficked to Macao, so there was no need for a visa; while Mongolians need a passport, they do not need a visa to travel to China, including Hong Kong or Macao). While the recruiters covered most of the women's travel costs, four of the women had to contribute some money for a passport fee or other expenses.

After the travel arrangements have been made, the recruiter escorts the woman to the destination country or to someone else who will escort her there. Of the ten victims interviewed for this report, one was trafficked to Japan, one to South Korea, and eight to Macao. There have also been reports of Mongolian women trafficked to Yugoslavia, Belgium, Bulgaria, and mainland China.<sup>8</sup> The two women who went to Japan and South Korea traveled by plane and were escorted directly to the destination country by their recruiter. A few of the women trafficked to Macao were also accompanied all the way there by their recruiters, but others were left either at the train station in Ulaanbaatar (to travel alone into China) or in China—in Er-Lian, Beijing, or Guanju. From there, others from (mainland) China or Macao served as escorts and brought the women to Macao.

It is not clear how much the recruiters are paid for the women they traffic, but one of the women interviewed for this report said that just before she returned to Mongolia, she was offered MNT 280,000 (approximately USD 240) to bring other Mongolian woman to Macao. Some research suggests that fees for bringing women from Ulaanbaatar to Beijing range from about USD 200-500 (approximately MNT 232,000 – 580,000) plus travel expenses, and that an additional USD 600-1,200 is paid to persons bringing the women from Beijing to Macao.

#### **3.1.5. Abuses in the Destination Country**

The eight women who went to Macao all worked in massage parlors or bars, where they were expected to provide massages as well as sexual services to customers. The recruiters or other escorts brought the women to a dormitory, with four-six women in each room, and then managers or owners of massage parlors and bars came there to choose the women they wanted. After the women were selected, their new employers gave them high-heeled shoes and revealing clothes to wear, and provided them with the materials needed to work as a masseuse, including soap, body lotion, shampoo, a towel, and a toothbrush. Then the

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<sup>8</sup> National Human Rights Commission and the Centre for Human Rights and Development, *The current situation of the crime of trafficking in women and children in Mongolia*, Ulaanbaatar: 2002, p. 17.

women were taught how to wash their customer's body and give a massage. At work, the women stood displaying their number until they were chosen by a customer. Then they washed his body, gave him a massage, and, if he requested it, engaged in sexual intercourse.

The women who went to South Korea and Japan similarly found that their jobs as a «waitress» and a «dancer» included the provision of sexual services. The woman in South Korea was placed in a massage parlor that operated as a brothel, and the woman in Japan worked as a «table woman» in an adult entertainment establishment where women served customers drinks at their tables and provided sexual services to those who requested it.

Most of the women did not find out that they would have to engage in prostitution until after they arrived in the destination country, and none of them were prepared for the coercive working conditions that they found. After they arrived, they were all told that they had to repay large debts for their travel costs, food, housing, and other unspecified expenses, and their salaries were withheld to cover these costs. In some cases, employers forced them to lose weight by fasting and by taking hunger suppressant tablets. Back in Mongolia, the recruiters of a few of the women trafficked to Macao tried to hide the situation from the women's families by writing false letters from the women to their family members and bringing the families small gifts.

In the interviews, the women explained that they wanted to leave, but they did not know how to get away. All of the women's passports and other documentation had been confiscated. The women had no money and were in an unfamiliar country where they did not speak the language or know who to turn to for help. And they were fearful of the police, whom some believed had been paid off by the traffickers. In addition, once the women began working, they were afraid that if they tried to escape, their families and friends would find out about the kind of work they had done. Despite their exhaustion and fear of contracting HIV and other sexually-transmitted diseases, they felt they had no choice but to continue doing their job and paying back their «debts».

### **3.1.6. Returning Home**

The circumstance under which the women trafficked to Macao eventually returned home varied, but all of the women shared one thing in common: despite the high salaries they had been promised, they came home empty-handed. One woman was sent home by her employer after she tried to commit suicide, another was not deemed qualified for the job and was sent home by her employer, another escaped on her own, and two escaped with the help of friends or relatives. Only one continued working until she was told that her debt had been fully paid off. Then her employer gave her about USD 200 to cover the cost of her trip home.

The woman who was trafficked to South Korea escaped from her employer, and then earned some money somewhere else so she could afford to return home. And the woman who went to Japan was not paid any money while she was there—so that she was entirely dependent on her employer—but when she completed a six-month «contract», her employer paid for her trip back to Mongolia. After she returned, she was paid the salary that she had been promised, but she only received the full amount after contacting a lawyer and threatening legal action.

### 3.1.7. Back in Mongolia

The women interviewed for this research suffered from depression and anxiety after they returned home. Some said they were very upset that had come home without money after everything they had been through, and some hid the truth of what had happened from their family and friends because they were embarrassed or ashamed. The women who was trafficked to South Korea continued to be harassed by her traffickers. Since she had escaped from her employer without completing her «contract», the recruiter made threatening phone calls to her and her family members demanding money. In other cases, recruiters called the victims to insist that they were innocent and had not known that the women would end up working in prostitution.

These ten victims of trafficking were identified because they initially pursued legal action against their traffickers. However, all of these cases were dropped before they reached the courts. The women explained that there were a number of reasons that they were reluctant to pursue their cases. They were afraid of retaliation from their traffickers. They were afraid that people would find out what had happened to them and learn of their involvement in prostitution (as described below, in one of the first trafficking cases prosecuted in Mongolia, the women's names and photographs were published in the newspaper). Moreover, even if their cases were successful, they had little to gain in comparison to these costs. The only damages that the women could claim were back wages—there are no provisions for allowing trafficked women to claim compensation for pain and suffering (this issue is discussed in more detail in Chapter 5, section 5.1.2).

Furthermore, the women themselves risked punishment for prostitution and immigration violations. In fact, a few of the women were fined MNT 10,000 (approximately USD 9) for immigration offenses. Given all of these factors, it is likely that most trafficked women do not contact authorities in the first place.<sup>9</sup>

To get a sense of how many Mongolian women are being trafficked, the CPO and GIA officials asked the women how many other Mongolian women they came into contact with during the trafficking process. The woman who went to South Korea said that she was trafficked from Mongolia together with another Mongolian woman, and then they worked together with a third woman from Mongolia. She had also heard about two others who had been trafficked to Korea in the same way. The women trafficked to Macao reported working with many more Mongolians. In total, these women reported being trafficked together with about 20 other women, and then meeting about 30 additional Mongolian women after they arrived. One of the trafficking victims estimated that there were about 200 Mongolian women working in Macao. It is not clear, whether all of the women the trafficking victims encountered were coerced, but it is likely that many were victims of trafficking, working in abusive and coercive conditions.

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<sup>9</sup> Proceedings from the International seminar “Cooperation for prevention from trafficking of girls”, Ulaanbaatar, 2001.

### **3.1.8. Trafficked Women's Recommendations**

When asked what could be done to prevent trafficking and respond to the needs of trafficked women, the women offered a number of suggestions:

- Raise awareness about trafficking through radio and television announcements and printed manuals, distributing information about how to avoid being trafficked (e.g., describing the methods used by trafficking recruiters), as well as what steps to take if you find yourself in coercive working conditions abroad.
- Monitor job announcements promising high paid employment abroad, ensuring that these are legitimate job advertisements.
- Provide emotional support and psychological counseling to victims and establish a place where they can go for advice; avoid further traumatizing or punishing victims.
- Establish a Mongolian consulate or other office in Macao to provide assistance to Mongolian citizens, including help escaping from abusive employers and help obtaining the documents and money they need to return home.
- Investigate, prosecute, and punish persons involved in trafficking.

## **3.2. GOVERNMENT RESPONSE TO TRAFFICKING: THREE CASE STUDIES**

A few trafficking cases have made it to the courts in Mongolia, and a review of these cases sheds additional light on trafficking patterns in the country, as well as on weaknesses in the Mongolian government's response to the problem. Three cases are reviewed below.

### **3.2.1. Case Study One: Trafficking to China<sup>10</sup>**

In June 1999, three Mongolian citizens—Erdenedalai, Erdenemonkh, and Purevdoj—met a Chinese citizen named Baajii at a bar in a Chinese border town near Mongolia called Er-Lian. When the Mongolians told Baajii that they were there to earn money trading goods, he told them that it was impossible to earn a profit selling ordinary goods. He advised them that Mongolian girls yield a high price in China, earning 100-200 yuan (approximately 14,000-28,000 MNT, or USD 12-14) per sexual transaction. And he told them that if they brought Mongolian girls to Er-Lian, he would help them arrange the business.

The three Mongolians agreed and divided up the tasks. Erdenemonkh and Purevdoj recruited two women who were working in prostitution in Ulaanbaatar. Erdenedalai located another Mongolian named Tsendgombo who financed the operation by mortgaging his apartment for MNT 300,000 (approximately USD 259). Then the three men brought the women to Er-Lian, where they sold the women's sexual services to five-six clients each day, taking 40 percent of the money the women made (the women kept the rest). The recruiters threatened to break the women's legs if they ran away; the women also heard them discussing the possibility of selling their kidneys.

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<sup>10</sup> Source: Judgment of Songinokhairhan district court, dated 1999.11.10, No. 481.

Since the profits were relatively small, Erdenedalai decided to sell the women to someone else. With the help of an Inner-Mongolian woman from Er-Lian named Narsaa, he went to Datung city, sold the women, took their passports, and left. While in Datung, a Mongolian woman noticed the girls being escorted by a Chinese man whose behavior seemed strange and menacing. During a rare moment when the women were left alone, the woman approached them and asked about their situation. They told her that they had been sold into prostitution and wanted to escape, but did not have the money or language skills to get away. So the woman quickly put them in a taxi and accompanied them to the bus station where she gave them 100 yuan and helped them get back to Er-Lian.

In Er-Lian, one of the women used the money to contact her family in Mongolia, and the family contacted the police. Then the Mongolian consulate in Er-Lian provided the women with the documents they needed to return home, and when they arrived, they filed a report at Songinokhairkhan police station explaining what had happened.

The three Mongolian recruiters were arrested and confessed to recruiting women for prostitution, selling them for a profit in China, and leaving them there without their passports. However, the traffickers were charged only with «organizing and financing» prostitution under Article 111.2 of the criminal code, and their sentences were light. Erdenedalai received the minimum penalty under this provision of two years, eight months imprisonment. For the rest of the defendants, the judge used Article 39 of the Criminal Code, which allows for «sentencing of less than the legal provisions», to impose sentence *below* the minimum:

- Purevdorj was sentenced to one year, three months imprisonment.
- Erdenemonkh was sentenced to one year imprisonment.
- Tsendgomobo was sentenced to one year, three months imprisonment, but the sentence was commuted, allowing him to serve it in his community (on parole).

Harsher provisions were available—such as Article 111<sup>1</sup>, prohibiting «organizing prostitution abroad», and Article 111.3, prohibiting «using the threat of violence for forced prostitution»—but they were not applied. Part of the blame seems to rest with the prosecutor, who failed to fully describe the conditions under which the women worked and escaped in his statements to the court. (Note that this case was tried under the old Criminal Code which has since been amended. See Chapter 5 for a more detailed discussion of the old and new law.) Nor were the victims awarded any compensation for financial or emotional damage.

Moreover, the trafficking victims were actually punished with fines of MNT 10,000 (approximately USD 9) each for agreeing to engage in prostitution in China, despite the evidence that they were then held under highly coercive conditions. Engaging in prostitution is not a criminal offense in Mongolia (i.e., it is not prohibited in Mongolia's Criminal Code), but it is prohibited under the Law Against Pornography (see more on this in Chapter 5).

### 3.2.2. Case Study Two: Trafficking to Yugoslavia<sup>11</sup>

In May 2000, a Russian man named Maxim placed an announcement in the newspaper *Shuurkhai Zar* asking for tall, good-looking women to perform Latin American dances in Yugoslavia and Romania for USD 3,000 per month. Five young women, ages 18 to 21, responded to the advertisement and registered with the recruiter, providing Maxim with their names, addresses, and other basic information. It took Maxim three months to make arrangements for the women's departure, and during this time, two of the women withdrew their applications. But in August 2000, the other three women left with Maxim for Beijing.

One of the three women separated from Maxim in Beijing and arranged a Japanese visa through someone else—it is not known what happened to her after that. The other two women stayed with Maxim in Beijing for two months while he arranged their Yugoslavian visas; then they left for Yugoslavia. These women were 18 and 19 years old, one was an orphan, the other had only one parent, and both had been students at the Mongolian Institute of Foreign Languages in Ulaanbaatar when they saw the advertisement for jobs abroad.

When the women arrived in Yugoslavia, they were detained at the border because they did not have any money. Maxim's sister, Marina, paid the police to let them go. Marina, who lived in Yugoslavia, had apparently initiated the trafficking scheme, writing a letter to Maxim while he was in Mongolia saying that if he were able to bring Mongolian women to Yugoslavia, they could make a substantial profit and lead «a good life».

After the women were released, Maxim and Marina brought them to their house and gave them dinner. The next day the women were ready to work and told their recruiters that they wanted to start. However, Maxim and Marina told them that the entertainment place where they were supposed to work had closed. That evening, two men visited the house, and Marina told the women that the men were her friends and they had to serve them sexually. The girls refused, saying that they did not come to do that kind of work, but Maxim and Marina forced them.

Over the next several months, Maxim and Marina tried to sell the women, showing them to various people interested in «buying» women for prostitution. In the meantime, they continued to force the women to provide sexual services, sometimes to more than one person per day. They punished the women when they refused, denying them food and forcing them to perform household work. Maxim also raped them.

Problems with the women's passports and visas made it difficult to find a buyer. The passports and visas had expired, and while Maxim and Marina changed the dates, they had been unable to replicate the type set so the documents looked falsified. Maxim also later claimed that the women were too «fat» to be appealing to the buyers. Finally, however, the girls were sold to a Yugoslavian mafia member in March 2001.

While the women were with Maxim and Marina, they were forced to call home regularly and tell their families that everything was fine. Since Maxim spoke Mongolian, they were unable to tell their families the truth. But after they were sold to the mafia, they were left alone in a room with a telephone and succeeded in calling their families and telling them about their situation. The families contacted the Mongolian Ministry of Foreign Affairs (MOFA), who

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<sup>11</sup> Source: Sukhbaatar District Court, 2002.3.6, No. 118. Additional information provided by CHRD lawyer who worked with the victims, providing legal council and other support.

contacted the Mongolian Embassy in Bulgaria (the closest Mongolian Embassy to Yugoslavia), who in turn contacted the Yugoslavia Foreign Ministry (YFM). The YFM then reported the situation to the Yugoslavian Police, who raided nightclubs, bars, and discos in the district where the women were being held.

When they located the women, the police handed them over to an official from the Mongolian Embassy in Bulgaria who escorted them to Sofia, the Bulgarian capital. Then a request was sent to the victims' families to send money for the women's return to Mongolia. The women's relatives had to pay the Ministry of Foreign Affairs USD 650 for hotel expenses in Bulgaria and USD 880 for airplane tickets before the women were able to come home.

In the meantime, Maxim had returned to Mongolia to recruit additional women. When his two initial victims returned to Mongolia, they pressed charges, and the Investigative Police pursued the case and arrested Maxim. Efforts were made to arrest Marina too, and she was spotted in Mongolia at one point by officers conducting surveillance at Maxim's apartment. However, though customs and border officials were told not to let her leave the country, she managed to leave undetected.

Maxim was charged by the Sukhbaatar district prosecutor with transferring women abroad for the purpose of prostitution, buying and selling women, forced prostitution, rape, and falsifying documents. Maxim responded by complaining about the difficulties he had had supporting the women while they were waiting for visas in Beijing and again while he was trying to sell them in Yugoslavia. He also argued that he should not be punished for the trafficking offenses as they were committed outside of the territory of Mongolia. However, a lawyer from CHRD who was providing legal council to the victims countered that Mongolian courts had jurisdiction as the crime originated in Mongolia and Maxim was arrested there as well; the court agreed.

Maxim was sentenced to six years imprisonment. He received five years for sending persons abroad for the purpose of prostitution under Article 111<sup>1</sup>.2 of the Criminal Code, and a sixth year for rape of a person under his control under Article 114.1. Maxim was also found guilty of falsifying documents (Article 224.1), but this one-year sentence was commuted. Maxim appealed the sentence in December 2002, but it was upheld. (This case was also tried under the old Criminal Code; see Chapter 5 for more details.)

