

NGOs SUPPLEMENTARY REPORT
TO THE UN COMMITTEE
ON THE RIGHTS OF THE CHILD
IN ACCORDANCE TO THE FIFTH
PERIODIC REPORT
OF THE GOVERNMENT
OF MONGOLIA

Complied by:

*“Education for All!” National Civil
Society Coalition*

*Association of Parents with Disabled
Children*

*National Network of Child
Participation Organizations*

*National Network to Eliminate the
Worst Forms of Child Labour*

ECPAT Mongolia Network

*Save the Children Japan, Mongolia
Country Program*

World Vision Mongolia

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ACRONYMS AND ABBREVIATIONS

ADB	Asian Development Bank
APDC	Association of Parents with Disabled Children
CMGA	Citizenship and Migration General Authority
CRC	Convention on the Rights of the Child
CSOs	Civil society organizations
ECE	Early childhood education
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
GASR	General Authority for State Registration
GDP	Gross domestic product
GDSWS	General Department for Social Welfare and Services
GoM	Government of Mongolia
GPD	General Police Department
IAAC	Independent Authority Against Corruption
IM	Immigration of Mongolia
IMF	International Monetary Fund
IPTV	Internet Protocol Television
IPS	Institute for Philosophy and Sociology and Rights
IRIM	Independent Research Institute Mongolia
JICA	Japan International Cooperation Agency
LGBT	Lesbian, gay, bisexual and transgender
LLC	Limited Liability Company
LPC	Law on the Protection of the Children's Rights
MCA	Millennium Challenge Account
MECS	Ministry of Education, Culture and Science
MoH	Ministry of Health
Moj	Ministry of Justice
MPDSP	Ministry of Population Development and Social Protection
MSUE	Mongolian State University of Education
MSWL	Ministry of Social Welfare and Labour
NAC	National Authority for Children
NCC	Nation Committee for Children
NGO	Non-governmental organization
NHRC	National Human Rights Commission
NSC	National Security Council
NSO	National Statistics Office
NUM	National University of Mongolia
PHI	Public Health Institute
SC	Save the Children
SOGI	Sexual Orientation and Gender Identity
SPGO	State Prosecutor's General Office
SS	Secondary school
SSC	State Supreme Court
UN	United Nations
UNCRC	United Nations Committee on the Rights of the Child
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
US	United States
WHO	World Health Organization

PREFACE

The Government of Mongolia sent the 5th report on implementation of the UN Convention on the Rights of the Child to the UN Committee on the Rights of the Child in April 2015. In accordance with the Convention on the Rights of the Child, the supplementary report was designed to provide additional information concerning the rights of children in Mongolia and has been facilitated by Save the Children Japan, and funded by Save the Children Japan and World Vision Mongolia. It has been developed jointly by the national NGO networks including "Education for All!" National Civil Society Coalition; the Association of Parents of Disabled Children; the National Network of Child Participation Organizations; National Network to Eliminate the Worst Forms of Child Labour; and End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) Mongolia Network. The above networks include a total of over 50 NGOs.

In order to develop the report, the Child Rights Governance Program of Save the Children and the national NGOs conducted public discussions about implementation of the CRC with participation of 245 people in Khovd, Uvurkhangai, Dundgobi, and Dornod aimags representing 4 regions of Mongolia, and Ulaanbaatar city districts. We also held children's discussions involving 177 children, organized meetings to collect data about cases of violations of children's rights and individual meetings, and consolidated and made conclusions on the collected information. Consulting team for development of the supplementary report gathered information through focus group discussions with member organizations of the NGO networks, and individual interviews with key informants. The surveys and reports written by various organizations during the period between 2009 and 2015 were reviewed and combined with other information to be included in the report. The draft report was discussed by the NGO networks and was improved with comments provided by them.

The UN Committee on the Rights of the Child reviewed the 3rd and 4th reports on implementation of the CRC in Mongolia. NGOs assessed the implementation of the recommendations made to the Government of Mongolia, and elaborated on issues that have been left out of the 5th report on implementation of the CRC, and included in the supplementary report matters concerning children's rights that have emerged during the reporting period, based on available sources.

Establishing a comprehensive child protection system in Mongolia is still a pressing issue. During the interviews and discussions conducted at all levels, it was evident that discrimination, neglect, violence, including domestic violence, whether explicit or hidden, still persist in the lives of children and seriously violate their rights. Thus, we call for the Government to take immediate measures to establish child protection system and provide effective services.

It is reassuring that the Government report has included multi-sectoral data concerning the children's rights. However, it is unfortunate that the report has been consolidated without conclusions on the data sent by the agencies or clear meaningful interpretations of the data. Instead of describing achievements and lessons from the activities implemented during the last 5 years, the report has disaggregated data which does not reveal dynamics in the indicators. In addition, some of the information was not related to the children's rights. The fact that the report used future tense in regard to past implemented actions and mentioned needs for implementation does not serve the purpose of the implementation report for the current period. The NGO networks consider that

the 5th report on CRC has been developed weak compared with the 3rd and 4th reports.¹

We thank all the NGOs, individuals, children, and partners who provided the information and conducted the meetings and interviews effectively to help develop the supplementary report on the implementation of the CRC.

Also, we thank the international organizations Save the Children Japan and World Vision Mongolia that provided the national NGO networks working in the fields of children's rights and child protection with opportunities and support to produce the report.

This report does not express the position of any organization, and is a collaborative work based on discussions and interviews held with individuals, children, and national NGOs working with children, and child participation organizations concerning implementation of the CRC as well as written comments contributed to the report. The team of consultants who prepared the supplementary report expounded on the information gathered through qualitative methods with surveys conducted in Mongolia between 2009 and 2015, reports, official statistics and other sources. Unurtsetseg Tsedev, Agni Baljinyam, Bolor Legjeem were worked as consultants in the report.

This supplementary report was developed by adhering to the structure and order outlined in a guidelines on reporting the implementation of UN CRC.

INTRODUCTION

1. Since the review of the 3rd and 4th reports of Mongolia on the implementation of the CRC there were a number of significant changes that directly and indirectly affected the lives of children in Mongolia. Thousands of people migrated to urban areas after the 2009/2010 dzuds (harsh winters that result in livestock losses) that caused the death of 6.6 million livestock. Many of these migrants settled in suburban Ulaanbaatar and other large cities expanding further the ger (Mongolian traditional housing) districts with lack of social service infrastructure. Dzuds have less direct effects on the lives of urban people, but expanding ger districts are burning more and more raw coal and other polluting materials for heating in winter. Now, Ulaanbaatar is one of the most air polluted cities in the world during the winter seasons. The air pollution causes increased respiratory diseases of children as well as adults.
2. In 2011, Mongolia was officially upgraded from a low income to a lower-middle income country based on assessments by international organizations such as World Bank (WB), International Monetary Fund (IMF) and Asian Development Bank (ADB).² A significant chunk of the GDP growth came from mining, agriculture, retail trade and services. A majority of children who live away from their families and neglected children are members of families whose parents work in the above three sectors. Also, a substantial number of children continue to live away from their parents who migrate internationally for years. Although these international migrants significantly contribute to the household economy by sending remittances, their children lack parental attention and care.
3. Child labour has increased³ and the US State Department's annual list of goods produced with child labour includes Mongolian coal, gold and fluorspar. The presence of sexual exploitation of girls and forced child labour in Mongolia is stated in such documents as the UN World Human Trafficking report⁴, the US Government's Trafficking in Person report⁵, ECPAT's status of Global Monitoring on responses to child sexual exploitation.⁶ The number of violations of child rights may seem low, but considering a small population of the country the ratio of child rights violations versus number of children is actually quite high.
4. The rich poor gap has widened. The economic growth, measured with growth in GDP and per capita GDP, had little impact on the living of ordinary people. Horse racing and related gambling has become a flourishing business for the rich. Although, no exact data on horse racing exists, it is estimated that 60–70 thousand horses race every year at national, regional, provincial and soum naadams and other anniversary events. This means an equal number of child jockeys. The notions to increase the age of child jockeys and to ban winter horse races are being stalled by decision makers – owners of expensive racing horses.⁷
5. Construction of new high rises in Ulaanbaatar is changing its face as a megapolis. But the absence of general planning for urban land and infrastructure development, congested traffic with no parking is eliminating the space for playgrounds for children and for baby carts. Yet, 50 % of children of Mongolia of age 0–16 live in this city.
6. Cases of domestic violence and the recent cruel murders of young children by parents have shocked the society. However, responses are lagging behind and the society is missing effective structures, services and collaboration of responsible parties.
7. There are 3.5 million cell phone users among the 3 million

population in Mongolia. Among Internet social network users 19.6 % are children between 13–17 years of age and 40 % are youth between 18–25. Benefits of Internet cannot be underestimated. However its risks include access to improper information, loss of confidentiality/privacy, violations of child rights in cyber space.⁸ Furthermore, replacement of normal way of communication/socialization negatively affects children's health.

ONE. GENERAL IMPLEMENTATION MEASURES (ARTICLES 4, 42, 44.6)

8. Compliance of Mongolian laws to the international human rights treaties and conventions was ranked by human rights experts at 3.9 in 2011. This marks little but progress compared to the previous score of 3.4 in 2008. The score hasn't changed in 2012. Refer to Table 1 for the NHRC of Mongolia's Evaluation of compliance of national legislation with the additional protocols on Child Trafficking, Prostitution and Pornography, additional protocol on Children in Armed Conflicts, Convention on Transnational Organized Crime's, Protocol to prevent, suppress and punish trafficking of persons, especially women and children, supplementing the United Nations Convention Against Transnational Organized Crime.

TABLE 1. Expert Evaluation of the Conformity of Mongolian laws and regulations to International Human Rights Treaties and Conventions, by Type of Convention⁹

Convention	Average expert evaluation	
	2008	2011
International Covenant on Economic, Social and Cultural Rights	3.0	4.4
International Covenant on Civil and Political Rights 3.7 4.4	3.7	4.4
Convention for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	3.2	2.8
Declaration on the Elimination of All Forms of Racial Discrimination	4.0	4.4
Declaration of the Rights of the Child	3.0	3.3
Convention on the Rights of the Child on Involvement of Children in Armed Conflict	–	4.1
Protocol to Prevent, Suppress and Punish Trafficking of Persons, especially Women and Children	–	2.9
Protocol to prevent, suppress and punish trafficking of persons, especially women and children, supplementing the United Nations Convention Against Transnational Organized Crime	–	4.2
Declaration on the Elimination of All Forms of Discrimination against Women	3.9	4.3
Convention on Human Rights for People with Disabilities		4.2
Expert evaluation of conformity of Mongolian laws and regulations to international human rights treaties and conventions	3.4	3.9

Source: National Human Rights Commission of Mongolia, 2008; MoJ, NSC, 2011

9. Refer to Table 2 for Evaluation of the implementation of the UN CRC Concluding Observations to the Government of Mongolia following the review of the 3rd and 4th reports of the Mongolian Government on CRC implementation. The evaluation is conducted by the Mongolia ECPAT Network and the National

Network Against Child Labour, based on the available information and data, the criteria for legal and policy framework, planning for enforcement and outcomes of response measures.

