



# 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 1456th (Chamber A) meeting

Held at the Palais Wilson, Geneva, on Tuesday, 12 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**

*Combined third and fourth periodic reports 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 delegation of Mongolia took places at the Committee table.*
2. **Mr. Orgil** (Mongolia), presenting the combined third and fourth periodic report of Mongolia (CRC/C/MNG/3-4), said that the Government had made considerable efforts to implement the Committee's recommendations and address the concerns expressed in the concluding observations on Mongolia's second periodic report (CRC/C/15/Add.264), through, inter alia, the adoption of the National Action Plan for Child Protection and Development for 2005–2007. Positive economic results had permitted the establishment of a national development fund in 2006, and almost half of that fund's resources had been allocated to families and children.
3. Legislation had been amended and adopted in order to align national laws with the Convention. The assignment of the Deputy Prime Minister to oversee children's and youth affairs had paved the way for better coordination of policies and activities across sectors, and the National Authority for Children was also working to improve intersectoral collaboration. At the local level, provincial children's centres had been implementing new strategies.
4. A number of development programmes and policy actions had been undertaken to increase access to clean water, improve housing conditions, and upgrade electricity, transport and service infrastructures in rural areas in order to stimulate economic and social development for rural citizens. Health service improvements had resulted in a decrease in child and maternal mortality rates. Efforts were being made to support families and create a safe and secure environment for children, improve parenting skills and develop alternative care options for children separated from their families.
5. Yet many challenges remained, and disparities between urban and rural areas had an adverse effect on the lives of many children. Further efforts were required to improve the legal framework for protecting the rights of children in conflict with the law, child victims of crime, violence and sexual abuse, children with disabilities, unsupervised children, poor children and children whose parents had emigrated for employment reasons. Particular challenges remained in enhancing support mechanisms for monitoring the implementation of the Convention, and in developing a nationwide data collection system.
6. Central and local government bodies had undertaken to develop a comprehensive national policy to prevent and combat sexual exploitation and trafficking in women and children. A national programme to combat the problem had been adopted for the period 2006–2008 and, since 2005, a child protection programme had been implemented with assistance from the United Nations Children's Fund (UNICEF). A national network for the elimination of child pornography and child prostitution and trafficking had been established in 2003.
7. Mongolia's initial report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/MNG/1) had been drafted in line with the Committee's recommendations by various Government bodies, including the National Authority for Children. A national workshop on the right of children not to be involved in armed conflicts had been conducted as part of the report preparation process.

8. **Ms. Al-Asmar** (Country Rapporteur) said that while the legislative reform under way in Mongolia was an ongoing and gradual process, efforts must be made to ensure that families and children benefitted from the country's economic development. She asked what specific measures had been taken to ensure respect for children's rights during the transition to democracy. While the development of new legislation should be commended, she would welcome an analysis of the reasons for the slow pace of its implementation. She requested clarification of the structure of national and local State bodies responsible for the implementation of children's rights and asked how duplication of work was avoided. She asked which authority was responsible for policy formulation and intersectoral coordination in respect of the development of a child protection system and whether there was an adequate monitoring mechanism in place for that system. She would appreciate information on how the Government ensured that resources allocated to children's rights issues were distributed equally across the country and would like to know whether there were sufficient resources available to ensure the full implementation of State programmes and policies for all children. Noting with appreciation the development of a comprehensive data collection system in the State party covering all persons under the age of 18, she wished to know how the data would be used. She would welcome information on the specific measures that were being taken to ensure that cases of discrimination against children were being effectively addressed.