The women sought compensation through the Civil Law, and received some money to reimburse them for travel expenses. One woman received USD 1,200 and the other received USD 1,000. However, they were unable to obtain any compensation for emotional or psychological damage, as this is not permitted under the Civil Law (see Chapter 5, section 5.1.2 for a more detailed discussion of this law). Moreover, the women were criticized by the judge for agreeing to perform Latin American dances abroad, and their names and photographs—provided by Maxim—were published in the newspaper.

### **3.2.3. Case Study Three: Case Dismissed**

In 2001, two Mongolian men promised four Mongolian women, ages 21 to 27, high-paying jobs in Macao working as waitresses, domestic servants, or masseuses. The women, who were living in Ulaanbaatar, agreed, and the men helped them obtain the documents they needed to travel abroad. The recruiters paid for one woman to get a passport, and they helped two of the other women renew their passports.

The recruiters then escorted the women to Macao where they handed them over to trafficking agents. Sometime after they arrived, the women called their families back in Mongolia. They said that the agents had forced them to alter their appearance, through measures such as losing weight, shaving their eyebrows, and getting a permanent wave for their hair. One woman was even forced to get silicone breast implants. They said that they had been raped and beaten and that their mattresses were covered with blood. They also said that when they told the agents that they wanted to quit working and go home, they were told that they had been purchased for 80,000 ratak (approximately MNT 20 million, or USD 17,000).

The women's families wrote down the women's testimonies and submitted them to the police, asking them to investigate and find the recruiters. The police located one of the recruiters, and then allowed him to travel back to Macao with one of the trafficking victim's sisters to check on the situation (the two were not accompanied by any Mongolian officials). The recruiter claimed that nothing was wrong with the women's treatment or working conditions, and said that he would bring the sister to verify this. The sister agreed and borrowed about USD 3,000 from the recruiter for the trip.

When the sister returned to Mongolia, she produced written statements from the victims withdrawing their claims. She said that the women were staying together and working under decent conditions, and she explained that they complained after one of them resisted a medical examination and was slapped by the doctor. (It is common practice in Mongolia for persons to be submitted to a medical check-up for employment purposes).

Based on the statements the sister provided, on October 15, 2002, the Bayangol district-supervising prosecutor dismissed the case. No further effort was made to corroborate the women's original statements or the sister's claims, and the women in question were never contacted directly by authorities from Mongolia or Macao. This is true even though the authorities were aware of the fact that the sister and the recruiter were acquainted before any of this started, and that the sister accepted a substantial amount of money from the recruiter for the trip to Macao.

### 3.3. FINDINGS FROM VICTIMS' ACCOUNTS

The trafficking cases discussed above indicate that young, single women between the ages of 18 to 25 are most at risk of being trafficked.<sup>12</sup> These cases also suggest that women raised by only one parent (or no parent) may be particularly vulnerable. At the time of recruitment, the women's occupations varied, but the majority were either unemployed or students; several were engaged in prostitution. In addition, while there was a significant range in the women's educational levels, about half had at least some foreign language ability.

In every trafficking case that CHRD documented, the women were recruited and transported abroad for the purpose of engaging in prostitution. However, unless the woman already was working as a prostitute, the recruiter lied about the nature of the work, and all of the women were deceived about the conditions of their employment. Based on the interviews with trafficked women and information from experts in the field, it appears that most recruiters are Mongolian citizens—working in connection with foreign trafficking agents—who recruit women either by networking with the friends and relatives of potential recruits or by placing fraudulent job announcements in the media. This research also supports earlier findings that Ulaanbaatar is a major recruitment center for traffickers and that Macao is the most common destination, though Mongolian women are also trafficked to mainland China, other parts of Asia, and even Europe.

Finally, the women's accounts discussed above provide important insights into shortcomings in the Mongolian government's response to this problem. Victims of trafficking face great obstacles to pursuing legal action against their traffickers, and the legal system's response exacerbates these difficulties. Women are unable to access meaningful compensation for the suffering they endure, and their traffickers—even when convicted—face only minor penalties in comparison to the gravity of their offenses.

In part this is a result of weaknesses in the law, and while recent legislative amendments address some of these flaws (see Chapter 5 for a discussion of Mongolia laws), significant improvements in the legal framework for combating trafficking are still needed. In addition, changes need to be made in government officials' attitudes toward trafficking abuses and trafficking victims. For example, in one of the cases discussed above, the prosecutor failed to use the strongest provisions available to him, and then the judge imposed the minimum (and even below minimum) sentences for these lesser offenses. In another case, the judge made his attitude clear by openly criticizing the trafficked women for accepting an offer to dance in Europe. Moreover, in several instances, trafficked women were penalized for offenses related to prostitution and immigration that they «committed» while being trafficked.

The transnational nature of trafficking makes it a particularly difficult crime to investigate and prosecute. The Mongolian government's efforts on behalf of the women trafficked to Yugoslavia, and its cooperation with local law enforcement in that country, were encouraging. (Though its refusal to bring the women home until after their families paid for hotel and travel expenses again demonstrated the government's failure to appreciate the severity of the crime of trafficking or the trauma suffered by its victims.) However, it seems that there is no cooperation between Mongolian officials and the authorities in Macao. In the

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<sup>12</sup> There is also some evidence of under-age girls being recruited. CHRD came across a dismissed trafficking case in which two girls under the age of 18 had been recruited in Mongolia and brought to Macao to work in a massage salon. They were later sent back by the owners of the salon because of their young age.

third case study described above, it appears that authorities in Macao were not even contacted when four women called their families in Mongolia and reported being held against their will, raped, beaten, and forced to engage in prostitution. Nor is there a consulate or other official Mongolian presence in Macao despite the significant number of Mongolians working in Macao, and the evidence that many need assistance.

The following chapters build on these findings. Chapter 4 presents the results from a survey of suspicious job advertisements that may be evidence of trafficking, and then looks more closely at the attitudes and experiences of a subset of women who may be vulnerable to trafficking. Chapter 5 provides an in-depth examination of Mongolian legislation and other government policies and programs that could be used to address the problem of trafficking, discusses the implications of recent changes in anti-trafficking legislation and law enforcement mechanisms, and compares Mongolia's policies to the international standards for combating this offense.

## Chapter 4

### TOWARD A STRATEGY FOR TRAFFICKING PREVENTION: WHO'S BEING RECRUITED AND HOW?

#### 4.1. RECRUITMENT THROUGH THE MEDIA

In the Mongolian mass media, both legal and illegal announcements offering to facilitate travel abroad—including advertisements for jobs, marriage with foreigners, and assistance in obtaining foreign visas—have become increasingly widespread in recent years. Technically, a license is required to engage in international employment mediation, but there is no mechanism for enforcing this requirement. And there is no licensing requirement for organizations that mediate marriage with foreigners, overseas education for children, or domestic employment.

Concerns about these advertisements are supported by the fact that in at least a few documented trafficking cases, the victims have been recruited through deceptive advertisements in newspapers or on the radio. To learn more about this potential recruitment tool for traffickers, CHRD undertook a survey of major Mongolian newspapers. CHRD identified and examined suspicious announcements, analyzing the types of offers made, the persons or organizations that placed them, and the types of women and men targeted. In addition, a CHRD researcher posing as a job applicant responded to many of the postings to gain additional information.

##### 4.1.1. The Survey

CHRD examined the following daily newspapers for five months, from January 1 to May 1, 2003: *Zuunii medee*, *Onoodor*, *Odriin sonin*, *Mongoliin medee*. In addition, *Zar medee* was surveyed from May 6 to June 6, 2003. These newspapers are available nationwide in Mongolia, by subscription. The survey included a total of 130 issues of *Zuunii medee*, 129 issues of *Onoodor*, 132 issues of *Odriin sonin*, 109 issues of *Mongoliin medee*, and ten issues of *Zar medee*.

CHRD looked for advertisements offering mediation for one of the following purposes:

- Employment abroad
- Permanent residency abroad
- Marriage to a foreigner

CHRD also tracked offers to bring children overseas, including offers to facilitate children's entry into secondary schools in more developed countries, as well as offers to escort much younger children across international borders. Finally, given concerns about the potential for domestic trafficking in Mongolia, CHRD tracked offers of jobs in urban areas, such as Ulaanbaatar, that targeted applicants from rural areas.

To identify advertisements as potentially suspicious, CHRD looked for qualities such as:

- Promises of a suspiciously high salary (more than USD 500 per month);
- Sex and age requirements for applicants;
- More specific requirements regarding applicants' appearance, such as height and weight requirements, and requests for full-length photographs;
- Vague information about the nature and terms of a job offer; and
- Incomplete information about the individual or organization posting the advertisement.

Table 1 provides an overview of the 141 advertisements selected by CHRDR for analysis that proved suspicious after further inquiries by CHRDR staff.

**Table 1.** Suspicious Advertisements Identified by CHRDR

	Total	Placed by		International Employment Mediation	International Marriage Mediation	Domestic Employment Mediation
		Organization	Individual			
Zar medee	60	2	58	22	6	32
Onoodor	36	8	28	20	4	12
Mongoliin medee	17	3	14	9	2	6
Zuunii medee	15	2	13	6	1	8
Odriin sonin	13	6	7	10	2	1
<b>In total</b>	<b>141</b>	<b>21</b>	<b>120</b>	<b>67</b>	<b>15</b>	<b>59</b>

The *Zar medee* is one of the largest advertisement newspapers (i.e., a newspaper that includes only job postings and other types of advertisements, not news) in Mongolia and is published every Tuesday and Friday. In the «Job Openings», «Let's Acquaint», and «Visa and Traveling» sections of this newspaper, CHRDR found 60 advertisements with a possible connection to the crime of trafficking in persons. The vast majority of these announcements were posted by individuals. They included 22 offers of international employment mediation, six offers of international marriage mediation, and 32 of domestic employment.

Thirty-six advertisements that appeared to have potential connections with trafficking operations were published in *Onoodor* newspaper during the same period. They included 20 offers to mediate employment abroad (primarily for work as a domestic worker), four offers to arbitrate marriage with a foreigner, and 12 advertisements for jobs in Mongolia. About three-quarters of the advertisements were placed by individuals, rather than organizations, including all of the offers of in-country employment.

CHRDR identified 17 suspicious advertisements from *Mongoliin medee*, all but three of which were placed by individuals. Nine of the announcements offered overseas job arbitration (the majority for domestic service), two offered mediation of marriage with a foreigner, and six offered work in Mongolia.

In *Zuunii medee*, CHRDR found 15 suspicious advertisements over the five-month period of the survey. Only two of these advertisements were placed by organizations with official

permission to mediate employment abroad; the rest were posted by individuals. Six of the advertisements recruited women to work overseas, typically as a domestic worker, one offered to mediate marriage with a foreigner, and eight were offers of high-paid employment in Mongolia.

Finally, the *Odriin sonin* ran 13 suspicious advertisements, including ten for mediating employment abroad, two for mediating marriage with a foreigner, and one offer of employment as a domestic worker in Mongolia. Again, the majority of the advertisements were placed by individuals.

CHRD also identified five advertisements offering to facilitate permanent emigration abroad and ten announcements offering to bring children overseas. Further inquiries did not indicate that these advertisements were connected to trafficking operations with the purpose of exploiting the victims' labor overseas. Nonetheless, these announcements provided further evidence of a strong desire to migrate abroad by many Mongolians and of the illegal smuggling operations that have arisen to fill this need. For example, two individuals posted announcements offering to help young children, ages three-seven years old, travel to the United States and England. Only mobile telephone numbers were provided as contact information, and when CHRD called they were told that the service was designed to bring children to parents who are living abroad illegally. CHRD also found three offers to facilitate emigration for a fee of USD 3,000-3,500 were posted by individuals who again provided only mobile telephone numbers as contact information.

In addition, CHRD researchers were concerned by advertisements they saw placed by young women and men, ages 20-30 years, looking for work or marriage. CHRD identified 14 advertisements placed by job seekers and one placed by a woman who wanted to marry a foreigner. Though there is no evidence that trafficking recruiters have used such advertisements to contact their victims, placing such an advertisement could put a person at risk by indicating their need—even desperation—to earn money.

#### **4.1.2. International Employment Mediation**

Under Mongolian law, a license from the Ministry of Social Welfare and Labor is required to mediate overseas employment. At the time that this research was undertaken, there were only nine organizations with such licenses (since then, one of these licenses has been cancelled), and to date, no licenses have been granted to individual applicants. Mechanisms for enforcing the licensing system are extremely weak. There is no law to stop non-licensed individuals or organizations from placing an advertisement for an overseas job offer, or to punish them for placing such an announcement. The only provision that could be used to punish non-licensed overseas job mediation is Article 161 of the Criminal Code which provides that persons or non-licensed organizations that provide services to arbitrate for work abroad are liable to be punished if one of their clients is subjected to serious harm in the course of their employment abroad.

Thus, despite the licensing requirement, of the 67 advertisements for overseas job arbitration identified by CHRD, the majority were placed by individuals and the rest were placed by non-licensed organizations. CHRD considered many of the advertisements suspicious because they included detailed requirements regarding applicants' sex, age, and appearance, and some required full-length photographs of applicants from different angles. There were even advertisements that requested unmarried virgins. In addition, some of the

advertisements for overseas employment provided only vague and incomplete information about the arbitrator, such as a mobile telephone number with an incomplete address. In these cases, when a CHRDR researcher called to inquire about the announcement, the arbitrator often asked to meet in a public place (rather than an office), sometimes after business hours. Finally, in many cases CHRDR found it difficult or impossible to obtain concrete, detailed information about the nature and terms of the work being offered abroad.

For example, one advertisement for work in Japan asked for women ages 20-28 years old and 156-168 centimeters tall, with the ability to dance, sing, and serve. Applicants were instructed to come between the hours of 10 am and 5 pm to submit a photograph and fill out an application form. The announcement explained that a Japanese representative would come to Mongolia to make final selections at 2 pm on April 23, 2003.<sup>13</sup> CHRDR called to inquire further about the position, but the arbitrator said only that application submission period had ended (it was after April 23) and refused to provide any additional information.

In recent years, advertisements for women of a specific age and height to work in Japan have become common. Applicants typically are promised salaries of USD 1,500-2,000 per month and are told that they will work as a waitress in a restaurant or bar or as a masseuse. It is less common for women to be recruited to work in Japanese factories, but CHRDR did find one such announcement. It called for women ages 22-28 years old to work in a meat factory in Japan for a long or short-term contract.<sup>14</sup>

The Czech Republic is another common destination in overseas employment advertisements. One announcement identified by CHRDR advertised sewing jobs in the Czech Republic and asked for healthy women ages 20-40 years old, with more than six months of sewing experience. This advertisement was placed by a non-licensed organization,<sup>15</sup> and when CHRDR inquired further, only vague information was provided about job terms and conditions. The arbitrators explained that applicants who registered for these jobs would first undergo three to four months of paid training at their factories in Mongolia. Then the women would travel to the Czech Republic for six-month to two-year work contracts and would be paid according to the amount they produced. Employers would cover their travel expenses, but these costs would then be deducted from the workers' wages. Another advertisement for sewing jobs in the Czech Republic specified not only that the women be healthy and ages 18-35 years old, but also that they be «good-looking». Fees for these employment mediation services ranged from USD 200 to 500.

About half of the advertisements CHRDR identified as suspicious were for women to work as domestic workers. Many of these were for jobs in Germany, most of which were posted by one of three organizations: Network, Gurvan hurd, and Exsrature (a few of these advertisements were placed by individuals). The announcements typically asked for single, childless women ages 18-24 years old to work for one year, and requested full-length, 9x12-centimeter photos from applicants. The employment mediation fee ranged from about USD 280-300. The organizations claimed to have licenses for mediating overseas employment, but they were not among the nine organizations in a list provided to CHRDR by the Ministry of Social Welfare and Labor. The organizations also claimed that the women would be working legally, with official permission from the German labor ministry (a B-type visa)—CHRDR was unable to confirm or refute this claim.

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<sup>13</sup> Zar medee newspaper, May 27-30, 2003, issue: 41/624

<sup>14</sup> Zar medee newspaper, June 3, 2003, issue: 43/626

<sup>15</sup> This organization claimed to have previously held a license for mediating overseas employment, but the license was not extended when it came up for renewal in 2003.

When CHRD inquired about some of these advertisements, they were told that girls below the age of 18 would be considered for the positions. The arbitrators further explained that the German families prefer young, pretty, virgins under the age of 20, because women above that age often failed to perform their jobs and instead spent their time looking for husbands. When a CHRD researcher posed as an applicant, she was concerned to find out that the arbitrator was offering to pay for the women's visas and airline tickets. It is common practice among traffickers to pay women's travel costs and then use these expenses as the basis for establishing large «debts» that women must repay under coercive conditions.

