

MONGOLIA

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child	26 Jan 1990	5 Jul 1990	27 Dec 1995
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	12 Nov 2001	27 Jun 2003	21 Nov 2006
Protocol to Prevent, Suppress and Punish Trafficking in Persons		27 Jun 2008	
UN Optional Protocol on the Involvement of Children in Armed Conflict	12 Nov 2001	6 Oct 2004	
UN Convention for the Protection of All Persons from Enforced Disappearance	6 Feb 2007	12 Feb 2015	
Hague Convention on International Child Abduction			

In Mongolia, there are seven laws that refer directly or indirectly to missing children:

1. Law on Citizenship of 1995;
2. Family Law of 1999;
3. Criminal Code of Mongolia of 2002 (amended 2017);
4. Law of Mongolia on Human Trafficking of 2012;
5. Police Law of Mongolia of 2013;
6. Law on the Rights of the Child of 2016 (recently passed to implement the UN Convention on the Rights of the Child);¹ and
7. Law on Child Protection of 2016 (recently passed to implement the UN Convention on the Rights of the Child).²

¹ Law on the Rights of the Child, Feb. 5, 2016, at <http://www.legalinfo.mn/law/details/11709> (last visited Mar. 22, 2018). See also, E. Oyundari, *Parliament adopts laws on children's protection and rights*, THE UB POST, Feb. 15, 2016, at <http://ubpost.mongolnews.mn/?p=18382> (last visited Mar. 22, 2018). And see, UNICEF, *Child protection legislation passed in Mongolia*, Feb. 5, 2016, at http://www.unicef.org/mongolia/2145_25232.html (last visited Feb. 28, 2018) (on file with the International Centre for Missing & Exploited Children).

² Law on Child Protection, Feb. 5, 2016, at <http://www.legalinfo.mn/law/details/11710> (last visited Mar.22, 2018). See also, *Id.*

General Child Protection

The Law on the Rights of the Child of 2016 and the Law on Child Protection of 2016 commit to the protection of children from risk and vulnerabilities such as violence, abuse, neglect, and exploitation. These laws outline the various responsibilities of government agencies, local authorities, NGOs, and communities in protecting children.³ The two laws appear to have replaced the Law on the Protection of the Rights of the Child of 1996.⁴

Despite these new laws, studies suggest that a substantial number of Mongolian children are still living on the streets.⁵ Different reports have suggested that the numbers of street children in Mongolia range from 3,700 to 4,000 children.⁶ It is unclear how many of the homeless children chose to leave home voluntarily and how many were abused, abandoned, or abducted.⁷ An estimated 18% of Mongolian children are economically active, and it is typically considered the cultural norm for children in historically nomadic communities to drop out of school to help support their families.⁸ However, many of these children end up in hazardous work environments or without any employment prospects at all, leaving them on the streets without fixed places of residence or stable financial support.⁹ These children struggle to find food and shelter, and often live in the city's sewer system to escape the extreme cold; they become incredibly vulnerable to health problems, drug and alcohol abuse, violence, and exploitative criminal networks as they struggle to survive.¹⁰

In 2016, the Action Program of the Government of Mongolia for 2016-2020 was developed to reflect Mongolia's Sustainable Development Vision 2010, civil society proposals, and the relevant provisions of international treaties to which Mongolia is party.¹¹ Section 3.4 addresses measures regarding the family and children. In particular, one outlined measure is improvement of the registration and oversight of street children, protection of children until they reach adulthood, and implementation of policies to help them find their way in life.¹²

Definition of "Missing Child"

There is no definition of "missing child" in Mongolian legislation.

Article 3 of both the Law on the Rights of the Child of 2016 and the Law on Child Protection of 2016 defines "child" as a person up to the age of 18.¹³

³ Law on the Rights of the Child of 2016, *supra* note 1; Law on Child Protection of 2016, *supra* note 2 (on file with the International Centre for Missing & Exploited Children).

⁴ E. Oyundari, *Parliament adopts laws on children's protection and rights*, THE UB POST, Feb. 15, 2016, at <http://ubpost.mongolnews.mn/?p=18382> (last visited Mar. 22, 2018).

⁵ *Children of Mongolia: Realizing Children's Rights in Mongolia*, HUMANIUM, at <http://www.humanium.org/en/asia-pacific/mongolia/> (last visited Mar. 1, 2018).

⁶ UNICEF, *Street and Unsupervised Children of Mongolia Report*, July 2003, at https://www.unicef.org/mongolia/street_children_Report_Eng.pdf (last visited Mar. 1, 2018) (on file with the International Centre for Missing & Exploited Children).

