



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-ninth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding observations: Mongolia

1. The Committee considered the second periodic report of Mongolia (CRC/C/65/Add.32) at its 1040th and 1041st meetings (see CRC/C/SR.1040 and 1041), on 26 May 2005, and adopted at the 1052nd meeting, on 3 June 2005, the following concluding observations.

A. Introduction

2. The Committee welcomes the State party's second periodic report but regrets that it has been submitted late and that it does not fully follow the reporting guidelines. The Committee also welcomes the submission of written replies to its list of issues (CRC/C/Q/MNG/2), which contained useful statistical data and other detailed information and gave a clearer understanding of the situation of children in the State party. It further notes with appreciation the constructive efforts made by the high-level delegation to provide additional information in the course of frank dialogue.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee takes note of the adoption of laws aimed at protecting and promoting the rights of the child such as:

(a) The adoption in 1996 of the Law on Protection of Child Rights, which provides a legal framework for actions concerning special protection of children;

(b) The adoption in 1998 of the Law on Social Welfare which defines the types and scope of social benefits for, inter alia, orphans without legal guardians and children with disabilities;

(c) The adoption in 1998 of the Health Law, which provides, inter alia, children with specialized medical care;

(d) The adoption in 1999 of the Labour Code which regulates, inter alia, the employment of minors and their work conditions;

(e) The adoption in 1999 of the Family Law which stipulates, inter alia, parental responsibilities, and rules for adoption, custody and alimony;

(f) The adoption in 2000 of the Law on the National Human Rights Commission of Mongolia and the establishment of that;

(g) The revision in 2002 of the Criminal Procedure Code, which introduced separate sections on offences committed by juveniles and on crimes against children, family and society; and

(h) The adoption in 2004 of the Law against Domestic Violence which aims to combat and prevent domestic violence and to protect the human rights of victims, including child victims.

4. With regard to the rights and status of children in Mongolia, the Committee notes with appreciation the State party's continuous efforts to emphasize the importance of this issue by declaring several thematic years, such as the Year of the Child in 1997, the Youth Year in 1998, the Year for the Development of Children in 2000, the Year of Support for Disabled Citizens in 2001 and by organizing the National Summit on Children in 2004. The Committee also notes with satisfaction the State party's efforts to increase its budgetary allocations for children's social services.

5. The Committee also welcomes the ratification of:

(a) Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Intercountry Adoption, in April 2000;

(b) ILO Convention No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour, in February 2001;

(c) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in January 2002;

(d) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in March 2002;

(e) ILO Convention No. 138 (1973) concerning the minimum age for admission to employment, in December 2002;

(f) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in June 2003;

(g) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in October 2004.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee notes that economic transition in Mongolia, starting in 1991, has been relatively quick and it has had far-reaching effects on Mongolian society. Economic instability, unemployment and increased poverty have affected families, especially those with many children and those living in rural areas. The Committee takes note of the particular nature of the State party, its vast geographical land area, with very low population density. In addition, the Committee acknowledges that exceptionally difficult weather conditions, harsh winters and *dzuds*, a combination of a drought in the summers and extreme cold and snowstorms in the winters during 1999-2001, have also given rise to the high number of economic and social difficulties. These have had a negative impact on the overall development of the State party affecting the lives of many thousand children, especially in the most remote areas.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Committee's previous recommendations

7. The Committee notes with satisfaction that various concerns and recommendations (CRC/C/15/Add.48) made upon the consideration of the State party's initial report (CRC/C/3/Add.32) have been addressed through legislative measures and policies. However, some of the concerns it expressed and recommendations it had made regarding, inter alia, school drop-out among boys in rural areas and to prevent their involvement in child labour (para. 23), to reinforce the access to basic services for children (health, education and social care) in rural areas (para. 23), to reinforce the access to basic services for children with disabilities throughout the country (para. 23), the promotion and protection of the rights of refugee children (para. 26), the judicious distribution of resources at central and local levels (para. 27) and the rights of children in conflict with law (para. 29), have not been sufficiently addressed.

8. The Committee urges the State party to make every effort to address the recommendations made in the concluding observations on the initial report that have not yet been implemented, and to address the list of concerns contained in the present concluding observations on the second periodic report.

Legislation

9. The Committee welcomes a comprehensive law reform in the State party, including various legislative measures taken to strengthen the protection of children's rights. Notwithstanding the positive steps taken by the State party in the field of domestic legislation, the Committee is concerned at the insufficient number of implementation measures, which tend to form a gap between law and practice. In addition, the Committee is concerned about some contradictory provisions of the domestic laws leaving children without adequate protection, e.g. the compulsory school age is 17, whereas the labour law allows children aged 14 and 15 years old to work 30 hours per week.

