

Current situation of trafficking in person and relevant legislations in Mongolia

"Trafficking in persons" is defined as 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.

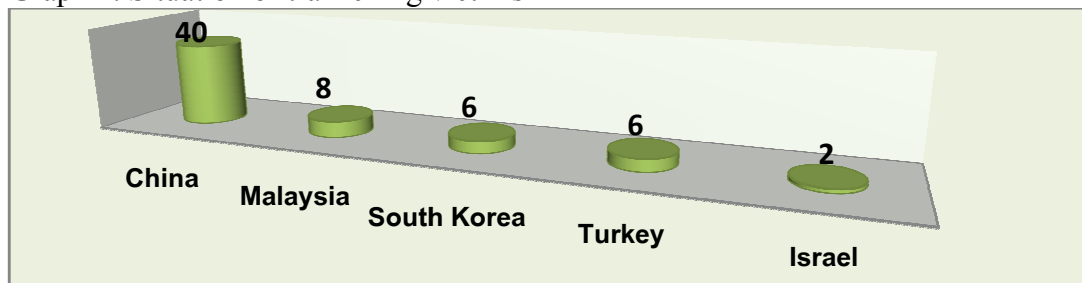
Exploitation includes forcing people into prostitution or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery and servitude and abduction of organs.

One. Current situation of human trafficking in Mongolia

In Mongolia the following forms of trafficking in persons are commonly committed;

- Sexual exploitation
- Forced labour
- Engagement in forced labour or servitude through a false marriage with a foreigner

Graph 1. Situation of trafficking victims



Source: A study 'Legal environment for human trafficking'

- To date 64.5% of 62 trafficking victims who returned to Mongolia were trafficked to China.
- The state and government of Mongolia took no measures to provide legal or psychological counseling or rehabilitation services to the victims who returned to Mongolia.
- Statistics says that there are approximately 400 Mongolian prostitutes aged 17-38 in Hong Kong & Macao. However, it is uncertain how many of them became sex workers on a voluntary basis and how many were forced into sexual exploitation.

Criminal charges on six human trafficking cases were investigated in 2006 and 2 cases were proceeded as of May, 2007.

Source: Information and research center of the General Police Department

Some negative practices in which women and girls are forced into prostitution for profit, people are exploited during what is called 'a trial period' without a pay, some young women are paid much less than promised after working for long are getting more and more common.

Two cases were heard by the court for a period of 2006-2007. Those found guilty of the trafficking were sentenced to imprisonment ranging from 10 years and 1 month to 10 years and 10 months.

Source: A study 'Legal environment for human trafficking'

Two. Social factors for human trafficking

- In the society with increasing unemployment, widespread poverty and limited economic and financial opportunities, more and more people lose their money to the criminals who make profits by deceiving them with false advertisements to give well-paid jobs in foreign countries.
- Due to their intention to work abroad for a well-paid job, Mongolian men are engaged in labour exploitation while women and girls are forced into sexual exploitation.
- Internal refugees due to poverty and natural disasters get more vulnerable to violence and exploitation.

Three. Legislations covering human trafficking

Some positive changes have been made at the national level. They are as follows;

- Thanks to the efforts and advocacy by the Center for Human Rights & Development in cooperation with other governmental and non-governmental organizations, Article 113 of the Criminal Code was amended to meet international provisions on human trafficking in 2008.
- The Supreme Court of Mongolia passed an official commentary on applying Article 113 of the Criminal Code in 2008.
- The State Great Hural of Mongolia passed a decree to ratify the UN Convention Against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children in its session of May 16th, 2008.

Despite some progresses made at national policies and programs, the government has been slow in facilitating effective implementation of the policies and programs.

There is no legislation regarding rehabilitation services or restitution of psychological damage for trafficking victims.

Trafficking victims encounter serious health consequences besides psychological depression and trauma. However, due to a lack of relevant legislations, trafficking victims are unable to have their violated rights restored and their psychological damage restituted.

Trafficking victims encounter difficulties in returning to their normal life and relations.

With no access to rehabilitation services, trafficking victims find it difficult to pursue their normal life. Even some of them are subjected to another trafficking due to a lack of measures to support trafficking victims.

CRITICAL ISSUES AND RECOMMENDATIONS

- Realizing the need to protect Mongolian citizens from illegitimate practices such as mass depletion, discrimination against foreign workers, or confiscation of IDs or personal documents, Mongolia should ratify the UN Convention on Protection of Immigrant Workers and their families.
- An amendment which prohibits false marriage, including marriage with a foreigner through deception should be made to the Family Law.
- The government and law enforcement organizations should strengthen their monitoring over illegal advertisements to mediate a marriage with a foreigner, to issue a visa or to mediate a job abroad.
- Some activities to increase public awareness of human trafficking should be planned and taken jointly by governmental and non-governmental organizations. The activities could include dissemination of manuals for people travelling abroad, or workshops and training for various groups of society.
- A professional specialized in human trafficking and authorized to perform investigation should be placed in the consular sections in foreign countries. This might make an enormous contribution to protecting trafficked people abroad and revealing the guilty parties.
- Law enforcement officers should be trained in applying the agreements on mutual legal assistance followed by improved application of the agreements in practice.
- Mongolian government should explore ways to sign agreements on mutual legal assistance with the countries where there could be trafficked people or the countries where Mongolians commonly visit for various purposes.
- A comprehensive study into human trafficking cases committed within Mongolia should be compiled.
- The state and government should take appropriate measures to provide services and assistance for trafficking victims to pursue their normal life. The NGOs delivering

assistance to trafficking victims and combating this crime should be given proper support by the state and government.

- Amendments covering evaluation of non-material damage facing trafficking victims and restitution of damage should be made to the Criminal Procedure Code and Civil Procedure Code.

- Amendments on protection of trafficking victims, witnesses should be made to the Criminal Procedure Code.

- The officers from law enforcement organizations should be involved in training and workshops aimed at improving their knowledge regarding human trafficking. A legal environment to conduct investigation in destination countries should be established.