



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fifty-third session

### Summary record of the 1460th (Chamber A) meeting

Held at the Palais Wilson, Geneva, on Tuesday, 13 January 2010, at 10 a.m.

*Chairperson:* Ms. Lee

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*The meeting was called to order at 10.10 a.m.*

**Consideration of reports of States parties** (*continued*)

*Third and fourth periodic reports (combined) of Mongolia (CRC/C/MNG/3-4; CRC/C/MNG/Q/3-4; CRC/C/MNG/Q/3-4/Add.1, CRC/C/15/Add.264 and HRI/CORE/MNG/2005)*

1. *At the invitation of the Chairperson, the members of the delegation of Mongolia resumed places at the Committee table.*
2. **The Chairperson**, expressing her sadness at the tragic news of the earthquake in Haiti and the hope that children had not been too badly affected, said that the Committee was anxiously awaiting an update on the situation.
3. **Mr. Orgil** (Mongolia) said that he would respond generally to the Committee's questions concerning peacekeeping and peace education before members of his delegation gave more detailed answers. Mongolia was a major contributor to United Nations peacekeeping operations; 800 Mongolian soldiers were currently deployed in Chad, which was remarkable given the fact that Mongolia's population totalled only 2.7 million. Peace education was included in the curriculum in Mongolia and was a Government priority. The President, Prime Minister, Ministers and members of parliament were involved in that effort and gave talks on peace and the importance of safeguarding international peace and security at schools nationwide at the beginning of each school year. Mongolia had declared itself a nuclear-weapon-free zone and was working in partnership with the United Nations Security Council and neighbouring countries to further strengthen its nuclear-weapon-free status. In addition, Mongolia did not export light arms to other countries, being well aware of the harmful effects of the uncontrolled trade in light arms on international peace and security. The Government would give priority to developing international relations in order to improve the regulation and control of the international movement of arms.
4. With respect to the questions raised regarding the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, he said that the Government had taken various steps to investigate and eliminate all cases of human trafficking. For example, in 2006 the Ministry of Justice had passed a resolution to close down all sauna and massage parlours believed to be conducting illegal activities, and new, more stringent requirements for opening such facilities had been introduced. The Government was working in partnership with international agencies to assist the courts, law enforcement agencies and Mongolia's intelligence services to track down, investigate and prosecute perpetrators within the country and in places such as the Hong Kong and Macao Special Administrative Regions of China. Every effort was being made to investigate alleged cases of the sale of children, which was clearly an offence under the Criminal Code, and perpetrators were prosecuted to the full extent of the law. The biggest constraint was a lack of resources, but more funds should become available once revenues from mining activities started to be received. As part of the Government's campaign against human trafficking, the Ministry of Justice had issued a decree prohibiting newspaper advertisements offering persons under 18, and women in general, supposedly lucrative work overseas or prearranged marriages with wealthy foreign citizens.
5. **Ms. Aidoo** asked whether Mongolian peacekeeping troops were trained in human rights issues, specifically children's rights, and whether they were informed about the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. She requested information on feedback from troops who had come into contact with children involved in armed conflict and on how they had handled such children.

