**Input from ECPAT Mongolia to the report of the Special Rapporteur on violence against women and girls to the Human Rights Council on prostitution and violence against women and girls**

**Key questions**

1. **Provide examples of the hidden forms of prostitution, and explain to what extent they are recognized and dealt with as such?**

Example:

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| Forced prostitution | In 2018, according to police data revealed that 39 unauthorized secretly operating sauna, massage parlors in Ulaanbatar employed 145 women and 6 underage girls to perform organized prostitution on others. (Mapping of the National Mechanism of Providing Assistance to Victims of Trafficking in persons, 2021) |
| Forced prostitution during forced labor | As of 2010, 92 people victims of trafficking in persons in a form of labor exploitation and received support and assistance. (Report on Trafficking in persons in Mongolia, 2010) |
| Forced prostitution under the name of brokered contracted marriage | 47 people became victims of trafficking in persons after getting married through an illegal marriage brokering agency. (Report on Trafficking in persons in Mongolia, 2010)  |

The resolving steps:

Although the activity of combating the crime of trafficking in persons sounds new in our country, it had already accumulated about 20 years of experience.

The Government of Mongolia continuously combating in the field of Trafficking in persons, working at an advanced level from year to year, starting from 2006 sending reports regularly to the report "Trafficking in persons Report", issued annually by the US Department of State and for the last 14 years ranked in the second tier /concerned country /.

In Mongolia in the field of combating trafficking in persons are being implemented the Combating Trafficking in Persons Act (2012), the Witness and Victim- Protection Act (2013), the Criminal Code (2015), the Criminal Procedure Code (2017) and more than 20 regulations , issued following these laws, the National Program to Combat Trafficking in Persons (2017-2021), but there is lack of information on how activities of protecting victims, stated in these laws, are being implemented, the role and participation of the government and civil society organizations in this field, and there are no specific reports on the evaluation of results and the implementation of activities.

*(Mapping of the National Mechanism of Providing Assistance to Victims of Trafficking in persons, 2021)*

1. **Describe the profile of women and girls affected by prostitution in your country, and provide disaggregated data, where possible.**

**In our country no research had been conducted in this field since 2010.**

According to the information of the General Police Department Criminal Police Service 38 cases of trafficking in persons were registered and 131 victims were identified in police in 2018-2020. In the same period, the Gender Equality Center provided assistance to 119 victims and litigated a total of 12 criminal cases in court. In 2020, the Mongolian government, NGOs and International organizations in cooperation repatriated from Malaysia 20 women who were victims of prostitution and sexual exploitation.

As seen from these cases:

**Girls and women involved in prostitution are involved in prostitution in the following 2 environments.**

|  |  |
| --- | --- |
| **In another country, abroad** | * Going abroad and getting engaged in prostitution through a fake advertisements and brokerage about marrying a foreigner,
* Going abroad and getting engaged in prostitution following false advertisements and brokerage claiming to provide high-paying employment,
* Going abroad following false advertisements to attend training courses, participate in art performances and getting engaged in prostitution to pay collateral debt.
 |
|  **In home country** | * In unauthorized secretly operating sauna, massage parlors
* In hotels and campsites in the mining area
* In the cabins of drivers of trucks that carry out mining transportation, on transport roads
* In small hotels and hostels in less controlled suburban environments
* In tourist camps and remote lodges
 |

**Victims in the above situation have the following common needs and requests.**

 -to be assisted in returning home safely,

-underage girls to be provided with special accommodations for 2-3 years until they can live independently, to be provided health and psychological services, to receive vocational training, and to be provided with workplaces after reaching adulthood

- To get compensation for the damage caused by the crime, to recover the damage from the criminal offender

-To be protected until they get back to normal conditions

-To be provided health, psychology and legal services

1. **Describe the profile of those who solicit women in prostitution and whether such relations are regulated, and provide supporting data, where possible.**

 Profile of people who coerce to prostitution:

* People who run sauna, massage parlors and hotels, work there
* Fake agents and individuals who mediate training, employment abroad
* Travel companies and guides
* People who have been prostitutes before
* Drivers and workers working long-term in mining

In this regard, the relationship is regulated by the system below:

|  |  |
| --- | --- |
|  Anti-Trafficking Law, 2012 | -Ministry of Justice and Internal Affairs-Ministry of Foreign Affairs-Ministry of Labor and Social protection-Ministry of Education and Science-Ministry of Health-Local self-governing and administrative organizations |
| Ministry of Justice and Internal Affairs | -Police-Border protection Authority-Immigration Office-Professional inspection agency |
| National Program to Combat Trafficking in persons/2017-2021/ | Sub-Council for the Coordination of crime prevention in Mongolia |
| Coordinating Council for Combating and Preventing Trafficking in persons | -Representatives of each of the above State institutions-Representatives of Non-governmental organizations -Representatives of the International Organization that implements the Mongolia Country Project Program in this field |

1. **What forms of violence are prostituted women and girls subjected to (physical, psychological, sexual, economic, administrative, or other)?**
* Physical
* Emotional
* Sexual
* Economic
* In the family
* From peers
* From employer's
* At workplace
* In online space

 5.  **Who is responsible for the perpetration of violence against women and girls in prostitution?**

The act of organizing or participating in prostitution in Mongolia (the Criminal Code, 2015,the Criminal Procedure Code, 2017, the Combating Trafficking in Persons Act, 2012 ) has been legalized as a crime.

