



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 1458th (Chamber A) meeting

Held at the Palais Wilson, Geneva, on Tuesday, 12 January 2010, at 3 p.m.

Chairperson: Ms. Lee

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (continued)

Combined third and fourth periodic reports of Mongolia (continued) (CRC/C/MNG/3-4, CRC/C/MNG/Q/3-4 and Add.1 and CRC/C/MNG/CO/3-4)

1. *The members of the delegation of Mongolia resumed places at the Committee table.*
2. **The Chairperson** said that members of the Committee still had a number of questions.
3. **Mr. Citarella** said that, in its concluding observations on the State party's second periodic report (CRC/C/15/Add.264), the Committee had urged the State party to set up a system of juvenile justice. Amendments had in fact been made to improve a number of procedural aspects of juvenile justice, but they did not go to the core of the problem. He enquired whether Mongolia intended to set up a separate system of juvenile courts, because to date no such courts existed. Nor did judges receive special training in the Convention or its optional protocols.
4. He asked the delegation to comment on reports that children were detained together with adults in police stations and prisons, in violation of the Convention and general principles of juvenile justice, that they were held for periods which vastly exceeded those permitted by law and that there had been numerous cases of ill-treatment of children in detention facilities.
5. **The Chairperson**, speaking as a member of the Committee, asked why, as stated in table 9 on page 18 of Mongolia's written replies (CRC/C/MNG/Q/3-4/Add.1), so many children between the ages of 5 and 9 were involved in child labour. She reminded Mongolia that it was a party to the relevant International Labour Organization (ILO) conventions on child labour and that the Committee's concluding observations on the State party's second periodic report had also addressed the problem. She suspected that many children in that age bracket worked as jockeys, which had also been an issue for the Committee as well as for the ILO's International Programme on the Elimination of Child Labour (IPEC).
6. Mongolian circuses often toured her country, the Republic of Korea, and children who appeared to be no older than 5 or 6 years of age performed very dangerous acrobatic stunts on horses. She would like to know how those children were sent on such tours and who ensured that they had access to health care and education. Did bilateral agreements exist between Mongolia and other countries?
7. The Committee had reports that, under Mongolia's Criminal Code, sanctions imposed on rapists were less harsh when the victim was a boy. She wondered why that was the case and whether Mongolia had any plans to amend its Criminal Code to ensure that boys enjoyed equal protection under the law. She also enquired how labour legislation regulated the private sector.
8. Lastly, she would like to know who ensured that children who migrated to urban areas were entitled to protection and social services, and she also wondered whether the coal used to heat gers was not detrimental to children's health.
9. **Mr. Orgil** (Mongolia) said that a democratic system, even when young and fragile as in his country, offered the best preconditions for ensuring the basic rights of children. Much remained to be done to improve the situation of children in Mongolia, however, and it would take time to introduce all the laws, regulations and mechanisms that well-established democracies had acquired.
10. He would attempt to answer a number of specific questions asked by members of the Committee. With regard to corruption, he said that that was a major problem, which the

Government was working to address with the help of international organizations, non-governmental organizations (NGOs) and members of civil society. Two years previously, an anti-corruption office had been established, an independent body whose main purpose was to investigate and prevent corruption throughout the country and whose head was nominated by the president and approved by parliament. More recently, a civil council, with the participation of representatives of NGOs and civil society, had been set up to oversee the functioning of the anti-corruption office.

11. Referring to a question about drop-out rates of secondary school pupils in rural areas, he explained that during the communist period, children of herders in rural areas had received education at boarding schools in village centres. With the advent of a market economy in the early 1990s, herders had come to own their own herds, which had grown in size. Thus, there had been a growing incentive for them to pass their know-how on to their children, and secondary school pupils in particular tended to leave school to help their fathers. Those children might be regarded as having dropped out of the formal school system, but they were still receiving non-formal education, since they were being taught the skills of animal husbandry.

12. Mongolia was a large country and was very sparsely populated, and for that reason it was experimenting with distance learning. The Government was bearing all the costs of providing education through satellite channels. It might seem surprising, but most tents of herders were currently equipped with satellite dishes. Mongolia had five free television channels, including one for education.