TABLE 2. Evaluation of the CRC recommendation implementation (2009–2014) by ECPAT Mongolia Network and National Network to Eliminate The Worst Forms of Child Labour (2015)

Recommendations given by CRC Committee by type of issue	EVALUATION			
	Legal and policy frameworks toward recommendations	Reflected in the programs and plans	Results from implementation	Average evaluation
Non discrimination	4	2	3	3.0
Best interest of children	4	2	2	2.6
Child survival, health and rights to development	3	2	2	2.3
Respect views of children	2	2	2	2.0
Birth registration	4	3	3	3.3
Access to appropriate information	4	2	2	2.6
Corporal punishment	2	2	2	2.0
Family environment	1	1	1	1.0
Children deprived from home	1	1	1	1.0
Adoption	3	2	2	2.3
Violence, abuse, neglect	1	1	1	1.0
Children with disability	3	2	1	2.0
Health and health services	4	4	4	4.0
Adolescents health	3	2	2	2.3
Mental health	4	3	2	3.0
Life condition	3	2	1	2.0
Special education, services	4	3	3	3.3
Free time, Leisure, Entertainment	2	2	1	1.6
Asylum-seeking and refugee children	2	2	2	2.0
Child labour; economic exploitation	3	2	1	2.0
Unsupervised children	2	2	2	2.0

Sexual exploitation	1.5	1.5	1.5	1.5
Helpline	1	1	1	1.0
Children in contact with law	3	3	3	3.0
Protection of victim and witness	3	2	1	2.0
OVERALL	2.7	2.1	1.9	2.20

Note: 0–don't know, 1–very poor (up to 20%), 2–poor (40%), 3–average (60%), 4–good (80%), 5–very good (above 90%)

10. The NGOs evaluation gave a score 2.20 on the scale from 0–5, i.e., "insufficient". The evaluation mentions about insufficient coordination of policies and actions on child protection rights, lack of understanding among decision makers of the child welfare policies on pensions, benefits, welfare services which are often confused with the child protection policies.¹⁰ The priority directions of the Action Plan of MPDSP include "development and implementation of a set of policies targeting the improvement of quality of life of Mongolian people and creating favorable social environment for population development; improvement of the social protection of the population through enhancing quality and effectiveness of social security and social welfare services, that is based on needs of population groups, and in consideration of economic and social changes as well as long-term population age structure"¹¹, which indicates that the main focus is given to activities on social welfare and social protection services.

11. There are no systems for care of street children other than placing them in child care centers. The recommendations in the report refer to many studies calling for proper and immediate services for child victims of all forms of violence, neglect and sexual exploitation. Because violence and exploitation are conducted in clandestine manner and hard to reveal, there's a need for comprehensive system that also counts the child vulnerabilities in identification, service provision, identifying perpetrator(s), imposing penalty and monitoring. And the absence of such system aggravates the situation.

12. Another reason for low score in the evaluation of the implementation of CRC is the uncertainty about an agency that coordinates the implementation of the recommendations. Child health is under the Ministry of Health, child education and development – under the Ministry of Education, Culture and Science, social protection and welfare of children – under the Ministry of Population Development and Social Protection, crime and breaches – under Ministry of Justice and Home Affairs. Each of these agencies act separately from each other and none of the above Ministries appear to be in charge of the overall child protection policy and its coordination. Child protection should be mainstreamed in all sectors: health, education, social protection, and child rights and have planned human and financial resources with respective mechanisms of monitoring and evaluation. These aspects are still not addressed.¹²

Cooperation

13. There are no agency(ies) that collect/provide general information, data on financial or human resources allocated or reports that could be used for assessment of progress in facilitation of cooperation, coordination of child rights enforcement agencies and ministries and national NGOs.

14. Mongolia adopted Law on Glass Account in 2014 and per the provisions of this law government organizations are obliged to post on their websites in open and transparent manner any data, information, reports on public and other financial

resources, plans and expenditures (that are not included in lists of state confidentiality). This law entered into force on January 1, 2015¹³, hence there's no possibility to obtain full information on collaboration and cooperation of NGOs with state agencies. It's a hope that from the end of 2015 all activities and public financial allocations for child welfare and protection will be readily available for the public. However, a baseline assessment of Mongolia's social protection¹⁴ and assessment of related expenditures is made available in the joint UNDP and Government of Mongolia's discussions, and this report illustrates a general picture of child education, health and social protection in Mongolia.

15. The Government remains minimally interested in cooperation with CSOs. The Ministry of Population Development and Social Protection is transferring its child protection budget to the National Authority for Children, but the Ministry still administers the allocated budget for child protection activities spending it mostly on one time show events. The reports on activities are not publicized. Majority of children's NGOs in Mongolia work on child protection. Occasionally, the Government initiates cooperation with NGOs, but these activities mostly are short term and take place only when there is an unspent balance by end of a year. Transfer of funds takes long time, transferred in partial amounts, reduced based on reasonable and unreasonable excuses (e.g., awards/remunerations, office space rent/maintenance), are overly driven by the minimal cost for contract amounts, etc. All this appears to show that cooperation with NGOs is just an item for a check off rather than a meaningful work.¹⁵

16. With the shift to middle income status many donor organizations experienced cuts in their program budgets while some closed their operation in the country altogether. National NGOs regret that some international organizations that work on children's issues select areas for project implementation and are becoming project implementing agencies themselves.¹⁶ On the other hand, the lack of human resource stability in government agencies hinders cooperation of donor organizations.

Recommendations

- To improve cooperation and coordination of government, non-government and international organizations that work on child protection
- To plan allocation of a portion of the sector budget to contract out some activities to civil society organizations
- To establish participation of civil society organizations, citizens and children in state budget planning and activities

Child Protection System

17. We commend the Mongolian Government for the 2011 adoption of a National Strategy on Child Protection for 2012–2015.¹⁷ The Strategy will have a significant impact if it is implemented with a comprehensive child protection system and due public budget allocations. However, effective and sustainable approach of collaboration among the policy making central government agencies, implementing agencies and the National Council for Children is yet to be developed and implemented. It's almost impossible for the National Council, 80% of members of which are officials in other major state administration agencies, to fulfill the role of counseling the Government on implementation of the child protection legislation, to coordinate activities under the National Program on Child Protection and to monitor its progress.¹⁸ The composition of the National Council for Children was approved in 2012 and is composed of 34 members and 6 supporting members.¹⁹ There are 4 national NGOs and one civil society network, thus composing 17% of the membership. The fact that over 70% of the composition of the Council is representatives of the central Government is good in terms of ensuring inter-sectoral coordination. However, because of the lack of commitment, its meetings are irregular, members are not necessarily knowledgeable in children's issues, thus is resulted in reduced effectiveness of the Council. The Council met once in 2013, once in 2014 and one more time in 2015.
18. Child Protection Council was formed in July 2013 consisting of representatives of about ten Ministries, international and national civil society organizations with a mandate of providing information, consultation and integrated coordination of inter-sectoral child protection specialists. It exists in name only and there are no concrete actions or activities carried out yet. There's no terms of reference for the Council and we found that members in the Council lack comprehensive understanding of their roles and responsibilities.²⁰ In addition to the above Council, there is also a Sub-Council on Prevention of Juvenile Delinquency under MoJ, a Committee on implementation of the national program on elimination of worst forms of child labour at the Ministry of Labour, Children's Councils at local level at province, soum/district and city levels and Justice for Children Committees at the local representative Khurals. "There are units for inter sectoral coordination on specific issues on national and local levels. However, their work is uncoordinated horizontally or vertically. There is no organization that ensures coordination among them. On a positive note, there are multi-sectoral teams on child protection on local levels which attempt some service provision by various sector specialists".²¹
19. NGOs have relatively better capacities. However, their activities are more and more constrained by financial challenges, and currently many are existing on the verge of extinction. Because of the lack of sustainable financial resources for NGOs they tend to operate only on short term projects contracted out by international and foreign organizations. But grants and assistance from international organizations are shrinking, especially after the 2011–2012 extensive economic growth. This is negatively affecting the activities of NGOs in the country.²² It is praiseworthy that profitable companies implement social responsibility programs and offer scholarships to students, renovate schools and classes, buy equipment, pay medical expenses. However, no progress is observed in partnership with specialized NGOs that can implement activities with long term results. The economic downturn, started in 2013, and it rapidly decelerated the real growth rate of economy of Mongolia.

Foreign investment has continually been declining, business environment has been shrinking and the total investment in the economy has been rapidly decreasing.²³ This economic downturn will have detrimental effect on child protection and well-being, thus, Government has to take decisive measures.

Recommendations

- To create an integrated information database network on child protection
- To create a uniform management of information on child protection agencies, their programs and projects

Law on protection of child rights

20. The NGOs appreciate that in 2011 UNICEF conducted an assessment of implementation of the Law on protection of child rights in collaboration with the Law school of the NUM. The Law on protection of child rights provided the Government with four types of "general" policy and coordination power. There are no specific provisions concerning how to exercise this power, particularly, which ministry or agency would perform what functions or coordination.²⁴ The law did not mention about protection system. The law on protection of child rights was revised and the Law on Child protection was newly drafted and these bills are in the process of the Parliament debate. It is a progress that these proposed laws, supporting presentation and information have been posted on www.parliament.mn website. MPDSP is organizing a "green card"²⁵ campaign to collect feedback and comments on these laws from citizens. Upon review of the draft Child protection law, it has been found that there were many provisions of symbolic nature similar to the Law on protection of child rights, which need to be revisited. It is hoped that this law would be further streamlined as it is very general with much duplicated content, fails to specify what liability and punishment would be imposed on the perpetrator in case children's rights are violated. It has failed to mention about reporting children's rights violations and integrated institutions or system to take immediate measures accordingly.

National program on improvement of child development and protection

21. Deputy Prime Minister approved an order regarding assessment of results of implementation of the third phase of the National program on improvement of child development and protection (2002–2010), development and piloting of database in 2010.²⁶ The NGOs do not have information about how the implementation of establishing a unified database, assigned to aimag and the capital city governors by this order, was implemented. It is encouraging to note that the Strategy to strengthen child protection was began to be implemented after the assessment commissioned by this order. The strategy has a basic aim of developing a system to prevent and protect against neglect, violence, and exploitation of each child.²⁷ However, as the strategy is not an action plan but a policy paper, the NGOs find it confusing. The National Council resolutions are not considered as laws enforced nationwide in Mongolia. Therefore, Mongolia does not have an integrated program on children's rights, their development and protection currently.

Resolution of child protection issues

22. National Authority for Children (NAC), an implementing agency under MPDSP, is in charge of children's issues overall. NAC works to provide recommendations and guidance on development of state policies and programs on children's issues, conducts

monitoring of the implementation of CRC, and support and undertakes activities to promote children's participation. NAC oversees the overall management of child care institutions and Children and Family Development Departments in provinces. However, the capacity of the NAC is curtailed by the lack of any significant budget allocation to the NAC beyond what is required for the operational costs of child centres, child and family development departments, staffing within the MPDSP.²⁸

23. The supplementary report-writing team of consultants has studied over 150 surveys²⁹ conducted by various organizations in the areas of children's rights, protection and social welfare. It is unclear which organization consolidates recommendations, comments and conclusions made in these surveys and how it is used in policies and actions..

TWO. DEFINITION OF THE CHILD (ARTICLE 1)

24. Information about providing for the definitions of the child in national laws was presented in the 1–15 pages of Part Three of the 2nd state party report of Mongolia and the pages 61–66 of the 3rd and 4th reports. Some issues concerning the definitions of the child excluded in the previous reports of the Government of Mongolia are explained. One positive thing that took place during the report period is adoption and enforcement of the Law on Tobacco control. Smoking in public places has been restricted pursuant to this law and it is stated that tobacco won't be sold within 500 m from schools and dormitories and it is prohibited to sell tobacco to people under 21 years old or to force them to sell tobacco.³⁰ About 10 % of secondary school students smoke and this number decreased by 0.7 % since 2010.³¹
25. The parents, decision makers and enforcers are not being able to make sufficient changes in matters of listening to voices of children or making decisions that concern them. The fact that there is no regulation regarding listening to children's voices

and traditional mindset that says that children must listen to adults, obey them and do as they say still persist. Particularly, this mentality persists in rural areas.

26. The maternity and pregnancy leave shall be granted to a woman who gave birth to a premature baby having been pregnant for no less than 196 days or whose pregnancy was terminated at hospital or who had an abortion or to a woman who has gave birth to a healthy baby although her pregnancy did not last for 196 days.³² Each child carried for more than 196 days shall be deemed a child according to the law.

