

Mongolia



Population: 3,086,918 (July 2010 est.)
Population Growth Rate: 1.495% (2010 est.)
Birth Rate: 21.03 births/1,000 population (2010 est.)
Life Expectancy: *total population:* 67.98 years
male: 65.54 years
female: 70.54 years (2010 est.)
Literacy Rate: *total population:* 97.8%; *male:* 98%; *female:* 97.5% (2000 est.)
Net Migration Rate: NA (2009 est.)
Unemployment Rate: 2.8% (2008)
Gross Domestic Product per Capita: \$3,200 (2009 est.)
Religions: Buddhist Lamaist 50%, Shamanist and Christian 6%, Muslim 4%, none 40% (2004 est.)
Languages: Khalkha Mongol 90%, Turkic, Russian (1999 est.)
Ethnic Groups: Mongol (mostly Khalkha) 94.9%, Turkic (mostly Kazakh) 5%, other (including Chinese and Russian) 0.1% (2000 est.)
Capital: Ulaanbaatar¹

Trafficking Routes

It is estimated that between 3,000 and 5,000 Mongolians are trafficked every year.² Mongolia is primarily a country of origin for trafficking of women and children to various Asian and European countries such as China, Macao, South Korea, Malaysia, Japan, Belgium, and countries in Eastern Europe. The most common route used by traffickers begins in Ulaanbaatar, stopping next in Er Lian, then Beijing, ending in Macao.³ Mongolia is most often a destination country for North Korean victims of trafficking, while internal traffickers focus on the capital city of Ulaanbaatar.⁴

Factors That Contribute to the Trafficking Infrastructure

An inordinately high unemployment rate, income inequality, and poverty are the most important contributing factors to the trafficking infrastructure within Mongolia. In the 1990s, Mongolia made the transition from a socialist regime to a democracy. The replacement of a centrally planned government supported by the Soviet Union with a market economy lacking

¹ CIA, THE WORLD FACTBOOK (2010), <https://www.cia.gov/library/publications/the-world-factbook/geos/mg.html>.

² Mitch Moxley, *Stolen From Mongolia for Sex*, GLOBAL POST, Aug. 2, 2009, available at: <http://www.globalpost.com/dispatch/asia/090629/stolen-mongolia>.

³ B. Bulgamaa, *Study Finds Mongolia Slow to Tackle Trafficking of Women*, UB POST, Jan. 22, 2009, available at: http://ubpost.mongolnews.mn/index.php?option=com_content&task=view&id=2578&Itemid=36.

⁴ SWISS AGENCY FOR DEVELOPMENT AND COOPERATION (SDC), ANNUAL REPORT ON THE PROGRAMME TO COMBAT HUMAN TRAFFICKING IN MONGOLIA 6 (2008), available at: http://www.deza.admin.ch/ressources/resource_en_163104.pdf.

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such support placed an unfamiliar economic burden on the people of Mongolia.⁵ High unemployment and poverty rates have created a desire by Mongolian men, women, and children to better their economic circumstances. An increased willingness to travel both domestically and internationally for job placements, scholarship, or marriage has created a fertile ground for trafficking.⁶

Fields dominated by female workers have been the hardest hit in the job market, which has caused a disproportionate ratio of unemployed women to men. Discriminatory hiring practices have further perpetuated the problem. Statistics show that women do not typically hold upper-level positions (despite often having the requisite education level) and do not earn salaries comparable to those of their male counterparts.⁷ Therefore, women are increasingly willing to migrate to nearby countries in search of employment, which often leads them to regions where a high demand for commercial prostitution already exists, such as China and North and South Korea. This makes them easy targets for traffickers already operating in the region.⁸

The rapid growth of mass media in Mongolia provides a previously untapped resource from which traffickers can recruit victims. Before 1990, all print and broadcast media were state controlled and censored. Since the end of the socialist regime, more than 600 newspapers have been created, the majority of which are privately owned.⁹ An unprecedented lack of control over the media gives recruiters the opportunity to place misleading advertisements that attract women into exploitative situations.¹⁰