CHRD also found a suspicious advertisement for work as a maid for a family in Israel. This advertisement was placed by an individual and asked for women over the age of 20 who speak Russian. In a follow-up telephone call, CHRD learned that applicants had to obtain visas for Russia and Turkey because they would travel through these countries to reach Israel. More specifically, the arbitrator would accompany the worker to the airport in Mongolia, where she would catch a flight to Moscow. Then an Israeli would meet her in Moscow and escort her through Turkey and to the family in Israel. The advertisement explained that the worker needed to begin as soon as possible, and the arbitration fee was USD 3,000.

While most of the suspicious advertisements asked for women applicants, others specifically requested male applicants. In most cases, advertisements for men offer work in agriculture or in steel mills or other heavy industry in South Korea or Japan. However, CHRD found one announcement offering to register men for work in Taiwan, though the arbitrators warned applicants that they would be working illegally on tourist visas. The salaries for men are generally less than those promised to women: about USD 1,000-2,000 for men, as opposed to USD 2,000-4,000 for women.

In addition to the countries already mentioned, common destinations in the advertisements for overseas work include South Korea, Hungary, England, Cyprus, Malta, and the United States. (Note that advertisements for work in Macau or other parts of China are less common, possibly indicating that traffickers in these areas are more likely to use personal contacts and networking to recruit women.)

#### **4.1.3. International Marriage Mediation**

Marrying a foreigner is another increasingly common strategy used by Mongolian women to move abroad. CHRD identified 15 advertisements during the survey period placed by marriage mediators offering to arrange a marriage with a foreign man. Eight of these were to arbitrate marriage with Korean men and two were for Japanese men. The others offered marriage mediation with citizens of Germany, the United Kingdom, the United States, and Canada.

There is little information available about the experiences of the women who use these services. However, CHRD is concerned that coercive tactics may be used to extract labor from the «wives» once they move overseas and to maintain the marriages even when the women are unhappy. While more investigation is needed to support these fears, the treatment of the women during the marriage mediation process suggests that the women have little bargaining power and may therefore be vulnerable to mistreatment.

There is no system for regulating international marriage mediation in Mongolia. Unlike those who mediate employment overseas, international marriage mediators do not even require a license. All of the advertisements CHRD identified during the survey were placed by individuals (though CHRD has also seen such advertisements placed by organizations), and all but one provided only a mobile telephone number as a contact. One announcement offering marriage with German men included a home telephone number.

The advertisements typically ask for pretty women, ages 20-30 years old, with any educational background. Applicants are required to submit three or four copies of a 9x12-centimeter full-length photograph, along with a fee of MNT 2,000 (approximately USD 2). (In some cases, a registration fee is not required.) Women with children are often told to hide this fact on their application; then, if they end up marrying a foreign man, they must leave their children in Mongolia in someone else's care.

Foreign men interested in marrying Mongolian women are given the women's applications and photographs for consideration. After a man selects someone, he typically travels to Mongolia to meet her and finalize his decision. But the women are not provided with applications and photographs of potential husbands. When one woman tried to describe her criteria for a husband to a mediator—she wanted to marry a university-educated man between the ages of 25 and 30 years—the mediator responded, «Then marry a Mongolian».<sup>16</sup>

According to recent articles in Mongolian newspapers, some women have faced unhappy and even coercive conditions after marrying abroad. One article told the story of a woman who was so unhappy with her marriage in Korea that she complained to the Mongolian police. She said that she was shown a photograph of a handsome Korean man before she left Mongolia, but when she arrived in Korea and met him for the first time, she learned that the man was an invalid. She wanted to return to Mongolia at that point, but did not have enough money for the trip. Moreover, when she talked about leaving, her husband demanded that a large sum of money to repay her «debt». In another case, a Mongolian woman was forced to perform unpaid agricultural work on her Korean husband's farm. When she complained she was told that she was not entitled to be paid because the work was part of her «wifely duties».

#### **4.1.4. Offers of Employment in Mongolia**

In addition to the rise in international migration by Mongolians in recent years, there has been a growing incidence of domestic migration from rural to urban areas. In some cases, these migrants are recruited from rural areas through job advertisements in the media. While no evidence of coercion in these cases has been documented, there are concerns that young women and men migrating from poor rural areas to urban centers may be vulnerable to abusive treatment at the hands of their employers. CHRD tracked these types of announcements and identified 59 that looked suspicious. One cause for concern was that none of these advertisements were placed through the Labor Regulation Office. Every district and province has such an office, and its responsibilities include advertising jobs.

About half of these advertisements were for well-paid jobs in bars and karaoke places. Most were placed by individuals with only mobile telephone numbers as contact information. They

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<sup>16</sup> Observation by CHRD researcher.

called for pretty, tall women ages 18-28 years old to work in nightclubs that cater to foreign and Mongolian men. In such establishments, customers select the women they want to serve them, and women are paid «tea money» (tips) as well as daily wages.

Fifteen of the advertisements CHRD identified as suspicious offered work as a live-in domestic worker. These announcements typically specified that applicants should be women of a certain age range—for example, 18-23 years old<sup>17</sup>—and often indicated that students would not be accepted. Wages were between MNT 50,000 and 100,000 per month (approximately USD 43-86).

The remaining 13 announcements asked for tall (over 165 cm for women; over 175 cm for men), attractive young women and men, ages 18-25 years, to apply for work as masseuses. All were placed by individuals. It has been documented that in some cases, at least, the responsibilities of these «masseuses» include providing sexual services to customers who request it. When a CHRD researcher contacted an individual who placed one of the advertisements posing as a potential customer, she was given a catalog of masseuses to choose from, with their C.V.s and 9x12-centimeter photographs.

#### **4.1.5. Conclusions and recommendations**

CHRD's media survey confirmed that major newspapers, such as the *Zar medee*, commonly post advertisements by individuals and non-licensed organizations offering international employment and marriage mediation services. In many cases, these advertisements provide only vague identifying information about the mediator, such as a partial address and a mobile telephone number. Most target young, pretty women, asking for applicants of about 18 to 28 years old and in some cases specifying that they must be «healthy» or «tall».

Mongolia's Law on Advertisements, which was enacted in 2002, requires persons or organizations who wish to place advertisements for overseas job mediation to first produce proof of government permission to engage in such mediation. Penalties are provided for media outlets—and their individual staff—who publish such announcements without verification. The law also contains a number of other provisions designed to protect Mongolians from deceptive or otherwise harmful advertisements, though there is no provision against publishing sexist or otherwise discriminatory job requirements nor any specific provisions regarding offers of overseas marriage mediation (see Chapter 5, section 5.1.8 for more information about this law).

This law, however, is not enforced, making newspaper announcements a convenient recruitment tool for traffickers. There are no efforts to verify the legitimacy of those who place advertisements for overseas employment, nor any efforts to investigate the legitimacy of the employment or marriage services offered. This is true despite the fact that there have been at least a few documented cases in which trafficking victims have been recruited through such announcements and then subjected to highly abusive and coercive employment conditions. More attention needs to be paid to investigating these postings and the individuals and organizations who place them.

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<sup>17</sup> Mongoliin medee newspaper, 18 Jan 2003.

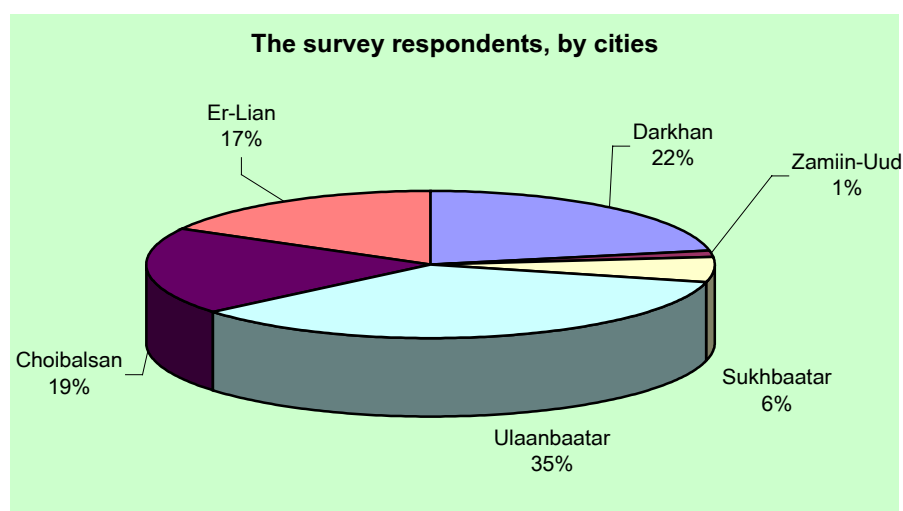
## 4.2. ATTITUDES AND EXPERIENCES AMONG WOMEN AT RISK OF BEING TRAFFICKED

Research on trafficking in Mongolia indicates that young, single women are most at risk of being trafficked. Along with the opinions of law enforcement officials and other experts in this field, the research further suggests that the risk is particularly strong among women who are unemployed, students, and/or engaged in prostitution, and among those with relatively weak family support, such as orphans and those raised by single parents. To find out more about what makes particular women vulnerable to traffickers and about what could be done to reduce this risk, CHRD undertook a survey of one at-risk population: young women engaged in prostitution and/or working in adult entertainment establishments in Mongolian cities (and in one Chinese city near the Mongolian border). This survey also was designed to provide more insight into the scope and location of prostitution in Mongolia.

The survey was conducted from May to July 2003 in five Mongolian cities—Ulaanbaatar, Darkhan, Sukhbaatar, Choibalsan, Zamiin-Uud—and in the Chinese city of Er-Lian (see Figure 1). CHRD selected these cities based on factors indicating that they were likely areas for recruitment into trafficking. In addition to including cities where trafficking abuses have been documented, such as Ulaanbaatar and Er-Lian, CHRD selected cities that are believed to be significant centers of prostitution and/or are located near international border points.

A total of 141 survey participants completed a written questionnaire, and follow-up interviews were conducted with 34 of the participants who reported incidents of forced prostitution. Additional information was gained through free-form interviews with government officials and staff of non-governmental organizations that work in the cities CHRD targeted. The following pages provide an analysis of the findings from CHRD's survey. Tables at the end of the chapter offer detailed data regarding participants' responses to the questionnaire by participant age, educational background, location, and other characteristics.

### 4.2.1. The Survey Cities *Figure 1*



Thirty-five percent of the participants in the survey (49 women) lived in Ulaanbaatar, Mongolia's capital. Ulaanbaatar is the social, economic, and political center of the country and home to one-third of the population (approximately 800,000 people). As seen in Chapter 3, in the vast majority of Mongolia's documented trafficking cases, the victims were living in Ulaanbaatar when they were recruited. This city has many hotels, bars, and other types of adult entertainment establishments, such as nightclubs and strip clubs, and prostitution is common in these venues. Most of survey participants congregated at America Hotel (a hotel that caters to Mongolians and Russians), bars such as Admiral, Tengis, and Naran, the square in front of the Ulaanbaatar Hotel, or the square near the University of Humanity.

Information about the number of prostitutes in Ulaanbaatar is limited, but police records from 1997 show that there were 1,000 arrests for prostitutes that year.<sup>18</sup> There is also evidence that many of the prostitutes are underage; a 2001 survey conducted by the Youth Development Center in Ulaanbaatar indicated that there were 200-250 prostitutes under the age of 18 in the city.

Twenty-two percent of the survey participants (31 women) were from Darkhan, which is the second largest city in Mongolia with a population of 95,800. Darkhan is in Selenge province and is one of the few cities connected to Ulaanbaatar with paved roads. It is also situated along the international railroad that passes through Selenge province into Russia. The main border point with Russia, Altanbulag, is in Selenge as well and is open year-round.

There are about 60 hotels in Darkhan, including 20 in which prostitution is common. The Women's Trust Union in Darkhan works with women engaged in prostitution and seeks to support their rights and interests. The Union's data indicates that there are about 160 prostitutes in the city, ages 16-38 years old, and about half of them are also University students. The Union believes that underage prostitution is growing.

Six percent of the survey participants (eight women) were from another city in Selenge province: Sukhbaatar (population of 56,300). According to local law enforcement and other government officials in Sukhbaatar, prostitution is not widespread, but does occur. Over the past several years, unemployment rates have grown, and the numbers of hotels, bars and restaurants in Sukbaatar has increased as well.

Nineteen percent of the participants (27 women) were from Choibalsan city (population of 17,000) in Dornod province, which has the highest poverty and crime rates in Mongolia. According to local police department records, about 40 women were arrested for prostitution over a one-year period (mid-2002 to mid-2003) in Choibalsan, and police officials believe that prostitution is growing. Most prostitutes work in hotels such as Herlen, Borjin, Naran, Tulga, To-Van (some live in these hotels as well); at bars such as Venera, Cosmos, Tulga, Vostok; near Quick shops; or at taxi stations.

Dornod province borders China, with a border point—Havirga—that is open for a 20-day period once every three months for cross-border travel and trade. Havirga is 135 kilometers from Choibalsan city; the survey was conducted while the border was open. Border control officials do not believe that women or children could pass through the border illegally.

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<sup>18</sup> The police keep a record of arrests for prostitution under the Law of Responsibility and Administration and the Law Against Pornography. Under the old Criminal Code, which was in effect in 1997, three arrests constituted a criminal offense, subject to a penalty of up to three years. Under the new Criminal Code, there is no criminal penalty for engaging in prostitution, though prostitution can be punished with up to one month detention and fines of up to MNT 35,000 – 50,000 (approximately USD 30-43) under other laws.

However, CHRD believes that people could pass undetected at places other than the official crossing point, and there is some evidence of illegal smuggling in persons in that area. For example, in 1999, there was a case in which Chinese man offered to illegally bring a street child across the border, though he was not successful. (There are about 145 street children living in underground drain holes in Choibalsan.) There was also a case a few years ago in which Chinese and Mongolian citizens collaborated in trying to send women from southern China to Russia through Mongolia. The smugglers successfully brought about 20 women across the Chinese-Mongolian border (not at an official border point) and into Dornod on the back of a lorry, but they were arrested before they made it to Russia.

Seventeen percent of the survey participants (31 women) were contacted in the Chinese border city of Er-Lian. According to the information from officials in the Mongolian Consulate there, about 30-40 Mongolian women are working as prostitutes in Er-Lian at any given time. These women cross back into Mongolia once per month to avoid violating immigration provisions that require a visa for a stay of more than 30 days. In Er-Lian, most live and work in hotels such as Altanluu, Kandaa, Boss, Altangovi, Tuvshin, Lin-Zuu, Hai-Fen, Min-Zu, or in bars.

Mongolian prostitutes generally charge about 150-200 yuan (approximately USD 18-24) per customer (Russian prostitutes charge about 300-400 yuan, or USD 36-48). Mongolian consulate officials do not believe that prostitution among Mongolian women is highly organized, but according to at least one official, there are some people who actively persuade Mongolian women to come to Er-Lian for prostitution. These people then facilitate the women's travel and help to arrange customers for them after they arrive. One of the first trafficking cases tried in Mongolian courts supports this assertion (see Chapter 3, section 3.2.1., for details on this case).

The remaining one percent of the survey participants (14 women) were contacted in the Mongolia city bordering Er-Lian: Zamiin-Uud. Zamiin-Uud is the largest city on Mongolia's southern border and is situated along the international railways and roads that connect Mongolia to China. It has an official population of about 8,000 residents, and perhaps another 8,000 unregistered and/or temporary residents. There are many bars and hotels in Zamiin-Uud, but according to local law enforcement officials, there is little incidence of women openly engaging in prostitution.

Local police department records indicate that 120 women were expelled by the Chinese for engaging in prostitution in 2003. The majority of these women were actually from Ulaanbaatar, but when Chinese authorities expelled the women from Er-Lian, they brought them to the border city of Zamiin-Uud. As in Choibalsan, border officials did not believe that people could be moved across the official border point illegally, but they admitted that it was possible for people to pass undetected through other areas. (CHRD requested statistics on crimes involving illegal border crossings, but the request was denied.) CHRD also believes that it would be relatively easy to obtain false documents to bring children across the border illegally.