- | | |
|--|----|
| • Age of enrollment in secondary schools ³³ | 6 |
| • Age to obtain secondary education ³⁴ | 16 |
| • Age to obtain full capacity in civil matters ³⁵ | 18 |
| • Voting age ³⁶ | 18 |
| • Age of conscription ³⁷ | 18 |
| • Age of consent ³⁸ | 18 |

THREE. GENERAL PRINCIPLES (ARTICLES 2, 3, 6, 12)

27. The Constitution of Mongolia states the following. "All persons lawfully residing within Mongolia are equal before the law and the court. No person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and position, religion, opinion and education. Everyone shall be a person before the law. No one shall be searched, arrested, detained, persecuted or restricted of liberty except in accordance with procedures and grounds determined by law. No person shall be subjected to torture, inhumane, cruel or degrading treatment". No facts about reinstating one's rights according to the clauses of the Constitution have been found at the time of writing the report. It does not mean that there are no violations. It was mentioned that children are discriminated by their peers all the time based on economic status, whether they come from the city or rural areas, academic performance, behavior traits, body shapes, and appearance. Also, cases when teachers discriminated students, based on their parents' economic status and possibility of a feedback from parents if they violated children's rights, were frequently mentioned during many discussions held for the purpose of data collection for this report. The National Human Rights Commission of Mongolia receives 5–6 complaints on violation of child rights every year and there are cases when children file complaints.
28. Laws have regulations on "forced labour for 100 to 200 hours, fines equal to 5 to 50-fold increase in the minimum wage, or imprisonment for 1 to 3 months if a perpetrator used force on

a minor or threatened to use force, coaxed him or her through fraudulent or other means to commit crimes"³⁹, "forced labour for 251 to 500 hours or imprisonment for up to 5 years, if the crime was committed by parents, guardians, caretakers or educators legally obligated to raise minors".⁴⁰ These legal framework that could bring tangible results if enforced.

29. The Criminal Code of Mongolia states, "abuse of the guardian's duties by parents, custodians or guardians for lucrative purposes or leaving the person under guardianship without supervision or necessary help shall be punishable by a fine equal to 5 to 50-fold amounts of minimum salary or by incarceration for a term of 1 to 3 months".⁴¹ And, "Entailing a less severe or severe bodily injury to the victim by neglecting the duty of custody of a child under the school age by a person charged with such official duties, provided such neglect does not constitute a crime of malfeasance, shall be punishable by a fine equal to 51 to 150-fold amounts of minimum salary with or without the deprivation of the right to hold a specified position or to engage in a specified business for up to 2 years or by incarceration for a term of more than 3 to 6 months".⁴² Last year, law enforcement agencies began to investigate the case of a teacher hitting a primary school student in early childhood education institution, based on a video camera recording, however, the case is still pending.

FOUR. CIVIL RIGHTS AND FREEDOMS (ARTICLES 7, 8, 12, 13, 14, 15, 16, 17, 19, 37(A))

Birth registration

30. In 2014, 82,839 newborns⁴³ were recorded in Mongolia. This number of newborns, confirmed by the National Statistical Office, is the number of newborns recorded in hospitals, neonatal deaths are not included in these statistics. Whilst registration of birth should take place within 15 to 30 days depending on the distance,⁴⁴ and according to the General Authority for State Registration, 72,002 children⁴⁵ were registered after birth, as of 30 November 2014. The two agencies have varying recording methods and it might therefore not be deemed adequate to believe in such difference from these figures. However, discrepancy in data of these two agencies raises the question of birth registration of more than 10,000 children. Therefore, it is uncertain how birth registration records are documented.
31. During the discussions of the focus groups as well as community consultations within the report writing period, participants were talking about the children, who have no birth registration certificates due to various reasons. On the one hand, the reason can be explained by the intense internal migration of the population. In 2010 every second person⁴⁶, who lived in Ulaanbaatar was an internal immigrant, and the population flow to Ulaanbaatar has doubled⁴⁷ in 2010–2015. Apart from the population influx in Ulaanbaatar, the internal migration to mining areas has increased significantly in recent years. In 2013, half of the population or 60,000 people of Umnugobi aimag, where the biggest mining companies e.g., Turquoise Hill LLC, Erdenes-Tavantolgoi LLC, and Energy Resources LLC are operating, was unregistered.⁴⁸ These migrants do not register at places they have moved to, nor register, as temporary residents. Therefore, they are encountering problems, related to child registrations. On the other hand, the workload of the registration and other governmental organizations in Ulaanbaatar and in the areas with intense migration flow is very high. Moreover, there aren't sufficient budget and human resources allocated to these offices. Subsequently, the situation yet again contributes to the service provisions and promotions, as reflected in the study.⁴⁹
32. Currently, there have been no particular studies conducted on the implementation of the right of a child to be registered after birth and no NGOs working on this issue. Hence, it is possible that this subject has been left behind until now.
33. In Mongolia, a child is given a name and his/her father's or mother's name at birth. The matter of a name change of under aged child is recorded in consent of his/her legally authorized representative.⁵⁰ In 2014, 3,650 records of name and father's/mother's name changes were registered by the General Authority of State Registration.⁵¹ During the consultations with the communities, participants shared their incidents related to naming and name change. One of the common problems of ethnic minority children was spelling errors in their birth certificates.⁵² Furthermore, one woman shared her experience whereby, a registration officer refused to accept the name of her grandchild, by insisting that the 'the name is too long, shorten it'.⁵³ In addition, there have been instances of assigning names such as Oldokh or Oldmol, which means "lost children are found", to those children whose names are unknown; and instead of their father's name, staff of orphanage centre name them after either of the orphanage centre or orphanage centre's director. Thus, occurrence of such

incidents demonstrates that members of staff of registration offices as well as orphanage centres lack knowledge of a child's rights resulting in violation of the UN CRC.

Recommendations

- To link the data systems of the NSO and GASR and develop advanced method of recording
- To create cooperation mechanisms among soum, village and khoroo registration offices of the GASR and NGOs
- To optimize rules and procedures for temporary residents' registration in the areas of high internal migration

Child's right to a nationality

34. A very important step forward was made in April 2014, when the Border Control Department of the General Authority for Border Protection was joined with the Mongolia Immigration Agency and established new organization, the Citizenship and Migration General Authority of Mongolia. The CMGA has registered occasions of 4 in 2014 and six in 2015 adoptions of children with Mongolian citizenship.⁵⁴ A year before joining together or in 2013 activity report, the Immigration Agency had pending requests of 10 children⁵⁵, which indicates the need for further legal improvements. Whilst in 2014 activity report of the CMGA, number of children, who had no citizenship has not been segregated.⁵⁶
35. As a result of the revisions made in the Law on Citizenship (1995) in 2013, some clarifications were made with regards to the criteria of Mongolian citizenship requirements and several changes were made in procedural arrangements.⁵⁷ Although, these amendments improved the access to services to some extent, as of September, 2013, 292 people in Mongolia had no citizenship.⁵⁸ Hence, it shows that the citizenship obtainment in Mongolia remains to be one of the challenging issues.

Recommendation

- Separate children's data in activity report of CMGA, resolve the pending request of children to obtain Mongolian citizenship

Child's right to participate and express his/her views freely

36. In Mongolia a child's right to express his/her own views freely is stated in the Law on Protection of Child Rights (1996)⁵⁹ and although, Child and Youth Participation Strategy has been approved by the government, its implementation has not been feasible until now due to lack of funding. One of the major problems of implementation of child participation is the political appointment of government officials, who are in charge of children's issues. Consequently, new staff are not able to accumulate knowledge and skills to work with children and institutional memory of those offices has faded. Although NGOs working on child participation are gaining multilateral, good practices, child related government organizations due to shortage of common understanding about child participation, children's voices are still not included in decisions taken by the Government. For instance, the State has subsidized bus transportation fee for students, while school children pay 200 MNT.

37. The Article 12, of the UN CRC states that the States shall assure

the right to express views freely 'to a child who is capable of forming his or her own views', at the same time the Committee emphasizes that there is no age limit on child's right to express her/his views.⁶⁰

38. However, in Mongolia due to traditional ways of upbringing, a child do not possess the confidence 'to express their views freely' from young age in family surroundings. Attitudes that undermine child's expression of his/her views and participation still strongly prevail in family atmosphere, e.g., 'a child should not interrupt elder's conversation', 'child should respect adults', 'children should follow the words of grownups', 'child's love to their parents is expressed in the form of constant gratitude and obedience'.⁶² Besides, because LGBT identity is generally not acceptable in Mongolian families, and children often hide their sexual orientation and/or gender identity and then they are too frightened to express their views. Moreover, it is also worth pointing out that parents and other family members are not familiar with the methods of building a child's self-esteem, encouraging his/her participation, and expressing their views in accurate ways.
39. At school age, children usually participate in activities organized by child-led organizations, such as meetings of the class leaders, discussions, celebrations of specific days and many others. These activities involve only few, the most active and advantaged children and the majority of school kids are left behind. In addition, child participation is not included in rules, procedures, structures, work plans and monitoring activities of the schools, whilst the school budget is not sufficient to promote such participation in activities.⁶³ Furthermore, most of the school teachers and social workers have very limited knowledge of child participation and are not skilled in participatory methods and techniques.⁶⁴ Hence, schools require more effort to create an environment for development of child's capacity to participate and express his/her views freely.
40. At the khoroo level, child participation is limited to sport or cultural endeavors that take place during the 1st of June, the Child's Rights Protection Day and knowledge of khoroo staff about child participation is fairly inadequate.⁶⁵ Municipality's planning documents do not ensure child participation and, for instance, only 5% of the budget was allocated to child participation efforts⁶⁶ in 2013. Those are ad hoc one off activities, when National Child Council and its municipal and aimag branches invite one or two kids to the meetings, conferences and other cultural occasions. Those meetings do not introduce their agendas to the children and do not ensure child participation in their decision making processes. From earlier conducted studies and consultations we have carried out, it is apparent that child participation at the decision making level has still not been ensured.
41. Due to the inherent negative attitude of the society, bullying and discrimination of LGBT students and children of LGBT people by both, peers and educators, is widespread.⁶⁷ Under such circumstances LGBT children are not able to express themselves at all. Consequently, those children are psychologically detached and isolated from other students, which can in turn lead to depression and suicidal thoughts.⁶⁸
42. Furthermore, disabled children's views are not taken into account and not heard whilst decisions are taken on their behalf. For example, whilst a child has a right to choose the school he/she wishes to attend, in the article 7.5 of the Social Security Law for People with Disabilities (2005) it states

that children, who should be involved in special needs education shall be defined by the commission.⁶⁹

To conclude with, due to the shortage of special measures taken so far, freedom of expression in all matters affecting a child and respect for child's views, are not implemented in a proper way.

Recommendations

- Implement Child and Youth Participation Strategy by budget allocation to local development funds, municipal and district activities
- Improve advocacy on child participation
- Educate officials in participatory methods and techniques
- Improve opportunities for freedom of expression of disabled children
- Improve public awareness on sexual orientation and gender minority
- Create mechanisms of child participation at all levels of governance

Freedom of religion

43. In Mongolia, 336 temples and churches were registered in 2014, comprised of 141 Buddhist temples, 164 Christian churches and 25 Muslim religious institutions were operational.⁷⁰ In recent years shamanism is becoming relatively popular and adolescents' involvement in shamanistic rituals is growing.
44. The Law on Education (2002)⁷¹ and Secondary schools and kindergartens Teachers' Code of Ethics (2007)⁷² stipulate that a child has equal opportunity to education without discrimination based on religion. In addition, the law legalized the duty of religious schools to ensure basic education, according to the educational regulations of the government. Besides, the law states that part of the budget shall be allocated to religious schools along with the human resources and monitored by the state.⁷³ Furthermore, Law on Education (2002) regulates the educational relations of religious schools.⁷⁴ Despite the numerous law provisions, the quality of the basic education is insufficient in religious schools.
45. While, some of the studies' found out that the implementation of the right to religion is 'very good'⁷⁵, children, who study in religious schools often suffer from harassment, bullying, and even get beaten by the peers, monks and faith followers. There are some children not involved in secondary education programs. The violation of child's rights, such as dormitories not meeting basic requirements have been exposed during studies. For instance, some children were condemned to living in basements, some in same rooms with adult monks.⁷⁶ Moreover, there are known occasions, when 7–10 children cohabited in a 12 m² room.⁷⁷ Monk-teachers are not aware of positive discipline attitudes and methods. In addition, those institutions do not have rules and regulations in place that prevent violence against children.⁷⁸
46. Although the number of children living in religious institutions is comparatively small, the NGOs are concerned about those lagging behind from secular schooling and unable to acquire knowledge and skills essential to integrating into social life. Unfortunately, the attention that is ought to be paid to children living in religious institutions is frequently undermined by related organizations. Religious education is prioritized and, therefore prevails at such organizations, dominating over other crucial subjects. As a consequence, the overall knowledge gained in remaining fields rarely meets modern criteria, hence undermining children's ability to adapt and succeed in the demanding contemporary

life. Furthermore, there are known cases of children's rights violations, subsequently requiring state's urgent attention to be paid to such matters.