6. **The Chairperson** asked what orders had been given to Mongolian peacekeeping troops on how to deal with children involved in armed conflict.
7. **Mr. Orgil** (Mongolia) said that, although he did not have details about the specific orders given to troops on how to deal with children, he knew that they received appropriate instruction. Mongolian troops underwent extensive training, with the assistance of United Nations peacekeeping officials, in all areas of peacekeeping, including its political and legal aspects and the proper treatment of children, at Mongolia's special peacekeeping training base, which Ban Ki-moon had visited in August 2009. Mongolia's United Nations peacekeeping experience had been very positive, and its troops were highly regarded worldwide.
8. **The Chairperson** asked for clarification on the minimum age at which boys were allowed to enrol in military schools for what was referred to as "musical training" and on the kind of activities in which they were expected to participate. Did Mongolia's Human Rights Commission have unfettered access to military schools? Was it correct that children as young as 15 years of age were allowed to enrol in military schools, with parental consent? Were they accommodated in barracks and were they trained to carry weapons? If so, what precautions were in place? Was a complaint mechanism available to those children? She also wished to know what monitoring mechanisms were in place and what provision was made for their general education.
9. **Mr. Citarella** asked whether military or civilian authorities were responsible for maintaining discipline among the children enrolled in military schools.
10. **Mr. Orgil** (Mongolia) said that, historically, such schools had been military organizations but that they were currently being managed jointly by the Ministry of Defence and the Ministry of Culture. He therefore assumed that certain aspects of the schools were regulated by the Ministry of Culture.
11. **Ms. Javzankhuu** (Mongolia) said that only about 30 children took part in military musical bands. They attended regular secondary schools and did not participate in any military training. When they reached the age of 18 they were able to become members of the military and could begin attending military academies and perform as professional musicians in military bands.
12. **Mr. Gurán** (Country Rapporteur) asked for assurance that children had recourse to a complaints mechanism, since all military schools came under the jurisdiction of the military sector. As more boys under the age of 18 were entering military schools than in the past, what guarantees were in place to ensure that children would enjoy the same rights as children in other types of schools?
13. **Ms. Javzankhuu** (Mongolia) said that the Ministry of Defence was aware of the need to inform such children of their right to lodge complaints with the human rights commissioner responsible for children, either directly or through their parents. In response to a comment made the day before concerning the question of whether or not the report submitted under article 8 of the Optional Protocol conformed to the Committee's reporting guidelines, she noted that the Ministry of Defence had prepared the report with the participation of other Government agencies and NGOs and that the first draft had been presented for feedback to other Government ministries. It was a Government priority to ensure that national legislation complied with the requirements of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Government, when drawing up the report, had followed the guidelines it had found on the website of the Office of the United Nations High Commissioner for Human Rights, as it had assumed that they were up to date.

14. Turning to an earlier question regarding the structure of governmental and independent bodies for children's rights, she said that, at the national level, the Office of the Deputy Prime Minister was responsible for developing and implementing policies for children, while the National Council for Children was the independent body working in that field. There were similar parallel governmental and independent structures at the provincial and village levels. The main roles of the Government were to ensure equal opportunity for stakeholders, build consensus and mobilize resources.

15. **Mr. Orgil** (Mongolia), noting that the subject of discrimination against Kazakh children in education had been raised the previous day, said that the Mongolian Government had no policy of discrimination and that any such problems had nothing to do with its actions.

16. **Ms. Enkhtuul** (Mongolia), returning to a topic discussed the day before, said that Mongolia had 42 residential care centres for children, 5 of which were financed by the State budget, with the remainder run by foreign NGOs. Some 1,200 children were housed in such institutions. The Government had adopted standards for residential care in 2008, and they had come into effect at the beginning of 2009. Those standards were intended to ensure that the services provided were of sufficient quality and that the staff had proper qualifications. Compliance was monitored by professionals working for the Ministry of Social Welfare and Labour. A report on monitoring was in preparation, but had not yet been published. Because some 20 per cent of the children in such institutions had parents who could potentially care for them, the Government had given priority to returning such children to their families. The Government also encouraged alternative solutions, such as foster care and the placement of children with members of their extended families.

17. **Ms. Ortiz** said that she had understood that there was a shortage of social workers in Mongolia, and that the school for social workers needed to update its curriculum. Was that the case? What measures were being taken to address the shortage of social workers?

18. **The Chairperson** said that the Committee regularly received reports that in many countries children who were caught prostituting themselves were treated as criminals instead of victims and were not given the services they needed. What was the situation in Mongolia?

19. **Ms. Enkhtuul** (Mongolia) said that the Ministry of Social Welfare and Labour worked with UNICEF to train social workers in ways of dealing with the sale and prostitution of children and their use in pornography. There was an ongoing need for training programmes for social workers because of the lack of a stable and sufficient number of such professionals in Mongolia. In 2009, 720 social workers had received instruction on the protection of women and children against such crimes. The school for social workers was currently developing a curriculum that would address such subjects, and a specific certification programme was offered for social workers specializing in assistance for children who had been victims or were at risk of abuse.