Forms of Trafficking

Victims of trafficking are typically forced to work in a variety of settings, including brothels, hotels, saunas, karaoke bars, and nightclubs, both internally and in destination countries.¹¹ False advertisements for the positions of hostess, masseuse, model, and dancer are used to lure potential victims to traffickers,¹² as are false promises of scholarships to foreign universities and opportunities to work while studying.¹³ Family, friends, and acquaintances are also often used to lure victims to traffickers, and in both cities and rural areas there has recently been an upward trend in kidnappings off the street.¹⁴

Child sex tourism is a new phenomenon to Mongolia that is gaining momentum. Cases of foreign business owners promoting and arranging sex with children have been reported.¹⁵

⁵ASIAN DEVELOPMENT BANK AND THE WORLD BANK, COUNTRY GENDER ASSESSMENT: MONGOLIA 1 (2005), available at: <http://www.adb.org/Documents/Reports/Country-Gender-Assessments/cga-mongolia.pdf>.

⁶SDC *supra* note 4 at 5.

⁷ADB *supra* note 5 at 2.

⁸SDC *supra* note 4.

⁹ADB *supra* at 5 at 62.

¹⁰MONGOLIAN GENDER EQUALITY CENTRE (MGEC), HUMAN TRAFFICKING AND SEXUAL EXPLOITATION OF MONGOLIAN GIRLS AND WOMEN: SURVEY-SUMMARY REPORT 3 (2007), available at: http://stoptrafficking.mn/eng/images/stories/survey_pdf/Human%20Trafficking%20and%20Sexual%20Exploitation%20of%20Mongolian%20girls%20and%20women_eng.pdf.

¹¹*Id.* at 10, at 4.

¹²Bulgamaa *supra* at 3.

¹³MGEC *supra* at 10.

¹⁴MGEC, HUMAN TRAFFICKING IN MONGOLIA: RISKS, VULNERABILITY, AND TRAUMA 11 & 8, (2006), available at: http://stoptrafficking.mn/eng/images/stories/survey_pdf/traffreporteng.pdf.

¹⁵LUC FERRAN, GIORGIO BERARDI, & PATCHAREEBOON SAKULPITAKPHON, END CHILD PROSTITUTION, PORNOGRAPHY, AND TRAFFICKING OF CHILDREN FOR SEXUAL PURPOSES INTERNATIONAL (EPCAT), PROTECTING CHILDREN FROM

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Nongovernmental organizations find that Japanese and South Korean individuals are the most frequent patrons of child sex tourism operations in Mongolia.¹⁶ Homeless children who have run away from bad living situations or have been sexually abused are especially vulnerable to traffickers' coercion.¹⁷

Servile marriage has also become a growing concern for Mongolian women due to the high demand for brides in China and South Korea. Many women willingly accept the offer of marriage brokers to match them with wealthy men in foreign nations in an effort to escape desperate financial situations at home.¹⁸ The women are told that they will have the opportunity to meet their potential husband before making the decision to marry, but some never meet their husband before being moved abroad. The women are then trafficked to the destination country, and many times left in remote villages, where they are forced to live in slavelike conditions.¹⁹ Others are never given a choice, and are instead sold to traffickers by family members.²⁰ It is common for previously trafficked victims to become marriage brokers and middlemen to traffickers once released from their debt. Recruiters reportedly earn between \$100 and \$500 per girl from mediators, while mediators earn from \$1,000 to \$3,500 per girl from buyers.²¹

Forced labor is the primary focus of internal trafficking. Booming industries resulting from the free-market economy have created a rise in forced labor in cities. The cost of labor is often illegally manipulated to allow an influx of cheap labor supplied by traffickers.²² In the rugged and remote mining regions, there has been an increase in prostitution due to the high population of male laborers, and although there is no existing evidence that the areas have become an outlet for forced prostitution, the distinct possibility of future problems should be monitored.²³

Government Responses

Article 113 of the Criminal Code of Mongolia prohibits the selling or acquiring of human beings, with a fine equal to 51–250 amounts of minimum salary, in addition to 300–500 hours of forced labor or a prison term of up to three years.²⁴ An additional five to 10 years' prison sentence is allotted²⁵ for the following additional circumstances: the taking of human blood,

SEXUAL EXPLOITATION IN TOURISM: AN EPCAT TRAINING RESOURCE KIT 17 (2008), *available at*: http://www.ecpat.net/EI/Publications/CST/ECPAT_CST_Code_Toolkit.pdf.