Recommendations

- The Ministry of Education, Culture and Science needs to take special measures to implement legal provisions of the law in religious schools to protect children's rights, while respecting the autonomy of schools
- Provide legal framework information and knowledge for religious school managers and monitor implementation of child rights regularly

Freedom of Association

47. Although, a child's freedom of associations ensured by the Law of Child's Rights⁷⁹ (1996), from the consultations and studies carried out by various organizations, it is observed that children in Mongolia are not even aware of such right. Schools have no facilities enabling children to gather together and organize different activities, for example, sport halls are predominantly rented out to outsiders. The right for freedom for LGBT children is breached as well, as stated by the participant of the focus group discussion. Nonetheless, the National Network of Child Participation NGO organizes demonstrations and sit-down strikes on the main square, i.e. 1000 children Anti-Tobacco demonstration, 'I Love Book' sit-down strike and many others. In order to organize those activities, it is required to obtain official permissions from governmental organizations, police and traffic police. The NGOs are concerned about restrictions of the right of a child for association, because of the police and other legal entities.⁸⁰

Recommendations

- Improve public awareness of freedom of association and peaceful assembly of children, create such environment, where children can exercise this right
- Whilst, by doing so, it is vital to remind that these rights shall be exercised in conformity with the law, which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others

Right to Privacy

48. Numerous cases occur involving breach of child's right to privacy. Disclosure of privacy by parents, teachers, school social workers cause depression, assault, discrimination among children that later result in depression, dropping out of school and a need for school change. Moreover, there are two recorded incidents of suicide which have arguably resulted from privacy breach by school teachers and dormitory staff.⁸¹ Whilst working in Dundgobi aimag, we have been made aware of a recent case of suicide of a pregnant girl. It is apparent that most of the time, the disclosure of a child's private personal circumstances occur during teachers' meetings among other problems and hence, teachers of other classes become aware of such information and spread it further. Although a right to privacy of a child is protected by the provision of the Law on the Protection of Child Rights (1996) and the Law on Education (2002): firstly, there are no administrative measures taken when such violations occur; secondly, the NGOs believe that legal provisions of monetary fines imposed on teachers and officials by the law are inadequately low.⁸² Furthermore, school doctors do not protect pupils' privacy related to their health

conditions. The disclosure of health related information is spread through conversations carried on between medical personnel next to patients and then, it is shared among teachers, social workers and others. In addition, children living in dormitories are not keen to share their problems with dormitory teachers and other personnel, as they are scared that situations might worsen, as teachers and others do not respect their privacy.⁸³ At the same time, due to lack of knowledge of legal provisions, parents do not complain and the only way parents solve such issues is by changing the school which their child attends.

Recommendations

- Conduct case study analysis regarding children's privacy protection
- Improve rules and procedures, generate mechanisms to implement legal provisions related to a child's right to privacy
- Take special measures in cases of violations of right to privacy and arrange regular advocacy activities based on those instances
- Increase knowledge of children and parents on child privacy issues

Access to Information from Mass Media

49. The NGOs are concerned with the lack of legal provisions related to the important functions performed by the mass media as well as child's access to information and material from diverse national and international sources, especially those aimed at the promotion of his/her social, spiritual and moral well-being, and physical and mental health.

50. TV Programs devoted for Children. The rapid development of information technology impacts people's access to information. According to the study, 80% of research participants watch TV every day⁸⁴, whilst more than 70% of children aged 3–18 watch TV programs dedicated to adults, together with their parents.⁸⁵ It affects a child's development, verbal communication and thinking, as well as increases the influence of foreign culture. TV programs devoted to specifics of child psychology are scarce.^{86,87} Moreover, programs that have negative effects on child's development, thinking and moral well-being rank the highest.⁸⁸ The length of children TV programs is very short and the majority of those programs comprise of cartoons and regular programs devoted to children aged 6–8.⁸⁹ Whilst the number of programs for older children has been lessened⁹⁰, vast majority are entertainment programs which do not convey cognitive or educational impact. It is appreciated that some television channels indicate age marks during movies and series recently. However, with introduction of IPTV providers children are still able to watch movies with adult content by using catch-up service.

51. Books for Children. Ninety percent of children books are for pre-school and primary class kids.⁹¹ Books for teenagers are mostly translated from foreign languages, and therefore are frequently unaffordable to many. In addition, teenagers access more information from internet rather than from books, and therefore, are tend to be affected by information that are not proven. No libraries and no distribution systems exist for dissemination of newly published books to countryside and there are no established book stores in those remote areas. The fact that no information or study can be found on accessibility of books and television programs devoted for ethnic minority children draws our attention.

52. Internet Use. Internet and social media are becoming increasingly popular among children and it's becoming the main source of information, compared to TV and publications for children. Although not many websites exist in Mongolia, those internet

pages with wide accesses have negative impact on children. The negative impacts include the following: (1) children of any age can access websites that violate provisions of the Law against Pornography (1998); (2) websites that publicize yellow news do not consider children's education and social responsibility aspects. A majority of topics are rumours, crimes, and reportings about use of alcohol, tobacco, drugs and other abnormalities; (3) Children open accounts in social media with their personal information and this threatens their safety and security.⁹² Children experience bullying, pressure, sexual abuse, stalking and other misconduct in cyber environment. Currently the laws and regulations⁹³ are not implemented because parents and educators do not inform children about the risks and threats they might endure on internet and no instructions are given to monitor the content.

53. Child's artistic and aesthetical formation. Artistic and aesthetical education play pivotal role in child's development, especially in his/her social, spiritual and moral well-being. However, the study findings show fairly small number of new drama, opera, and ballet and circus programs that dedicated to child development.⁹⁴ Moreover, there is very limited number of museums, educational programs on visual and performing arts and lack of science museums. Consequently, children do not have information and materials that contribute to the foundations for their cognitive education and moral enrichment.

54. Access to information of disabled children The legal provisions that assure information access through sign language for people with hearing difficulties and written information for blind people are not implemented properly.⁹⁵ Only the Public television out of 61 Mongolian television channels offers 40 minutes 'News' program with sign language. There are no opportunities for disabled children to access any information from mass media and lack of publication sources, particularly, for children with hearing difficulties, blind and mental disadvantages. Even the most popular media such as television and everyday newspapers are still remain closed for blind and deaf people. Hence, no timely information is provided to the people with different types of disabilities in the ways that are appropriate for them. Moreover, due to lack of sign language professionals, Braille letter publications in chosen or additional communications, the disabled people are not able to access information provided by the Government.

55. Right to information of LGBT children Media in Mongolia predominantly describe LGBT people in negative ways. LGBT identity is presented cynically or with pity and prejudice with a lack of sensitivity, respect and privacy.⁹⁶ Although, understanding about sexual orientation and gender identity had been included in the school health classes, these classes are now eliminated from compulsory school classes. Therefore, LGBT children are in the situation of increasing shortage of knowledge and information about their SOGI.

Recommendations

- TV programs devoted for children: Balance the programs on cognitive education, artistic and aesthetical contents, according to the age of children. Recommend inclusion of mandatory quota for children's TV programs into the related laws and regulations
- Books for children: Create child libraries in district, aimag, soum, khoros and schools through allocation of the state and local budgets
- Internet use: Implement continuous organizational and legal actions to protect child's rights on internet. Improve awareness of parents, caretakers and custodians about the legal provisions

of child protection in internet environment

- Child's artistic and aesthetical formation: Improve artistic and aesthetical education through increased number of visual and performing arts devoted for a child. Seek for the opportunities to establish a science museum
- Access to information of disabled children: Take special measures to promote sign language and Braille lettered publications for children with hearing and visual impairments. Broadcast TV programs for disabled children with additional sign language. Organize cultural activities for disabled children
- Right to information of LGBT children: Include health classes into the list of compulsory classes. Provide classes on sexual orientation and gender identity prior to puberty of a child

Corporal punishment

56. There are no legal provisions stated on prohibition of corporal punishment of children except the provisions in the Law on Education (2002).⁹⁷ From the outcomes of the studies conducted earlier, corporal punishment of children remains to be the main form of punishment in families, secondary schools, kindergartens and dormitories. Very high fraction or 46.9%, of children aged 1–14 affected by psychological violence and corporal punishment nationwide (one month preceding the survey).⁹⁸ Moreover, another study found out that within the family circumstances 38 per cent of misbehaving punishments is corporal punishment, while girls are punished in softer ways than boys.⁹⁹ Furthermore, incidents of hitting (37.9%) and pinching (32.5%) of kids by teachers and social workers in schools and dormitories for not doing home works and for misbehaving are quite frequent.¹⁰⁰ Corporal punishment is still being considered as a common method of upbringing, when by accepting such punishment, a child expresses his/her love and respect for her/his parents.¹⁰¹ At the same time, parents and caretakers believe that use of corporal punishment will help a child to become a better person with good upbringing. Furthermore, strong belief exists in the schools and dormitories that child's own fault causes such punishments. Those facts show lack of knowledge of positive discipline among caretakers and lack of awareness of a child about his/her rights.

57. From the recent studies, mass media and social media comments, it can be observed that public is becoming increasingly contempt and against corporal punishment of a child. There is a growing enthusiasm to learn more about positive discipline methods, especially among young parents. Such public resonance was brought by mass media about incidents of the father, who had bitten his 4 year old child to death, kindergarten teacher, who taped the mouth of a child and the footage of the social worker of a dormitory, who has been beating the kid.

58. According to the Law on Combating Domestic violence (2004), only domestic violence related information is received by police and social workers at khoroo level and measures related to domestic violence are legalized. Whilst, in the education sector, where large number of children gathers, no child protection mechanism has been established. Nevertheless, it is worth to mention that with the creation of Multidisciplinary Team (the team consists from khoroo and school social workers, police officer, general practitioner and khoroo Governor, who leads the team), some initial solutions are taking place.

59. Since June 2014, the Child Helpline '108' operates for 24 hours. This line receives information on child rights violations nationwide and aims to strive to link child protection services, provide guidance and support the Multidisciplinary teams to coordinate

their endeavors. The Child Helpline receives in average 500 calls daily, most of which are made by children.¹⁰² During our consultations, participants were fairly critical about the fact that the Child Helpline receives only phone calls and provides some advice. Due to lack of funding, there is no mechanisms created for immediate actions and for follow-up activities. With the inception of the Child Helpline '108', the preconditions for country wide information basis is building. Subsequently, we accentuate on very high expectations from public and NGOs that this information source will make a good foundation for further service delivery.