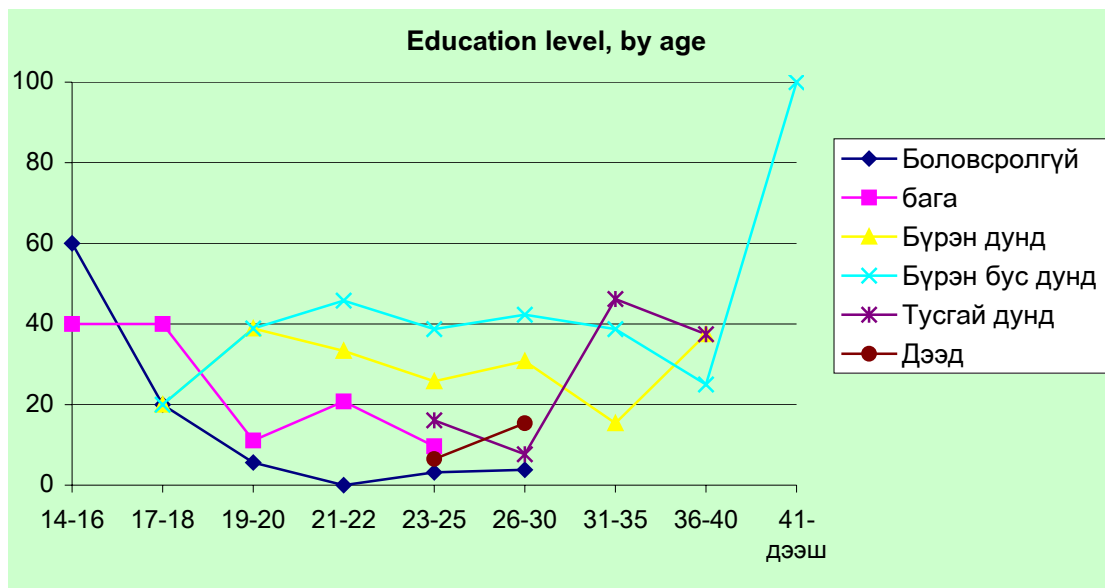
#### 4.2.2. Basic Profile of Survey Participants

*Figure 2.*

Eighty-eight percent of the survey participants (124 women) were involved in prostitution, including all of the participants in Er-Lian. The remaining 17 women worked in bars or other adult entertainment places. The women’s ages varied from 14 to 41 years, but more than half were less than 26 years old, and only about six percent were above the age of 35. Twenty-four of the participants were teenagers under the age of 19, 18 of whom were engaged in prostitution, including three girls ages 14 to 16.

The educational background of the participants varied (see Figure 2). Overall, about three-quarters of the participants had at least some secondary education, but among teenage prostitutes, the percent with secondary education (partial or complete) was less than one-third. About 15 percent of participants were in professional occupations and/or had a university degree, and nine percent of the participants were students. In comparison to the other cities involved in the survey, participants in Ulaanbaatar were better educated.

Seventeen percent of the participants were married, but only about one-third of these women lived with their husbands; the rest had migrated from rural areas to the city, while their husbands stayed behind. Another seven percent were in long-term relationships, and some of them lived with their partners. However, three-quarters of the women were single; about half of these women were divorced. Forty-four percent of the participants had children—in all of these cases, the children lived with them.



More than 40 percent of the women who participated in the survey had migrated either within Mongolia or from Mongolia to Er-Lian in China. Migration rates were higher among women under age 26 than among older women, and they were highest among women with more than primary school, but without a higher education degree—that is, women with partial or complete secondary education. The likelihood of having migrated also varied by location. All of the survey participants in Er-Lian and Zamiin-Uud had migrated to these cities from someplace else, as had 42 percent of the participants in Darkhan. Migration rates in the other locations were about 25 percent.

### **4.2.3. Experiences in Prostitution**

CHRD surveyed 124 girls and women who were involved in prostitution. The duration of the women's involvement varied considerably, but in three-quarters of the cases it was no more than one or two years. Nearly 50 percent reported that they had been working as prostitutes for less than a year; less than two percent had been engaging in prostitution for seven years or more. Not surprisingly, the duration of involvement in prostitution increased with age.

The women working in prostitution tended to work out of a single place where they found their customers. The vast majority of the women engaging in prostitution—about 72 percent—found their customers in bars or hotels and had arrangements worked out with the owners of the establishments where they worked. Fifteen percent found their customers in public places, such as streets, squares, or railway stations, and the rest found their clients through an arrangement with taxi drivers.

When asked whether they sold sexual services freely or under conditions of coercion, 28 percent of the women working in prostitution (34 women) reported incidents of coercion, and most common tactic reported was threats of violence. Reports of coercion were more common among women who had migrated (36 percent) as compared to those who had not (23 percent). Rates were also higher among participants surveyed in Ulaanbaatar (35 percent) and Choibalsan (30 percent) as compared to other cities. For example, there were no reports of coercion from participants in Zamiin-Uud, 13 percent reported coercion in Sukhbaatar, and 20 percent in Er-Lian.

Among the 34 women who said they had been forced to sell sexual services, most indicated that they had experienced a combination of voluntary and coercive prostitution. For instance, while six women said that they had always worked under the control of a «pimp», 20 women reported they had worked under someone else's control when they first became involved in prostitution, but were currently working independently. There were also 13 women who said they «did not remember» whether they had ever been forced to engage in prostitution.

### **4.2.4. Awareness of the Danger of Trafficking in Persons**

Just under three-quarters of the 141 women surveyed said that they had heard about people who deceive young women and then bring them overseas to sell them into forced prostitution. More than 60 percent of these women had heard about this practice through the media: 49 percent in newspapers, 12 percent on television, and two percent on the radio. Another third had heard about it from their friends, and the rest had been told about trafficking abuses by their families or in group discussions.

When asked whether they would accept an offer of high-paid work abroad, with visa and other travel expenses covered, 59 percent (83 of the 141 women) said «no». However, 24 percent (34 women) responded «yes», and another 17 percent (24 women) said «do not know». Women who reported experiencing coercion in prostitution were less likely to respond «no» (only 40 percent), and more likely to respond either «yes» or «do not know». Among the 17 women surveyed who were not currently involved in prostitution, on the other hand, only two women (or 12 percent) said that they would accept such an offer, one woman said she did not know, and the rest said they would say «no».

Women's responses varied somewhat by location. Women surveyed in Er-Lian were the most likely to say they would accept such an offer (ten out of 24 women responded «yes»), and women in Zamiin-Uud and Choibalsan were the least likely to respond «yes» (zero women out of two in Zamiin-Uud; three women out of 27 in Choibalsan). Women's willingness to accept an offer of overseas employment also varied by educational level and age. Women with higher levels of education were somewhat more likely to respond «yes», but there were women of all educational levels who gave this response. Among the age categories analyzed, women over the age of 30 were most likely to respond yes, and girls under the age of 17 were the least likely (among the five girls ages 14 to 16, three said «no» and two said «do not know»). However, there was no clear trend among women in the age brackets between these extremes.

Among the women who said «yes», 58 percent (20 women) said that they would consult their family members before accepting the offer, and others responded that they would consult with friends. However, 14 women said they would decide on their own.

Thirty of the survey participants (21 percent) had received such offers of overseas employment, in some cases multiple times, and most of the offers were received after the year 2000. The offers typically were made in hotels or bars by Mongolian citizens, though a few of the recruiters were foreigners. Many of the women reported being familiar with the person who tried to recruit them, though not many reported being «friends».

More than three-quarters of these women had refused the offer. They explained that they did not believe the recruiter's promises and thought they would be vulnerable to abuse if they accepted. The seven women who accepted the offers had all been working as prostitutes in Ulaanbaatar when they were offered similar work for more money in Er-Lian. None of them reported being deceived or subjected to coercion after moving to Er-Lian.

Participants also were asked whether they knew of any women who had accepted an offer of high-paid work abroad and were then deceived. Twenty-eight of the women said «yes», and many knew of more than one case. In most of the cases that these women reported, those who went abroad were prostitutes, ages 19-25 years old. However, some were students, and a few were under the age of 17. Most of the women had been recruited by acquaintances while they were working in bars or hotels; several others had responded to newspaper advertisements. The women went abroad between the years of 1998 and 2002, and the most common destination country was China, followed by Japan, Korea, Macau, and Germany.

It is not clear whether all of these women were trafficked into abusive employment situations. When asked about the experiences of their acquaintances overseas, only 14 (of the 28) survey participants provided information, and five of them said that their acquaintances worked under good conditions and earned good wages. However, nine survey participants reported that the women they knew had been held in coercive conditions.

#### 4.2.5. Desire for More Information about Trafficking

When asked whether they needed more information about the crime of trafficking and about how to avoid becoming a victim, 82 percent said «yes» and another 13 percent said they did not know. Women in Choibalsan were particularly likely to want additional information, with 93 percent responding «yes». In Sukhbaatar and Zamiin-Uud, on the other hand, only 50 percent of the women expressed an interest in learning more about this issue.

Those interested in learning more about trafficking and trafficking prevention typically preferred to get this information through television, newspapers, or the radio. Others preferred to find out more through special packages of materials (i.e., materials designed for at-risk groups) or group meetings. These responses varied by location. For example, the percent of respondents who preferred the newspaper varied from zero percent in Zamiin-Uud and Sukhbaatar to 52 percent in Choibalsan. And while «group meetings» was a relatively unpopular choice in most places, three-quarters of the respondents in Darkhan preferred this venue—a result probably attributable to the activities of the Women’s Trust Union in that city. Responses also varied by age, with younger women somewhat more likely to prefer television.

#### 4.2.6. Insights Gained

CHRD found that in the cities of Ulaanbaatar, Choibalsan, Darkhan, and Er-Lian, prostitution is common and occurring in a relatively open manner. CHRD’s survey also suggested a concerning level of coercion among Mongolian prostitutes, especially in Ulaanbaatar and Choibalsan, and especially among the many women in prostitution who had migrated from one part of the country to another. It was not clear whether the participants felt coerced to engage in prostitution in general, or whether they were reporting specific incidents of coercion within the context of voluntary engagement in the sex industry. Additional investigation into this issue is needed in order to design an appropriate response.

CHRD’s survey of women at risk of being trafficked also yielded important insights directly related to the issues of trafficking risk and trafficking prevention. CHRD found that it is relatively common for women in prostitution to receive offers of high-paid work abroad from recruiters offering to pay for visas and other travel expenses. Survey results further indicated that while most women were suspicious of such offers, a significant percent would consider accepting them. More specifically:

- 21 percent of the women surveyed had received such offers.
- 20 percent of the women knew someone else who had accepted such an offer (in some cases after responding to a newspaper ad, but typically after being approached in person and offered work abroad) In at least some of these cases, the women were believed to be facing abusive conditions overseas.
- In most cases recruiters for overseas work are people that the women are familiar with, but would not describe as a «friend» or relative.
- While most women are likely to reject those offers, a significant percent are likely to accept: 24 percent said they would accept; another 17 percent indicated that they might.

CHRD's questionnaire included several questions regarding participants' awareness of the issue of trafficking and found that a basic level of awareness is common, but the desire for more information is strong:

- Three-quarters of the women participating in the survey had heard about trafficking abuses. However, most had heard only through the media so their understanding of the issue was probably limited.
- Eighty-two percent of the women said they needed more information about trafficking and trafficking prevention, and another 13 percent were unsure.
- The preferred methods of information delivery varied significantly by age and location, with various forms of media being the most popular choices. Television was particularly preferred among younger participants.
- It was notable that in Darkhan, where there is a Women's Trust Union that works with women in prostitution, group meetings were the most popular method of receiving information. Working with such groups where they can be found—and perhaps encouraging the formation of such organizations elsewhere—could be a promising strategy for raising awareness about trafficking and how to prevent it.

## Chapter 5

### **MONGOLIA'S LEGAL FRAMEWORK FOR COMBATTING TRAFFICKING**

An effective response to trafficking in persons is not possible without adequate laws and law enforcement mechanisms. Chapter 3 identified important flaws in Mongolia's response to trafficking, including weaknesses in the legal framework. This chapter will examine relevant Mongolian legislation in more detail and describe law enforcement mechanisms for combatting trafficking. It will also provide an overview of government initiatives that could help to prevent trafficking. The final section of the chapter will compare Mongolia's legal framework to international standards. CHRD's expertise draws on both extensive study of Mongolia's laws, as well as firsthand experience with the application of these laws in trafficking cases, as lawyers on CHRD's staff provided legal representation for the victims in one of the case studies discussed in Chapter 3

#### **5.1. LAWS RELATED TO TRAFFICKING PREVENTION AND PROSECUTION**

In 1992, Mongolia adopted a new Constitution, ensuring the fundamental rights of Mongolian citizens, including the right to life, to freedom of religion, to free expression of opinion, to be free from discrimination, and to freedom of movement. It also establishes the right to free choice of employment, to favorable work conditions, and to be free from forced labor. In addition, the Constitution provides that all international treaties to which Mongolia is a party shall be effective as domestic legislation upon the entry into force of their provisions. Since 1992, Mongolian laws have been substantially revised to comply with Constitutional protections. (According to the Mongolian Criminal Procedure Law—discussed in more detail in section 5.2 below—the courts shall not uphold any law that does not comply with the Constitution.) In fact, all of the legislation described below has been adopted in the years since the new Constitution was promulgated.

The Mongolian government has expressed its commitment to legal reform and the protection of human rights through other measures as well. In 1998 the Parliament adopted the Program for Legal Reform, in which the government pledged to reform the country's domestic legislation and make it compatible with the human rights standards established in international law. The government also promised in this document to educate the public regarding human rights concepts and to enter into bilateral and multilateral agreements and treaties to promote human rights.

The 2003 Government Program for Economic and Social Development<sup>19</sup> (this is an annual development plan that is approved by parliament each year) supports these commitments. In the section on Legal Reform, Law Enforcement, and Border Control activities, the

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<sup>19</sup> State Information Bulletin 2002 <sup>1</sup>45/282/

program calls for an examination of Mongolia's obligations under the international human rights instruments to which it is party, and the implementation of any measures needed to bring domestic legislation into compliance with these obligations. The parliament has also adopted a series of other «programs»—or plans of action—to promote the rights and interests of Mongolian citizens, which call for legal reform as well as other measures (these programs are discussed in more detail in section 5.3 below). These include the 2003 National Program to Strengthen the Protection of Human Rights, which states that the government shall prohibit the trafficking of women and children, impose strict punishment for trafficking offenses, and ensure compensation for trafficking victims.

### 5.1.1. Criminal Code

The Criminal Code is the central piece of legislation in Mongolia's criminal justice system, and it is the only law that carries prison sentences for violations (though short-term detentions of up to 30 days may be provided under other legislation). Over the past few years, Mongolia's Criminal Code has been amended to better address trafficking offenses. In 1999, a provision was added to the code making it a crime to send women (the law does not apply to men) to a foreign country for the purpose of prostitution.

Then in September 2002, a new Criminal Code went into effect, with a provision prohibiting «the buying and selling of human beings». The first section of this article—Article 113.1—defines the crime as «rather heavy» (see more on the four crime classifications below) and provides penalties of a fine of 51-250 times the Mongolian minimum wage<sup>20</sup>, 300-500 hours of compulsory labor, or up to 3 years imprisonment for violations. Section 113.2 provides heightened penalties of up to 5-10 years imprisonment if the crime is committed (1) against two or more persons; (2) against a child under the age of 18; (3) repeatedly; (4) for the purpose of the illegal use of human blood, tissue, or organs; (5) for the purpose of exploitation of prostitution; or (6) by a group acting together with premeditation (these offenses qualify as «felonies»). Finally, under Article 113.3, if the crime is committed by an organized group and is done repeatedly and/or with severe harm to the victims, the offense is considered «lese majeste» (the most serious crime classification) and is subject to 10-15 years imprisonment.

There have not yet been any trafficking prosecutions under the new Criminal Code, and the Supreme Court has not issued an official interpretation of the new provisions. (When law enforcement officials lack a common understanding of a crime, it is the Supreme Court's responsibility to issue an interpretation.) Thus it not clear how it will be applied, but CHRD is concerned that the term «buying and selling of human beings» does not fully encompass the crime of «trafficking», for which there is no specific word in the Mongolian language. An unofficial interpretation of the new law prepared by legal experts in Mongolia defines the «buying and selling of human beings» as essentially the same as trading in other goods, except that the «objects» of trade are persons.<sup>21</sup> Thus it is questionable whether this legislation will be sufficient to reach all of the persons involved in trafficking networks, including those who recruit women, those who escort them overseas, those who connect them with abusive employers, and those who subject them to coercive labor.

<sup>20</sup> The minimum wage in Mongolia is currently MNT 40,000 per month, so 51-250 times this amount is MNT 2,040,000-10,000,000 (USD 1759-8621).