¹⁶Mongolia on Human Trafficking Report, UB POST, June 24, 2009, *available at*:

http://ubpost.mongolnews.mn/index.php?option=com_content&task=view&id=3114&Itemid=36.

¹⁷EPCAT, GLOBAL MONITORING: REPORT ON THE STATUS OF ACTION AGAINST COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN IN MONGOLIA 11 (2006), *available at*:

http://www.ecpat.net/A4A_2005/PDF/EAP/Global_Monitoring_Report-MONGOLIA.pdf

¹⁸SIRIPORN SKROBANEK, HUMAN TRAFFICKING IN MONGOLIA, TRAFFICKING OF WOMEN AND CHILDREN IN MONGOLIA AND RECOMMENDATIONS FOR FURTHER CONSIDERATION (2007), *available at*:

<http://74.125.93.132/search?q=cache:AY3mhwahU2AJ:www.humantrafficking.mn/media/documents/recommendations%2520eng.doc+forced+marriage+and+mongolia+and+trafficking&cd=5&hl=en&ct=clnk&gl=us>.

¹⁹MGEC *supra* note 10 at 4 & 5.

²⁰MGEC *supra* note 10 at 7.

²¹MGEC *supra* note 10 at 3.

²²ADB *supra* note 5 at 47.

²³THE ASIA FOUNDATION, INCIDENCE OF TRAFFICKING IN PERSONS AND PROSTITUTION AT MINE SITES IN MONGOLIA 36 (2008), *available at*:

<http://asiafoundation.org/resources/pdfs/TraffickingIncidenceatMinesitesreportOct08ENG.pdf>.

²⁴ Criminal Code of Mongolia (1926, revised 2002), art. 113.1.

²⁵ *Id.* at 24, art. 113.2.6.

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tissues, or organs;²⁶ the intent to engage the victim into prostitution;²⁷ the victim's being a minor;²⁸ having two or more victims;²⁹ repeatedly breaking this law;³⁰ and committing this crime in a group with prior planning.³¹ An increased sentence of 10–15 years is implemented if the crime is “committed on a permanent basis, by trafficking, by an organized group or a criminal organization” and/or if a victim is seriously harmed.³²

Similarly, kidnapping without the demand of ransom carries a sentence of imprisonment for three to five years.³³ That sentence is increased to five to 10 years if the same crime is knowingly committed against a minor or against a pregnant woman,³⁴ for lucrative purposes,³⁵ by a recidivist,³⁶ repeatedly,³⁷ by a group,³⁸ through use of life-threatening force,³⁹ or through the use of firearms or other weapons.⁴⁰ If the victim suffers grave harm or if the crime is committed by an organized group or criminal organization, the sentence further increases to a prison term of more than 10–15 years.⁴¹

Involving a minor in prostitution, vagrancy, and begging is prohibited, and carries the following options for sentencing: a fine equal to 20–50 amounts of minimum salary, 100–250 hours of forced labor, or a prison sentence of one to three months.⁴² The punishment increases to a fine equal to 51–100 amounts of minimum salary or a prison sentence of more than three to six months if a parent, legal guardian, or custodian of the minor is criminally involved.⁴³ Repeated commission of this crime through use of threats and/or violence is punishable by 100–250 hours of forced labor or imprisonment for three to five years.⁴⁴

A fine equal to 51–250 amounts of minimum salary or a prison sentence of up to four years is applied for illegally involving a child in forced labor.⁴⁵ An individual who knowingly engages in sexual activity with a minor under the age of 16 can be sentenced to either a fine equal to 51–250 amounts of minimum salary, forced labor for 251–300 hours, or imprisonment for up to three years.⁴⁶

Using violence, the threat of violence, or deceit to induce another to engage in prostitution is prohibited and punishable by a fine equal to 150–250 amounts of minimum salary or prison for more than three to six months.⁴⁷ Anyone convicted of “setting up, running,

²⁶ *Id.* at 24, art. 113.2.1.

²⁷ *Id.* at 24, art. 113.2.2.

²⁸ *Id.* at 24, art. 113.2.5.

²⁹ *Id.* at 24, art. 113.2.4.

³⁰ *Id.* at 24, art. 113.2.3.

³¹ *Id.* at 24, art. 113.2.6.

