



ngo group for the crc

## STATE PARTY EXAMINATION OF MONGOLIA'S THIRD AND FOURTH PERIODIC REPORTS

53<sup>RD</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

11 – 29 January 2009

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*Mongolia ratified the Convention on the Rights of the Child (CRC) on 05 January 1990. On 12 and 13 January 2010, the Committee on the Rights of the Child (the Committee) examined the third and fourth periodic reports of Mongolia. It was last examined on 26 May 2005. The State party has no reservations on the Convention.*

### Opening Comments

The delegation of Mongolia was led by Mr. Luvsantseren Orgil, the Ambassador and Permanent Representative of Mongolia. He was supported by a high-level delegation, consisting of the Advisor to the Deputy Prime Minister, the Director of the Administration and Management Department of the Ministry of Health, the Second Secretary of the Permanent Mission of Mongolia to the United Nations in Geneva, the Senior Expert of the Department for Secondary Education, Ministry of Education, Culture, and Science, an Expert from the Department for Coordination of Policy Implementation for the Ministry of Social Welfare and Labour, and an Interpreter. The Deputy Prime Minister was supposed to attend the session, but had to stay in Mongolia “to deal with conditions caused by particularly harsh winter”.

Mr. Orgil began by describing Mongolia’s growth and progress since its transition in 1990 to a democratic system. Mongolia had developed a National Action Plan (NPA) for children and amended its laws on social welfare, education, and criminal procedure, in addition to enacting new laws to address the issues of families, citizens with disabilities, iodine deficiencies, breast milk substitutes, and HIV/AIDS, and to regulate children’s health and education. The delegation of Mongolia acknowledged that it faced major challenges, such as low population density and poverty. Overall, Mongolia had benefited from GDP growth (47-50% of which was budgeted for education, health, and social security) and support from civil society and international organisations. Since the reporting period, Mongolia had made efforts to improve

industry, agriculture, local food, and lifestyle farming, as well as transparency, accountability and efficiency in public service agencies. Although Mongolia had suffered from the economic crisis, it had made efforts to stabilize the macroeconomic environment and restructure conditions for business development. The Mongolian representative concluded by expressing gratitude for the support of the international community and for an ongoing commitment to children's rights.

Ms. Al-Asmar, the country Rapporteur, welcomed the Mongolian delegation and thanked them for their report. She acknowledged that Mongolia had undergone drastic reforms, and emphasised the need for children to benefit fully from these reforms. The Rapporteur asked about the reasons for slow implementation of new legislation. Furthermore, she requested clarification on the specific roles and responsibilities, as well as the monitoring and evaluation mechanisms, of the three State agencies dealing with children's rights. She also asked Mongolia to ensure that the budget and resources allocated for children were being distributed equally throughout the country. Ms. Al-Asmar noted with appreciation that Mongolia had developed a comprehensive data-collection system, but asked for an explanation of what the data would be used for. Finally, she wondered whether the State party had effectively addressed cases of discrimination against children.

## **General Measures of Implementation**

### ***Implementation***

The Committee acknowledged the challenges Mongolia was facing including, among others, the low population density. While acknowledging this, delegation noted that as Mongolia will soon receive increased revenue from mining operations, it would face additional challenges in terms of good governance and oversight to ensure that money earmarked for children was actually spent on them rather than lost in corruption. The delegation mentioned the establishment of an anti-corruption office that was independent and was tasked to oversee the entire government as well as to cooperate with organisations like the IMF and the WTO.

The Committee asked for clarification on the structure and functioning of child rights agencies. The delegation explained that there were three main bodies for children: the National Authority for Children, the National Council for children, and the Deputy Prime Minister's office. The Deputy Prime Minister's office coordinated policy related matters while the National Authority for Children implemented these policies once they were approved by the Parliament. The National Council for Children, which operated under the Prime Minister's office as well as on the local level, served as a forum for government representatives, children, NGOs, and other civil society groups to oversee and advise the other two bodies.

The State party explained that there was also a Commission for Human Rights with three Commissioners, one of whom, although not exclusively, was responsible for children's rights. The State party expressed a wish to expand in the future and designate one Commissioner specifically for children's rights. The Committee expressed concern that children could not lodge complaints without a guardian. The State party replied that children wanted to have volunteer envoys in the courts, and that any Mongolian citizen could make a complaint to any government agency. According to the State party, there had been very few cases brought by children.

The Committee asked for specific examples of how the State party was working with NGOs to implement the Convention. The delegation referred to a civil society organisations council,

which worked with the Mongolian government. The Committee voiced concern that civil society organisations were responsible for programs that should otherwise be the State's responsibility. The delegation replied that civil society organisations were better equipped to provide these services, and that the government would not be able to provide these services alone.