10. **The Committee recommends that the State party take all necessary measures, including the provision of adequate financial and human resources, for the effective implementation of its domestic legislation, including recently adopted laws. It also recommends that the State party review its domestic laws in order to identify possible gaps in the protection of children.**

Coordination and a National Plan of Action

11. The Committee notes with appreciation the positive results obtained in implementing the National Programme of Action for the Development of Children for the period 1990-2000. It also welcomes the Second National Plan of Action for Children 2002-2010 adopted by the State party and its commitment to follow up on the General Assembly's special session on children outcome document "A world fit for children". The Committee notes the new structure and strategy for the National Authority for Children adopted in September 2004 but it is concerned at the lack of a comprehensive strategic plan for the promotion of intersectoral and subnational coordination and the limited training of all levels of organizations for the new approach of the National Authority for Children.

12. **The Committee recommends that the State party provide adequate human, financial and technical resources for the full and effective implementation of the Second National Plan of Action for 2002-2010 and that it ensure a rights-based, open, consultative and participatory process for the implementation of the plan. The Committee also recommends that the State party develop a comprehensive strategic plan for coordination at all levels relevant to the implementation of the Convention, to provide adequate information and training responding to the National Authority for Children's new approach and to inform the Committee on the coordination activities of the National Authority for Children in its next report.**

Independent monitoring

13. The Committee welcomes the establishment of the National Human Rights Commission in 2001 and in particular the decision to entrust one of the three Commissioners with the mandate for child rights. It also notes the current consideration of the establishment of a separate ombudsperson for children.

14. **In the light of its general comment No. 2 (2002) on the role of independent national human rights institutions, the Committee calls upon the State party to ensure that the National Human Rights Commission is provided with adequate human, financial and technical resources and that it has facilities to monitor and evaluate progress in the implementation of the Convention at the national and local levels as well as to receive, investigate and address complaints from children. The Committee suggests that the State party expedite the ongoing discussion with regard to consideration of the establishment of a separate ombudsperson for children. Furthermore, the Committee recommends that the State party take appropriate measures to develop good governance strategies and to combat corruption.**

Allocation of resources

15. The Committee welcomes the priority given by the State party to the allocation of resources to children's social services, health and education, by implementing the 20/20 initiative for budgeting and mobilizing national domestic resources for children's well-being. But the Committee expresses its concern that budgetary allocations for children are still insufficient to respond to national and local needs for the promotion and protection of children's rights. The Committee is particularly concerned at disparities between rural and urban areas with respect to services provided to children.

16. **The Committee recommends that the State party:**

(a) Increase the proportion of the budget allocated to the realization of children's rights and, in this context, ensure the provision, including through international cooperation, of appropriate human resources with special attention for children in small rural communities and remote areas, and guarantee that the implementation of child policies are a priority, with a view to eliminating discrimination in the enjoyment of the rights between rural and urban areas;

(b) Continue its cooperation with international financial and United Nations agencies and bilateral donors.

Data collection

17. The Committee acknowledges that the economic transition period in Mongolia has necessitated significant changes in its statistical system. The Committee notes with appreciation the State party's efforts in the compilation of statistics, such as the Child and Development Survey 2000, which provides, inter alia, base-line data for the Second National Plan of Action for Children 2002-2010. Notwithstanding the positive steps taken by the State party, the Committee expresses its concern that data collection is not sufficiently developed and is not disaggregated for all areas covered by the Convention.

18. **The Committee recommends that the State party:**

(a) Continue to develop its systematic data collection within the national statistical system to cover all children up to the age of 18 years, with specific emphasis on those who are in a particularly vulnerable position, such as children with disabilities, children living in extreme poverty, children living in rural areas, migrant children, child victims of abuse or ill-treatment, street children, children in conflict with law and children belonging to minorities, and all areas of the Convention;

(b) Ensure that all data and indicators are used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;

(c) Seek innovative ways to publish these statistics and make statistical information widely available to the public;

(d) Continue its collaboration with, among others, the United Nations Children's Fund (UNICEF) in this respect.

Dissemination of the Convention

19. Welcoming the efforts that have been made to disseminate information about the principles and provision of the Convention, inter alia through the National Forums of Mongolian Children in 1998 and 2001, thematic years dedicated to children's issues and regular training activities, the Committee expresses its concern that these measures have not been effective to the extent desirable. The Convention is not disseminated at all levels of society and there are regional disparities, in particular regarding rural areas and among minorities.