20. Prior to the adoption in 2005 of a national programme on the protection of children and women from trafficking for purposes of sexual exploitation, awareness of the problem had been minimal, and there had been few experts working to combat that phenomenon. The Government had not yet ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol) because it lacked resources for its implementation, but since the adoption of the national programme, it had achieved some results. For example, it had begun to monitor the situation on an annual basis and had been working with ECPAT International, which was auditing the implementation of the national programme. In 2008 the Mongolian Criminal Code had been amended to bring it into line with the provisions of the Palermo Protocol.

21. **The Chairperson**, pointing out the differences between the Palermo Protocol and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, asked how the legislation had been amended to bring it into line with the latter.

22. **Ms. Enkhtuul** (Mongolia) said that children who were found to be sexually exploited were indeed treated as victims under the national programme and that the Criminal Code had been amended to include specific provisions on sexual exploitation and the trafficking of children. The Government was considering adoption of a specific law on human trafficking and on the trafficking of children, in particular, in order to give greater weight to victim protection.

23. **Mr. Khotrane** said that, under the Optional Protocol, States were called upon to combat the acts covered in that instrument by incorporating the definitions used in it into their criminal law. The legislation mentioned by the delegation was apparently not precise enough. If the definitions did not correspond, then judges could not apply the appropriate standards. By the same token, even if children had the right to file complaints, they would be without effect in the absence of criminal provisions specifically addressing the acts covered by the Optional Protocol. He noted that the report, while listing the criminal penalties applicable to such acts, did not cite any specific criminal penalties, for example, for the forced labour or the sale of children. Furthermore, the Optional Protocol called for criminal penalties, rather than fines such as the ones described in the report as being applicable under the labour law. The State party should adopt a law recognizing universal jurisdiction. The Government should enlist the assistance of legal specialists from the Ministry of Justice to ensure that appropriate legal standards were drawn up and put into force.

24. **The Chairperson** said that the revised guidelines (CRC/C/OPSC/2), available on the website, gave detailed guidance for bringing legislation into conformity with the Optional Protocol on the sale of children. Another excellent sourcebook was *Guidelines on the Protection of Child Victims of Trafficking*, published by UNICEF, which gave a detailed description of the differences between the Palermo Protocol and the Optional Protocol. She wished to assure the Government of Mongolia that many other State parties also had some confusion about the distinctions between the Palermo Protocol, which was narrower in scope, and the Optional Protocol on the sale of children, which was a broader instrument. She offered the Committee's assistance to the Government of Mongolia in developing appropriate legal definitions.

25. **Ms. Enkhtuul** (Mongolia) said that the Government of Mongolia was planning to conduct a study on living conditions in Mongolia in order to determine how many Mongolian families were genuinely poor. It was working on developing new, more comprehensive indicators for identifying poverty that measured other factors in addition to family income, and it intended to use those data to help it target vulnerable groups. In Mongolia, there was a high rate of coal consumption, which created air pollution problems that endangered health. The Government was developing a programme known as New Ulaanbaatar, or "New Capital City", aimed at decreasing the use of coal heat in households, encouraging the use of other heating methods, fostering infrastructure projects in poor communities and promoting the construction of new apartment buildings. In accordance with Mongolia's National Programme of Action for 2002–2010, the family was the main focus of social welfare policy. The programme of action was also designed to help 60,000 Mongolians emerge from poverty. Poverty posed many challenges for society and for families, including domestic violence, sexual violence, child pornography and child trafficking.

26. **Ms. Villarán de la Puente**, pointing out that negative stereotypes also led to violence against women and girls, enquired what was being done to implement the

recommendations contained in the concluding observations of the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW/C/MNG/CO/7) on the combined fifth, sixth and seventh periodic report of Mongolia (CEDAW/C/MNG/7).

