



ngo group for the crc

STATE PARTY EXAMINATION OF MONGOLIA'S SECOND PERIODIC REPORT

39TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

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Mongolia ratified the Convention on the Rights of the Child (CRC) in 1990. On 26 May 2005, the Committee on the Rights of the Child (the Committee) examined Mongolia's Second Periodic Report.

Opening Comments

The head of the Delegation of Mongolia was Mr. Chultem Ulaan, Vice Prime Minister. Country Rapporteurs to Mongolia were Ms. Lee and Mr. Doek. Mongolia presented its 2nd periodic report to the Committee. The main challenges faced by Mongolia were the transition to a market economy, political instability and economic hardship. It was working consistently with the adoption and ratification of domestic laws in alignment with international treaties and conventions. It used international cooperation to improve the position of the child. It developed a national strategy plan effective until 2010. The main destructive force to the well-being of the child was poverty. Mongolia was working hard to combat poverty with the help of the international community. It was trying to employ the "child first" philosophy to all its legislation. Despite hardships, it was making progress towards full compliance with the CRC. It established a National Human Rights Commission, revised the criminal procedural law, adopted a law against domestic violence, established a national council for children, and held a national summit on children in 2004.

General Measures of Implementation, Definition of the Child, General Status

The budget allocated to children's programs was 65%. 56.6% of the budget went to social expenditures, namely education, health and welfare programs. As 46% of Mongolia's population was under 18, most of the budget was allocated to children. Between 1995 and 2000, the budget on social expenditures was not reduced and the same was reported for 2001- 2005, thanks to economic acceleration and development, as well as governmental policy in respect to social sectors. In 2000, the social expenditure was 21.2% of the GDP and in 2004 it was 25.2%. Structural changes were

happening in the economy including the structure of the budget. Until 2003, the budget was based on input, but Mongolia was transferring to a performance-oriented system to give the government more information. The local government used to provide health and human services, but as it was not an equal system the central government took over the responsibility to provide services. Budget revenues were centralised and reallocated to local governments to create greater equality. In so doing, disparities between urban and rural areas were better addressed. The government had transferred programs to the social sectors, such as the children money program. 2.3% of the GDP targeted families living under the poverty line with 3 or more children. The government was now considering extending this program to families with less than 3 children living under the poverty line. The benefits provided extra support to families and allowed them to have choices on how to spend the money.

The government approved 22 programs related to children and the government had a national children's committee. All programmes were discussed within the committee, which met twice a year. They coordinated all the programmes.

One way to control migration from rural to urban areas was to require registration; otherwise children were not entitled to healthcare or education. However, this was seen as discriminatory by the National Human Rights Commission and was lifted. Housing for rural migrants was difficult to provide. The government provided some land and housing, but it was not enough. There was therefore a need for extra assistance for the migrants who did not have housing. The government was considering a housing program that would support the public sector. The government was running a regional development program to slow down migration.

There was no ombudsman for children because Mongolia had a Commission on Human Rights. The Committee still recommended that Mongolia set up an Ombudsman. The National Association for Children (NAC) was responsible for reflecting policies regarding children. The NAC was responsible for monitoring and allocating resources.

Health and Welfare

The differences between health statistics on birth rates were because 2 different methodologies were used. A new study was conducted on infant mortality. There were 30 deaths per 1000 live births.

Healthcare and education were a problem due to migration from rural to urban areas. To register births, people had to travel long distances. Children under 18 received free healthcare and education.

Acute respiratory infections were increasing due to Mongolia's severe weather. Acute respiratory infections were the main cause of mortality among children and adults. 33% of under-5 deaths were due to such infections. It was difficult for people living in rural areas to obtain health services due to infrastructure and distance.

Since 2001, an adolescent health friendly pilot project was set up. It would be expanded in the near future. Malnutrition remained stable and Mongolia was going to introduce a strategy for child nutrition. There was a national strategy for child nutrition and a component for good community and family practice. There was a high practice of breastfeeding, but not exclusive breastfeeding. Mongolia was in the process of developing a breast milk substitute law.