<sup>21</sup> Interpretation to the Criminal Code of Mongolia, G.Sovd, 2002

In addition to these provisions, there are a number of other articles in the Criminal Code that could be used to punish trafficking-related offenses. Under Article 182, for example, joining an organized crime group or criminal gang is punishable by 5-10 years of imprisonment, and leading such a group, or participating in the activities of such a group through the abuse of power or position, is punishable by 10-15 years imprisonment. And Article 101 could be used to prosecute instances of trafficking for the purpose of the removal of organs or other body parts, with penalties of up to 5-10 years if committed under aggravating circumstances.<sup>22</sup>

In cases when the victim of trafficking is a child, offenders could be punished under Articles 116 and 121. Article 116 prohibits illegal adoptions and other exchanges of children for the purpose of committing a crime, but these offenses are described as «rather serious» and penalties are relatively light. Persons convicted under this provision may be fined 51-200 times the minimum wage, imprisoned for 2-5 years, or subject to 2-6 months arrest («arrest» is a less serious form of punishment than imprisonment, with less punitive conditions and a maximum stay of 6 months). Article 121 provides that forced or coerced child labor is punishable by a fine of 51-200 times the minimum wage or 4 years imprisonment.

The statute of limitation for prosecutions under the Articles discussed above varies by the severity of the crime. The Criminal Code classifies crimes into four levels of severity: misdemeanors, «rather serious» crimes, felonies, and «lese majeste» crimes (there is no official English translation for the classifications, but these terms will be used through this report). According to Article 72.1 of the Criminal Code, offenders may not be prosecuted after the elapse of one year for a misdemeanor, five years for a «rather heavy» crime, 20 years for a felony, and 30 years for a «lese majeste» crime.

Also important for the purpose of prosecuting trafficking crimes are the Criminal Code's provisions regarding jurisdiction and territoriality (Articles 13, 14, and 15). These provisions hold that the Mongolian Criminal Code can be used to punish all crimes committed by Mongolian citizens or permanent residents, even if those crimes are committed in another country (unless the person is punished in that country), and to punish all crimes committed in Mongolia, whether by Mongolian or foreign citizens.

However, crimes committed by foreign nationals (or stateless persons) outside the territory of Mongolia can only be prosecuted in Mongolia if they reside in a country with which Mongolia has an extradition agreement. Currently, Mongolia has extradition agreements only with Hungary, Bulgaria, Romania, Yugoslavia, the Czech Republic, North Korea, South Korea, Cuba, China, Kazakhstan, Poland, Russia, Ukraine, Vietnam, Turkey, France, Kyrgyz, and India. Moreover, Mongolian citizens are protected under the Constitution from being extradited to a foreign country for prosecution under any circumstances, though Mongolia will extradite foreign nationals who are residing in Mongolia if an extradition treaty is in place.

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<sup>22</sup> This has not been documented in Mongolia, but trading in persons for the purpose of “removal of organs” is specifically included in the definition of trafficking in the United Nations protocol on trafficking.

### 5.1.2. Civil Law

A new Civil Law also went into effect Mongolia in September 2002. The Civil Law regulates the relationship between persons and material and non-material property, ensuring the sanctity of property and freedom of contracts. It is the only law under which financial compensation can be collected for loss and damages (under Part 18 of the law).

According to the Civil Law, a perpetrator is liable for damage caused to a person's rights, life, health, dignity, business reputation, or property, either deliberately or due to negligent action or inaction. The Civil Law also provides that if a government official causes such damage as a result of a wrongful decision or other misconduct (including inaction), the administrative body that employs the official shall be liable, unless otherwise provided by law. The perpetrator must take the necessary steps to return the injured party to the state in which (s)he existed before the harm was done. If this is not possible, the harm may be compensated with cash. For example, if the victim of the offense was rendered unable (or less able) to work or if the victim's expenses increased due to injury, the perpetrator must make monthly payments to the victim for support and care.

The amount of compensation ordered is determined based on the needs and interests of the victim, the circumstances under which the harm was inflicted, the degree of the perpetrator's guilt, and the extent of the damage or loss. The procedure for assessing physical injuries is outlined in Article 156 of the Criminal Procedure Law: an expert is appointed to judge the damage by examining the victim and viewing reports from the Forensic Hospital. The Criminal Procedure Law also specifies procedures for assessing the victim's mental health, providing that the Center of Psychiatry and Addiction will assess victims for depression and other mental health problems. However, these assessments are used to determine the victim's ability to testify accurately and to provide useful information to investigators. They are *not* used to assess psychological or emotional damage for the purpose of ordering compensation.

Under the Civil Law, in the case of non-material harm, victims may not demand cash compensation. The only exception to this rule was adopted in 2002 with the new Criminal Code: persons whose reputation is damaged through the release of their names in the public media may seek cash compensation. A working group operating under the guidance of the Minister of Justice and Domestic Affairs is currently engaged in studying the compensation mechanism for crime victims. This group is consulting with law enforcement officials and non-governmental organizations and will propose new legal provisions based on its findings.

### **5.1.3. Labor Law**

Mongolia's Labor Law came into effect in July 1999. This law establishes the rights and duties of employers and employees, regulates employment contracts, sets rules for settling labor disputes, establishes minimum safety and sanitation standards for work conditions, and specifies penalties for violations. Its provisions apply to all labor agreements in which at least one party is a Mongolian citizen or organization, as well as all labor agreements between foreign citizens or organizations where operations are occurring in Mongolian territory.

Under Article 141.1 of the Labor Law, forced labor is punishable by a fine of MNT 5,000-30,000 (approximately USD 4-26) for an individual perpetrator, and a fine of MNT 100,000-250,000 (approximately USD 86-216) for a business entity.

### **5.1.4. Law Regulating Prostitution**

Prostitution and pornography are regulated under the Law Against Pornography, which came into force in July 1998. This law defines pornography as including prostitution, the exploitation of prostitution, and organizing, mediating, and promoting prostitution (Article 3.1.2). Under Article 13.2.1, persons engaging in prostitution shall have their income from such activities confiscated and be subject to 14-30 days detention. Persons who organize, mediate, or promote prostitution shall be fined MNT 35,000-50,000 (approximately USD 30-43) or detained for 7-15 days, and any organization (i.e., legal entity) involved in such activities shall be fined MNT 100,000-250,000 (approximately USD 87-217). In addition, any hotel, bar, or other location knowingly used for the purpose of prostitution shall be closed, and any vehicle knowingly used to facilitate prostitution, shall be confiscated. (There is no punishment for persons who buy sexual services.)

### **5.1.5. Family Law**

The Family Law, which came into effect in August 1999, regulates marriage, divorce, and adoption. Its provisions on marriage and divorce apply to marriages in the territory of Mongolia as well as marriages conducted abroad between a Mongolian citizen and a foreigner, unless the spouses choose otherwise. It establishes that marriage shall be equal and voluntary, and that a spouse or an organization representing the rights of a child may sue to have a marriage voided if the marriage was entered into for fraudulent purposes. (CHRD is concerned that persons may enter into false marriages to facilitate the trafficking of children, though no such cases have yet been documented.) The regulations also allow for divorce without a conciliation period where there is a threat to the lives of family members or to the welfare of a child. However, the court may refuse an application for divorce if one spouse does not agree or if a divorce would be against the interest of a minor child.

The Family Law's provisions on adoption prohibit adoption for the purpose of financial or other gain, and state that the consent of the child shall be obtained if the child is 7 years or older. The law establishes that adopted children shall have the same rights within the family as natural children. It also provides that an adopted child aged 14 years or older, the child's natural parents, or other interested parties representing the interests of an adopted child

may sue for the nullification of an adoption where the adoption was fraudulent or where the adoptive parents are abusive (Article 61.1).

#### **5.1.6. Law on the Rights of the Child**

On June 1, 1996, the Law on the Rights of the Child came into effect in Mongolia. It ensures the prioritization of the rights and interests of the child in all legal matters involving a child and establishes children's right to live in a secure and healthy environment that promotes their physical, mental, and moral development. It prohibits the use of children in the commission of a criminal offense, in pornography, and, without the consent of the child or the child's legal guardian, in advertisements. It prohibits the employment of children in jobs that may be harmful to their health or moral development. And it prohibits illegal adoptions and forced child marriage. The Law on the Rights of the Child also provides that children may travel abroad and return to Mongolia (or emigrate permanently) with their parents or legal guardian, but it prohibits other persons from taking children abroad.

In addition to the protections provided under this law, since the late 1990s, Mongolia has ratified or adopted several international instruments designed to protect children's human rights. In 1998, Mongolia entered into the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption, and it amended domestic Family Law to reflect the convention's standards. Mongolia is also a party to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography (Mongolia is a party to the main Convention as well) and to two important International Labor Organization (ILO) conventions: Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor and Convention 138 Concerning the Minimum Age of Labor (2002). And Mongolia has adopted the Yokohama Declaration Against Sexual Exploitation of Child.

#### **5.1.7. Laws Regulating International and Domestic Migration**

Prior to the 1990s, Mongolian citizens needed special permission to travel abroad, and only limited travel to socialist countries was permitted. However, a new law regulating international travel came into force in February 1994: the Law on International Travel and Emigration. This law ensures the right to travel abroad for personal or business purposes and the right to emigrate to a foreign country, as well as the right to return to Mongolia at any time (Article 4). (As mentioned above, children must be accompanied by their parents or legal guardian to travel abroad.) The right to travel abroad may be suspended by the national State Center for Civil Registration and Information or by local police departments only if a person is suspected of or accused of a crime, if their travel would violate the rights and legal interests of another person, or if a person has used false travel documents in the past.

Mongolians' new freedom to travel abroad—along with the other major social, economic, and political changes that occurred in the 1990s—led to a dramatic increase in the number of Mongolians going abroad to work and study. As a result, new legislation was needed to regulate such activities, and in June 2001, the Law on Mediating International Employment went into effect to regulate the employment of Mongolian citizens abroad and foreign citizens in Mongolia.

According to this law, the Ministry of Labor and Social Welfare (MLSW) shall grant individuals or organization permission to engage in mediating the sending and receiving of workers out of and into Mongolia. MLSW is also charged with monitoring the well being of Mongolians employed abroad and taking steps to protect their rights. The law prohibits the overseas employment of children under the age of 18, and it prohibits employment in occupations that are prohibited under international law.

Under Article 6.9, permission to mediate overseas employment will be withdrawn if the individual or organization: 1) engages in deception, 2) induces persons to accept employment that puts their safety and health at risk, 3) sends persons to countries other than those for which mediation permission has been granted, or 4) charges an unjustifiable amount in order to gain a large profit. In addition, under Article 12, mediators who violate the provisions of this law shall reimburse Mongolian citizens sent abroad or foreign citizens brought into Mongolia for any loss they have suffered as a result. Violators are also subject to fines: depending on the severity of the offense, individual mediators are liable for fines of MNT 30,000-60,000 (approximately USD 26-52) or MNT 50,000-100,000 (approximately USD 43-86); organizations involved in illegal mediation may be fined MNT 150,000-250,000 (approximately USD 130-220) or MND 500,000- 1,000,000 (approximately USD 434-860); and government officials who did not properly monitor mediators may be subject to fines of MNT 30,000-60,000 (approximately USD 26-52) or MNT 50,000-100,000 (approximately USD 43-86).

Migration within Mongolia is regulated under the Law on Civil Registration, adopted in 1999, and the General Regulation to Register Civil Migration, adopted by Governmental Decree No. 47 in 1996. Under these provisions, citizens who migrate to a different province (aimag) or city must register with the relevant administrative unit within 10 days of arrival. Until recently, registering carried a fee of MNT 50,000 (approximately USD 43) for an adult and MNT 25,000 for a child, making it difficult for migrant families to access the services and entitlements that registration brings, such as social welfare, education, health care, and land ownership rights. The Supreme Court has since ruled that there will no longer be a registration fee in Ulaanbaatar.

### **5.1.8. Laws Regulating the Media**

Among the major changes that took place in Mongolia in the 1990s were steps to ensure freedom of the press. In August 1998, the Law on the Freedom of the Media came into force, ensuring the right to free speech and free expression of opinion guaranteed in the 1992 Constitution. This law prohibits the enactment of any law that censors the press or curtails its freedom, and it prohibits the state from financing any other organization that engages in such censorship. The same month that the law took effect, the Parliament issued a decree describing measures that would be taken to enforce it, including privatizing state-controlled radio and television agencies and closing the state newspapers.<sup>23</sup>

With this new freedom of the press came a new need to regulate advertisements, and in May 2002 the Law on Advertisements came into force. This law prohibits advertisements that deceive or mislead consumers (or otherwise obstruct fair market competition); that promote violence or pornography; that induce actions that lead to a person's death or injury;

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<sup>23</sup> No. 103, Decree on some measures for enforcement of Law on press freedom. 28 August 1998

that violate Mongolian ethics or customs; or that contain words or phrases that insult a person's origin, language, race, social status, age, gender, profession, education, or religion.

The law also states that persons or organizations engaging in activities that require special permission—such as international employment—must produce proof of permission in order to publish a related advertisement. According to the law, persons who submit such advertisements without the proper permission are liable for a fine of MNT 10,000-50,000 (approximately USD 9-43), and the media outlets that post them will be fined MNT 50,000-250,000 (approximately USD 43-216). In addition, the individual at the newspaper responsible for the violation will personally be fined MNT 25,000-60,000 (approximately USD 22-52).

The national-level State Monitoring Office of Intellectual Property (an independent state agency) bears primary responsibility for monitoring advertisements and imposing fines for violations. Additional monitoring is conducted by local governors or officials they appoint, and, if advertisements are related to Criminal Code violations, the police also become involved.<sup>24</sup>

## 5.2. LAW ENFORCEMENT PROCEDURES AND MECHANISMS

### 5.2.1. Court Proceedings

The mechanisms and procedures for enforcing Mongolian law are regulated under the Criminal Procedure Law. A new Criminal Procedure Law came into effect in Mongolia in September 2002—the same month as the new Criminal Code and Civil Code. This law establishes the rights of the accused and the procedures for holding and trying suspects. Article 18.1 establishes the right of a suspects and accused to legal assistance and representation. Article 68 provides that suspects and accused may be held in detention to prevent them from escaping, from taking steps to hinder the investigation of their crime, or from re-engaging in criminal activity only if they are charged with felonies or «lese majeste» crimes (as defined under the Criminal Code), if they have prior criminal convictions, or if they are otherwise considered extremely dangerous. Under Article 59, such confinement shall be limited to up to 14 days for a suspect who has not been officially charged with a crime, and up to two months for an accused. This period may be extended by court order under certain circumstances, but shall never exceed 24 months.

Article 235.1 of the Criminal Procedure Law specifies that court proceedings may be closed to the public where necessary to protect individuals' privacy, but court decisions shall always be announced publicly. Further privacy protections are provided under Article 12.1, which establishes the inviolability of residents' personal and family communication and other private correspondence except in limited cases allowed by courts with the prosecutor's permission.

The Criminal Procedure Law also establishes the right of victims to receive legal assistance (Article 18.1), and further provides that such assistance be *mandatory* if the victim is mute, deaf, blind, or otherwise unable to exercise this right due to physical or mental defect; is a minor under the age of 18; or does not have command of the Mongolian language (these

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<sup>24</sup> Individual interview with Shinebayar, the Head of Chancellery Department, State Intellectual Office

provisions also apply to suspects and accused persons). Under Article 23.1, if a victim is dead, a minor, or otherwise not able to express his/her wishes due to health reasons, an adult family member may participate in the proceedings on the victim's behalf.

The Criminal Procedure Law also ensures victims a range of other rights with respect to criminal hearings, including the right to:

- Present evidence and submit a petition concerning evidence that should be analyzed;
- Participate in court sessions;
- Pose questions to defendants, witnesses, and experts;
- Appeal the actions and decisions of an inquiry officer (i.e., investigator for misdemeanors and «rather heavy» crimes), investigator (who handle felonies and «lese majeste» crimes), prosecutor, and court;
- Challenge the involvement of a particular inquiry officer, investigator, prosecutor, translator, interpreter, judge, citizens' representative, or court secretary if they have connections to the accused; and
- View all materials related to a case upon its completion (including materials submitted by other parties regarding court decisions), and make copies of court decisions (e.g., acquittals or sentencing) that may then be used to file a complaint or appeal.