⁷ *Id.* See also, *The Children Under the Streets: In Mongolia Thousands are Homeless*, 60 MINUTES, Jan. 24, 2000, at <http://www.cbsnews.com/news/the-children-under-the-streets/> (last visited Mar. 22, 2018) (on file with the International Centre for Missing & Exploited Children).

⁸ *Children of Mongolia: Realizing Children's Rights in Mongolia*, *supra* note 5. See also, UNICEF, *Analysis of the Situation of Children in Mongolia*, 2014, at https://www.unicef.org/mongolia/unicef_sitan_english_final.pdf (last visited Mar. 23, 2018) (on file with the International Centre for Missing & Exploited Children).

⁹ *Children of Mongolia: Realizing Children's Rights in Mongolia*, *supra* note 5.

¹⁰ *Id.*

¹¹ Action Program of the Government of Mongolia for 2016-2020, at http://www.mfa.gov.mn/wp-content/uploads/2015/06/2016-2020_Gov_AP_Eng_Revised.pdf (last visited Mar. 28, 2018).

¹² *Id.* at 3.4.7.

¹³ Law on the Rights of the Child of 2016, *supra* note 1; Law on Child Protection of 2016, *supra* note 2 (on file with the International Centre for Missing & Exploited Children).

In Mongolia, definitions of street children refer to children who temporarily and/or permanently live in manholes, apartment entrances and tunnels.¹⁴ The term “street children” is also used interchangeably with unsupervised children.¹⁵

Abandonment

Article 16.3 of Mongolia’s Criminal Code (amended in 2017) provides that abandonment of a child should be punished by a fine equal to 5,000 to 7,000 tögrögs (tugriks), or forced labor from 240 to 720 hours, or a limit on the right to travel up to five years, or imprisonment from one to five years.¹⁶

Kidnapping and Abduction

Article 13.2 of Mongolia’s Criminal Code (amended in 2017) provides that kidnapping of a child through use of violence, force, or threats and intimidation is punishable by imprisonment for a term of two to eight years.¹⁷

Parental Abduction

There is no direct definition or criminalization of parental abduction in Mongolia’s legislation. Article 14 of the Family Law of 1999 (amended in 2016) provides that if divorced parents cannot decide the custody of their children, the court can make a decision in the best interest of the child.¹⁸ Additionally, Article 26.6 prohibits the interference by a parent of the other parent’s fulfillment of parental duties in cases of divorce.¹⁹

The Law on Citizenship explains in Article 16 that a child under 16 years of age can acquire citizenship when both parents acquire citizenship.²⁰ If only one parent receives citizenship, a child under age 16 must get written permission from both parents to acquire Mongolian citizenship.²¹

Citizens of Mongolia must apply within 30 days of their 16th birthday for a Civil ID Card.²² In order to receive a Civil ID Card, a person who is 16 years old must submit their birth certificate, the civil identification card of a parent or parents, and a fee.²³ They also must personally visit the local State Registrar’s Office to have the identification card registered in the civil registration database.²⁴

In order for a child under the age of 16 to obtain a travel passport, the child’s parent or legal guardian must submit the child’s birth certificate, the legal guardian’s national identity card, and in some cases

¹⁴ UNICEF, *Street and Unsupervised Children of Mongolia Report*, Jul. 2003, at https://www.unicef.org/mongolia/street_children_Report_Eng.pdf (last visited Mar. 1, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁵ *Id.*

¹⁶ Criminal Law of Mongolia, Article 16.3 – Abandonment and Marginalization of Children, Dec. 3, 2015, at <http://www.legalinfo.mn/law/details/11634?lawid=11634> (last visited Mar. 23, 2018).

¹⁷ Criminal Law of Mongolia, Article 13.2 – Kidnapping of Persons.

¹⁸ Family Law of 1999 (amended 2016), Article 14, at <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/57595/105357/F-139350413/MNG57595%20Eng.pdf> (last visited Mar. 23, 2018) (on file with the international Centre for Missing & Exploited Children).

¹⁹ *Id.*; See also, US Library of Congress, *Provisions on Child Abduction in Non-Hague Countries*, at <http://www.loc.gov/law/help/child-abduction/non-hague-countries.php> (last visited Mar. 23, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁰ Law of Mongolia on Citizenship of 1995, Article 16 - Acquisition of Mongolian Citizenship by a Child on Acquisition of Mongolian Citizenship by Both Parents or Any of Them, at <http://www.refworld.org/docid/4af7dec62.html> (last visited Mar. 29, 2018) (on file with the International Centre for Missing & Exploited Children)

²¹ *Id.*

²² Law on Civil Registration of 1999, Article 22 - Citizen ID Card, at <http://www.legalinfo.mn/law/details/297> (last visited Mar. 29, 2018).