³² *Id.* at 24, art. 113.3.

³³ *Id.* at 24, art. 108.1.

³⁴ *Id.* at 24, art. 108.2.5.

³⁵ *Id.* at 24, art. 108.2.1.

³⁶ *Id.* at 24, art. 108.2.2.

³⁷ *Id.* at 24, art. 108.2.3.

³⁸ *Id.* at 24, art.108.2.4.

³⁹ *Id.* at 24, art. 108.2.3.

⁴⁰ *Id.* at 24, art. 108.2.4.

⁴¹ *Id.* at 24, art. 108.3.

⁴² *Id.* at 24, art. 115.1.

⁴³ *Id.* at 24, art. 115.2.

⁴⁴ *Id.* at 24, art. 115.3.

⁴⁵ *Id.* at 24, art. 121.1.

⁴⁶ *Id.* at 24, art. 122.1.

⁴⁷ *Id.* at 24, art. 124.1.

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financing of bordel[lo]s, soutenering [pimping], [or] provision of means of transport or premises” for the purpose of prostitution can be forced to pay a fine equal to 200–250 amounts of minimum salary, forced labor for 300–400 hours, or a prison sentence of up to three years.⁴⁸ Sentencing is increased to imprisonment for a term of more than three to five years if an organized group engages in these same crimes.⁴⁹

The National Plan of Action on Trafficking and Protection of Children and Women From Commercial Sexual Exploitation was approved by the government of Mongolia in 2005. This plan of action targets key shortcomings in Mongolia’s current approach to combating human trafficking such as public awareness and prevention, victim services including protection and rehabilitation, and improvements to the legal and criminal justice system until the year 2014.⁵⁰

From 2000 to 2007, there were an estimated 127 victims of trafficking.⁵¹ A total of 18 offenders were convicted of trafficking in 2008, only seven of whom were convicted under article 113. The remaining convictions fell under article 124. Two of the 18 offenders were Mongolian women charged with trafficking other women over the Mongolian border.⁵² Under-reporting of trafficking cases by victims is a problem due to social stigma and blame, personal and familial shame, lack of victim services, and legal action taken against victims.⁵³

Nongovernmental and International Organizations Responses

There is a strong national and international presence created by NGOs working against human trafficking in Mongolia. Local NGOs have joined forces with internal governmental agencies, such as the General Police Department and the Ministry of Social Welfare, in all aspects of the fight against human trafficking.⁵⁴ Since 2006, the Border Protection General Board (BPGB) of Mongolia has been creating a database to track all individuals crossing Mongolian borders. UNICEF has given more than 20 new computers to the BPGB in an effort to support and expand the burgeoning database in its prevention of human trafficking goals. Database analyses of border violations (i.e., trafficking in persons and use of fake passports), the identification of criminal suspects attempting to flee the country, and statistics on the number of women and children leaving and returning to Mongolia will play an integral role in combating human trafficking.⁵⁵

End Child Prostitution, Pornography, and Trafficking of Children for Sexual Purposes (ECPAT) International⁵⁶ and The Asia Foundation⁵⁷ both have affiliate groups in Mongolia. The

⁴⁸ *Id.* at 24, art. 124.2.

⁴⁹ *Id.* at 24, art. 124.3.

⁵⁰ Press Release, UNICEF, The Launch of the National Plan of Action on Trafficking and Protection of Children and Women from Commercial Sexual Exploitation (March 29, 2006), *available at*: http://www.unicef.org/mongolia/media_3758.html.

⁵¹ SDC *supra* note 4 at 5.

⁵² *Government Failing Human Trafficking Victims-Report*, NEWSWIRE.MN, June 12, 2008, *available at*: http://www.newswire.mn/index.php?option=com_content&task=view&id=231&Itemid=64.

⁵³ Skrobanek *supra* at 18.

⁵⁴ *Third Regional Ministerial Conference on People Smuggling, Trafficking, and Related Transnational Crime in Bali, Indonesia*, HUMAN TRAFFICKING IN MONGOLIA, Apr. 17, 2009, *available at*: <http://www.humantrafficking.mn/index.php?id=166&lang=0&cont=2>.

⁵⁵ Press Release, UNICEF, UNICEF Provides Technical Assistance in Preventing Trafficking (June 11, 2008), *available at*: http://www.unicef.org/mongolia/media_8531.html.