27. **Ms. Aidoo** asked whether the Government of Mongolia was monitoring its poverty reduction programme to ensure that children benefited. She also wondered whether educational measures were being taken to empower children, especially girls, to report transgressions against them and to protect them from other negative consequences, such as being forced to leave home. In that regard, she wondered if support groups were being formed to help girls learn how to protect themselves. She pointed out that the dramatic economic changes that were soon to take place with the expansion of the mining industry in Mongolia would surely bring new forms of exploitation of children.

28. **Mr. Gurán** said that it was difficult to assess the economic situation of children in Mongolia, because, although poverty indicators had been developed, there were no child poverty indicators. In building statistics, it was important to look at children as a special group. He would like more information about the assertion that reported cases of child prostitution had decreased in the preceding three years.

29. **The Chairperson** asked whether hotlines for children were available in remote areas and, if so, whether such services were free and confidential.

30. **Ms. Javzankhuu** (Mongolia) said that many hotlines existed, and efforts were being made to provide such services free of charge. The need to protect children from trafficking and exposure to child pornography had been broadly publicized on television and radio during the reporting period. Centres had been established to provide education and training for children, especially girls, and the Supreme Court had been working on the development of prevention mechanisms. The national police force was giving consideration to the creation of a special office to deal with child trafficking, and capacity-building for the prevention of child exploitation was being carried out. There had been some disagreement among Government agencies about how to tackle the issue, but enhanced awareness had helped with consensus-building. In addition, with the assistance of the United Nations Children's Fund (UNICEF) and other international organizations, the Government of Mongolia had been addressing the issue of support for child victims of crime and children involved in criminal investigations. The creation of a system of child witness supporters was a priority. NGOs were being encouraged to create children's shelters for child witnesses and child victims. The Government was also promoting capacity-building for citizens, especially women, and encouraging women to form groups so that they could learn from each other. It was also offering small loans to women to help them to improve their livelihoods.

31. **Ms. Ortiz** asked what measures were being taken to protect children from exposure to pornographic Internet sites and to teach parents to protect their children from such exposure. She would also like to know whether any measures were being taken to protect children from the dangers of sending photographs via mobile phones and the Internet.

32. **Ms. Javzankhuu** (Mongolia) said that freedom of the press was guaranteed in Mongolia. Efforts were being made to increase Internet regulation with a particular view to protecting children. A campaign had been run to encourage parents to listen to their children's concerns and to promote children's participation. Training and awareness-raising materials on children's rights were broadcast on national television and radio. Efforts were being made to change parental attitudes to ensure a better understanding of children's needs and developmental issues. UNICEF was providing support in that regard, and a study had been conducted to monitor the success of those efforts. A programme for family empowerment pioneered by UNICEF had proven successful, and the Mongolian Government was planning to conduct a similar programme on a nationwide scale.

33. **Mr. Citarella** asked whether the dissemination of pornographic material on the Internet was a criminal offence under Mongolian law. He wished to know whether there were any specific examples of action that had been taken against Internet sites that had published information that was harmful to children.

34. **Ms. Javzankhuu** (Mongolia) said that the issue of pornographic material published on the Internet was regulated by the criminal court and legislation on prostitution. Amendments to that legislation were required in order to afford better protection for young people against harmful materials on the Internet. Media organizations would have their licences revoked if they published information promoting prostitution, trafficking or the violation of children's rights. Legislation was in place to regulate advertising, and any advertisements that were detrimental to children's rights were prohibited.

35. The Child Money Programme was currently being revised. Although all children had received money under the programme since 2006, in 2008 the resources available for it had decreased as a consequence of the global financial crisis. The programme was a useful form of family support, and it had also been used to improve the birth registration database. The allowances given under the programme improved children's access to education and promoted discussions between parents and children on sensible spending. Turning to the issue of the situation of persons with disabilities, she said that efforts were being made to ensure that they were afforded equal opportunities. Steps were being taken to improve legislation on the rights of persons with disabilities and to build the physical infrastructure necessary to improve their access to public buildings and transport. Public awareness-raising programmes had been run to increase employment opportunities for persons with disabilities. A programme had been developed to support disabled children's participation in society and to help them to voice their opinions and talk to adults about their problems.