²³ General Authority for Intellectual Property and State Registration, *Civil Registration – Civil Registration Service*, at <http://burtgel.go.gov.mn/index.php/service-sr/civil/civil-new> (last visited Mar. 29, 2018).

²⁴ *Id.*; See also, Law on Civil Registration of 1999, *supra* note 22, at Article 29 – Civil Registration and Database.

written agreement of the parent or legal guardian as determined necessary by the competent authority, along with photos and a fee.²⁵

Reporting Mechanism

The National Police Agency (NPA) of Mongolia and its local branches are responsible for taking missing children reports through the emergency number 102.²⁶ The NPA also posts information of missing persons (including missing children) on its website, including photos, phone numbers, places where reports were taken, and dates that such persons went missing.²⁷

In 2014, World Vision Mongolia, in coordination with the National Authority for Children and Mobicom Corporation, launched the first ever nationwide Child Helpline.²⁸ Children can call the toll-free, 24/7 Child Helpline – 108 – to ask for advice and report abuse, domestic violence, and peer pressure.²⁹

Investigation of Missing Child Cases

The NPA is responsible for cases concerning missing children.³⁰ Articles 13 and 38 of the Police Law of 2017 state that the police are responsible for carrying out investigative actions to identify and locate missing persons.³¹ There does not appear to be a specific police unit responsible solely for dealing with cases of missing children.

It is unclear, however, how exactly investigations are carried out and if they start immediately after a report has been made. There is also no readily available information about the investigation of long-term cases. National law enforcement does, however, coordinate with INTERPOL on missing persons cases.³²

Case Management System

Research could not confirm whether law enforcement or any other government agencies have a database to help in the investigation of missing child cases.

National Database

There is no national database of missing child cases in Mongolia. There also does not appear to be a DNA database specifically for purposes of identifying and locating missing persons in Mongolia. However, Mongolia has a birth registration system³³ and a crime database³⁴ that can help to locate and identify missing children as well as apprehend kidnappers, traffickers, and other offenders. There are photos of and information about missing persons, including children, on the NPA's website.³⁵

²⁵ General Authority for Intellectual Property and State Registration, *Civil Registration – Passport*, at <http://burtgel.go.gov.mn/index.php/service-sr/civil/passport-item> (last visited Mar. 29, 2018). See also, Law on Civil Registration of 1999, *supra* note 22, at Article 23 – National Passport.

²⁶ US Department of State, Bureau of Diplomatic Security, *Mongolia 2016 Crime & Safety Report*, at <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=19823> (last visited Mar. 23, 2018).

²⁷ Police of Mongolia, *Wanted*, at <http://www.police.gov.mn/news/wanted/type/42> (last visited Mar. 23, 2018).

²⁸ Enkhbold Byambajav, *New Child Helpline Launched*, World Vision Mongolia, Jun. 2, 2014, at <https://www.wvi.org/mongolia/article/new-child-helpline-launched> (last visited Mar. 27, 2018).

²⁹ Enkhbold Byambajav, *Child Helpline 108*, World Vision Mongolia, at <http://www.wvi.org/mongolia/video/child-helpline-108> (last visited Mar. 23, 2018).

³⁰ Police Law of Mongolia 2017, Article 13.1.5, at <http://www.legalinfo.mn/law/details/12469?lawid=12469> (last visited Mar. 23, 2018) (on file with the international Centre for Missing & Exploited Children).

³¹ Police Law of Mongolia 2017, Article 13 – Administration; Article 38 – Investigation.

³² INTERPOL, *Mongolia – National Police Agency of Mongolia*, at <https://www.interpol.int/Member-countries/Asia-South-Pacific/Mongolia> (last visited Mar. 27, 2018).

³³ UNICEF, *Unequal at Birth: Disparities in Birth Registration in East Asia and the Pacific*, at http://www.unicef.org/eapro/Unequal_at_Birth_UNICEF_EAP.pdf (last visited Mar. 8, 2018).

³⁴ Police of Mongolia, at <http://www.police.gov.mn/> (last visited Mar. 1, 2018).

³⁵ National Police Agency, *Missing Persons*, at <http://www.police.gov.mn/news/wanted/type/42> (last visited Mar. 23, 2018).

Article 61 of the Police Law of 2017 outlines the various information and statistics law enforcement should record. As part of the statistics, law enforcement should keep information about the persons sought as well as persons who are not fulfilling their obligations for raising their children and treating their children cruelly.³⁶ No information could be found on the actual statistics collected on missing children.

Alert Mechanism

There does not currently appear to be a rapid emergency alert system in Mongolia.