20. The Committee notes that the training and retraining of professionals working with and for children has been conducted in collaboration with international agencies and non-governmental organizations. The Committee is, however, of the opinion that these measures need to be further strengthened and implemented in an ongoing, comprehensive and systematic basis.

21. **The Committee recommends that the State party:**

(a) Develop more creative and child-friendly methods to promote the Convention, in particular at the local level and among minorities, and through the media;

(b) Include the Convention, its principles and provisions in the school curricula;

(c) Continue to strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights for professional groups working with and for children, such as judges, lawyers, law enforcement and health personnel, teachers, school and institution administrators and social workers as well as journalists;

(d) Continue to seek technical assistance from, among others, UNICEF, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

2. General principles

Non-discrimination

22. The Committee appreciates the measures taken to promote the principle of non-discrimination against children, such as the enactment in 1992 of the Constitution of Mongolia and in 1996 of the Law on Protection of Child Rights, which both guarantee that all children are of equal status in the application of Mongolian legislation. But the Committee is concerned at the persistent de facto discrimination faced by children with disabilities, children living in poverty, children in conflict with law, street children, children living in rural areas and also children who have migrated from the rural areas and are living in the capital without official registration, especially with regard to their access to adequate social and health services and educational facilities.

23. **The Committee recommends that the State party make greater efforts to ensure that all children within its jurisdiction enjoy all the rights enshrined in the Convention without discrimination, in accordance with article 2, by effectively implementing the existing laws which guarantee the principle of non-discrimination. The Committee recommends that the State party adopt a proactive and comprehensive strategy to eliminate de facto discrimination on any grounds and against all vulnerable groups of children and that it prioritize social and health services and equal opportunities to education for children belonging to the most vulnerable groups.**

24. **The Committee requests that specific information be included in the next periodic report on the measures and programs relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and taking account of the Committee's general comment No. 1 (2001) on the aims of education.**

Respect for the views of the child

25. The Committee notes with great appreciation the State party's actions to promote and respect children's right to freely express their views in all matters affecting them and to participate in society, including by organizing a series of mini-United Nations conferences, parliaments and governments in 1998 and 1999, National Forums of Mongolian Children in 1998 and 2001 and a National Summit for Children in 2004, and by trying to address the rights of Mongolian teenagers. However, the Committee remains concerned that the traditional attitudes in the State party may limit children's right to freely express their views within the family, schools and the community at large.

26. **In the light of article 12 of the Convention, the Committee recommends that the State party continue to strengthen its efforts to promote respect for the views of all children, especially girls, and to facilitate their participation in all matters affecting them within the family, schools and other institutions. It also recommends that the State party undertake a regular review of the extent to which children's views are taken into consideration and of their impact on policy-making and court decisions, programme implementation and on children themselves.**

3. Civil rights and freedoms

Birth registration

27. The Committee reiterates its concerns about deficiencies in the implementation of the child's right to immediate registration after birth. The Committee notes with particular concern that a fee imposed upon registration of a newborn child can cause financial obstacles for poor families and tends to delay if not prevent birth registrations. In addition, delays in birth registrations are subject to additional fees.

28. **The Committee recommends the State party implement an efficient and at all stages free-of-charge birth registration system, which covers its territory fully, including through introducing mobile birth registration units and awareness-raising campaigns to reach the most remote areas of its territory.**

Corporal punishment

29. The Committee is concerned that corporal punishment of children remains socially acceptable in Mongolia and it is still practised in families and also in places where it has been formally prohibited, such as schools and other institutions. It further notes with concern that Mongolian legislation does not expressly prohibit corporal punishment in the family.

30. **The Committee urges the State party to prevent and combat the practice of corporal punishment of children in the family, in schools and other institutions and to explicitly prohibit by law corporal punishment in the family. The Committee recommends that the State party introduce public education and awareness-raising campaigns with the involvement of children on alternative, non-violent forms of discipline in order to change public attitudes about corporal punishment and to strengthen its cooperation with the non-governmental institutions in this respect.**

4. Family environment and alternative care

Parental responsibilities

31. The Committee is concerned at the increasing number of families headed by a single parent and the socio-economic difficulties faced by them, and the often limited degree to which fathers generally assume their parental responsibilities.