⁵⁶ ECPAT International, *ECPAT Directory- Mongolia*,

http://www.ecpat.net/EI/Ecpat_directory.asp?id=81&groupID=3 (last visited Oct. 4, 2009).

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Asia Foundation, an international NGO, has an especially strong presence in Mongolia. In 2007, the foundation joined forces with the Mongolian Student Union to start a campaign to raise awareness about human trafficking for students throughout the country.⁵⁸ The foundation also routinely supports and collaborates on research conducted by the Centre for Human Rights and Development (CHRD) and the Mongolian Gender Equality Center (MGEC)⁵⁹ (both local NGOs) to increase understanding of trafficking in Mongolia, recommend policy responses, and establish baseline data on the problem in the country.⁶⁰

The MGEC is the most prominent of the few NGOs in Mongolia that provide assistance to individual victims of trafficking. On a basic level, the MGEC provides food, clothing, and toiletries, as well as legal and psychological counseling. A reintegration service assists victims with psychological therapy, vocational training, scholarships, and job referrals. Rehabilitation services provided by the MGEC help to support the families of victims and will sometimes assist in the startup of small businesses run by victims. The MGEC also conducts campaigns and independent research on trafficking, provides a victim hotline, and provides specialized training to law enforcement, lawyers, and other NGOs.⁶¹

The Swiss Agency for Development and Cooperation (SDC) implemented a program in conjunction with the Human Security Policy Studies Centre in Mongolia to combat human trafficking in February 2008, which will run through December 2010. The program budget is CHF2.2 million⁶² and will strive to improve the standards and methods in the fight against human trafficking in Mongolia through a holistic approach encompassing national, regional, and local resources.⁶³ Intensive focus for the first year was placed on the legal framework as it applies to human trafficking, research studies, awareness and prevention, an increase in victim services through NGOs, and specialized training for law enforcement and those working in victim services.⁶⁴

Multilateral Initiatives

In April 2009, Mongolia participated in the Third Regional Ministerial Conference on People Smuggling, Trafficking in Persons, and Related Transnational Crime in Bali, Indonesia.⁶⁵ Member countries of the Bali Process met to discuss effective methods of implementing a multilateral approach to managing migration, with a focus on a “comprehensive whole of government approach.” This strategy is meant to deal with the increasing number of migration issues stemming from trafficking in persons through the implementation of protective assistance

⁵⁷ The Asia Foundation, *Mongolia Overview*, <http://asiafoundation.org/country/overview/mongolia> (last visited Mar. 26, 2010).

⁵⁸ *Mongolia Highlights* (The Asia Foundation, Ulaanbaatar, Mongolia), June 2007, at 1, available at: <http://asiafoundation.org/resources/pdfs/MGMSU.pdf>.

⁵⁹ *Id.* at 58.

⁶⁰ THE ASIA FOUNDATION, COMBATING TRAFFICKING OF ASIA WOMEN AND CHILDREN 4 (2005), available at: <http://www.asiafoundation.org/pdf/Trafficking.pdf>.

⁶¹ Mongolian Gender Equality Center (MGEC), *Programs*, http://stoptrafficking.mn/eng/index.php?option=com_content&view=section&layout=blog&id=12&Itemid=10224 (last visited Oct. 2, 2009).

⁶² SDC, ANNUAL REPORT ii (2009), available at: http://www.swiss-cooperation.admin.ch/mongolia/ressources/resource_en_177810.pdf.

⁶³ *Id.* at 62, at 8.

⁶⁴ *Id.* at 62, at 7.

⁶⁵ Bali Process, *Conferences-April 2009 Co-Chairs' Statement*, available at: <http://www.baliprocess.net/index.asp?pageID=2145831461> (last visited Mar. 26, 2010).

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programs for victims, new legislation, aggressive detection and prosecution of traffickers, and the promotion of multinational cooperation and exchange of information, especially pertaining to migrants.⁶⁶

⁶⁶Press Release, International Organization for Migration, Third Bali Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime (July 29, 2009), *available at*: <http://www.iom.int/jahia/Jahia/media/all-speeches/cache/offonce;jsessionid=1A8B6C2824CA783861E74C9FE9947F99.worker02?entryId=24512>.