9. **Mr. Gurán** (Country Rapporteur) said that many threats to the enjoyment of children's rights were linked to Mongolia's geographic situation. Since it was such a large country with such a low population density, he wondered how the Government ensured that social services, health care and education were accessible to all. He would like to know whether the National Authority for Children was an effective implementing agency for the Convention and whether NGOs had been involved in drafting the periodic report and, in particular, the reports under the two Optional Protocols. He wished to know what the status of the National Human Rights Commission was, how the Commission was staffed, and whether it had the capacity to resolve problems regarding children's rights. He wondered whether it was equipped to conduct independent monitoring of the implementation of the Convention. He asked whether the small number of reported violations of children's rights was attributable to a lack of public awareness of children's rights and the possibility of filing complaints, and he wished to know how the independent monitoring of children's rights and the effectiveness of the complaints mechanism were guaranteed. More information about the Child Envoys initiative would be appreciated, as well.

10. **Mr. Puras** asked for examples of how the Government cooperated with civil society, supported NGOs and involved them in the implementation of the Convention and in policymaking. The Committee had been informed that NGOs in Mongolia received support from international foundations, rather than the national Government, and he wondered whether that situation interfered with the sustainable development of civil society. He asked what efforts had been made to ensure children's enjoyment of basic civil rights and freedoms and the protection of children's privacy. He also would like to know whether all children and adolescents, especially those in rural and remote areas, had adequate access to information. He asked why the draft national policy on children's participation, which had been prepared several years earlier, had not yet been adopted. He wished to know what measures were being taken to prevent violence against and among children and adolescents. He wondered whether any measures had been taken to alter public attitudes towards the use of corporal punishment in families and schools and to change the law governing that practice in accordance with the recommendation made by the Committee in its concluding observations on the State party's second periodic report.

11. **Mr. Kotrane** welcomed the many legislative measures adopted by the Mongolian Government since 2005, which took account of the Committee's previous concluding observations. He expressed concern, however, that in some cases legislation was not

supported by implementing regulations, which were necessary to limit the lag between legislation and practice. He wondered whether the delegation could provide any specific examples of circumstances in which judges had invoked the Convention directly. He asked whether the National Human Rights Commission and Child Envoys working under the aegis of the National Authority for Children were sufficiently independent to investigate children's complaints effectively. He wondered whether any complaints had been lodged against the administrative authorities by children or by their families on their behalf.

12. **Mr. Citarella**, noting the existence of inequalities between rural and urban areas in Mongolia, expressed concern about discrimination against minorities and disparities between the western region and other parts of the country. He asked whether recently-enacted legislation would guarantee that the special financial aid earmarked for children would be distributed equally throughout the country. He also wondered if the State party could refer to the Constitution or another instrument for a general definition of the child. He was interested to know why the Government of Mongolia had made no attempt to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which would facilitate the introduction into domestic legislation of more precise rules on the use of force and violence against persons, especially children.

13. **Ms. Villarán de la Puente** asked whether the financial crisis had had a detrimental effect on resource allocations for child-related investments. She would like to know what steps the Government was taking to maintain the level of budget allocations for education, health, social security and specific projects such as the prevention of violence against children, assistance for child victims of violence and birth registrations. She asked for clarification on the differences between the allocated and executed budgets, since there appeared to be frequent problems with execution due to regional differences in State institutional capacities. She wondered what specific budgetary policies were being developed to reduce regional disparities in child-related investment, especially between rural and urban areas. In addition, she expressed concern about the difference between levels of investment in general policies for children and in specific welfare benefit subsidies for families and children, such as those provided for breastfeeding mothers and newborns. She requested further information on how the State party ensured that budgetary resource management was transparent and on what independent monitoring mechanisms were in place. She would like to know how the increased resources of international cooperation for progressive investment in child-related policies was being managed.

14. **Ms. Ortiz** said that the Convention on the Rights of the Child was an instrument of paramount importance in ensuring that children's rights were not overlooked during the transition to a new democratic system and human rights culture and that the key to success was effective dissemination and training. She asked whether the Government worked with the media and if the media were respectful when dealing with children or if especially in the case of certain groups of children, such as street children or those accused of theft, the use of derogatory terms was the norm. The media sometimes contributed to a failure to perceive children as persons with rights and to discrimination against them. What steps was the State taking to ensure a change in attitude? She wondered to what extent public authorities were involved in the dissemination of children's rights and how training and assessment was carried out. She wished to know if the study of children's rights had been made a compulsory subject at university level with a view to ensuring that children's rights were taken seriously. Finally, she asked whether children participated in dissemination activities, such as interviews or media programmes, so that they could contribute directly to a change in attitude towards children.

