



Convention on the Rights of the Child

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WRITTEN REPLIES BY THE GOVERNMENT OF MONGOLIA TO THE LIST OF ISSUES (CRC/C/OPSC/MNG/Q/1) TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE INITIAL REPORT OF MONGOLIA SUBMITTED UNDER ARTICLE 12, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (CRC/C/OPSC/MNG/1)*

[Received on 26 November 2009]

Reply to question 1 of the list of issues (CRC/C/OPSC/MNG/Q/1)

In relation to child prostitution, Police registered 156 cases in 2006, 93 cases in 2007 and 90 cases in 2008. For crime involving underage persons in organized prostitution, Police investigated 5 cases in 2008 and passed on them for court trial.

In the past three years, no cases of sale of children for the purpose of (a) sexual exploitation; (b) forced labour; and (c) adoption were reported. Cases of child victims of sex tourism were not registered too.

Reply to question 2 of the list of issues

Pursuant to Article 113 of the Criminal Code amended in February 2008, the sale of a person under the legal age shall be punishable by imprisonment for a term of more than 5 to 10 years. Article 115 states that involving persons under legal age into heavy drinking, drug abuse, prostitution, vagrancy and beggary shall be punishable by a fine equal to 20 to 50 amounts of minimum salary (108 000 MNT by current Government regulation), 100 to 250 hours of forced labor or by incarceration for a term of 1 to 3 months. The same crime committed by a parent, guardian, custodian or a teacher assigned the duty of upbringing the persons under legal age by law shall be punishable by a fine equal to 51 to 100 amounts of minimum salary, or by incarceration for a term of more than 3 to 6 months with or without deprivation of the right to hold specified positions or engage in specified business for a term of up to 2 years. The same crime committed repeatedly, by using violence or threat with such shall be punishable by 100 to 250 hours of forced labor or imprisonment for a term of 3 to 5 years.

Pursuant to Article 123, inducing a person under 16 to engage in preparation, dissemination, sale, display to the public, crossing of the state frontier of the press, literature, films, video tapes and other items advertising pornography shall be punishable by a fine equal to 71 to 100 amounts of minimum salary amount or by incarceration for a term of more than 3 to 6 months. The same crime committed by use of violence against a minor, by a person who previously was sentenced for this crime, by an organized group or by a criminal organization shall be punishable by imprisonment for a term of up to 5 years.

Reply to question 3 of the list of issues

Under Article 14 of Criminal Code, a citizen of Mongolia or a stateless person permanently residing in Mongolia shall be subject to criminal liability if he or she has committed a crime specified in this Code abroad and he/she has not been sentenced for it. If a citizen of Mongolia or a stateless person permanently residing in Mongolia has been imposed penalty for the crime abroad, a Mongolian court may commute the penalty imposed in accordance with this Code or renounce the person recognized guilty. Unless otherwise provided in an international agreement to which Mongolia is a party the court may recognize the person not guilty in accordance with the grounds and rules set in this Code. Unless otherwise provided in an international agreement to which Mongolia is a party Mongolian servicemen who have committed crimes in the course of their service abroad shall be subject to criminal liability under this Code. Foreign nationals and stateless persons who have committed crimes beyond the territory of Mongolia shall be subject to criminal liability under this Code if only an international agreement to which Mongolia is a party provides so.

Reply to question 4 of the list of issues

The National Human Rights Commission has not made any particular regulations to follow up the received complaints from, or on behalf, of children on violations of the Optional Protocol. However, pursuant to the Law on Human Rights National Committee, a Mongolian citizen has a right to lodge a complaint to the Committee if he or she considers that his or her rights entitled by the Constitution and other laws and international treaties are violated. This Law states that children with partial legal capacity or without such capacity can lodge their complaints through their parents or legal guardians. Human rights commissioner has a right to submit a complaint to court on behalf children in cases when children's rights have been violated. It means

the Human Rights Commission can receive complaints from, or on behalf, of children on violations of the Optional Protocol.

Reply to question 5 of the list of issues

The National Programme on Protection from Trafficking of Children and Women with Purpose of Sexual Exploitation does not cover all areas of the Optional Protocol. Currently, the performance report of the National Council is not available.

Reply to question 6 of the list of issues

No data are available on the number of child victims of sale, child prostitution and child pornography. According to the Criminal Police Department, 380 underage persons received administrative measures for their involvement in prostitution in 2005, 402 in 2006 and 426 in 2007. These numbers show those children who may be classified as victims of child sexual exploitation by Palermo Protocol could have been labeled as underage prostitutes. Thus, a legal provision to define who is a victim of child sexual exploitation and mechanisms for effective services and assistance for underage persons are considered necessary.

Reply to question 7 of the list of issues

Currently, no rules and practice concerning the protection of child victims are on hand. UNICEF and World Vision International supported in establishing the Room for Investigating the Child in the State Investigation Office, 10 provinces and 5 districts of Ulaanbaatar Municipality. The Room is designed for protecting child's rights during investigation, documenting evidence and not harming the child's psychology. The Chairman of the General Police Department released Order No. 314 "Procedures on Utilising a "Room for Investigating the Child" in March, 2009.

Reply to question 8 of the list of issues

With the support of UNICEF and International Migration Organization, a series of training on prevention from trafficking and child protection have been conducted for social workers. The training is designed for preparing trainers on this issue and building capacities of social workers to deal with cases related to trafficking. On 2009, soum, khoroo and school social workers in 12 provinces and 9 districts of Ulaanbaatar attended the training.