Recommendations

- To legalize child protection provisions in school environment
- Organize regular promotion activities for children on child protection
- To legalize actions of Multidisciplinary Teams and make it regular, in order to provide effective and sensible services to those, who approach to the Child Helpline
- Conduct on-going training on positive discipline methods for parents/public at school, kindergarten and khoroo levels, with classes for parents with disabled children

Torture

60. The fact that the information on torture or other inhuman or degrading treatment or punishment of a child is not available to the public makes the NGOs and child lawyers to believe in lack of accessibility of information in organizations, where children are detained. Besides, children in prisons are not aware about the ways to complaint on such issues, as well as they are frightened to do so. In addition, it can also be assumed that parents of detained children do not have knowledge about complaints

mechanisms. Qualitative studies carried out in recent years show that it is rather common, when children go through inhuman and degrading treatments, such as being beaten and pressured to admit a crime by officials of criminal investigation.¹⁰³

61. From January, 2014, the Investigation Office under the General Prosecutor Office had been abolished and the duties of it are now performed by the General Police Department and the Independent Authority against Corruption. The crimes that were managed by the Investigation Office are arranged by the IAAC and the domestic crimes are supervised by the GPD. So, the detrimental system, where police monitors its own activities had been established. Consequently, these changes are widely protested and criticized by the public. Furthermore, it has been reported by the NHRC and Amnesty International that the number of complaints of torture and degrading treatments has been increased dramatically since the abolishment of the Investigation Office of the GPD.¹⁰⁴ People's disbelief in GPD can be observed from the complaints on torture sent to the independent organization such as NHRC not to the GPD. It is hard to protect human rights in such circumstances and it can be concluded that Mongolia is retreating from its commitments made to the international community.

Recommendations

- Make the Investigation Office impartial and independent organization
- State and NGOs improve their efforts on elimination of torture and degrading treatments towards a child

not known are given names such as Oldokh (Found) or Oldmol (Discovered) or are given surnames the same as the names of the child care centers or its directors. If these children request to restore their surnames in future, there won't be information available about their actual surnames.

64. Committee on the Rights of the Child recommended to take measures to reintegrate the children in the child care centers into their families. Save the Children worked to develop reintegration services model in 2008 and 2009, and although it started at the initiative of the MSWL in 2010, the services are not provided in a comprehensive manner to achieve results.

65. Many efforts have been made to train officers who work in the field of child protection. As there is a high turnover of public servants after each election, it is hard to ensure succession of knowledge, experience and organizational memory. Almost half or 43 % of the 155 child protection officers surveyed were new employees hired since October 2012. Some of these people were considered to be employees of the newly established district, but most of them were reshuffled after the election.¹⁰⁷

Family support

66. It is encouraging to note that each khoroo of Ulaanbaatar has a well-furnished civil hall now. However, its functions and services haven't been streamlined yet. Parents and guardians commented that they would gladly attend trainings on matters of laws, psychology and positive discipline methods and best practices on raising children once every 7 to 14 days in their neighborhood areas. They said that parents scold and hit their children instead of advising them and therefore, the trainings would be useful once conducted. 89 % of the respondents supported the idea of setting up a center to provide psychological counseling for families.¹⁰⁸

67. No substantial measures have been taken to revive traditions such as adopting and caring for children and becoming their foster parents. However, traditional family customs persist and citizens who have migrated abroad or domestically still leave their children with relatives or siblings, herders' children stay with families in the soum center when they are in school, orphans and disabled children stay with their grandparents or relatives, divorced parents leave children with their grandparents, and student parents leave children with their parents. Also children become heads of households and put up gers in the yards of their relatives or acquaintances or in their own yards living separately. Particularly, it is very common for children to be compelled to become heads of households when their parents are engaged in trading business. Moreover, children whose parents are alcoholics are still not able to receive parental care and they often witness bad habits. There is no regulation regarding how long children of what age could be left unattended or children of what age could care for other children.

68. The Government has spent substantial funds to conduct trainings nationwide and train people on development and implementation of household development plan based on UNICEF methods. Training of trainers were conducted by three NGOs and at present, it is being implemented effectively.¹⁰⁹

69. Between 2010 and 2013, 15.2% of all civil cases heard in courts of first instance nationwide were family law cases.¹¹⁰ 78.3% of the family law cases constituted divorce cases. However, it was mentioned in the Supreme Court report that in resolving matters involving children's custody, the courts have made mistakes such as failing to apply proper laws or applying and interpreting it incorrectly, taking into account views of parents, grandparents instead of those of the children, and failing to compare respondents' statements and expert's findings with other material facts of the case.¹¹¹ There are many cases of citizens who have migrated abroad and live away from their children for long periods. The prevailing reason is that their children are not able to obtain visa to see their parents who in turn won't be able to return if they visit the former.

Recommendations

- Establish a mechanism where families receive free psychological, legal and parenting counselling
- Support NGOs that conduct awareness raising on family-related matters and increase collaboration

Adoption

70. No progress has been made to establish an adoption mechanism authorized by governmental agencies. Adoptive foreign citizens along with their children of Mongolian nationality apply to the Council of the General Department for Citizenship and Migration according to decisions made by the Adoption council under the Ministry of Population Development and Social Protection. In some cases, citizens who want to adopt children wait for a period of 4 to 5 years.¹¹² Committee on the rights of the child considered the third and fourth reports of Mongolia and made several recommendations including absence of services to provide support to parents who want to adopt children and post-adoption monitoring mechanism in its recommendation 44. However, these recommendations have not been implemented in our country. It is commendable that the issues related to adoption are included in the revised draft of Family Law, but the process of its approval at Parliament is prolonged.

71. Under the domestic adoption, rights of children to live in a family environment is being respected and their best interests are being ensured. However, all stages other than registration of adoption still lack regulation. Stages such as the domestic adoption mechanism and criteria for adopting parents, family survey (home study) of the adopting family, social services to provide independent assessment, training for adopters, organizing trainings, monitoring and evaluation of adopted children are not in place at all. Because of lack of these stages, there are cases of adoption in order to obtain medals given to mothers with many children and to receive children's allowance from the state. Currently, there is no system to subject to liability in regards to violation of children's rights. As there is no post-adoption monitoring mechanism in place, it is not possible to assess fate of the adopted children and whether they are exposed to domestic violence.

Recommendations

- Approve Family Law in Parliament
- Establish legal environment for domestic adoption and develop an implementation structure
- Ensure that adoption is supervised by professionally trained social workers

FIVE. FAMILY ENVIRONMENT AND CHILD CARE TYPES (ARTICLES 5, 9, 10, 11, 18, 20, 21, 25, 27.4)

Child care centers

62. Some 3,500 homeless children were registered in 1990s in Mongolia.¹⁰⁵ Many orphanages were built at that time and provided the children with an environment that substituted their families. As of March 2015, 225 children live in three government-funded orphanages. Apart from these centers, some 700 children are being raised in around 300 centers operated by individuals, foreign and domestic organizations.

63. The fact that the Law on temporary detention of unsupervised children has been annulled is a progress in terms of children's rights. No measures have been taken yet to reduce the 3 government-funded centers or the number of children. In recent years, the number of homeless children has decreased but there are some 600 children living on the streets of the capital city according to official statistics.¹⁰⁶ Although keeping the children in the orphanages is a measure of last resort in child protection, it is still used most commonly. Preliminary situation analyses of children are conducted occasionally, it is not conducted using a common approach and the fact that it is required by authorities that the orphanages accept the children at local governors' decisions raises doubts about correctness of those decisions. The children who come to the child care centers and whose parents are

SIX. HEALTH CARE AND SOCIAL WELFARE (ARTICLES 18, 23, 24, 26, 27)

Children's health

Infant mortality

72. Thanks to a number of government programs implemented in the area of children's health, Mongolia managed to achieve a certain level of success in lowering its infant mortality rate. However, infant deaths are accounting for 60 to 75% of the mortality rate of children in the 0–5 age group.¹¹³ The fact that birth-related complications are accounting for 48 to 58% of deaths among infants under 1 year of age and are implicated in 38 to 48 % of deaths in children 1–5 years of age is a troubling trend. In view of the fact that the majority of pregnant women had been enrolled in prenatal care, gave birth under the supervision of professional doctors, and were included in infant checkup programs after birth¹¹⁴, we can only conclude that the mortality rate of children in the 0–5 age group is directly related to the level of proficiency of doctors in birth clinics, availability of medical equipment, and quality and availability of infant care. Although the National Reproductive Health Program initiated in 2012 is continually implemented, insufficient funding is negatively impacting its progress. In this age of the stable population growth in Mongolia, there is an urgent need to pay closer attention to the maternal and infant health.

Recommendation

- Increase funding and budget allocations for prenatal care, birth clinic and infant care facilities and train professional staff

Children's healthcare services

73. In over 80% of cases when parents or their children get sick, they turn to primary care providers.¹¹⁵ Although the budgetary funding for primary care providers has been increased, it remains insufficient. Accessibility and quality of primary care services for children are being negatively impacted by a range of critical issues such as low availability of doctors, low level of their proficiency and weak communication skills, shortage of medical facilities, and overcrowding of hospitals in urban areas and remoteness in rural area settlements.

74. Mongolia's critical steps taken towards extending free health insurance coverage to all children under age 18 regardless of residency and laying foundation to providing universal and equal access to healthcare services to each child¹¹⁶ are commendable. However, the practice of soliciting additional informal payments that has become ubiquitous in the healthcare sector as well as the high cost of diagnostic services and medications are violating the rights of the poor to healthcare services, especially of those children in poor rural households.¹¹⁷

75. Nationwide, diseases of the middle respiratory (63.47%) and digestive (10.97%) systems dominate illnesses affecting children under age of 5¹¹⁸, and the primary care providers are still more oriented towards treatment of disease after the fact rather than measures aimed at its prevention.¹¹⁹

Recommendations

- Increase funding for primary care clinics and som health care centers based on actual costs, to increase involvement and control of parents
- Formulate a targeted policy to enable delivery of healthcare services to children from vulnerable groups of society
- Incorporate prevention programs into primary care providers

Nutrition

76. Although the majority of new mothers in Mongolia choose to breastfeed, due to rising poverty levels, stress, workloads and poor nutrition, the fraction of women who exclusively breastfeed their babies until they reach six months of age has kept falling year after year, dropping down to 38.3%¹²⁰. As of 2014, 94.8%¹²¹ of infants 6–8 months old supplemented breastmilk with additional foodstuffs while only 1.6 % of them were receiving appropriately nutritious food for their development stage, which is without a doubt the core reason why a high fraction of 0–5 year olds are suffering from deficiency of critical nutrients such as A and D vitamins, folic acid, and selenium.¹²² Moreover, the incidence of children with lower than normal for their age height and weight is on the rise. 83.3 % of parents and caretakers are poorly informed about their children's nutritional needs, and the awareness is particularly low among parents from vulnerable groups.¹²³

77. Parents are relying too much on school-provided lunches, packing fewer home-cooked meals and are generally paying less attention to their children, even while school lunch programs are getting heavy in carbohydrates, serving candies, cakes and chocolate, which many forum participants are saying is leading to rising incidence of dental problems in children. It is troubling that healthy eating behavior is being eroded among school-age adolescents, who are increasingly opting for ready-made and fast food options, which is negatively affecting health of children in this age group.

Recommendations

- Increase knowledge and awareness of parents and caretakers about proper nutrition of young-age children
- Improve quality of lunches provided in schools and kindergartens, increase the monitoring by parents
- Educate adolescents in healthy eating habits

Adolescent health

78. A number of legal reforms and government programs and strategies developed in recent years are aimed at promoting health of adolescent-age children. However, according to a survey of 12–16 year-old teenagers conducted in 2013, 58% of them have not been acquired hygiene habits.¹²⁴ 15–24 year-olds accounted for 45%¹²⁵ of all cases of sexually transmitted diseases, and teenage pregnancies averaged 40.4 per thousand population nationally and 68 per thousand in rural areas¹²⁶, which clearly shows the dire need for a health education targeted at adolescent-age children. Even though international and national children's organizations alike have repeatedly recommended improving the content of health classes, that was a part of regular school curriculum, and raising the proficiency of teachers on the subject, the class has been dropped from the curriculum, to be taught as part of an integrated course on biology and physical

education classes, a solution that has clearly been not satisfactory in addressing the need. On the other hand, psychological health of adolescents is becoming a growing concern. According to the survey of 12–16 year olds, 50 % have reported having used alcohol, tobacco and other intoxicating substances, 50.7% contemplated, planned and attempted suicide¹²⁷, and yet to this day no system of psychological counseling and treatment has been instituted.