15. **Ms. Aidoo** asked for further information on the effectiveness and success of the national anti-corruption programme and on its impact in safeguarding the resources allocated for children. At both local and national levels, the Government had a

responsibility to protect Mongolia's recently discovered gold and copper reserves against corruption so as to guarantee that children would receive the resources they needed. Referring to the question on coordination raised by the Rapporteur, she asked whether the mandates of the three bodies that were key to protecting children's rights — the National Council for Children, the National Authority for Children and the Office of the Deputy Prime Minister — had been clearly laid out to avoid duplication and provide a central point for policy formulation and monitoring. On the issue of birth registration, she commended the Government of Mongolia for its achievements and for having decreed that, from 2006 on, birth registration and birth certificates would be free of charge. She noted, however, that certain groups of children, such as those living in pastoral communities and those affected by internal migration, were not being fully covered. Information would be appreciated on the steps being taken to ensure that all children were registered at birth and to raise awareness about the importance of birth registration as the first citizenship right of children.

16. **The Chairperson** enquired as to the nature of the basic services guaranteed to the population under 18 years of age, since that population sector would determine the future of Mongolia. On the right to food, she asked what legislative and other steps the Government was taking to deal with the issue posed by the high proportion of malnourished children in Mongolia. She associated herself with the comments of Ms. Villarán de la Puente on the differential in mortality rates and asked for clarification on the reasons for it. She also associated herself with Ms. Aidoo's comments and questions on anti-corruption legislation. She drew attention to Mongolia's poor record on poverty reduction, noting that the situation had actually worsened. She went on to ask if efforts were being made to ensure that mining revenues were distributed in a transparent manner and used to meet the needs of children in Mongolia. She also asked why child allowance payments had been discontinued.

17. **Mr. Orgill** (Mongolia), highlighting the importance that Mongolia attached to the approximately 40 per cent of the population under 18 years of age, said that the Deputy Prime Minister had been due to attend the session but had been obliged to remain in Mongolia to deal with the crisis caused by unprecedented weather conditions, which had, *inter alia*, caused substantial losses (1.7 million animals) in livestock herds.

18. As for the discontinuance of child allowance payments, he said that the allowance had its origins in the parliamentary elections of 2004, when the Democratic Party had launched an initiative to pay each child 10,000 togros per month (approximately US\$ 10) and another party had proposed an allowance for newly married couples. The election had resulted in a coalition government, and payment of the child allowance had commenced in 2004–2008. Unfortunately, in October 2009, the Government had been obliged to divert funds for a major investment agreement with foreign multinationals to exploit the estimated US\$ 5 billion in gold and copper reserves discovered in the Gobi Desert, and the child allowance payments had been discontinued. The Government had made it clear, however, that a sizeable portion of profits from mining activities would be devoted to children and that the child allowance would therefore be continued in a different form. A human development fund had been set up to distribute the funds to children, older persons and other vulnerable sectors of the population.

19. **The Chairperson** noting that the Government was still in the process of concluding contracts for the exploitation of those mineral resources and that it intended to distribute 12,000 togros of such resources to benefit children in 2010, asked what source would provide the funding. How much of the mining revenue would be earmarked for children's programmes? Would there be an oversight structure to ensure that the resources were indeed put to that use?

20. **Mr. Orgil** (Mongolia) said that the 120,000 togros to be paid out during 2010 would be taken from advance payments made to the Mongolian Government by international investors. The question of good governance was an extremely important issue

in Mongolia. The Government was fully aware that other countries had met with varying degrees of success in ensuring good governance as they developed their natural resources. Accordingly, it had been carrying out a constructive dialogue with the World Bank, the International Monetary Fund, donors and international institutions with a view to ensuring the best possible governance of the process. Mongolia required international assistance in that respect.