Although it is stipulated that in addition to criminal liability perpetrators should compensate damages, it is stipulated that the damages to be compensated by the guilty party should be determined by a valid decision of the court.

 But:

-there are few cases of compensation for damages due to insufficient evidence, inability to collect, etc.

-for example, for the past nine years, the relevant authorities had not officially identified the male victim.

 -the police continue to prosecute child victims of sexual exploitation for prostitution instead of formally identifying them and mediating to the protection services.

6.  **Describe the linkages, if any, between prostitution and the violation of the human rights of women and girls.**

|  |  |
| --- | --- |
| Forms | Causes of violations of human rights |
| Forced prostitution | Lack of understanding and awarenessProtecting their dignityLack of freedom from violence and harassment, ensuring safetyDiscriminationLack of compensation for damages |
|  Forced labor | PovertyLow wagesUnequal access to public servicesForced or coerced laborEmployment in the informal sectorNo elimination of intolerable forms of child laborLack of calculation of compensation |
| Brokered contracted marriage | Migration,Travel abroad and in countryOnline spaceWomen's worthSocial stereotypesForced marriage and sexual harassment |

**7. What links are there between pornography and/or other forms of sexual exploitation and prostitution?**

|  |  |
| --- | --- |
| Pornography - Sexual exploitation |  Links |
| Advertisements | Believing in advertisements and online advertising due to lack of awareness and morality |
| Seduction | work of former prostitutes, organized crime groups and agents |
| Deception | Easy-to-profit goals through referrals of friends and acquaintances |

**8.** **How is the issue of consent dealt with? Is it possible to speak about meaningful consent for prostituted women and girls?**

Through intermediaries, former prostitutes, friends, or persuasion of close family members to earn a living, they engage in this act by consent. In most cases, it is agreed by them , so it is possible to withdraw the testimony at the court stage.

**9. How effective have legislative frameworks and policies been in preventing and responding to violence against women and girls in prostitution?**

In the "2020 Trafficking in Persons Report", issued annually by the U.S. Department of State Mongolia was rated as a II tier country (failing to meet minimum standards but still striving, not taking concrete actions while the number of victims is increasing and efforts from the previous year are decreasing).

* Weak advertising awareness of the legal framework,
* Insufficient efforts to involve multiple parties,
* Detection is weak,
* A need for regular training of professionals to work with victims,
* I think the government needs to budget and distribute stable funds.

**10. What measures are in place to collect and analyse data at the national level with a view to better understanding the impact that prostitution has on the rights of women and girls?**

Measures at the national level are scarce.

2010 - Report on Trafficking in persons in Mongolia

2021 - Mapping of the National Mechanism of Providing Assistance to Victims of Trafficking in persons

Next steps:

* It is necessary to make regular researches in this field in Mongolia
* It is necessary to issue a National report and provide information to civil society and those in charge

**11.** **What measures are in place to assist and support women and girls who wish to leave prostitution?**

In addition to the law enforcement agencies taking measures against the perpetrators within the framework of the law, mostly NGO's in Mongolia are conducting the follow-up measures for the victims within the framework of the funding from the International organizations.

* Repatriation,
* Separating from dangerous and risky environments,
* Providing temporary shelter for security,
* Helping get out of poverty and have a stable source of livelihood,
* Providing employment and health, psychological rehabilitation services.

**12. What are the obstacles faced by organizations and frontline service providers in their mission to support victims and survivors of prostitution?**

* Sustainable state support,
* Adequate long-term financing.

**13.**  **What are some of the lessons learned about what works and what does not when it comes to stemming any negative human rights consequences from the prostitution of women and girls?**

Effective work - the effective work for women and girls is helping to get out of poverty, to have a source of income, to provide psychological and behavioral change counseling.

Lessons learned – public and NGO workers who provide services to victims do not have integrated understanding and approach, and lack of long-term sustainable funding to provide victims with until they get to normal conditions.

**14. Are frontline organizations and survivors' organisations sufficiently included in policymaking at the national and international level?**

In our country, the coordination and information exchange of organizations working in this field are weak, only short-term and sustainable long-term activities within the project framework are not enough.

**15.** **What recommendations do you have to prevent and end violence associated with the prostitution for women and girls?**

Promotional and advocacy work should be tailored to specific groups and their specific needs e.g. adolescents, parents, teachers, migrants, cross-border travelers, employers, etc.

Specialized regular operations’ centers which provide prevention and counseling are required. Such centers are rare. After working only within the project and for the duration of the project , operations are interrupted by funding difficulties.

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