Recommendations

- Improve quality of health education and deliver to all children through mandatory education system
- Promote through both official and unofficial means counseling on reproductive health and sexual relations as well as psychological counseling services

Injuries

79. Injuries in small children. In the past 10 years, accidents have been listed as the # 5 cause of diseases and #3 of deaths nationwide, and there is a tendency for its further increase. For children 0–5 years, the leading type of injury is burn injury. In 2012 alone, over half of the burn injury cases (69%) registered at National Center for Traumatology and Rehabilitation were among children 0–4 years.¹²⁸

80. For children 0–5 years, who got injured, the prevailing cause of injury was burn with hot liquids and chemicals. When broken down by sources, burning with hot tea and food is the main cause and, mostly, 4–6 months old infants and 7–24 months old toddlers constitute the majority of victims.

81. 36.3% of adolescent children have been in accidents and took a leave of absence from school.¹²⁹ According to the same study, one in four students was injured due to beating, hitting and kicking inflicted by others, and the number of victims of such violence increased as age of victims went down.¹³⁰ One in three students was injured in an accident and main injuries suffered were bone fracture and concussion.

82. As of November 2014, the total of 736,288 vehicles have been registered in Mongolia. This number has increased by 38.2% since 2010. In the first 11 months of 2014, 8 children died in car accidents and 119 children were injured. 15% of the victims of car accidents were children of 0–17 years. When this number is compared to the statistics from the previous year, the number of children who died in car accidents remains the same and the number of children who were injured increased by 19%.¹³¹ Rapid development of the mining sector brought intensification of traffic in rural areas and this causes considerable challenges in rural areas, where population is not accustomed to traffic regulations. Local authorities need to pay special attention to the fact that some highways under construction pass through small soums.¹³² Also, there is a need to ensure safety of traffic in narrow roads in ger districts and intensify constant awareness raising activities.

83. Unfortunately, when children get injured, become disabled or die due to an accident, it is common that rarely someone is held responsible and the state attention is still lacking on accident prevention. Therefore, it is worrisome that the number of children who get injured, become disabled or die because of accidents increases with each year.

Recommendations

- For medical organizations, work together with organizations from other sectors and private entities on prevention and protection of children from accidents, and ensure citizen's participation
- Intensify activities in rural areas aimed at protection of children from traffic accidents
- Strengthen the mechanism to identify causes of accidents and hold those guilty persons and organisations accountable

Children with disabilities

Registration of children with disabilities

84. Mongolia joined the UN Convention on the Rights of Persons with Disabilities in 2008 and subsequently ratified the Convention Implementation Plan for 2013–2016, in accordance to which it has been working to implement a program of reforms to the Constitution, policies and regulations, very much to the approval of NGOs.

85. However, the official definition of persons with disabilities¹³³ does not cover all children with special needs. There is no common methodology for classifying disabilities, and reliable data on children with disabilities varies among organizations. For example, while the official statistics reported 15,851 children with disabilities¹³⁴ in the 0–17 age group as of 2010, a UN report published in 2011 indicated 32,516 children with disabilities¹³⁵, which is double of the official data. Still, the official data from 2014 reports that 11,366 children with disabilities¹³⁶ are registered in Mongolia. As a result of this lack of reliable data necessary for policy formulation as well as the absence of a methodology for assessing special needs of children, many children with disabilities are not receiving the education, social protection and welfare support appropriate to their special needs, creating the basis for the violation of their rights.

Recommendations

- Update the legal definition of a disabled person in accordance with the international standards
- Develop a common methodology for diagnosing disabilities and implement collection of data and statistics on children with disabilities

Healthcare of children with disabilities

86. Although legal and regulatory reforms of 2011 formally enabled children with disabilities¹³⁷ to receive free access to healthcare services, their right to healthcare continues to be violated due to the absence of an implementation mechanism, insufficient funding as well as lack of knowledge by healthcare providers whose attitudes have not really changed. Parents of children with disabilities constantly talked about being unable to get healthcare for their dependents because of a shortage of healthcare facilities and qualified staff capable of early diagnosing disability in children in an accurate and timely manner and providing appropriate treatment and rehabilitation services. On the other hand, medical standards currently in practice and drugs approved for use in Mongolia are yet to reach the best practices internationally, and routine medications for children with severe disabilities are unaffordable. Parents of disabled children are not well informed about important concepts and skills such as how to care for their children, support their rehabilitation, help them understand and navigate the unique challenges they face in their sexual development. Moreover, many parents emphasize how very few places there are where they can obtain professional counseling

and advice on such matters, which is negatively impacting health of their children with disabilities. Highly required in the labour market are the medical specialists specialized in rehabilitation, such as pediatricians, pediatric neurology doctors, physical therapy specialists, life skill coaches, speech therapists, etc., who must be prepared with state policies.

Recommendations

- Institute early diagnosis of disabilities in children and provide necessary medical treatment
- Train professional doctors and nurses
- Identify reasons for birth defects
- Update and modernize in line with the international best practices the approved list of medical treatments and drugs used on children with disabilities in Mongolia
- Introduce counseling services for families with disabled children

Social welfare of children with disabilities

87. The government's decision to increase monthly income subsidies paid out of the Social Welfare Fund to children under the age of 16 in need of constant care¹³⁸ as well as the decision to fully cover their rehabilitation services are both welcome developments. However, the fact that only 7,032 disabled children¹³⁹ are receiving these subsidy payments is indicative of the inappropriateness of the current legal definition to cover all cases of disability in children. Also, insufficient efforts to disseminate information about these government support programs are the reasons the majority of children with disabilities are being left outside of the social safety net and are unable to receive support, according to NGOs. On the other hand, extremely low incomes of households with disabled children are affecting their normal development. For example, 59% of households surveyed indicated that they had a monthly income of under 150 USDollars.¹⁴⁰ One conclusion we can draw from this is that poverty is an accompanying factor with disability. Especially, families with children with severe disability plummet into poverty as one of the family members has to stay at home to provide care and, thus, household income declines.

Recommendations

- Deliver welfare support and social services to each child with disability
- Enable parents and caretakers to provide care to their children and provide them with social security and insurance benefits

Poverty and social welfare

88. We are grateful and supportive of the government's ongoing efforts to promote family formation, provide social support to children, improve various welfare programs aimed at children, infants, and breastfeeding mothers, implement welfare support programs for workers with families and develop other family development strategies and initiatives.

89. There are, however, certain issues in need of attention from the social welfare programs aimed at children and families. The budget for the "public participation based" social welfare program¹⁴¹, which aims at children from vulnerable groups living in difficult conditions that helps them regain hope in life, teaches them to be self-sufficient, gives them practical work experience, and assists them in developing their talents by getting an education, has been growing from year to year. The training program suffers from a number of deficiencies such as the short duration (14 days), too small budget allocated to each person, the uncertainty regarding the venue where training is to be conducted, and the fact that

it is not publicly announced. Training coverage is spotty in rural areas, and the training budget is being used ineffectively because of lack of understanding, knowledge and initiative by the low- to mid-level workers.

90. Although children and family development centers have been established and are operated, they are not yet suitable to meet the needs of families and children, and it's necessary to improve the attitudes and proficiency of staff. Welfare providing organizations need take urgent steps to modernize their procedures and staff, offer counseling services and life advice to families and children alongside with cash assistance, and outsource daytime services and home-visiting services to NGOs. Because these issues have not been resolved, services in rural areas have not been able to reach all children in need of support. As a result, when they reach their majority, these children are not socialized and are not capable of being self-sufficient.

Recommendations

- Improve coordination and collaboration between community based welfare services and other social service providers
- Gradually decline services of centralized child care institutions and centers
- Expand types of services aimed at reunification of children with their families
- Develop best practices tailored to the unique conditions of the country and outsource some government functions to NGOs
- Develop, pilot and approve family-based alternative care service standards

SEVEN. EDUCATION, LEISURE TIME AND CULTURAL ACTIVITIES (ARTICLES 28,29,31)

EDUCATION

Reform in the education sector

91. In recent years no amendment has been made in the Package Law on Education. Nonetheless, the Government Activity Plan for 2012 – 2016 includes a goal entitled "Educated Mongolian Citizen". The goal states to implement a National Program "Proper Mongolian Child" which aims to support a proper child development and encourage teachers to adapt one-on-one approach in their work with children. The National Program offers many virtues, including well developed main directions, well identified objectives, suggested solutions for the faced challenges, as well as a clearly drawn timeline. Unfortunately, the continuity of reforms and activities in the education sector has been weak due to the fragility and instability of public sector, which negatively impacts quality of and access to education.

92. Regrettably, a clause in the Law on Education, that enacted educational spending to be equal to at least 20% of the state budget, has been invalidated in 2011.¹⁴² Thus by 2012 the state budget allocation on educational spending fell to 18.2%.¹⁴³ Enrollment in preschool and general education has increased each year, in relation to the birth rate increase in 2006–2009, putting more pressure on the availability of schools and kindergartens. Yet the decreased educational appropriation, at the current time of increasing demand, adds on to the risks in access and quality in education. Moreover, it is disappointing that the education sector financing policy creates inequality. A Cambridge standard program initiated in 2008–2012 was implemented in 31 schools selected nation-wide. These schools receive more funding and contributes to the inequality among teachers and students.¹⁴⁴

Recommendations

- To increase per student expenditure in preschool, primary and secondary education in order to successfully implement the government policy that identifies education as a priority sector, and to achieve the government goal of "Educated Mongolian Citizen"
- To strengthen the stability of education sector policies and ensure the financing of the education sector adheres to the principle of equal distribution

Quality of education

93. Activities are underway that aim at improving national standards, curricula and their implementation nationwide, and are organized via various phases.¹⁴⁵ We applaud that these activities have been undertaken based on research outcomes and expert-lead task forces have been formed as well. However, it is our concern that there is a lack of knowledge on child rights and dignity as well as a lack of holistic approach to the child development. For instance, education on issues such as child rights, citizenship rights, rights to health, reproductive and sex education are viewed as secondary, and an overwhelming tendency of looking at education as a "market commodity", instead of social benefits, is in existence.

94. There are current initiatives taking place in the areas of developing new methodology for teacher performance evaluation focusing on their efforts on the development of each and every child, and introducing it in schools and kindergartens. However, in Ulaanbaatar, capital city of Mongolia, the student-teacher ratio is 30:1 on average, the ratio reaches over 40:1 in

many classrooms.¹⁴⁶ The current workload leaves very limited opportunity for teachers to engage with each individual student and meet their specific needs such as additional support in their academics. On the other hand, the need to improve teacher professional development, focusing on their skills of classroom management, knowledge on teacher ethics, teacher-student communication, and child discrimination, to name a few, is still high.

95. Due to insufficient number of schools available, schools in urban areas work with 2–3 shifts a day.¹⁴⁷ In rural areas, there are not enough dormitories, among those that are available, many do not meet health and safety requirements. Many studies have found the overcrowded schools do not have adequate instructional materials, educational tools, equipment and computers. Therefore, the implementation of policies that aim at each and every child's development is facing challenges.

96. Private schools are obliged by law to adhere to all policies, regulations and standards in education content development, instruction, curricula and lessons plans. However, there is no any systematic approach in the assessment of the obligation. It is also not clear whether the system of assessment is transparent. In addition, private schools charge tuition. Yet the government also allocates funding to private schools based on per-student expenditure from the state budget. This worsens public school conditions that are already suffering from insufficient finances, and leads to raising increasing amount of cash from parents in order to contribute to the school finances, in informal ways.¹⁴⁸

Recommendations

- To increase number of schools and create child friendly school environment where children are able to obtain good quality education
- To conduct a regular assessment of curricula and textbooks and to regularly renew the national policies and programs, and improve the involvement of the public and civic organizations in the assessment processes
- To improve the knowledge of teachers, school administrators and other staff on child rights, and develop and teach training programs to change attitudes
- To strengthen the government efforts on monitoring the curriculum of private schools and access to education, to improve its control on the spending of tax payers money and to stop financing private schools from state budget

Access and equity in education

97. A UNESCO report states a high rate of literacy among 15–24 age youth in Mongolia, however, the rate has declined significantly from previous years.¹⁴⁹ It indicates the declining access and increasing inequality in education.