21. The Government had adopted a large number of laws since the introduction of a democratic system some 20 years ago and, as had happened in other countries in such situations, the practical implementation of those laws, especially those pertaining to human rights, was sometimes problematic.

22. **Ms. Javzankhuu** (Mongolia) said that the Government had decided that, in principle, all proceeds from the contracts for the exploitation of mineral deposits should be used for the benefit of the Mongolian population and would be channelled through the Mongolian Development Fund. The two main political parties were negotiating the details of how to distribute such allocations, and the population was actively taking part in the debate. The Government was receiving a number of suggestions from civil society and NGOs, in particular.

23. The transition from a communist system to a democratic system had been relatively smooth. Each Administration was elected for a four-year term. The parliament adopted an action plan which corresponded to that mandate and approved all legislation. The executive branch issued regulations and procedures for the implementation of laws. Safeguarding children's rights was primarily the responsibility of the Office of the Deputy Prime Minister, the National Authority for Children, which was charged with the implementation of policies adopted by parliament, and the local authorities, which provided oversight of actions and programmes for children. All members of the Cabinet were responsible for implementing children's rights in their respective areas of work. The local authorities received funding from the national budget and from local appropriations.

24. The National Authority for Children was responsible not only for the implementation of laws, but also for the coordination of activities and forums for children. The National Council for Children had been established, and local children's councils were in operation in each province. Those councils coordinated and raised funds for children's activities and helped to draw up policies. They included representatives of civil society, children, international organizations and NGOs. The Government was aware that the system of councils still needed to be improved. The laws on child protection had been strengthened during the reporting period.

25. **The Chairperson** asked which of the three main bodies dealing with children's rights was responsible for drawing up the Government's policies related to children's rights.

26. **Ms. Javzankhuu** (Mongolia) said that the Prime Minister chaired the National Council for Children. The Deputy Prime Minister was responsible for the implementation of policies for children and coordinated all sectoral activities, but he, too, was authorized to initiate programmes and policies for children. All such programmes and policies had to be approved by parliament.

27. **Mr. Gurán** (Country Rapporteur) asked about the membership of the National Council for Children. Did it include Government ministers? Which ministries were responsible for defining policy in respect of the rights of the child? How did the Council organize its work? How often did the Council meet? Was it responsible for determining policy, and was the National Authority for Children, as its secretariat, responsible only for implementation?

28. **Ms. Aidoo** expressed satisfaction that a body reporting directly to the Prime Minister was responsible for policy in respect of the rights of the child. The Committee

needed to know how the National Council for Children worked in practical terms and who was represented on it.

29. **Mr. Citarella** asked for clarification about coordination. If, for instance, the Ministry of Education, Culture and Science decided to change its policies, who determined whether its decisions were in keeping with the overarching Government policy?

30. **Ms. Villarán de la Puente**, noting that all policies were approved by parliament, asked whether they were considered to be policies of the State or of the Government of Mongolia.

31. **Ms. Javzankhuu** (Mongolia) said that the Deputy Prime Minister issued instructions to the local governors on the implementation of programmes at the local level. There were 42 Government agencies in Mongolia, and the National Authority for Children was the one responsible for implementing activities set out in the Law on Protection of Child Rights. It also served as the secretariat of the National Council for Children, whose membership was approved by the Prime Minister. In the summer of 2009, the Prime Minister had changed the composition of the Council, which currently included two Government ministers — the Minister of Health and the Minister of Education, Culture and Science — and a number of other Government officials and representatives of NGOs. Children, too, were represented on the Council, which established its own rules and procedures. The Council took decisions on the coordination of policies relating to the rights of the child. Its meetings were generally chaired by the Prime Minister or the Deputy Prime Minister but, in their absence, any member could preside over its proceedings. The Council addressed intersectoral issues such as those encountered in the course of implementation of the national strategy to protect children against child labour and, more recently, those involved in efforts to strengthen the child protection system; it also helped to ensure that parliament was able to address children's issues quickly and effectively. At the central level, the Council functioned relatively well, and many local children's councils also worked well, but newly elected local officials needed training to ensure that they properly supervised the work of the local bodies.