### **5.2.2. Law Enforcement Mechanisms**

*The Criminal Procedure Law also regulates the relationships between different agencies involved in enforcing Mongolian laws. There are four state agencies with primary responsibility for addressing issues related to trafficking in persons in Mongolia: the General Intelligence Agency (GIA), the General Police Office (GPO), the Department of Law and Consul in the Ministry of Foreign Affairs (MFA), and the Border Protection Authority. Cooperation between these agencies in combating trafficking is currently inadequate, and the changes in organizational structure and responsibility called for under the new Criminal Procedure Law of 2002 in some ways served to undermine the anti-trafficking procedures that had developed since the late 1990s.*

Two years before the new Criminal Procedure Law went into effect, the GIA had initiated a procedure for addressing human trafficking and had assigned trafficking investigations to one of agency's staff members (in addition to the person's existing responsibilities). Part of the GIA official's responsibilities was to exchange information with officials in Mongolian Embassies and Consulates. These officials were instructed to be aware of the issue of trafficking and to assist any Mongolian victims of such abuses.<sup>25</sup> Since Embassy and Consulate officials are responsible for assisting Mongolian citizens in returning home safely in cases when they have lost their documents or been the victim of a crime, they are in a good position to take testimonies from trafficked persons and facilitate trafficking investigations.

However, under the 2002 Criminal Procedure Law, the General Intelligence Agency is no longer responsible for investigating and registering crimes. This is now exclusively the responsibility of the General Police Office and the Border Intelligence Service (a subsection of the Border Protection Authority)—agencies that lack the GIA's connections with the Embassy and Consulate officials. The GIA's activities are now limited to gathering information to provide to the police. As a result, the GIA's ability to collect information about trafficking cases—already limited

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<sup>25</sup> From the interview with Ms. Enkhtuya, officer of the Department of Law Consul of the Ministry of Foreign Affairs

by the fact that only one person was assigned to this task<sup>26</sup>—has been further hampered the agency's reduced authority to conduct criminal investigations.

The new Criminal Procedure Law also changed the police's procedures for investigating trafficking offenses. Prior to the new law, trafficking was assigned to a three-person team in the Criminal Police Office that had been established in 2000 to combat drugs and pornography. Under the new law, this team became the Department against Organized Crime, and its staff was reduced to two. Then the first two sections of Article 113 (i.e., 113.1 and 113.2) on the buying and selling human beings were assigned to this Department, while the most serious offenses (under Article 113.3) were assigned to the Investigation Police Office.<sup>27</sup> (The GPO is divided into two main divisions—the Criminal Police Office and the Investigative Police Office).

The fact that crimes under Article 113 on the buying and selling human beings are classified as rather heavy crimes, rather than as a felony or «lese majeste» crimes also hamper the ability of prosecutors to investigate the crime and file charges. Prosecutors have only 30 to 45 days to investigate and file charges related to misdemeanors and rather heavy crimes, but two months to do so for felonies or «lese majeste» crimes. Since trafficking crimes may take place abroad, they cannot be adequately investigated in the 30 to 45 day time period and should instead be considered as felonies or «lese majeste» crimes.

Mongolia currently has a couple of measures planned that potentially could increase the effectiveness of law enforcement agencies in combating trafficking. The 2003 Government Program for Economic and Social Development states that an electronic network and united information database shall be created among the General Police Office, the Ministry of Foreign Affairs, the Border Protection Authority, the State Center of Civil Registration and Information, and the Council Concerning Foreign Citizens' Issues. It also calls for strengthening the training of the Border Protection Authority.

### **5.3. GOVERNMENT INITIATIVES THAT COULD REDUCE VULNERABILITY TRAFFICKING**

In addition to the substantial legal reform undertaken by the Mongolian government in recent years, the parliament has adopted a series of «programs» committing to economic and social objectives that could significantly reduce vulnerability to trafficking among at-risk populations in Mongolia. This section provides an overview of relevant provisions of these programs.

#### **5.3.1. National Program to Strengthen the Protection of Human Rights**

As mentioned above, in October 2003, the parliament approved a human rights program with explicit provisions related to trafficking in persons. This document was drafted by human rights organizations in Mongolia, and then adopted with only minor changes. Article 2.2.6.4 states that the government will engage in joint efforts with non-government organizations to abolish all forms of violence against women and children and to examine the circumstances leading to such acts. The government will coordinate these efforts and issue annual reports on their activities and findings. In particular, strict penalties shall be provided for trafficking of women and children, inducement into prostitution, and facilitating

<sup>26</sup> Conversation with Altantsetseg from the General Intelligence Agency, 2002.9.15

<sup>27</sup> See Article 26 (part 1.2) of the Criminal Procedure Law.

the business of prostitution, and victims shall be provided with compensation from their abusers. In addition, this article calls for increased efforts to care for women and children suffering from violence.

The National Program to Strengthen the Protection of Human Rights also calls for increased efforts to implement the international treaties to which Mongolia is a party, such as the Convention on the Elimination of All Forms of Discrimination against Women, along with the recommendations of the corresponding international body, such as the United Nations Committee on the Elimination of All Forms of Discrimination against Women. And it states that the Government shall implement the recommendations of the 1995 Beijing Declaration and the Plan of Action from World Conference on Women, and ratify all multilateral treaties on the promotion of women's rights (Article 2.2.6.6.).

### **5.3.2. National Program to Promote Employment**

Poverty is a key factor in making people vulnerable to trafficking and other abuses. The Living Standards Measurement Survey of 1998 concluded that the widespread poverty in Mongolia is attributable to a lack of employment opportunity and to low wages. In 2001, the parliament adopted a National Program to Promote Employment that calls for a reduction in the country's unemployment rate by 50 percent or more, through the promotion of formal and informal employment opportunities. The program also calls for the creation of a database on formal and informal employment.

### **5.3.3. National Program for the Advancement of Women and National Program to Provide Gender Equity**

The National Program for the Advancement of Women, adopted in 1996, calls particular attention to the condition of women living in remote, rural areas and the need to protect them from poverty. It also calls for a number of other efforts to promote economic security for women, including:

- An in-depth study on violations of women's human rights that addresses the causes, nature, scope, and impact of such violations, and that suggests approaches to address the problem;
- Reform of domestic legislation to reflect the findings from the study on women's human rights violations, to ensure appropriate punishments for offenders, and to provide for effective rehabilitation of offenders that prevent further crimes;
- Measures to enhance the responsibility of the press, to prevent the media from releasing information that discriminates against women or leads to their harassment, and to promote their cooperation with women's organizations; and
- Steps to ensure that women who have suffered from rights violations are protected, compensated, and provided with access to the health and other supportive services that they need to recover.

In December 2002 this program was replaced by The National Program for the Provision of Gender Equality, to be implemented through the year 2015. This program identifies the risk

of natural disaster in agricultural industries and the decline of small- and medium-sized enterprises as contributing factors to the growing incidence of rural-urban migration.<sup>28</sup>

#### **5.3.4. National Program for Youth**

The specific vulnerability of Mongolia's youth is addressed in the National Program for Youth, which was adopted in 1998 for implementation through the year 2005. This program notes that the number of unemployed people in Mongolia has reached 217,700 thousand (out of a total population of 2.4 million), 60-70 of which percent are young people (ages 16-35). It further states that every year, 50,000-60,000 young people reach the age of 18, but 60 percent of them are unable to find employment,<sup>29</sup> and it calls for efforts to increase the value of intellectual labor (physical labor is not mentioned).

#### **5.3.5. National Program to Strengthen Protection and Development of Children**

The government also has adopted a program that specifically addresses the needs and rights of children in Mongolia.<sup>30</sup> This program was adopted in 2002 for implementation through the year 2010, under the supervision of a government agency called the National Center for Children. One of the program's objectives is to protect children from becoming victims of crime and to protect their rights under international standards. To achieve this objective, it calls for a series of measures, with specific provisions regarding when they should be implemented and by whom:

- bilateral and international cooperation for the prevention of trafficking and sexual exploitation of children (to be implemented from 2002-2004 by the Ministry of Justice and Internal Affairs, the Ministry of Social Welfare and Labor, and the National Centre for Children);
- increased efforts to prevent child trafficking, kidnapping, selling of organs of children, sexual exploitation and forced labor of children (to be implemented from 2002-2004 by the above the Ministry of Justice and Internal Affairs, the Ministry of Social Welfare and Labor, all levels of governors, and NGOs)
- strict efforts to abolish the worst forms of child labor, as defined in ILO Convention 182 (to be implemented in 2003-2004 by the Ministry of Justice and Internal Affairs, the Ministry of Social Welfare and Labor, the National Centre for Children, and NGOs); and
- efforts to increase public participation in abolishing the worst forms of child labor by informing authorities of violations (to be implemented from 2002-2004 by the Ministry of Justice and Internal affairs; the Ministry of Health; the Ministry of Education, Culture and Science; all levels of governors; and NGOs).

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<sup>28</sup> National Program for the Provision of Gender Equality, 2002, part 3, p.16.

<sup>29</sup> Present situation, Mongolian Youth Program

<sup>30</sup> State information, 2003, №5 /290/

#### **5.4. INTERNATIONAL STANDARDS – IS MONGOLIA IN COMPLIANCE?**

The trafficking of women and children is a transnational crime and thus requires a coordinated, transnational response to effectively respond to it. Mongolia, as a member of the United Nations and a party to 30 international human rights and humanitarian agreements<sup>31</sup> and 18 bilateral agreements on extradition and mutual assistance in criminal matters has committed itself to work with the international community in combating trafficking in persons.

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (2000) (UN Protocol on Trafficking) is the most comprehensive anti-trafficking instrument in international law. It is the first to substantially define the term «trafficking in persons» and to call for a response that includes strengthened law enforcement efforts to investigate and punish traffickers, as well as measures to assist trafficking victims and protect them from further violations. Together with the provisions in the main Convention, the Protocol provides some important protections for trafficked persons, especially in the context of legal proceedings against their traffickers. Mongolia has not ratified the Protocol or the main Convention.

There are references to trafficking and to its key components, such as forced labor and forced prostitution, in various other international agreements as well, most of which Mongolia has ratified or adopted. These include the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, as well as documents specifically focused to the rights of women or of children, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of Child (CRC), the CRC's Optional Protocol on the Sale of Child, Child Prostitution and Child Pornography, and ILO Convention 182 regarding the worst forms of child labor.

Along with international instruments, regional organizations have adopted instruments and agreements aimed at combating the trafficking in persons at a regional level. For example, the countries of the South Asian Association for Regional Cooperation (SAARC) negotiated the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. There are also bilateral agreements to promote cross-border cooperation in anti-trafficking efforts. For example, Thailand and Cambodia negotiated a bilateral Memorandum of Understanding defining their respective roles and responsibilities relating to the return and reintegration of children and women victims of trafficking

Finally, the United States unilaterally adopted legislation in 2000—the Trafficking Victims Protection Act—that has important implications for countries around the world, including Mongolia. According to this legislation, countries who fail to conform to the minimum standards for combating trafficking as defined in the law, may be denied non-humanitarian foreign assistance from the United States. Moreover, the United States may use its influence to instruct multilateral development banks and the International Monetary Fund to deny loans and development assistance until the government meets its minimum standards.

Together, these documents clearly establish that trafficking in persons is a grave human rights violation that governments around the world are obligated to prevent and punish.

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<sup>31</sup> For a list of treaties and conventions to which Mongolia is a party, see Appendix C.

They also suggest a set of international standards for states' response to trafficking in persons. The following pages discuss Mongolia's anti-trafficking measures in the context of key provisions from these instruments, with a particular focus on the UN Protocol on Trafficking.

#### **5.4.1. Criminalize Trafficking Offenses, with Penalties that Reflect the Gravity of the Offense**

##### Selected Excerpts from International Instruments:

##### UN Protocol on Trafficking, Article 3(a) and Article 5

- «Trafficking in persons» shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
- State Parties shall adopt legislative and other measures necessary to establish the conduct of attempting, participating, organizing or directing trafficking as criminal offenses

##### SAARC Convention, Article 1.3, 5 and Article 3.1

- «Trafficking» means the moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking.
- «Persons subjected to trafficking» means women and children victimized or forced into prostitution by the traffickers by deception, threat, coercion, kidnapping, sale, fraudulent marriage, child marriage, or any other unlawful means.
- The State Parties to the Convention shall take effective measures to ensure that trafficking in any form is an offence under their respective criminal law and shall make such an offence punishable by appropriate penalties, which take into account its grave nature.

##### U.S. Trafficking Victims Protection Act, Sec 8.a-1, a-3

- The country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.
- The country should prescribe punishment, which is sufficiently stringent to deter, and which adequately reflects the heinous nature of the offense.

Despite improvements to Mongolia's Criminal Code, Mongolia continues to lack clear and comprehensive anti-trafficking legislation. Measures need to be taken to clarify and prohibit all elements of the trafficking process—including recruitment, transportation and transfer—for all of the purposes listed in the UN protocol's definition (see above). In addition, trafficking abuses should be treated as severe crimes. Currently, penalties for buying and selling human beings, for forced labor, and for other trafficking-related abuses are too lenient.

Only a limited set of aggravated circumstances are recognized as making the buying and selling of human beings a felony crime, subject to heavier penalties. The following

circumstances, for example, are *not* recognized as «aggravating»: the use of violence or weapons by offenders, or the misuse of a public office or position to commit this crime. Moreover, the buying and selling of human beings only qualifies as a «lese majeste» crime (under Article 113.3) if the state can prove that it was committed by an organized group *and* was committed repeatedly or with severe harm to the victims. As a result, traffickers have an incentive to hide their accomplices, further impeding investigations. Compounding this problem, the classification of crimes as «rather heavy» leads to a short statute of limitation on offenses and prevents authorities from detaining suspects (as discussed in section 5.4.3 below).

In addition to the Criminal Code, Mongolia has a number of other laws that could be used to help prevent trafficking and punish certain trafficking-related offenses. These include the Law Against Pornography, the Family Law (where trafficking is committed for the purpose of false marriage), the Law on the Rights of the Child, the Law on Mediating International Employment, and the Law on Advertisements. However, none of these laws impose criminal penalties on offenders—only fines and/or short-term detention.

#### **5.4.2. Create Mechanisms for Cross-Agency and Cross-Border Cooperation in Combating Trafficking Offenses**

##### Selected Excerpts from International Instruments:

UN Protocol on Trafficking, Article 10.1, 2

- Law enforcement, immigration or other relevant authorities shall, as appropriate, cooperate with one another by exchanging information in accordance with their domestic law to enable them to identify the victims and the perpetrators and to determine the types of travel documents, the means used by organized groups, routes and links between and among individuals and groups engaged in trafficking, and possible measures for detecting them
- State Parties shall provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons. The training should focus on preventing trafficking, prosecuting traffickers and protecting victims, considering human rights, child- and gender-sensitive issues in cooperation with NGOs and other relevant organizations

SAARC Convention, Articles 2 and 4

- The purpose of this Convention is to promote cooperation amongst Member States so that they may effectively deal with the various aspects of prevention, interdiction and suppression of trafficking in women and children; the repatriation and rehabilitation of victims of trafficking and prevent the use of women and children in international prostitution networks, particularly where countries of the SAARC region are the countries of origin, transit and destination.
- The State Parties to this Convention shall grant to each other the widest measure of mutual legal assistance in respect of investigations, inquiries, trials or other proceedings in the requesting State in respect of offences under this Convention.

UN Convention Against Transnational organized crime, Article 16.5, 8, 10, 12, 17

- States Parties that make extradition conditional on the existence of a treaty shall:
  - (a) At the time of deposit of their instrument of ratification, acceptance, approval of or accession to this Convention, inform the Secretary-General of the United Nations

whether they will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention; and

(b) If they do not take this Convention as the legal basis for cooperation on extradition, seek, where appropriate, to conclude treaties on extradition with other States Parties to this Convention in order to implement this article.

- States Parties shall, subject to their domestic law, endeavor to expedite extradition procedures and to simplify evidentiary requirements relating thereto in respect of any offence to which this article applies.
- A State Party in whose territory an alleged offender is found, if it does not extradite such person in respect of an offence to which this article applies solely on the ground that he or she is one of its nationals, shall, at the request of the State Party seeking extradition, be obliged to submit the case without undue delay to its competent authorities for the purpose of prosecution. Those authorities shall take their decision and conduct their proceedings in the same manner as in the case of any other offence of a grave nature under the domestic law of that State Party. The States Parties concerned shall cooperate with each other, in particular on procedural and evidentiary aspects, to ensure the efficiency of such prosecution.
- If extradition, sought for purposes of enforcing a sentence, is refused because the person sought is a national of the requested State Party, the requested Party shall, if its domestic law so permits and in conformity with the requirements of such law, upon application of the requesting Party, consider the enforcement of the sentence that has been imposed under the domestic law of the requesting Party or the remainder thereof.
- States Parties shall seek to conclude bilateral and multilateral agreements or arrangements to carry out or to enhance the effectiveness of extradition.