### ***Dissemination and training***

The Committee asked if training on children's rights was compulsory at universities. No specific response was given by the delegation. The Committee requested that Mongolia make an effort to improve public awareness on children's rights. Mongolia did not refer to any specific public information campaign, but did mention the ability to reach most citizens through the television network which was said to be the most accessible media outlet for the majority of population.

### **Definition of the Child**

The Committee asked for a definition of the child in line with Article 1 of the Convention. The State party explained that children were defined as under 18. The delegation affirmed Mongolia's commitment to passing a separate law that would protect children's rights, which would involve a change in the legal status of children and amendments to the civil code.

### **General Principles**

#### ***Non-discrimination***

The Committee asked how the State party was ensuring that there was equity and non – discrimination among rural communities, traditional minorities, and East versus West, particularly in terms of budget allocation. The State party replied that the government had been increasingly investing in Western schools to match the level of investment to the East.

The Committee expressed concern over the reported discrimination against the Kazakh minority who reportedly could not practice their language in public schools. The Mongolian delegation assured the Committee that as far as the State policy was concerned, there was no discrimination in place against Kazakh minority.

#### ***Survival and development***

The Committee asked how, in light of the economic crisis, Mongolia was ensuring that children were getting necessary resources to ensure their rights set up in the CRC are respected. The Committee noted that Mongolia had become more impoverished in recent years, and wondered about transparency to ensure that money from mining reached children. The Committee asked about the reasons for recently dropping so called "child money" programme. The Delegation replied that the government was in the process of restructuring the budget in light of new foreign investment, and that it would resume payments to children. The State party promised that in February 2010, 70.000 Tugrik obtained from advance payments from foreign investors, would be allocated to programmes for promoting children's rights.

#### ***The Opinion of the Child***

The Committee inquired about the role of the media in promoting children's rights and whether or not the media was respectful towards children and recognised them as rights

holders. No specific response was given in this respect.

## **Civil Rights and Freedoms**

### ***Freedom of Expression***

The Committee asked what, in general, the State party was doing to uphold civil rights of children including the right to free speech, right to assembly and participation. The delegation responded that it was working to improve the freedom of speech and participation by including children in government discussions and asking for their opinion in government-sponsored councils. The Committee expressed concern about the delay in the National Child Participation Strategy. The delegation explained that the Strategy was being revised by the new government, but that it would eventually be implemented.

### ***Freedom from abuse and neglect***

The Committee asked if corporal punishment was prohibited by law and if there had been any changes in cultural attitudes towards prohibiting corporal punishment in family, community and school settings. No specific response was given in this respect.

## **Family Environment and Alternative Care**

### ***Separation from parents***

The Committee asked the delegation how it evaluated the impact of residential facilities, including boarding schools, on children, and how it monitored and oversaw these institutions. The delegation replied that the government had put new standards into place and that the Ministry of Labour and Social Welfare were in charge of overseeing these facilities.

### ***Family reunification***

The Committee asked the State party if they were making efforts to seek alternative care solutions for children in state care, such as foster families or family reunification. The State party affirmed that alternative solutions were a priority, particularly because 20% of children in residential care facilities had parents.

### ***Parental responsibilities***

The Committee asked how Mongolia could ensure that women raising children without fathers could ensure that they received all due benefits and alimony. Furthermore, the Committee wondered why only those who reached certain age with certain number of dependants could receive benefits. No specific response was given.

### ***Adoption***

The Committee asked what the procedure and follow-up was for international adoption. The delegation responded that provincial governments decided on adoption cases, and international adoption was overseen by the Ministry of Labour and Social Welfare as well as the Office of Immigration and Naturalisation. The adoptive parents must be interviewed and provide a situation report on the adopted child. The Committee asked if one body had the mandate to oversee adoption, as specified in the Hague Convention. The delegation said no, but that there were no reports of maltreatment. It explained that a follow up visits and reports on adopted children were carried out by their staff in embassies or consulates.

## **Basic health and welfare**

### ***Disabled children***

The Committee asked what the State was doing to integrate children with disabilities into the mainstream and reduce cultural stigma. The delegation explained that disabled people received free health care, but that in rural areas it might be difficult to get specialised health care, and that Mongolia was working on improving its health care system. However, there were new programs on disabled children's participation and support from international organisation, in addition to restructuring buildings and introducing new provisions in employment laws that prohibited discrimination against the disabled.

### ***Health and health services***

The Committee asked the State party to explain the disparity in infant mortality rates between rural and urban areas. The State party explained that the government was trying to expand medical services to rural areas, but that it would take time.