32. While the national budget was not sufficient to address all problems related to children's rights, it had been increased during the reporting period, as had allocations for social spending. Given the new economic situation, the Government was striving to make the best possible use of its investments in human development, which included expenditures on programmes for children. The Government was currently setting up a national database for the coordination of information on the implementation of the rights of the child. Its internal monitoring mechanisms were generally quite effective, but it nevertheless needed assistance in that area.

33. **The Chairperson**, noting that the Committee had in its previous concluding observations called for the Government to speed up the establishment of an ombudsman's office, asked whether any progress had been made in that direction. At the time that the previous report was under consideration, the Government had already established the posts for three human rights commissioners, one of whom was to be assigned responsibility for the rights of the child. Had that situation changed? The Committee had heard that children were not able to lodge complaints directly with the National Human Rights Commission but instead had to do so through third parties.

34. **Ms. Javzankhuu** (Mongolia) said that, in 2000, when the Government had established the Commission, it had opted for the corresponding structure because it considered that it would be the most effective. The Commission currently had three commissioners, one of whose terms of reference included responsibility for the rights of the child. As an independent human rights body, it enjoyed a great deal of authority and credibility in Mongolian society. The commissioner responsible for the rights of the child had very recently held discussions with NGOs on ways of handling complaints of violations of children's rights. It was especially important at the present time to establish

procedures and mechanisms at the local level to handle complaints and to inform children how to go about filing such complaints. The Commission could receive complaints from any Mongolian citizen, including children.

35. The Deputy Prime Minister was currently working on amendments to the national human rights law, and a working group that included representatives of children and NGOs was addressing the question. One of the amendments under consideration would expand the number of human rights commissioners to five, including one devoted solely to children's issues. The final drafts of those amendments should be ready in the spring of 2010. The Child Envoy system had been established because it had been ascertained that children often wanted such a person to represent their interests in their local communities.

36. **Mr. Gurán** (Country Rapporteur) asked for clarifications regarding the number of members of the National Human Rights Commission who were responsible for children's rights; in particular, he would like to know if there was a particular department or section of the Commission that handled such rights.

37. **The Chairperson** said that legislation regulating the activities of the National Human Rights Commission apparently did not permit children to lodge complaints on their own behalf. Clarifications would be welcome.

38. **Mr. Kotrane** asked whether the Child Envoy system was a children's rights complaint mechanism and whether there in fact existed an ombudsman's office for children.

39. **Ms. Javzankhuu** (Mongolia) said that every Mongolian citizen had the right to complain to the Government of a violation of rights. It was difficult for children to lodge complaints, since often they did not even have the price of a stamp. Every Mongolian Government office was empowered to assist children in making complaints and was responsible for monitoring follow-up. There were three human rights commissioners, each of whom was responsible for children's issues as well as other rights issues. There were no staff members solely responsible for children's issues, although there was a secretary that could receive complaints of violations. Children could contact commissioners directly, and some had done so; no special procedure existed, however.

40. **Ms. Al-Asmar** (Country Rapporteur) enquired what measures were taken to help suicidal girls. She went on to ask how children were adopted into families, since no systematic adoption procedure existed. She would also like to know what programmes existed for cultural outreach to children.

41. **Mr. Gurán** (Country Rapporteur) asked whether the data provided by the Mongolian Government on accidental deaths among children, child suicide and children who died during the commission of crimes were accurate. If so, the situation with respect to the incidence of child death in that country was critical. Clarifications would be welcome.