Trafficking investigations and prosecutions in Mongolia are hindered by the lack of effective cooperation between the police, border and custom officials, the prosecutor, the court, and other relevant government agencies. This is due in part to the general lack of understanding of the crime of trafficking in persons—as evidenced by the punishment of trafficking victims for immigration and prostitution offenses. Since trafficking in persons is a relatively new issue in Mongolia, law enforcement officials do not have adequate experience in dealing with this crime. Additional training is needed, along with mechanisms to facilitate cooperation between these agencies, such as the integrated information database promised under the 2003 Government Program for Economic and Social Development.

The legal basis for addressing transnational crimes in Mongolia is in need of improvement as well. Jurisdiction under the Criminal Code is fairly extensive for crimes committed by and/or against Mongolian citizens. However, Mongolia has only limited provisions for allowing for extradition, limiting its ability to prosecute crimes committed outside of Mongolian territory. Mongolia lacks extradition agreements with most countries, including Japan—one of the countries to which Mongolian women are traffickers.

### 5.4.3. Ensure Victims' Safety and Privacy, Especially When They Serve as Witnesses Against Their Traffickers

#### Selected Excerpts from International Instruments:

##### UN Protocol on Trafficking, Article 6.1, 5

- State Parties should provide the physical safety of trafficking victims while they are within their territories.
- State Parties should protect the privacy and identity of victims of trafficking in persons, including, *inter alia*, by making legal proceedings relating to such trafficking confidential.

##### UN Convention Against Transnational Organized Crime, Article 24

- Each State Party shall take appropriate measures within its means to provide effective protection from retaliation or intimidation of witnesses in criminal proceedings who give testimony concerning offences covered by this Convention and, as appropriate, for their relatives and other persons close to them.
- The measures envisaged in paragraph 1 of this article [above] may include, *inter alia*, without prejudice to the rights of the defendant, including the right to due process:
  - (a) Establishing procedures for the physical protection of such persons, such as, to the extent necessary and feasible, relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons;
  - (b) Providing evidentiary rules to permit witness testimony to be given in a manner that ensures the safety of the witness, such as permitting testimony to be given through the use of communications technology such as video links or other adequate means.
- States Parties shall consider entering into agreements or arrangements with other States for the relocation of persons referred to in paragraph 1 of this article.
- The provisions of this article shall also apply to victims insofar as they are witnesses.

Mongolian law does not include adequate provisions for ensuring the safety and privacy of victims and protecting them from intimidation and retaliation from their traffickers. Such measures are critical for obtaining the victim cooperation necessary for successful prosecutions. The Criminal Procedure Law provides that in most cases, suspects and the accused can only be detained during investigations and trials if they are accused of a felony or «lese majeste» crime. Since the buying and selling human beings is defined as a «rather heavy» crime, traffickers cannot be detained unless they are charged under Article 113.2 or 113.3 for aggravating circumstances.

The problem is compounded by the lack of witness protection provisions in Mongolian legislation, though persons who have been threatened may request protection from the District Police Office. Moreover, while there are provisions for protecting victims' privacy and keeping court proceedings confidential, in practice, trafficking victims' identities and even photographs have been released during police investigations—before the cases even reach the court.

#### **5.4.4. Protect Victims' Rights in Legal Proceedings, Including the Right to Compensation**

Selected Excerpt from International Instruments:

UN Protocol on Trafficking, Article 6.2, 6

- State Parties shall ensure legal and administrative measures to provide trafficking victims with information on relevant court and administrative proceedings and with assistance to enable their views and concerns to be presented at the stages of criminal proceedings.
- State Parties shall ensure that their domestic legal systems contain measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

While Mongolia's Criminal Procedure Law establishes an extensive list of rights for victims, in practice it is difficult for trafficking victims to exercise them. Few victims have the financial resources to hire an attorney, but they do not qualify for mandatory representation, even if they are suffering from depression due to the abuse they have endured (such temporary mental health problems do not qualify as a «mental defect» under this law—see section 5.2.1 above for more information about these provisions.). Without an advocate, victims are generally unable to meaningfully participate in proceedings against their traffickers, and insufficient efforts are made to inform the victims about the process and their rights.

Mongolia's Civil Law provides victims with access to compensation for financial loss and physical harm, but it lacks the necessary provisions for compensating for the psychological damage that victims of trafficking often suffer.

#### **5.4.5. Provide Assistance to Victims to Facilitate their Recovery and Prevent Re-Victimization**

Selected Excerpts from International Instruments:

UN Protocol on Trafficking, Article 6.3 and Article 9.1(b)

- Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:
  - (a) Appropriate housing;
  - (b) Counseling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;
  - (c) Medical, psychological and material assistance; and
  - (d) Employment, educational and training opportunities.
- States Parties shall establish comprehensive policies, programs and other measures. . [t]o protect victims of trafficking in persons, especially women and children, from re-victimization.

UN Convention Against Transnational Organized Crime, Article 25.1

- Each State Party shall take appropriate measures within its means to provide assistance and protection to victims of offences covered by this Convention, in particular in cases of threat of retaliation or intimidation.

The Mongolian legal system offers no assistance to victims to facilitate their physical, psychological, or social recovery. There are no provisions for assisting victims in obtaining appropriate housing, legal counseling, physical or mental health services, financial assistance, or employment, educational or training opportunities. Moreover, the widespread lack of understanding of trafficking in persons among law enforcement officials—and the tendency to conflate trafficking with the illegal promotion of prostitution or migration—leads to the re-victimization of trafficked persons, who are themselves blamed and even punished for prostitution and migration-related offenses.

#### **5.4.6. Prevent Trafficking in Persons by Raising Awareness and Promoting Equality and Economic Opportunity**

Selected Excerpt from International Instruments:

UN Protocol on Trafficking, Article 9.1-4

- States Parties shall establish comprehensive policies, programs and other measures:
  - (a) To prevent and combat trafficking in persons; and
  - (b) To protect victims of trafficking in persons, especially women and children, from re-victimization.
- State Parties shall endeavor to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.
- Policies, programs and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.
- State Parties shall take or strengthen measures, including bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.

As discussed in section 5.3 above, the Mongolian government has adopted a number of programs calling for measures that could reduce the vulnerability of its citizens, and especially women and children, to trafficking abuses. Strong and sustained efforts by a wide range of government actors are needed to implement these programs and live up to these commitments. In addition, the National Program for Gender Equity, which discusses the issue of rural-urban migration, should be strengthened by adding an explicit objective to prevent the labor exploitation of girls and women migrating either within Mongolia or abroad. And the National Program for Youth should call for measures to increase the value not only of intellectual labor, but also of physical labor.

## CHAPTER 6

### RECOMMENDATIONS AND FUTURE RESEARCH PRIORITIES

There are a number of steps that the Mongolian government could take to strengthen trafficking prevention efforts and improve its response to trafficking abuses. The following recommendations are based on the results of CHRD's detailed examination of documented trafficking cases in Mongolia, research regarding traffickers' recruitment tactics and attitudes among potential trafficking victims, analysis of the current legal framework for combating trafficking in Mongolia, and numerous interviews and group discussions with experts in this field. Also discussed below are areas in need of further research as we seek to expand and deepen our understanding of trafficking patterns.

#### 6.1. RECOMMENDATIONS

##### 6.1.1. Strengthen Efforts to Investigate and Prosecute Traffickers

The research study found that the legal framework for combating trafficking in Mongolia is inadequate. Anti-trafficking provisions in Mongolia's Criminal Code do not give a clear definition of trafficking and provide for only light penalties that do not reflect the gravity of the crime. Furthermore, there is little awareness of the problem of trafficking in Mongolia. Government officials who have responsibility for protecting the rights of victims and bringing traffickers to justice have little or no knowledge of the problem of trafficking, laws pertaining to trafficking, or their responsibilities under the law. Efforts to combat trafficking need to be coordinated across a wide range of actors including government and NGOs, both nationally and internationally. The following recommendations to the Mongolian government to would address these problems:

- The Criminal Code should be amended to adequately define human trafficking and its elements: the recruitment, transport, and transfer of persons for the purpose of coercive labor and other forms of exploitation.
- The Supreme Court needs to immediately issue an official interpretation of the Criminal Code's trafficking-related provisions until the Code can be amended.
- New legislation is needed to protect victims of trafficking and witnesses in trafficking cases.
- Ratify the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Specially Women and Children, supplementing the UN Convention on Transnational Crime.

- All incidents of trafficking should be considered felony or «lese majeste» crimes, with penalties commensurate with the gravity of the offense.
- There needs to be a long statute of limitations on cases of trafficking and procedures put in place that facilitate investigations and prosecutions.
- Trafficking for the purpose of forced labor or servitude (in addition to the «buying and selling» of human beings) should be considered a felony under Article 113.2.
- Repeated incidences of trafficking or severe harm to victims should be classified as the most serious crime—«lese majeste»—in addition to trafficking cases linked to an organized group.
- Government officials, including the police, border and customs officials, consular officials, prosecutors, and judges, need to be trained to recognize incidents of trafficking, treat it as a serious crime, and view trafficked persons as victims whose privacy and rights need to be respected, not as offenders.
- An integrated information database that connects all relevant law enforcement agencies needs to be established to facilitate coordination and cooperation across agencies.
- The government needs to take concrete measures to coordinate with other governments on combating trafficking, such as establishing a consulate in Macao and other common destination countries, and sign extradition and other agreements that will facilitate cooperation to stop trafficking.

#### **6.1.2. Protect Victims and Facilitate Their Access to Compensation and Services**

Interviews with victims suggest that victims of trafficking who return to Mongolia often suffer from depression, and emotional and/or health problems. Currently, there are almost no services to help victims reintegrate into society and there is no legal provision to allow victims to seek compensation for psychological and emotional damage. In destination countries they can be treated as criminals due to inadequate policies for protecting the rights of trafficking victims. Recommendations for addressing these issues include:

- The Civil Law should be amended to provide for compensation to victims for psychological and emotional damage resulting from trafficking.
- Establish a «Victim Support Fund» from fines imposed on traffickers and from other sources to provide victims of trafficking services they need, such as shelters, physical and mental health services, and legal counseling.
- Train police, border guards, judges, and consular officers in destination countries to protect the rights and privacy of victims.

- The Mongolian government needs to establish support networks in destination countries including training consular staff in destination countries and coordinating with governments in those countries to ensure victims rights are protected.

### **6.1.3. Prevent Trafficking Abuses**

Most trafficking victims are recruited from major urban centers, including Ulaanbaatar, Darkhan, Erdenet, and Er-lian having migrated from rural areas in search of work. Traffickers lure them with promises of high paying jobs, training, education, and/or assistance in marrying a foreigner. Most are required to sign contracts, but the women are not told about the debts they will «owe,» nor are they aware of the dangers they may face. There are also many suspicious recruitment advertisements for women in the Mongolian press including ads for virgins and specifications about women's physical appearance. Although recruiters (called mediators) for overseas employment are required to obtain a license from the Ministry of Social Welfare, in fact, there is no mechanism for monitoring or enforcing this regulation. The result is that there is no deterrent of recruitment by traffickers. Based on these findings, the research team recommends interventions that:

- Raise public awareness in rural and urban areas about the crime of trafficking and the tactics traffickers use through public education campaigns and accurate, informative media coverage; particular efforts should be made to reach young, single unemployed women, students, and/or women involved in prostitution, especially in Ulaanbaatar and other urban centers.
- Support safe migration programs that include information on avenues for legal migration and provide legal international employment mediators and contact information on how to reach Mongolian consular officials and organizations providing help to victims in destination countries.
- Address the economic dislocation, income disparities, and lack of adequate domestic employment opportunities that make people desperate for overseas employment and thus vulnerable to being trafficked.
- Advertisements offering to mediate overseas employment and marriages should be monitored and suspicious advertisements investigated; those operating without government permission should be punished under the Law on Mediating International Employment.

## **6.2. FUTURE RESEARCH PRIORITIES**

In addition to the steps described above, there is a critical need for additional research to more fully understand the patterns and dimensions of trafficking activities in Mongolia, particularly for at-risk groups such as female students, women working in the entertainment industry, and street children. More information is needed about traffickers' use of personal networks in their recruitment efforts. Further research is needed in Mongolia as well as in known destination countries, including Macao and other destination countries focusing on at-risk groups.

## Appendix A.

### Questions for Focus Group Discussions and Key Informant Interviews regarding the “Legal and Policy Framework to Combat Trafficking of Women and Required Reformatations”

#### 1. Focus Group Discussions with Police and Prosecutors

- What they think about the nature and extend of the crime?
- Where it is happening (Location)?
- What are the causes?
- Who are the vulnerable groups?
- Process of trafficking?
- Who are the potential criminals?
- Any programs on combating trafficking from Police Departments/ Any specific initiatives taken after reporting of the cases?
- No of cases registered with Police?
- Difficulties during the investigation/Difficulties in gathering the evidences? / (Inc. political pressure/Threat form criminals)
- What they consider major evidence on trafficking cases?
- When they begin investigation of the cases? (Ex. advertisement on newspaper? /when some one informs? By registration of case? )
- How much time generally they consume for the investigation? / How and on what basis they extend the investigation time? Is that helpful?
- How important is a victim’s statement?
- What is the reason of victim’s denial for the statement? /Should a victim’s denial be the reason for dismissal of the case?
- Any dismissal cases/ who decides for the dismissal and why? /Reason for the dismissal of those cases?
- Any special training for the police? /
- Any special cell in police for the investigation of trafficking cases? Do you think it is necessary to have a special cell to investigate violence against women and children?
- How is the cooperation between Intelligence office, Police, Public prosecutor and Court?
- How inter departmental cooperation in Police (criminal and investigating) works?
- Any initiative for joint intervention (Cross border Police)/ Cooperation from border police if any
- What they think about the existing laws? / Gaps/weakness in the law to combat trafficking?

- What they think about time limit to register the case (20 years)? Does it have to be open forever?
- What they require for the effective investigation for example budget, training, equipments, and personnel?)
- Any initiatives for victim/witness protection?
- How will they differentiate between migration/trafficking/prostitution/child labor

## **2. Focus Group Discussion with Private Lawyers**

- What they think about the nature and extend of the crime?
- Where it is happening (Location)?
- What are the causes?
- Who are the vulnerable groups?
- Process of trafficking?
- Who are the potential criminals?
- Any decision you want to quote as a positive judgment
- Discretion in establishing in the crime and punishment by the court
- Gaps/weakness in the existing law? Specific legislation or Under criminal Code
  - Comprehensive definition
  - Camera court
  - Compensation to the victim
  - Victim/Witness protection
- Need to ratify International Protocol on trafficking?
- How to create enabling environment for access to justice? Specially for the reporting of the cases?
- Their personal experience in handling trafficking cases ( specifically from traffickers or victim) (how much sensitive they are in handling such cases )
- If they use any Human rights arguments (specific reference of any Hrs Convention /gender violence arguments) in the cases
- How to protect victim from being hostile
- Do they see any problem in cooperation between police/public attorney/intelligence office, what to be done to increase the cooperation and collaboration
- Any threat challenges in dealing the cases
- How will they differentiate between trafficking/prostitution
- How to control public announcements (advertisement) making vulnerable for the trafficking?

- How to make recruiting agencies Accountable for unsafe migration or making vulnerable for the trafficking?

**3. Interviews with Key Informants**

1. In your opinion, trafficking in women and children is a problem in the country?  
Mark (✓) any as appropriate.

<b>Yes</b>	
<b>No</b>	

If, Yes, please explain nature and extent and vulnerable groups

.....

2. What are the causes that impede control of trafficking in women and children?  
More than one option could be marked (✓) as needed.

<b>Lack of laws</b>	
<b>Lack of effective implementation</b>	
<b>Poverty/unemployment</b>	
<b>Lack of adequate education</b>	
<b>Political Criminalization</b>	
<b>Lack of bilateral or/and regional assistance</b>	
<b>Lack of awareness</b>	
<b>Flourishing sex market</b>	
<b>Geographical reason (open border)</b>	
<b>Others .....</b>	

3. (a) What are the government's policies and programs against trafficking?

.....

(b) What are the weaknesses in these policies and program?

.....

4. What initiatives/programs has your organization been undertaking to deal with trafficking issue?

5. Is the existing law adequate to control trafficking in women and children?

If yes, what are those?

.....

If not, how should be the laws to control trafficking in women and children?  
More than one option could be marked (✓) as needed.

<b>Comprehensive definition( ask to explain in detail linking the definition form protocol)</b>	
<b>In camera hearing</b>	
<b>Compensation to the victim</b>	
<b>Severe forms of punishment</b>	
<b>Aggravated circumstances</b>	
<b>Victims statement as an evidences</b>	
<b>Burden of proof on accused</b>	
<b>Victim/witness protection policy</b>	
<b>Shelter/psychological counseling, medical treatment by the Government</b>	
<b>Others .....</b>	

6. In your opinion, is the role of police to control trafficking in women and children effective? Yes/No

**If Yes, how**

.....