13. **Mr. Tsolmon** (Mongolia) wished first to correct the impression that budgeting for education had decreased. The recent financial crisis had led to widespread budget cuts in various ministries, but not for education. In 2009, 9 per cent of GDP had gone to the education sector, and Mongolia was committed to eventually allocating 20 per cent of the State budget to education.

14. In reply to another question, he said that the Government attached great importance to preschool enrolment. All-day kindergarten education was provided, and alternative forms of education involved the use of itinerant teachers, mobile gers and part-day education programmes for preschoolers. In 2008, 73 per cent of preschoolers had taken part in a preschool programme, a figure which had risen to 76.3 per cent in 2009. In 2008, a law adopted on preschool education had stipulated that all costs of preschool education programmes would be free and that such programmes were intended to ensure a stimulating environment for children. As from January 2009, the State budget covered the costs of all preschool education programmes, both public and private. Ever since the budget had started paying the cost of feeding children in preschool programmes, enrolment had increased dramatically.

15. With regard to questions on rural disparities in terms of preschool education programmes, he said that the Government was working to offer two- or three-week programmes in remote areas, including in the summer, through mobile gers and kindergartens, for which it supplied classroom equipment and supplies. Preschool education programme standards had been adopted to assess the children's progress. The United Nations Children Fund (UNICEF) had been helping Mongolia develop school readiness criteria, which were used to monitor whether children of nomadic families were ready for school.

16. With reference to violence in schools, he said that at the end of 2009, the Ministry of Education and the Ministry of Social Welfare and Labour had drafted a provision to produce a job description for school social workers, one of whose main responsibilities was to devise violence prevention programmes. They also worked with local teachers to increase understanding and awareness of the issue of violence and abuse. Under the

violence prevention programmes, children who had been victims of violence could lodge a complaint with the social worker at their school.

17. In Mongolia, girls were encouraged to continue education, whereas boys were expected to farm and to care for livestock and thus were more likely to drop out of school. Other factors included a nomadic lifestyle and the poverty of many families, who relied on the labour of their children to improve their economic situation.

18. **Ms. Al-Asmar** (Country Rapporteur) asked why mobile services could not be made available for schoolchildren in the same way as for kindergartens.

19. **Mr. Tsolmon** (Mongolia) said that Mongolia had a non-formal State-funded education programme in the summer and during certain other periods of the year. Classes were taught by itinerant teachers. The programme targeted children from nomadic families who had dropped out of school and other categories of child labourers. A policy introduced in 2007 to help meet the Millennium Development Goals and improve the standard of living of the Mongolian population included a special programme on education for boys, with the requisite State funding. The system of non-formal education had been in place since 1997 and used the same curriculum as formal education.

20. In 2008, the Government had adopted a programme to provide in-service training for school teachers and had opened teacher training schools. Programmes to improve teacher qualifications had been ongoing at local, regional and national levels. The State budget had earmarked funding to cover the costs of those programmes, and international organizations and donors supported the initiatives. According to statistics on the 2009/10 school year, nearly 98 per cent of teachers were properly trained, and the current aim was to further improve their qualifications.

21. A number of incentives were in place to encourage qualified teachers to work in rural areas. As from 2006, every five years teachers who taught in remote areas received a cash payment equivalent to five months' salary. Their salaries were 10 per cent higher than those of other teachers, and the university tuition of their children was paid in full by the State.

22. The school year in Mongolia lasted 34 weeks, and during that time children of nomadic families lived in dormitories, because the Government did not have the means to build schools in rural areas. Standards had been set and measures taken to improve dormitory services. Some children as young as six years, which was the age of first-graders, lived in dormitories, and some moved with their families to larger towns, where they could go to school while living at home. The State budget defrayed the cost of feeding children in dormitories.

23. **Ms. Ortiz** asked whether any specific studies had been conducted into the effect living in school dormitories had on children, particularly those as young as 6 years old.