42. In addition, he would like to know what projects were under way to remove children from residential care institutions and to offer them home-based care instead. Noting that Mongolia had ratified the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, and that national legislation on the subject had been adopted, he asked whether a follow-up mechanism existed to oversee the situation of children adopted in other countries; more information would also be welcome regarding the preparation of young children for adoption.

43. **Mr. Puras** said that the Committee had raised grave concerns about the situation of disabled children in its concluding observations to the second periodic report of Mongolia. He would like to know what measures had been taken to provide disabled children with the same health, education and social services as those enjoyed by other children. It would also be useful to know what challenges the Government faced in moving towards a community-based approach to providing services for such children. He then asked what measures were being taken to address new health threats and, in particular, whether community-based approaches were being adopted in that field. He asked what measures had been taken to



expand access to safe drinking water, to improve hygiene, to enhance breastfeeding and to address mental health issues, as well as how those approaches differed in rural and urban areas. He would like to know what national measures were being taken to extend health services to vulnerable children living in remote areas.

44. **Ms. Villarán de la Puente**, noting that a troublingly large percentage of children were victims of physical and sexual abuse, enquired about the types of actions being taken to prevent abuse, punish perpetrators and rehabilitate victims.

45. **Ms. Ortiz**, referring to the increase in the number of households headed by single mothers and the existence of groups of children who were not cared for by their parents, asked what local measures were being taken to provide assistance and to prevent such situations from arising. She would be interested to know the reason for the common practice in Mongolia of sending children away to boarding schools. In that regard, she wondered whether the Government had evaluated the children living in institutions and whether measures were being taken to assist families in keeping their children at home. It would also be helpful to know whether it was possible for some of those children to be adopted into other families and whether foster family programmes existed.

46. **Mr. Kotrane** asked whether there were measures in place to ensure the payment of child support benefits. The report, paragraph 136, indicated that men over the age of 50 and women over the age of 45 with four or more children were entitled to social security pensions; it would be helpful to know what sorts of benefits were available for younger men and women. National legislation permitting children to work for as long as 30 hours weekly at age 14 contravened the terms of the Convention; clarifications would be welcome. He wondered, as well, whether labour inspectors were responsible for monitoring children who worked.

47. Turning to the matter of children deprived of liberty, he pointed out that the detention of children alongside adults in police precincts was of significant concern; the State party's comments would be welcome, in particular, regarding measures to reintegrate children into social life after time spent in detention.

48. **Ms. Aidoo** said that the Committee appreciated the Government's efforts to create models for adolescent-friendly health services; more information would be welcome. She would also like additional information on measures to prevent and curb tobacco and alcohol use by children. A number of sources indicated that depression, unemployment, dropping out of school and suicide were significant problems among Mongolian youth. The report, paragraph 98, attributed suicides by children to "difficult life circumstances"; it would be useful to know why the problem was especially prevalent among children and adolescents. In addition, she would like to know what actions were being taken to protect child victims of incest-rape, 60 per cent of whom were girls. It was disturbing to note, that 80 per cent of such cases were dismissed.

49. Moreover, she understood that allocations for education were decreasing, rather than increasing, and requested clarification. Since preschool programmes had very low enrolment rates, she wondered what was being done to ensure that children were given a good start in life. She would also like to know whether the Government was considering setting up early child development programmes in sparsely populated areas and what it was doing to combat violence, in particular corporal punishment, in the schools. She also wondered what the reason was for the alarmingly high school dropout rate among boys (50 per cent nationwide and 90 per cent in rural areas), whether there were programmes to allow school dropouts to continue their education by balancing work and school, and what measures were being taken to ensure the equitable distribution of education allocations in rural and urban areas. Lastly, she would like to know whether the Government was providing on-the-job training for teachers and offering incentives to those who accepted teaching positions in remote areas.

50. **The Chairperson** said that the members of the delegation of Mongolia would have the opportunity to respond to the questions raised at the afternoon meeting.

*The meeting rose at 1.05 p.m.*