7. If not; what are the causes for this?

More than one option could be marked (✓) as needed.

<b>Corruption</b>	
<b>Political pressure</b>	
<b>Tremendous workload</b>	
<b>Lack of training/awareness</b>	
<b>Lack of special unit</b>	
<b>Less number of reporting</b>	
<b>Lack of physical facility</b>	
<b>Others .....</b>	

**What are the improvements that are needed to strengthen the role of police?**

.....

8. In your opinion, is role of the public attorney to control trafficking in women and children, effective? Yes/No

**If, yes, what are those.....**

9. If no, what are the causes for this?  
More than one option could be marked (✓) as needed.

<b>Corruption</b>	
<b>Lack of training</b>	
<b>Lack of motivation</b>	
<b>Lack of human rights perspective</b>	
<b>Lack of gender awareness</b>	
<b>Lack of coordination with police</b>	
<b>Others .....</b>	

What are the improvements needed to strengthen the role of public attorney?

.....

10. In your opinion, is the role of the court to control trafficking of women and children, effective?

If yes, explain how.

.....

11. If no, what are the causes for this?  
More than one option could be marked (✓) as needed.

<b>Corruption</b>	
<b>Lack of gender awareness</b>	
<b>Lack of in-camera hearing</b>	
<b>Lack of skilled human resource</b>	
<b>Too much workload</b>	
<b>Complex and long procedure</b>	
<b>Superficial investigation/collection of proofs</b>	
<b>Others .....</b>	

12. If no, what improvements are needed to strengthen the role of the court?

.....

13. What type of proof is appropriate for the case of trafficking of women and children?  
More than one option can be marked (✓) as needed.

<b>Statement of the victim</b>	
<b>Psychological state of the victim</b>	
<b>Physical state of the victim</b>	
<b>Statement of close relatives /friends of the victim</b>	
<b>Statement of the co-accused</b>	
<b>Evaluation of Doctor and psychologists</b>	
<b>Others .....</b>	

14. What are the causes for minimal reporting of the cases of trafficking of women and children?  
More than one option can be marked (✓) as needed.

<b>Fear of social stigma</b>	
<b>Lack of confidence towards implementing agencies</b>	
<b>Harassment on the process of case</b>	
<b>Lack of victim's protection policy</b>	
<b>No provision of compensation</b>	
<b>Lack of family support</b>	
<b>Not to be rescued from trafficked place</b>	
<b>Lack of encouragement from related agencies to report the case</b>	
<b>Frightened or scared</b>	
<b>Lack of awareness/ ignorance</b>	
<b>Others .....</b>	

15. What are the causes for victims being hostile (change of statement)?  
More than one option can be marked (✓) as needed.

<b>Organized crime</b>	
<b>Lack of counseling to victim/witness</b>	
<b>Lack of security</b>	
<b>false promise</b>	
<b>Lack of confidence</b>	
<b>Financial or other consideration to the affected</b>	
<b>Others .....</b>	

16. Is there any support mechanism for the victim? Yes or No?

If No, what kinds of support mechanisms are required?

<b>Legal counseling/legal Aid</b>	
<b>Shelter/Rehabilitation Centers</b>	
<b>Income Generating Trainings</b>	
<b>Health Services</b>	
<b>Psychological Counseling</b>	
<b>Others .....</b>	

16. Are there any preventive measures government has been taking up? Yes/ No?

If yes, what are those?

.....

If not, what actions need to be taken?

.....

17. Do you think media is also (especially advertisement for Job or services) making women vulnerable for trafficking?

If yes, how can this be controlled?

18. Are recruiting agencies (organization or individual) involved in trafficking? If yes how can we control their activities?"

**Appendix B.**

**Survey of Women At Risk of Being Trafficked (used for analysis in chapter 4, section 2)**

**Table 1. Survey Participants by Age and Location**

Age	Ulaan-baatar	Zamiin-Uud	Sukh-baatar	Choibalsan	Er-Lian	Darkhan	Total	Participants by Age
14-16	-	-	-	4	-	1	5	3.5%
17-18	1	-	2	6	2	4	15	10.6%
19-20	9	-	2	3	4	-	18	12.8%
21-22	9	1	2	3	7	2	24	17.0%
23-25	13	1	1	3	7	6	31	22.0%
26-30	11	-	1	2	3	9	26	18.4%
31-35	4	-	-	2	1	6	13	9.2%
36-40	1	-	-	4	-	3	8	5.7%
Over 40	1	--	-	-	-	-	1	0.7%
Total	49	2	8	27	24	31	141	100%
Participants by Location	32.6%	1.4%	4.3%	19.1%	17.0%	22.0%	100%	

**Table 2. Survey Participants by Educational Level and Location**

Educational Level	Ulaan-baatar	Zamiin-Uud	Sukh-baatar	Choi-balsan	Er-Lian	Dar-khan	Total	Participants by Educational Level
No education	1	-	1	5	-	2	9	6.4%
Primary education	2	1	2	7	1	5	18	12.8%
8th grade	8	-	3	6	13	9	39	27.7%
10th grade*	27	1	2	4	7	11	52	36.9%
Vocational education	5	-	-	4	3	4	16	11.3%
High /university or institute/ education	6	-	-	1	-	-	7	5.0%
Total	49	2	8	27	24	31	141	100%

**\*Completed secondary education.**

**Table 3. Survey Participants' Location by Migration Status**

<i>Location</i>	Migrated from Elsewhere (number)	Migrated from Elsewhere (percent)	Did Not Migrate from Elsewhere (number)	Did Not Migrate from Elsewhere (percent)
Ulaanbaatar	13	26.5%	34	73.4%
Zamiin-Uud	2	100.0%	2	-
Sukhbaatar	2	25.0%	6	75.0%
Choibalsan	6	22.2%	21	77.8%
Er-Lian (China)	24	100.0%	-	-
Darkhan	13	41.9%	18	58.1%
Total	60	41.8%	81	58.2%

**Table 4. Survey Participants' Age by Migration Status**

Age	Migrated from Elsewhere (number)	Migrated from Elsewhere (percent)	Did Not Migrate from Elsewhere (number)	Did Not Migrate from Elsewhere (percent)
14-16	2	40.0%	3	60.0%
17-18	4	26.7%	11	73.3%
19-20	8	44.4%	10	55.6%
21-22	11	45.8%	13	54.2%
23-25	18	58.1%	13	41.9%
26-30	8	30.8%	18	69.2%
31-35	5	38.5%	8	61.5%
36-40	2	25.0%	6	75.0%
Over 40	1	100.0%	-	-
Total	59	41.8%	82	58.2%

**Table 5. Survey Participants' Education by Migration Status**

Educational Level	Migrated from Elsewhere (number)	Migrated from Elsewhere (percent)	Did Not Migrate from Elsewhere (number)	Did Not Migrate from Elsewhere (percent)
No education	4	6.8%	9	6.1%
Primary education	5	8.5%	13	15.9%
8th grade	22	37.3%	17	20.7%
10th grade*	17	28.8%	35	42.7%
Vocational education	9	15.3%	7	8.5%
High /university or institute/ education	2	3.4%	5	6.1%
Total	59	41.8%	82	58.2%

\*Completed secondary education.

**Table 6. Survey Participants by Marital Status and Migration Status**

Marital Status	Total (number)	Total (percent)	Migrated from Elsewhere	Did Not Migrate from Elsewhere
Married	24	17.0%	8	16
Life Partner	9	6.4%	3	6
Single	61	43.3%	24	37
Divorced	38	27.0%	19	19
Widowed	9	6.4%	5	4
Total	141	100.0%	41.8%	58.2%

**Table 7. Women in Prostitution by Age and Duration in Prostitution**

Age	Less than 1 Year	1-2	3-4	5-6	More than 6 Years	Total	Women in Prostitution by Age
14-16	3	-	-	-	-	3	2.4
17-18	7	2	2	-	-	11	8.9
19-20	10	5	1	-	-	16	12.9
21-22	13	8	1	-	-	22	17.7
23-25	14	10	4	-	1	29	23.4
26-30	10	4	9	2	-	25	20.2
31-35	3	3	4	1	1	12	9.7
36-40	1	1	1	3	-	6	4.8
Total	61	33	22	6	2	124	100%
Women in Prostitution by Duration	49.2%	26.6%	17.7%	4.8%	1.6%	100%	

**Table 8. Women in Prostitutions' Age by Prostitution Venue**

Age	Hotels and Bars	Square and Other Public Places	Special place	Railroad Station	Total
14-16	2	-	-	1	3
17-18	7	1	-	3	11
19-20	16	-	-	-	16
21-22	20	1	-	1	22
23-25	24	4	-	1	29
26-30	19	4	-	2	25
31-35	9	-	1	2	12

36-40	5	1	-	-	6
Total	102	11	1	10	124
Women in Prostitution by Venue	82.3%	8.9%	.8%	8.1%	100%

**Table 9. Women in Prostitutions' Migration Status and Experience of Coercion**

Migration Status	Experienced Coercion in Prostitution			Among the 34 Women who Experienced Coercion in Prostitution, Percent who had Migrated from Elsewhere
	Yes	No	Do Not Remember	
Migrated from Elsewhere	18	28	4	61.0%
Did Not Migrate from Elsewhere	17	47	9	39.0%
Total	35	75	13	123 women
Women in Prostitution by Experience of Coercion	28.2%	60.5%	10.5%	100%

**Note: One of the women in prostitution did not answer this question**

**Table 10. Women in Prostitutions Location and Experience of Coercion**

Location	Experienced Coercion in Prostitution				Total
	Yes	No	Do Not Remember	Not answer	
Ulaanbaatar	16	23	6	1	46
Zamiin-Uud	-	1	-	-	1
Sukhbaatar	2	5	1	-	8
Choibalsan	6	12	2	-	20
Er-Lian	4	15	1	-	20
Darkhan	7	19	3	-	29
Total	34	77	13	1	124

**Table 11. Women in Prostitutions Age and Experience of Coercion**

<i>Age</i>	Experienced Coercion in Prostitution		
	Yes	No	Do Not Remember
14-16	1	2	-
17-18	2	9	-
19-20	6	8	2
21-22	7	14	1
23-25	11	15	3
26-30	6	16	3
31-35	2	6	3
36-40	-	5	1
Total	35	75	13

**Note: One of the women in prostitution did not answer this question**

**Table 12. Survey Participants Age and Willingness to Accept an Offer of Work Abroad**

Age	Would Accept an Offer of High-Paid Work Abroad		
	Yes	No	Do Not Know
14-16	-	3	2
17-18	4	10	1
19-20	4	10	4
21-22	7	11	6
23-25	7	20	4
26-30	6	16	4
31-35	5	5	3
36-40	-	8	-
Over 40	1	0	0
Total	34	83	24
Participants by Willingness to Accept Offer of Work Abroad	24.1%	58.9%	17.0%

**Table 13. Survey Participants Educational Level and Willingness to Accept an Offer of Work Abroad**

<i>Educational Level</i>	Would Accept an Offer of High-Paid Work Abroad		
	Yes	No	Do Not Know
No education	2	6	1
Primary education	3	13	2
Uncompleted secondary education (8 th grade)	9	21	9
Complete Secondary education (10th grade)	12	28	12
Vacational and secondary education	6	10	-
Post-secondary degree	2	5	-
Total	34	83	24
Participants by Willingness to Accept Offer of Work Abroad	24.1%	58.9%	17.0%

**Table 14. Survey Participants' Location by Desire for More Information about Trafficking in Persons**

Location	Desire for More Information about Trafficking in Persons		
	Yes	No	Do Not Know
Ulaanbaatar	38	3	8
Zamiin-Uud	1	-	1
Sukhbaatar	4	2	2
Choibalsan	25	1	1
Er-Lian	21	-	3
Darkhan	27	1	3
Total	116	7	18
Participants by Desire for More Information about Trafficking	82.3%	5.0%	12.8%

**Table 15. Survey Participants' Awareness of Trafficking by Desire for More Information about Trafficking**

Awareness of Trafficking	Desire for More Information about Trafficking in Persons			Total	Participants by Whether They Have Heard of Trafficking
	Yes	No	Do Not Know		
Have Heard of Trafficking	92	5	6	103	73.0%
Have Not Heard of Trafficking	24	2	12	38	27.0%
Total	116	7	18	141	100%

**Table 16. Among Participants Who Want More Information About Trafficking, Location and Preferred Method of Receiving such Information**

	Newspaper	Radio	Television	Information package	Group Meeting	Talking Face-to-Face	Self study	Don't know	Total	Participants Who Want More Information by Location
<u>Ulaanbaatar</u>	15	11	20	6	10	3	2	4	41	33.6%
Choibalsan	13	5	14	8	2	-	-	1	25	20.4%
Er-lian	8	2	11	7	2	-	-	-	22	18.3%
Darkhan	6	10	10	8	21	-	-	-	28	22.9%
Sukhbaatar	-	1	-	2	2	1	-	1	3	2.4%
Zamiin –Uud	-	-	1	-	-	-	-	-	1	0.8%
Total	42	29	57	31	37	4	2	6	122	100%
Participants by Preferred Method of Receiving Information	34.4%	23.7%	46.7%	25.4%	30.3%	3.2%	1.6%	4.9%	100%	

**Table 17. Among Participants Who Want More Information About Trafficking, Age and Preferred Method of Receiving such Information**

Age	Newspaper	Radio	Television	Information package	Group Meeting	Talking Face-to-Face	Self study	Do not know	Total	Participants Who Want More Information by Age
14-16	1	1	3	-	1	-	-	1	5	4.1%
17-18	4	1	7	4	4	-	-	-	14	11.4%
19-20	6	5	6	5	4	1	-	1	16	13.1%
21-22	7	4	12	4	3	2	2	2	18	14.7%
23-25	9	4	11	8	7	1	-	1	27	22.1%
26-30	6	7	9	6	8	-	-	1	21	17.2%
31-35	5	4	3	3	6	-	-	-	13	10.6%
36-40	4	3	6	1	4	-	-	-	8	6.5%
Total	42	29	57	31	37	4	2	6	122	100%

**Table 18. Survey Participants Willingness to Accept an Offer of High-Paid Work Abroad by Location**

Location	Yes	No	Do Not Know	Total
Ulaanbaatar	9	33	7	49
Zamiin-Uud	-	2	-	2
Sukhbaatar	3	4	1	8
Choibalsan	3	18	6	27
Er-Lian	10	8	6	24
Darkhan	9	18	4	31
Total	34	83	24	141

**Table 19. Among Women in Prostitution, Willingness to Accept an Offer of High-Paid Work Abroad by Experience of Coercion in Prostitution**

Experienced Coercion in Prostitution	Willingness to accept an Offer of Work abroad			Total
	Yes	No	Do Not Know	
Yes	11	14	10	35
No	19	46	10	75
Don't remember	2	8	3	13
Not answer	-	1	-	1
Total	32	69	23	124

**Appendix C.**

**Treaties and Conventions to which Mongolia is a Party**

1. International Covenant on Economic, Social and Cultural rights
2. International Covenant on Civil and Political rights
3. Optional Protocol to the International Covenant on Civil Political Rights
4. Convention on the rights of child
5. Convention against Discrimination in Education
6. International Convention on the Elimination of All forms of Racial Discrimination
7. International Convention on the Suppression and Punishment of the Crime Apartheid
8. International Convention against apartheid in Sports
9. Convention on the Political Rights of Women
10. Convention on Maternity Protection
11. Convention on the elimination of all forms of discrimination against women
12. Equal Remuneration Convention
13. Slavery Convention of 1926
14. Supplementary Convention on the Abolition of Slavery, the Slave trade and Institutions and Practices Similar to Slavery
15. Freedom of Association and Protection of the right to Organize Convention
16. Convention on Minimum Age for Admission for employment underground in mines
17. Convention on Consent to Marriage, Minimum age for Marriage and Registration of marriages
18. Convention on Prevention and punishment of the crime of Genocide
19. Convention to the non-applicability of Statutory Limitations to war crimes and crimes against humanity
20. Convention on the amelioration of the condition of the wounded, sick and shipwrecked members of armed forces at sea
21. Convention on the treatment of prisoners of war
22. Convention on the protection of civilian persons in time of war
23. The first additional protocol to the Geneva humanitarian 4<sup>th</sup> convention
24. The second additional protocol to the Geneva 4<sup>th</sup> humanitarian convention
25. Rome Statute
26. Convention against torture and other cruel, inhuman or degrading treatment or punishment
27. Optional protocol to the Convention on the Rights of the Children, on the Sale of Child, Child Prostitution and Child Pornography