24. **Ms. Aidoo** welcomed the information on education opportunities that were being provided for children from herder families, particularly boys. It was especially important that those children should be prepared to undertake types of work other than herding, given that employment possibilities for young people would doubtless diversify as a result of the State party's current economic transition.

25. She requested further information on the geographical disparities in primary and secondary education. It would be useful to learn whether local governments had sufficient resources to ensure that all children enjoyed equal education opportunities. The Committee would also welcome information on any measures in place to protect the State budget allocations to education and health in future.

26. **Ms. Villarán de la Puente** asked how many children were currently living in school dormitories.
27. **Mr. Tsolmon** (Mongolia) said that preparations to introduce primary education from the age of 6 years had begun in 2006. The first 6-year-olds had begun school in September 2008. The Government had taken steps to raise awareness about the change among families, and to provide a suitable environment for 6-year-olds in the school dormitories. Currently, most nomadic families were arranging to take their 6-year-old children to school rather than have them live in the dormitories.
28. The Government had introduced several measures to improve the quality of education in the western regions. In particular, it had set up teacher training colleges, provided in-service training for existing teachers, set up free transport for some students to attend school in Ulaanbaatar, built several new schools, improved the infrastructure in existing schools and invested in distance-learning programmes.
29. **Ms. Bayart** (Mongolia) said that, as a result of food security programmes that had been implemented since 2004, children's health had improved significantly. Data clearly indicated that the number of underweight babies had decreased and children's nutrition was improving. Nonetheless, the global economic crisis was having a negative effect on food security throughout the country.
30. While all persons with disabilities had the right to health services free of charge under Mongolian law, provision of such services was indeed limited in remote areas. The Government planned to address that issue in the near future by training family doctors in remote areas to provide services required by persons with disabilities.
31. The infant mortality rate had decreased significantly over the previous 10 years, owing in part to the introduction of universal vaccination, campaigns to encourage breastfeeding, improved nutrition for women of childbearing age and other health programmes. Measures had also been taken to improve access to clean and safe water sources and better sanitation, particularly in remote areas.
32. No data were currently available on young people's alcohol and tobacco consumption. Mental health services, including counselling, were available at provincial hospitals and clinics. Victims of rape and sexual exploitation were first referred to medical health services. Doctors were bound by oath to protect patient confidentiality.
33. **Ms. Aidoo** asked what preventive measures were applied to stop rape and incest. She wished to know whether steps were taken to raise awareness among families and among the young people themselves.
34. **The Chairperson** asked whether there were more incestual rape cases in rural than in urban areas. If so, the State party should indicate what preventive measures were being taken in rural areas.
35. **Ms. Aidoo** said that rape within the family had repercussions not only at the medical level but also at the broader social level. The Committee needed to know what was being done by the relevant ministries to raise awareness among the general public. There was also a legal dimension. In many societies, such issues were swept under the carpet and the Committee would like to know whether such cases were brought to court and how the Government dealt with the resulting mental health problems for girls.
36. **Mr. Puras** wished to know more about preventive measures taken to deal with emotional problems within the community and the family, as opposed to the specialized services that might be provided. It was known that the problems were different in urban and in rural areas, so it was also a matter of societal health. Secondly, children who lived in dormitories from the age of 6, separated from their families, needed an integrated approach

to help them become resilient and healthy, both physically and emotionally. Lastly, he requested the delegation to reply to a question posed during the morning session about the progress made with the breastfeeding programme.

37. **Ms. Bayart** (Mongolia) said that a law on breastfeeding had been introduced in 2005 and the Government had duly implemented it and was monitoring the results. Child mortality rates had improved.

38. **Ms. Enkhtuul** (Mongolia) said that the Government had an adoption policy, including monitoring and follow-up, which was overseen by the Ministry of Social Welfare and Labour. At the provincial level, local governments and governors decided on adoption cases, but intercountry adoptions were carried out in accordance with an established procedure. Foreign nationals were required to act through accredited intercountry agencies, which dealt with the relevant agencies in Mongolia. Action was taken in accordance with the Hague Convention on Intercountry Adoption and international adoption procedures. There was an adoption council, which considered every adoption. Before reaching a decision, it spoke to all the relevant parties. It subsequently monitored the child's situation abroad through the country's embassies.