New legislation included provisions on water and sanitation issues as part of the budget. 60% of vaccinations were still carried out on time, as there were mobile dispensaries. Vaccine cards were distributed to all babies to identify which vaccines children were receiving. There was also a vaccination campaign geared towards vaccinating street and homeless children.

Pre- and post-natal care was provided in maternity centres. This helped reduce both maternal and infant mortality rates.

There was a national program to prohibit minors from drinking. There was a major plan to use the mass media to prevent alcohol abuse. The legal purchasing age was 21 and purchase was illegal after midnight.

Education and Leisure Activities

Health was included in all schools and reproductive health in secondary schools. Minorities were entitled to use their native tongue.

In 2002, a 'disabled children program' for access to education was adopted. Within this framework, Mongolia was trying to take the necessary measures to allow disabled children to study in public schools.

All education expenditures were funded by the state. The Government was carrying out a program to re-instate dropouts and the program contributed towards decreasing the number of dropouts.

The education reform of 2004 led to the creation of teaching standards.

The Ministry of Education, Culture, and Science carried out a national study to take measures to create programs to improve activities relating to children. With the results of the study, they would work to improve and protect children in schools and improve the general educational environment. Nine modules were established for teacher training to create more favourable conditions in schools. It was admitted that Mongolian schools were old and in need of renovation.

Child ages 7 and above were allowed to participate in horse racing. The Committee expressed its discontent that the age had not been increased.

There were not enough places for adolescents to spend their leisure time, but Mongolia was working to expand programs to meet these needs.

Family Environment and Alternative Care

There was a law on the protection of children's rights with an amendment to strengthen parental responsibility. An amendment on parental accountability was being drafted. Support to single parent families was provided by the government. Social workers helped to improve and provided advice and support to families undergoing a divorce procedure. There was a law regulating adoption and Mongolia was party to the Hague Convention. Children could be adopted internationally. It was stated that children adopted internationally were mostly orphans. The government provided allowances to families who adopted orphans and showed no preference to international or domestic adoption, but rather to which was the better family. Foster children were given the option to be returned to their biological families or to be adopted by their foster families.

Children who were not provided with an adequate family were placed in institutions. Standards to be applied to institutions had recently been developed and came into effect. A child could reside in a child-care centre until the age of 18.

The topic of incest and sexual abuse was not a very easy one. Mongolia responded that there were no problems. According to Mongolia, the problem was domestic abuse. A child known to have been abused was to be reported to the police. In cases where the child was at extreme risk, social workers could remove the child from its home. Police were obligated to respond to abuse cases and there was a 24-hour hotline. The person committing the abuse was detained for 7-30 days and adult victims were removed from the situation and placed in special protection centres.

Juvenile Justice

Juvenile justice was a difficult topic to understand. According to criminal law, a child could not be tried as an adult until 18, but the minimum age of detention was 15 years old. The maximum length of time that could be spent at a detention centre was 3 months. For a serious crime committed by a child aged 15 and older, the maximum sentence was 10 years. Juveniles were held separately from

adults at the pre-trial detention centre and they were provided with television and educational programs.

Child Protection and Special Protection

Mongolia was party to ILO Conventions 182 and 138. It implemented an effort to integrate these conventions into law with the aid of the international community. As a result, monitoring mechanisms were established in the informal sector. 70% of working children receive an informal education and Mongolia had a new program with the ILO to abolish the worst forms of child labour. Mongolia recognised that these children needed health services. There was a child labour union and they joined the World Association of Working Children. Children ages 14 and above could work up to 30 hours a week on a contractual basis. They must have the support of their families and the employee must provide proper working conditions. Mongolia did not see how this affected compulsory education because these children could obtain informal education through night schools.

Street children were being returned to their homes. Mongolia did not have a trafficking problem.

Concluding Remarks

The Committee commended Mongolia on their National Human Rights Commission but stressed that there were many areas that still needed to be worked on.