Awareness-Raising Initiatives

The Ulaanbaatar Metropolitan Police Department, in collaboration with the Child and Family Development Center, has launched campaigns to educate the public on how to identify and report homeless and street children.³⁷ For example, in December 2014, 74 children were identified, registered, and provided with health services.³⁸ Of these children, 37 were returned to their families, while the other children were placed in children's centers throughout the city.³⁹

The Mongolian government, seeking to expand child participation within the framework of child development and protection efforts, also has engaged in awareness-raising campaigns. For example, with the assistance of the International Labor Organization, the government has conducted a national-level research and training program to raise awareness of child labor and sexual exploitation issues among civil services providers, employers, trade unions, and NGO staff.⁴⁰ The government of Mongolia also committed to providing support for children, listening to children's voices, and respecting their needs through the "Child Friendly District" Program upon implementation of the 2017-2018 Action Plan.⁴¹

Trafficking

According to the 2017 US Department of State's Trafficking in Persons (TIP) Report, Mongolia is a Tier 2 country, which means that the country does not fully meet the minimum standards articulated in the Trafficking Victims Protection Act (TVPA) but is making significant efforts to come into compliance with those standards.⁴² Mongolia is a source and destination country for men, women, and children. Mongolian children are subjected to labor and sex trafficking, predominantly outside of the country.⁴³ Children may be subjected to forced labor in Turkey, Kazakhstan, and Israel and sex trafficking in South Korea, Japan, China, Hong Kong, Malaysia, Germany, Sweden, and the United States.⁴⁴ Girls are often employed as contortionists under contracts signed by their parents and subjected to forced labor. Women and girls may also be subjected to sex trafficking in Mongolian massage parlors, hotels, bars, and karaoke clubs while many Mongolian victims from rural and poor economic areas

³⁶ Police Law of 2017, *supra* note 30, Article 61.1.6 (on file with the International Centre for Missing & Exploited Children).

³⁷ *Urban Poverty in Ulaanbaatar*, Feb. 2017, The World Bank, at <http://pubdocs.worldbank.org/en/459481506972842865/Urban-Poverty-in-Ulaanbaatar-Final-20170810.pdf> (last visited Mar. 28, 2018) (on file with the International Centre for Missing & Exploited Children).

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ The Government of Mongolia, "Plus 5" review of the 2002 Special Session on Children and World Fit for Children Plan of Action Mongolia Report 13-14, 33, 36 (2006), at <http://www.unicef.org/worldfitforchildren/files/mongolia%20wffcp5%20report.pdf> (last visited Mar. 28, 2018) (on file with the International Centre for Missing & Exploited Children).

⁴¹ UNICEF, *Bayanzurkh district is a child friendly district*, Nov. 2017, at https://www.unicef.org/mongolia/2145_27123.html (last visited Mar. 8, 2018).

⁴² US Department of State, 2017 Trafficking in Persons Report – Mongolia 285, at <https://www.state.gov/documents/organization/271339.pdf> (last visited Mar. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

⁴³ *Id.*

⁴⁴ *Id.*

are trafficked for sexual purposes in Ulaanbaatar and border areas.⁴⁵ Child sex tourism in Mongolia is often carried out by Japanese and South Korean tourists. Girls and women may also enter into commercially brokered marriages to Chinese men and forced into domestic servitude or prostitution.⁴⁶

The Law of Mongolia on Human Trafficking provides for the protection of children in Article 13.⁴⁷ In addition, Article 13.1 of the Criminal Code prohibits all forms of human trafficking and criminalizes the sale and purchase of humans. If the act is committed against a child, it is punishable by five to twelve years imprisonment.⁴⁸ Article 16.6 of the Criminal Code criminalizes selling the perpetrator's own children and is punishable by two to eight years imprisonment.⁴⁹ Article 16.8 of the Criminal Code prohibits inducing children into prostitution and is more commonly used to prosecute cases of sex trafficking, though the penalties are less severe. Due to a common misconception that only girls can be sex trafficking victims, prosecutors rarely use these provisions in trafficking cases involving boys and instead apply other provisions with less severe penalties.⁵⁰

In addition to legislative efforts, the government, in cooperation with international organizations, has launched several national programs to combat trafficking, especially sex trafficking of children, and to raise public awareness of trafficking issues. The government adopted implementing regulations for a National Plan of Action on Trafficking and Protection and assistance of victims and witnesses for 2016-2024.⁵¹

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Law of Mongolia on Human Trafficking, Jan. 19, 2012, at <http://www.legalinfo.mn/law/details/554> (last visited Mar. 26, 2018).

⁴⁸ Criminal Code of 2015, Article 13.1 (on file with the International Centre for Missing & Exploited Children).

⁴⁹ Criminal Code of 2015, Article 16.6 (on file with the International Centre for Missing & Exploited Children).

⁵⁰ US Department of State, *supra* note 42.

⁵¹ *Id.*