The Committee noted Mongolia's progress in addressing infectious diseases and infant mortality, but asked how it would address new health related problems linked to social determinants such as breastfeeding, water sanitation, and coal used for heating. The delegation replied that the government had been increasing the clean water supply, providing maternity wards in rural areas, and providing identification services for non-communicable diseases. The Committee asked about health awareness and preventative education and if there was any specific awareness raising program on how to prevent sexual assault. The delegation affirmed that, in general, prevention and awareness were priorities. However, it did not speak specifically about measures taken to prevent the sexual assault. The Committee asked about adolescent mental health problems, to which the delegation replied that any person above 15 years of age was entitled to get free medical check ups, so that they could be diagnosed and treated.

The Committee asked about birth registration. The delegation responded that free registration and the payments provided by the State had greatly increased birth registration, and that a census would be carried out soon.

### ***Social security***

The Committee noted that a recent survey showed a high rate of sexual abuse and that children were unaware of the available resources, such as complaints mechanisms, and asked how the State was tackling the problem of sexual abuse. The Committee asked about a possible link between high rates of sexual abuse that were never prosecuted and suicidal tendencies among adolescent, and how the State could protect children in the future. The State replied that it was providing social workers whose job was specifically to protect children from violence and abuse, and that children could file complaints at will. In addition, all cases of rape were referred to doctors.

## **Education, leisure and cultural activities**

### ***Education***

The Committee asked about the potential negative effect of boarding school on children as young as 6, and if there was any oversight to prevent cases of abuses in dormitories. The delegation replied that teachers in boarding schools were given special training to create a

positive environment. The Committee asked if there were incentives and training for teachers in rural areas. The State party replied that there was in-service training for teachers and financial incentives for rural teachers.

The Committee asked Mongolia to ensure that it was maintaining its budget for education, because it appeared to be decreasing. The delegation replied that the budget had not, in fact, decreased. The budget for education was currently at 9% and Mongolia aspired to spend 20% of the State budget on education.

The Committee asked how Mongolia was planning to increase preschool enrolment and prevent the dropout of older boys who were involved in housework. The delegation cited two main reasons for dropping out—the distance and poverty, and explained that in Mongolia, there were huge incentives among families to return to rural farms to earn money. Mongolia would be providing informal education for dropouts. In order to reach these rural communities, the State had extended television access so that they could receive educational programming. Mongolia had adopted a law that had increased preschool enrolment by covering the full cost and creating alternative options for rural areas. For example, in order to serve Mongolia's nomadic population in rural areas, the State had set up mobile schools that provided short-term summer education on subjects of value to children whose education had been interrupted.

## **Special Protection Measures**

### ***Child Labour***

The Committee asked about a legal provisions that allowed children as young as 14 to work 30 hours, and if there were labour inspectors that ensured compliance with the law. Furthermore, the Committee expressed concern about the number of working children aged 5 and 9, and speculated that they might be jockeys or in circuses. The delegation replied that the numbers of children working were so high because their definition of “labour” included household chores. The delegation acknowledged that there were children working abroad in circuses, and wanted to gather more information on them. The Committee asked if the private sector as well as the public sector was regulated. No specific response was given.

### ***Drug abuse***

The Committee raised concerns about adolescent alcohol and tobacco consumption. The State party replied that it was illegal to sell tobacco to underage children, but there was no study on this subject in Mongolia.

### ***Administration of Juvenile Justice***

The Committee asked about detention without warrant in police remand centres, detention of juveniles with adults, harsh sentences for minor crimes, and the lack of social reintegration programmes.

The Committee asked if Mongolia was considering creating special juvenile courts, or at least special judges. The delegation admitted that child rights violations did occur, but said that children could submit complaints. It noted that a separate Juvenile Justice system was not feasible at the moment.

## **Concluding Remarks**

Ms. Al-Asmar thanked the delegation for frank dialogue and, while noting many positive changes, she pointed out several persisting challenges. Most significant were the need to implement existing legislation, clarify the government agencies working with children, allocate a sufficient budget for children's programmes, and strengthen the complaints mechanism and the Commission on Human Rights. She also requested a data collection system that would better explain the situation of children in Mongolia. A comprehensive national strategy must be developed to include the dissemination of information on children's rights and the harmonisation of domestic law with the Convention.

The Mongolian delegate began by thanking the Committee for the dialogue and affirming Mongolia's commitment to human rights. On behalf of the State party, the member of the delegation pledged to work on issues such as foreign adoption, capacity building for child rights workers, and responsible economic growth. He promised to align Mongolia's policies with the Convention on the Rights of the Child.