39. **Mr. Gurán** (Country Rapporteur) said that, under the Hague Convention, a single national authority was supposed to be responsible for intercountry adoption. It was not clear whether there was such a body in Mongolia or whether responsibility was shared.

40. **Ms. Enkhtuul** (Mongolia) said that adoption was regulated in accordance with Mongolian law. The Ministry of Social Welfare and Labour was responsible for implementing the adoption process and, of the 209 children who had been adopted abroad, there had been no reports of ill-treatment.

41. **Ms. Javzankhuu** (Mongolia) said that the Ministry of Justice was committed to establishing a legal framework for every aspect of juvenile justice and the Criminal Code and the Code of Criminal Procedure would be amended accordingly in 2010. Young people were encouraged to have a lawyer during the investigation period. It would not be feasible to introduce a specific law on juvenile justice in the near future, but the amendments to the Criminal Code and the Code of Criminal Procedure would contain provisions for special judges for juvenile courts.

42. Detention was the last resort for children. The country's one educational institution for young offenders catered only for boys; girls were placed in women's prisons. At the provincial level, young people were not placed in detention. A young offender could lodge a complaint if his or her rights were violated during the investigation period and follow-up measures could be taken. Law enforcement officials were trained in children's rights. The amended Code of Criminal Procedure would also have provisions on the assessment of child victims. In the first half of 2010, the Government would be working with international organizations to review the legal system, with a view to bringing it into line with international standards.

43. As for the definition of a child, any person under 18 was regarded as a child under the Constitution. It was intended to bring in legislation by 2012 dealing specifically with children's rights. Moreover, the Civil Code would be amended to incorporate provisions on children's legal capacity. A census was to be held in 2010 and all citizens would be issued with a smart card in order to avoid duplication. Newborn children were routinely registered, but the census would provide new information. The problem was more difficult where the children of migrants were involved. The registration of children had, however, improved significantly since 2006.

44. With regard to children's participation in public life, young people aged between 10 and 14 made up a significant proportion of the population. Proposals along the lines of

those made by the Committee had been submitted to Parliament, with support from international organizations. Parliament had, however, lacked the time to deal with the matter before the end of its session. The process would have to be repeated with a new parliament. Meanwhile, the Government was improving and revising its document on children's participation and working with NGOs, including children's rights organizations, to set up a network aimed at strengthening protection for children, with special reference to the elimination of child labour and the prevention of the sale of women and girls for sexual purposes. The Government was working with some 40 human rights organizations, in the framework of the "United Voice" initiative.

45. **The Chairperson** said that the Committee had the impression that the Government expected NGOs to engage in activities that should be the responsibility of the State. She requested further information.

46. **Ms. Javzankhuu** (Mongolia) said that NGOs were supported by the Government, which sought to develop programmes benefiting the Mongolian people. In particular, the Committee could rest assured that the issue of children's rights was supported by the Prime Minister.

47. Lastly, **the Chairperson** asked how many children with disabilities were in education, how they were identified and categorized and where they received inclusive education.

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

48. **Mr. Gurán** (Country Rapporteur) asked why no representatives from the four bodies that had prepared the report had joined the delegation and also why no NGOs had participated in the report-drafting process. He also asked how the State party was going to raise awareness of the Optional Protocol in society.

49. He requested information about the status and situation of children in military schools and universities and the Military Music School and if there were any guarantees that they would not participate in military practices. He also wanted to know if there was a complaint mechanism available to those children, for example, if they could submit complaints through the National Human Rights Commission.

50. **The Chairperson** noted that the revised reporting guidelines had not been completely followed in the case of both reports on the Optional Protocols. She asked whether Mongolia traded or exported small arms or light weapons to other countries and, if so, how it ensured that such weapons did not end up in the hands of children who were recruited to participate in armed conflict. She also asked whether peace education was included in the curriculum in Mongolia.