98. About 4.7% of all primary school age children are not able to access education whereas the number for secondary school age children is 14.6%.¹⁵⁰ There isn't any study done on children outside the school system and on drop-out children. Nevertheless children from poor, migrant, herding families and children with disabilities and orphans are facing the most difficulties in accessing education thus staying outside schooling and are not able to enjoy their rights to education.

99. The Law states that public schools must be free of charge. However, parents need to pay for dormitory services as their children must stay in the dormitories in order to be able to go to school. School drop-out increases as the expenses incurred in relation to sending children to school escalates, namely, the expenses of school supplies, dormitory services, transportation fees, and other additional fees necessary for the improvement of school conditions. Thus more children from poor and lower socio-economic status families are, in particular, dropping out of school.¹⁵¹

100. Children from herding families, especially, families from remote rural areas, including the 6-year-olds must live in dormitories in order to be able to go to school. As of today there are 486 dormitories nationwide¹⁵² under operation, and they are not sufficient to meet the demand. Dormitories often fail to offer comfortable, conducive environment for children to live and they are often overcrowded. It is not rare that children become victims of violence from both adults and their peers. One of every two children have experienced bully due to their looks, family socio-economic status, or academic performance which in turn causes more absenteeism or drop-out.¹⁵³

Recommendations

- To take measures to reduce the in-direct expenses for schooling
- To conduct research on barriers faced by poor and marginalized families in schooling and identify steps to address them
- To improve conditions of dormitories, and provide with adequate child protection in dormitories

Early childhood education and development

101. In the past 5 years access to preschool education has increased nationwide due to the completions of new kindergarten buildings, alternative preschool education programs, as well as the government's full responsibility over the food expenses of kindergartens. However, about 30% of children in age 2–5 are still not able to access preschool education. Specially, access to preschool education among children from poor families has dropped from 45% in 2009 to 26 in 2012.¹⁵⁴ It indicates that the main goal of the government program, taking the full charge of the food expenses in kindergarten for the purpose of supporting poor families and encouraging their children to access preschool education, was not accomplished. Moreover, the quality of alternative preschool education programs, that target children from remote rural areas and herding families, is not as good as public kindergarten education quality, which creates inequality in access and quality of preschool as well as primary education.

102. In 2008–2009 academic year, secondary education system switched to 12-year schooling¹⁵⁵ and the compulsory age of first graders was lowered to six. This change hit hard on children from rural areas and herding families. Six-year olds are often not ready yet to live in a dormitory separate from their homes and parents. Therefore, an increasing number of herding families refrain sending their young children to school or have them drop-out of school in the middle of an academic year.

Recommendations

- To increase access to kindergarten, to develop more appropriate policies on how to enable children from poor family to access preschool education
- To improve the access and quality of alternative preschool education
- To introduce tailored services for six-year olds living in dormitories in rural areas to meet their specific needs and improve dormitory environment for them
- To recruit more teachers

The right to education of children with disabilities

103. There are currently a total of 35 laws and about 20 sector-specific programs active in Mongolia guaranteeing the disabled citizens' right to education.¹⁵⁶ In accordance with these laws and regulations, the Government has committed to provide an appropriate environment for learning to children with disabilities, ensuring equal access to education and delivery of rehabilitation services. Although the Government tasked all kindergartens and regular schools with the responsibility for providing necessary conditions to accommodate students with disabilities, the NGOs view the Government's efforts to date in this regard insufficient. During the 2014–2015 academic year, 1,438 children with disabilities were enrolled in pre-elementary education¹⁵⁷ and 11,072 in general (primary and secondary) education¹⁵⁸, which indicates that 61.26% of children with disabilities have been unable to enroll in kindergartens and schools.¹⁵⁹ In particular, the majority of children with severe disabilities have been unable to enroll in any educational institution, while in rural areas secondary schools and unofficial learning centers are 'educating' children with disabilities by putting them in a single classroom regardless of their age and disability type.¹⁶⁰ Some students enrolled in 6 special schools in Ulaanbaatar, which provide education to students with special educational needs, are children with mild disabilities. Improving the diagnostics of children with disabilities, including a course on education of children with special needs in the mandatory program of pedagogical institutes and universities, equipping the graduates with capacity and skills to work with disabled children are the priority measures and it is essential to support these measures with state policies and bring changes immediately.

104. Although current variable costs per disabled student have been officially increased threefold¹⁶¹, everything from policy to institutions to budget is lacking in terms of providing children with disabilities education that is accessible and capable of meeting their needs. There are a number of deficiencies observed, such as the absence of funding for the repair of the 6 schools for children with special needs, failure to provide an inclusive learning environment suitable to individual needs of children with disabilities, as well as deficit of qualified staff and educational materials. In addition to the actual school buildings, their inner layouts from hallways to corridors and stairways are also inadequate for the needs and requirements of children with disabilities.¹⁶² Moreover, school teachers working with disabled children have low professional skills and high workloads. The existing compensation scheme rewarding teachers for student progress and achievement serves as a strong disincentive towards admitting children with disabilities into regular schools. Even when they are admitted, students with disabilities are often not officially registered, and there is a tendency for teachers to ignore them.

Recommendations

- Develop and implement National Program II aimed at providing children with disabilities equal access to education
- Obtain an accurate count of disabled children left without a school and provide the conditions necessary for them to re-obtain education (particularly in rural areas)
- Equip newly constructed and renovated school and kindergarten facilities with doors, stairs and lanes accessible for children with disabilities
- Provide training in working with disabled children to preschool, primary and secondary school teachers and staff
- Incorporate the subject of disability into the curriculum of higher education institutions and universities that train teachers

Child protection in schools

105. Corporal punishment is still common in school environment.¹⁶³ It is unfortunate that despite the prohibition of corporal punishment in educational environment by both the Law on Education and Teacher Code of Conduct some eight years ago, knowledge and skills on how to identify, end and prevent from violence generated by teachers, senior students and peers in school environment is still very limited. Education policies do recognize the need to help students understand their rights and provide skills to address it to relevant individuals and organizations when the rights are violated.¹⁶⁴ Nonetheless, this need is not reflected in preservice and inservice teacher training curricula, consequently, corporal punishment continues to exist in educational environment.

Recommendations

- To establish child protection system in school environment and implement it
- To reform teacher preservice training curricula
- To support the initiatives made by civic organizations concerning policy and procedure development on prevention from violence in school environment and collaborate with them

Marginalized¹⁶⁵ children

106. We acknowledge the progress Mongolia has made in making changes in legislations that aim at protecting rights of minority groups and prevent from discrimination that fortifies the fundamental principles of a democratic society. In particular, we applaud for the attention paid towards creating legal environment that enables equal opportunity to education for everyone.¹⁶⁶ However, we emphasize that children from ethnic minority and sexual minority groups experience much difficulty in enjoying their rights to access education.

107. Kazah ethnic group, the largest ethnic minority group in Mongolia, have been granted a right to obtain education in their native language, according to a government policy.¹⁶⁷ However, the education system lacks mechanisms on bilingual education. Hence issues concerning teacher education and textbook development, in the context of bilingual education, have become pressing tasks. This situation is readily reflected in students who finish secondary schools in Bayan-Olgii province and their skills of Mongolian language. Eventually, these students fail to enjoy their rights to education, in direct sense, and have a slight chance of matriculating in desired higher education institutions, or graduating with success, due to their limited Mongolian language proficiency. In addition to that, they face discriminations on regular basis because of their language skills.¹⁶⁸ On the other hand, Kazah students who live in other provinces

or cities do not have adequate opportunity to learn their native language, learn about and inherit their culture and traditions, which concern us greatly.

108. We recognize it with a gratitude that Mongolia has made significant steps forward in protecting LGBT rights and introducing LGBT rights-based approach. And the ongoing legal reforms take LGBT community into serious considerations and ensure their rights are protected in legislations. Moreover, the health education course, that used to be taught in secondary schools, covered topics on sexual orientation and gender identity, and has made some contributions to the elimination of the negative attitudes in the society, such as discrimination, intolerance and violence towards sexual minority persons.¹⁶⁹ Unfortunately, a decision, made in 2014, to eliminate this course from general education curriculum and combine it with biology and physical training courses, ended the only opportunity in existence for youth to understand these concepts and gain appropriate knowledge and mindset at the right time of their development.

Recommendations

- To provide knowledge and skills to each and every child on how to understand and respect diversity of social minority groups and their cultures, through school curriculum
- To introduce bilingual education system and protect ethnic minority children's right to education
- To include a course on sexual orientation and gender identity in the secondary school curriculum in order to build and strengthen the foundations for the construction of positive mindset among youth

Leisure and Cultural Activities

109. Although national programs state that schools must organize activities that discover each child's talents and skills and support each child through school-based activities¹⁷⁰, the art and cultural clubs, extra-curricula activities and competitions are participated by only children with high academic performances or exceptionally talented ones. Moreover, the relevant expenses of these activities are paid by parents, therefore, children from marginalized or vulnerable groups are not able to participate in these art and cultural activities in schools.

110. A decree, that prohibits utilization of school gyms and other physical spaces in the school by outside individuals and organizations, does exist¹⁷¹, however, it is still very common that schools rent their gym to outside parties in order to generate additional income. We highly emphasize the fact that as of today possibilities for children to play and spend their leisure time with fun and joy are extremely limited.

111. Due to the current internal migration from rural to the urban areas, city planning has been disrupted. The lack of city planning perpetuates the "market/business" value and approach in the new developments in the cities where play grounds and other spaces created for children are demolished, or often remodeled into parking lots or shops, let alone building new playgrounds. It is our concern that local governments plan almost zero budget for art, leisure activities or any other events that help children spend their leisure time appropriately¹⁷², or the budget they plan for these purposes is often trivial. The Mothers Demonstration in June 6 of 2015 that protested the "child unfriendly city planning" in Ulaanbaatar shows that this issue has reached a level of emergency in Ulaanbaatar, the capital city of Mongolia.

112. Child friendly environment, space created based on children's needs to play and spend leisure time appropriately is scarce. Thus about 80 % of school-age children are in deficit of physical activity and most children pass time watching television, playing computer games and using cell phones.¹⁷³

Recommendations

- To create opportunities for children within school environment to engage in sports and art activities and create opportunities for them to develop their diverse talents and interests, and to create equal opportunity of participation for all children
- To build more child friendly playgrounds and parks for children in khoroos and soums
- To provide an integrated methodology to Children Development Centers and establish a coordination so that they provide actual support to children's development

EIGHT. SPECIAL PROTECTION MEASURES (ARTICLES 22, 30, 32, 33, 34, 35, 37, 38, 39, 40)

Violence against children

113. According to the amendment of the Law on Social Welfare of January 15, 2008, allowance allocated to the citizens providing foster care to children, who have encountered psychological and physical damage due to sexual abuse and exploitation and require protection, is included as one category of "Conditional social welfare allowance". However, mechanism for selection, training and preparing foster families to provide family-based care and rehabilitation services to sexually abused and exploited children, assisting them with professional guidance and support as well as incentives and monitoring is lacking. Therefore, it is unfortunate that the children in need of acquiring such services live in residential care centers or live on the streets.¹⁷⁴ Forty percent of the total people who acquired service through protective accommodations of National Centre Against Violence during 1995–2014 were children and 53% were women.¹⁷⁵
114. Today, children are not fully protected by law from all types of violence in Mongolia. Corporal punishment, which is considered internationally as the most common type of violence against children, is prohibited by law in educational environment only, but not in other settings. Measures that need to be taken in response to reports on cases of domestic violence are assigned only to police and social workers (but it is not specified what kind of social worker), thus, duties and responsibilities to detect, report, investigate and respond to violations of child rights, as well as intermediary mechanism are regulated by law.¹⁷⁶ A survey report indicates that 43% of victim children experienced violence and abuse in their families, 5 % at school, and 5% in public places. The government does not take continuous measures in longer term, except financing current expenses of the protective accommodations of National Centre against Violence and Centre for Gender Equality. The allocation of this financing is ceased since the beginning of 2013, thus operation of these accommodations has to get stopped.¹⁷⁷
115. National Centre Against Violence is the only organization in Mongolia, which provides shelter to victims of domestic violence and sexual abuse on regular basis. These shelters experience shortage of human resources and funding, yet the shelters are overcrowded most of the time.¹⁷⁸ The occurrence of cases of domestic violence is not decreasing, instead these cases have transformed into more severe types such as loss of human life and injuries, and children exposed to it. Law enforcement

specialists, researchers and organizations that work on such issues warn that the main reason of such ineffective response is affiliated with lack of legal coordination, in particular, with too generally set scope of authority and involvement of relevant organizations.¹⁷⁹ In terms of delivery of effective assistance, an organization, that can comprehensively overview the system and services and identify causes of violence from a perspective that violence against children is not just a mere expression of family conflict, but implications of societal changes, is still missing.