36. Turning to the issue of child labour, she said that, in Mongolian families, the oldest male child was often the head of the household and supported his siblings. The Civil Code and Labour Code regulated age limits for work. The statistics on child labour provided in the written replies to the Committee's list of issues were not accurate, since they included children who helped their parents with domestic chores and who helped in family businesses, such as shops, and subsistence farming. The Government of Mongolia was committed to eliminating the worst forms of child labour, including the practice whereby children were exploited by their parents and forced to beg. Special measures were being taken to provide employment for parents in order to improve the economic situation for families and reduce child labour.

37. **Ms. Villarán de la Puente** asked which aspects of the data provided on child labour were accurate and could be used in the Committee's analysis.

38. **The Chairperson** said that if there were indeed 18,000 working children aged between 5 and 9 years, as reported in the Government's written replies to the Committee's list of issues, child labour was a particularly serious problem in Mongolia.

39. **Ms. Javzankhuu** (Mongolia) said that the statistics provided took account of all economically active children, rather than simply those engaged in the worst forms of child labour. Clearer statistics would be provided in the next periodic report. The survey on child labour had included gifted children engaged in cultural activities such as equestrianism and performing in circuses. The Ministry of Social Welfare and Labour had approved a list of types of employment considered inappropriate for children under the age of 18 years. A system of collecting information and establishing policies to regulate child labour migration was required, and a governmental committee had been established to address that issue.

40. **Ms. Al-Asmar** (Country Rapporteur) thanked the members of the delegation of Mongolia for their cooperation and expressed the Committee's appreciation of the State party's efforts during the reporting period. Further measures must be taken to speed up the

implementation of legislation. The National Authority for Children's role as an implementing agency should be clarified, and it should be granted more resources to enable it to fulfil its mandate. An effective, independent complaints mechanism should be established, and a strategy for children's issues should be developed. An improved, comprehensive data collection system was required. Efforts to disseminate the text of the Convention and the Optional Protocols should be increased, and public awareness-raising campaigns should be run. Coordination between the Government and civil society organizations and international agencies should be increased. Suitable measures should be taken to stop all forms of violence against children. A well-structured strategy to promote the rights of children with disabilities was also required. Creative education programmes should be devised to ensure that education was accessible to children working on their families' farms and in mining areas. Efforts should be made to bring the juvenile justice system into line with the standards required by the Convention. Steps must be taken to ensure that foreign investment and economic growth in the private sector worked to the benefit of the entire population and that Mongolia continued to develop the social and economic infrastructure necessary to provide a secure future for children.

41. **Mr. Gurán** (Country Rapporteur) said that efforts should be made to implement the provisions of the two Optional Protocols to the Convention through legislation, data collection and raising public awareness. Existing legislation in Mongolia, in particular the Family Code, the Criminal Code and the Labour Code, did not adequately reflect all components of the Optional Protocols and should therefore be amended accordingly. Accurate data were required to create suitable indicators for evaluating the successful implementation of the Optional Protocols. Further efforts should be made to disseminate the Optional Protocols, and information on them should be provided to staff working in educational and military training institutions and to social workers.

42. **Ms. Javzankhuu** (Mongolia) said that the Mongolian delegation had noted the Committee's recommendations. The Government was committed to the further development of democracy and the protection of human rights, and children's rights in particular, and was cooperating with the United Nations and other stakeholders in that regard. The Government appreciated the Committee's recommendations, which would be used to enhance children's enjoyment of their rights, particularly in respect of national and intercountry adoption. As economic growth continued to accelerate, increasing emphasis would be placed on children's rights and child protection.

43. **The Chairperson** thanked the members of the delegation of Mongolia for their cooperation and said that she hoped the Government would seek technical assistance from the Office of the United Nations High Commissioner for Human Rights if necessary to ensure the optimum implementation of the Convention.

*The meeting rose at 12.40 p.m.*