51. **Mr. Gurán** (Country Rapporteur) asked whether a law prohibiting the trade and export of small arms and light weapons as well as military assistance to countries where children were involved in armed conflict was being prepared or whether it was under discussion.

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

52. **Mr. Gurán** (Country Rapporteur) asked for information on the results of the National Programme on Protection from Trafficking of Children and Women for the Purpose of Sexual Exploitation. He also asked about the budget allocated to the programme and requested clarification on which body was responsible for its implementation, monitoring and evaluation. In addition, he asked the delegation to provide information on

the activities and results of the End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) national network.

53. He requested further information on the agreements that the Mongolian Government had produced for tourist companies in order to combat sex tourism, as well as information on the results of such agreements.

54. He asked whether Mongolia collected any data on girls and boys who were sexually exploited. He pointed out that the victim protection programmes that had been implemented, with the assistance of the United Nations Children's Fund (UNICEF) and other organizations, were oriented towards girls; boys were not mentioned as victims of child prostitution or child pornography. He wondered if the delegation could provide any information on such groups of boys.

55. Lastly, he asked if there had been any evaluation of the hotlines opened by the Centre for the Protection of Children from Abuse and the Centre for Gender Equality for victims of child abuse. He asked for details on the callers to those hotlines and on the results of their cases.

56. **Mr. Puras** asked how the State party identified, targeted and collected data on vulnerable groups of children, such as children in slums, street children or children in institutions, and whether it had targeted responses or strategies to prevent the sexual exploitation of such groups. He noted that child protection work for children who were victims of sexual exploitation was often undertaken by NGOs and asked about State-funded services in that area.

57. **Ms. Aidoo** stated that poverty was one of the root causes of children's vulnerability and asked what the State party was doing in terms of targeted poverty alleviation in the areas, regions and provinces from which trafficked children, in particular girls, originated. She asked whether Mongolian legislation included a clear definition of the offence of the sale of children as provided for in the Optional Protocol. Lastly, she asked the delegation to provide a clear picture of the Government's role in implementing the Optional Protocol, in terms of its policies and strategies.

58. **Mr. Citarella** asked if the State party envisaged introducing the crime of sale of children into its legislation and how it perceived the difference between trafficking and sale. He also asked what the Government was doing in terms of monitoring and preventing Internet content that was harmful for children and if, for example, the police were involved in that work.

59. **Ms. Villarán de la Puente** asked for information on the sanctions applied to perpetrators of sexual exploitation and prostitution. She also asked if there were specific protocols on protecting girls or boys who submitted complaints from victimization or further abuse during the complaints process.

60. **Mr. Kotrane** asked who had drafted the report on the Optional Protocol and what part the Ministry of Justice had played. He observed that the laws in Mongolia did not seem to be in accordance with the Optional Protocol; the domestic Criminal Code needed to be adapted to the provisions of the Optional Protocol and to use its definitions. He asked whether acts committed against a child abroad, for example by a foreigner living on Mongolian territory, could be prosecuted by the domestic authorities. He observed that the principle of territoriality was not entirely in keeping with the provisions of the Optional Protocol.

61. **Ms. Ortiz** asked how the State party ensured that information on the Optional Protocol and the Convention and the crimes referred to therein was disseminated to the public.

62. **The Chairperson** said that all the acts outlined in the Optional Protocol should be explicitly stated in the Criminal Code and that appropriate sanctions must be provided. She emphasized that all children under the age of 18 should be considered as victims, not criminals, and that the fact that the minimum age of sexual consent in Mongolia was 16 should not affect that principle, for example in the case of prostitution.

63. In its replies, the State party said that there had been no cases of sale of children for the purposes of forced labour, exploitation or adoption in the previous three years. She wondered why no such cases were reported, in particular because the Committee had received reports of children being sold to work abroad or in mines in Mongolia. Lastly, she requested further information on the administrative measures that had been implemented to help victims of child exploitation.

The meeting rose at 5.50 p.m.