Recommendations

- To take serious actions to comprehensively respond to and take measures on addressing violence against children
- To contract out to NGOs services for children—victims of violence
- To improve the legal environment on preventing and responding to domestic violence and other forms of violence against children
- To increase number of shelters, legalize and stabilize multi-disciplinary teams activities

Unsupervised children

116. In relation to changes in social development, the number of street children has decreased, in comparison with the beginning and mid- 90s. The Government National Strategy on Child Protection, approved in 2011, can be assessed as a paper only since it does not have long- and short- term plans and budget, and it is not correlated with annual action plans of organizations in charge of children.¹⁸⁰ As of March 2014, the 73.9% of the total 716 children in residential care institutions were either children, who have family, or children, with one of parents alive, which presents a serious case. Since 2012, child care centers have been prioritizing measures to return those children to their family or parent and, as a result, 139 children were reunited with their families. However, a system and practice, where these families and children receive state support for a certain period of time, is required.¹⁸¹
117. Family education, based on nomadic traditions and customs, Mongolian nomadic culture and strong family bonds, has been transferred to the youth for teaching them life skills. However, our modern settled lifestyle requires a development of a multifaced way of education, which is based on science and meets the needs and demand of families.

Recommendations

- Reduce residential care center services and shift to family-based care services
- Develop procedures and standards to increase the effectiveness of family reunification services, foster families and child sponsorship activities

Child labour

118. Mongolia has approved National Program to Eliminate Worst forms of Child Labour.¹⁸² This program is considered good, in terms of its context and as it had reflected all issues related to elimination of child labour. However its implementation is lagging behind. Following the Government restructure in 2012, the unit in charge of child labour was transferred from Ministry of Population Development and Social Protection to the authority of Ministry of Labour. Since the receiving Ministry did not have any experience of working on the issue of child labour, the implementation has greatly been delayed.
119. International Labour Organization (ILO) has stopped its International Program on The Elimination of Child Labour in Mongolia. Within scope of this project, it used to organize campaigns against child labour on annual basis. Since the closure of this project, NGOs organized this campaign for three years. Efforts to involve the government are facilitated, but the support is not sufficient enough. Study on children, involved in worst forms of child labour, is normally conducted once in every four years. The number of working children in Mongolia reached 98 thousand, which is an increase of 1.8 fold, when compared to the previous years.¹⁸³ Mongolian law enforcement agencies have taken limited action to combat child labour and its worst forms. "The reporting period was a year of consolidation for many government agencies that underwent significant changes following the 2012 elections. In addition, ongoing major reforms of the Mongolian justice sector, including restructuring of judicial and law enforcement agencies, resulted in greater inward focus among these agencies as they worked to implement the changes. The consolidation of agencies resulted in very little action to enforce child labour laws during the reporting period.¹⁸⁴

Child jockey

120. There is no information on children, who have been injured or died falling off the horse or victimized by losing their health, in reference to webpage www.unaach.nac.com, which was noted in the Government report. Instead the information related to the number of registered child jockeys, number of winner child jockeys, titles of horse racing tournaments, ages of horses, timetable and location of those tournaments, has been placed and, thus, it seems like a webpage of an organization, which organizes and supports the tournaments. The 32.9% of the total of 159 child jockeys, who were injured by falling off the horses and got treatment at National Center for Traumatology and Rehabilitation in August 2009, were from Ulaanbaatar and 67.1% were the children from rural regions. 94.3% of these child jockeys were injured by falling off the horses, whereas 3 of them were dragged by the horse as they fell off, 2 of them were injured as horses stepped on them, and 1 was hit by a car during the race.¹⁸⁵ According to a report of US State Department Office on Child Labour, "Races that took place during local and national holidays resulted in six fatalities of child jockeys. However, no criminal cases were opened. Sources reported that such incidents were generally handled privately,

with horse owners either paying the families of injured or killed child jockeys, or in many cases, the child jockeys were the sons/daughters of the horse owners themselves".¹⁸⁶

121. Mongolia does not have legal environment and system, which imposes liabilities in case if a child jockey is injured or died by falling off the horse. Organizers of the horse races, owners of racing horses and race horse trainers do not take responsibility for the child jockeys and mostly the explanation is given is "a child rode a horse on his/her own will." It is up to discretion of an owner of a horse, in terms of what can be given as treatment for those child jockeys from poor family background and such treatment is usually measured by merely giving small amount of money, some food and drink for a household, school equipment, and clothes. Work of the child jockeys during horse racing is not limited by few days of national celebration but it stretches for 2–3 months in summer. Climate in Mongolia is extreme and harsh and air temperature fluctuation within one day is too high. Most of the tournaments are usually organized during most hot months of July and August as well as the most cold months of January and February. Safety of child jockeys in the tournament is protected by only one provision of Law on National Celebration, which states that "Child above the age of seven can ride a horse in racing for celebration events and [he/she] should be insured by accident insurance." This provision is relevant only to national celebrations and national tournaments, which happens during July 11–13th and it is irrelevant to all other small and big tournaments, which are organized in different seasons and timeframes.

Recommendations

- Prohibit for children younger than 10 years of age to ride a racing horse, fully prohibit child jockey participation in winter horse races
- Urgently start and intensify the implementation of the National Program on Elimination of Worst forms of Child Labour

Trafficking and sexual exploitation of children

122. So far there no official statistics exist on the trafficking of children. A positive aspect of the Government is that now it monitors cases when adults exit the country with a child, but return alone. It is also prohibited to take a child up to 7 years of age across the border without his/her parent's permission and to take a child of any age without a written permission of parents and legal guardians. Statistics on foreign adoption can be acquired from Citizenship and Migration General Authority, and statistics on domestic adoption can be acquired from General Authority for State Registration. However, there is also a third type of adoption when a husband, who is a foreign citizen and married to a Mongolian woman, adopts her child. A case was registered when a woman, after divorcing her foreign spouse, approached Center for Gender Equality as she experienced challenges to re-register her child in her name.
123. The provisions of the international convention are not fully reflected in laws and legislation of Mongolia and some are in violation of these provisions. "In Mongolia, women and girls are also subjected to forced prostitution in massage parlors, and girls are vulnerable to commercial sexual exploitation in hotels, bars, and karaoke clubs. Perpetrators sometimes use drugs to lure Mongolian victims into forced prostitution. Traffickers increasingly use social networking sites and online advertisements of job opportunities and English language programs to attract victims".¹⁸⁷ It is stated in the resolution

No.1.2 of the Supreme Court that human trafficker must have had exploitation as well as profits generated. However, in reference to international protocol, mere attempt and setting an objective of exploitation and profit generation are considered sufficient. However, according to UN Convention on Transnational Organized Crime and its Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, planning or aiming is considered a violation. Though, Law on Combatting Human Trafficking was approved in 2012 and Law on Protection of Victims and Witnesses was approved in 2013, the number of cases resolved within the scope of this legal framework was not sufficient.

124. ECPAT Network of Mongolia conducted an assessment of the 1st Stage of the National Plan of Action Against Human Trafficking and Sexual Exploitation of Women and Children, developed a draft of the 2nd Stage (2010–2011), reported the results to Cabinet meeting in January 2010, and got a Government protocol¹⁸⁸ issued, which is a big step. According to the evaluation of the National Plan of Action Against Human Trafficking and Sexual Exploitation of Women and Children, for a total amount of 4 million USD was implemented. But, the number of resolved cases did not increase, yet, the number of victims increased.¹⁸⁹
125. As a result of an approval of Law on Combating Human Trafficking in 2012, the above mentioned coordination Council was set to be established under the Council of Crime Prevention at the Ministry of Justice, but the last phase of the program was basically not implemented during 2012–2014 and, thus, it had become a setback, and we regret that the Government hasn't still endorsed a new program. This becomes the main reason of the negative impact on the knowledge, capacity, and initiatives of NGOs that work against human trafficking and sexual exploitation and of the absence of information circulation between government and civil society organizations. There are also challenges in coordination of activities of international and national NGOs, in terms of incorporating their activities in government policies, contracting out some state services, raising funds.
126. The report by US State Department on Trafficking in Persons for 2014 states "Government of Mongolia provided limited victim assistance and protection. It did not employ systematic procedures for the proactive identification of trafficking victims, though authorities reported identifying 45 victims of forced prostitution in 2013, compared to 56 in 2012. The Mongolian government identified only two victims of forced labour". In Mongolia, a victim protection system that comprehensively serves to identify, register, protect and rehabilitate victims of trafficking is absent.

Recommendations:

- Conduct training and awareness raising on Law on Combating Human Trafficking and Law on Protection of Victims and Witnesses, train in stages for children's attorneys, lawyers, and social workers
- Make regulations on implementation of Law on Combating Human Trafficking more concrete and raise public awareness on these provisions
- Develop and implement a National plan of action Against human trafficking and sexual exploitation with involvement of multi stakeholders
- Retain the duties and obligations on prevention of children's

sexual exploitation and trafficking, rehabilitation and reintegration of victims at the MPDSP

- Allocate budget for implementation of this program

Registration and investigation of crime, punishment of perpetrator

127. Protection of the rights of victims and punishment of criminals who committed crime of trafficking are regulated by Criminal Code of Mongolia. However, such crimes are not properly handled, criminals receive minor sentences or their cases are dismissed, victims are blamed and pressured. Societal perception that an issue becomes resolved once criminal gets a punishment is still strong in Mongolia and this leads to common behavior of criminals who conceal their income and avoid paying fines for damages. Court system is not sufficient to respond to needs of victims. An evaluation states, "In overall, the trust of Mongolians in police and judiciary is very weak and the program on protection of victims is very poor"¹⁹⁰, and in 2010, 6 victims of trafficking and sexual exploitation were brought back from Macao. Their documents were appropriated, they were threatened with big cash debts and, thus, were forced to provide sexual services. However, the case was dismissed on the grounds that profits made from selling the victims was uncertain, the fact of selling was not sufficiently provided with evidence materials.¹⁹¹

Recommendation:

- Provide mandatory compensation to the victims for their emotional, health and financial damages from a Damage Compensation Fund of Government, and, later, collect the damages from convicted criminals
- Strengthen knowledge and capacity of members of multi-disciplinary teams, who work in primary units on provision of protection and support services to victims, based on cases

Children in contact with the law

128. NSO data show that crimes involving juveniles have significantly increased over the last two decades, rising from 733 recorded offences in 1991 to 1,080 in 2008, mostly relating to theft.¹⁹² This number increased in 2013 to 1029, in 2014 to 1059 and 50.6% of crimes are theft crimes.¹⁹³ "In terms of convictions, the number of children sentenced by a court was 386 in 2009, 451 in 2010 and 542 in 2011 – 288 children were also sentenced in the first six months of 2012, signaling a further increase. Unfortunately, even for first time offences or minor crimes, children continue to face harsh consequences, including unwarranted deprivations of liberty at various stages of the justice"¹⁹⁴

129. While up to date analysis and data relating to juvenile justice are lacking, anecdotal reports indicate that little has changed since the Committee on the Rights of the Child made these recommendations".¹⁹⁵

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