32. **The Committee recommends that the State party take all necessary measures to provide parents and families with the necessary financial and other support to the extent possible, paying attention to single-parent families and families living in particularly difficult circumstances. With regard to the principle that both parents have responsibilities for the upbringing and development of the child, the Committee endorses the recommendation adopted by the Committee on the Elimination of Discrimination against Women in 2001 (A/56/38, paras. 269-270) urging the State party to develop laws, policies and educational programmes that support and promote the idea of joint parental responsibility.**

Children deprived of family environment

33. The Committee is concerned at the increasing number of children in institutional care, including children who fled from their homes and were placed in child care centres. Referring to article 25, paragraph 9, of the Family Law, the Committee is of the view that the placement procedures are not fully in conformity with the principles and provisions of the Convention.

34. **In the light of article 20 of the Convention, the Committee recommends that the State party:**

(a) **Take immediate preventive measures to avoid separation of children from their family environment and to reduce the number of children living in institutions;**

(b) **Ensure that the placement of children in institutional care is always assessed by a competent, multidisciplinary group of authorities and that the placement is done for the shortest period of time and subject to judicial review and that it is further reviewed in accordance with article 25 of the Convention;**

(c) **Strengthen its efforts to develop the traditional foster-care system by paying particular attention to the rights recognized in the Convention, including the principle of the best interests of the child, and other family-based alternative care;**

(d) **Provide appropriate assistance and support services to parents and legal guardians in the performance of their child-rearing responsibilities, including through education, counselling and community-based programmes for parents.**

Adoption

35. The Committee takes note with appreciation of the State party's efforts to regulate both domestic and intercountry adoptions, including the enactment of the Family Law provisions on adoption in 1999, the ratification of the Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Intercountry Adoption in 2000, and the adoption of the rules on "giving a child of Mongolian nationality for adoption to foreign citizens". The Committee notes the State party's ancient traditions in fostering and adoption procedures and the relatively small number of intercountry adoptions. The Committee nevertheless remains concerned that the State party's domestic legislation on fostering and adoption procedures is not yet in full conformity with the principles and provisions of the Convention.

36. **The Committee recommends that the State party ensure that procedures of fostering and adoption are handled in full conformity with the principles and provisions of the Convention by qualified, competent and efficient multidisciplinary personnel and institutions.**

Abuse and neglect, maltreatment, violence

37. While acknowledging that the State party is aware of the grave magnitude and negative repercussions of abuse and violence against children and that it has taken measures to prevent it, the Committee remains concerned at the persistence of this problem. The Committee is particularly concerned at the absence of a legal framework to protect children from incest.

38. **In the light of the recommendations adopted by the Committee on its days of general discussion on violence against children within the family and in schools (see CRC/C/111) and on State violence against children (see CRC/C/100), the Committee recommends that the State party:**

(a) **Take all appropriate measures to address and prevent domestic violence, whether physical or mental, including violence against women, within the family, inter alia, by implementing the Law against Domestic Violence, adopted in May 2004, and to ensure the full protection of children against this type of violence;**

(b) **In order to prevent and reduce the phenomenon of domestic violence, and violence in society in general, undertake studies on the root causes and scope of the problem of violence against children;**

(c) **Take steps to end the sexual abuse of children, including through establishing a legal framework to protect children from incest, improving the access of children and adults to reporting mechanisms, giving its full support to a toll-free three-digit telephone helpline open 24 hours per day, and increasing the investigation of cases and the prosecution of persons responsible;**

(d) **Raise awareness among the public of the problem of domestic violence, with a view to changing public attitudes and traditions that inhibit victims, particularly women and girls, from reporting it, and strengthen its cooperation with non-governmental organizations, such as the National Centre Against Violence, working in this field;**

(e) **Investigate cases of domestic violence and sexual abuse, through a child-sensitive judicial procedure, and ensure that sanctions be applied to perpetrators with due regard given to guaranteeing the right to privacy of the child; and**

(f) **Address the shortage of child psychiatrists, psychologists, social workers and other professionals in order to provide child victims and perpetrators of sexual abuse and violence against children with adequate access to counselling and other recovery and reintegration-related services.**

Childcare services

39. The Committee is concerned that the number of places available in services, such as day care and pre-school facilities, appears to be inadequate and there are notable regional disparities in this respect.

40. **In the light of article 18, paragraph 3, of the Convention, the Committee recommends that the State party take immediate measures to increase the number of places in day care and pre-school facilities, paying particular attention to the regional equality.**

5. Basic health and welfare

Children with disabilities

41. The Committee expresses its grave concern about the situation of children with disabilities and regrets that discrimination against them exists. While noting that the majority of services for children with disabilities exist in the urban area, the Committee is particularly concerned for children with disabilities living in rural areas of the country and the difficult socio-economic circumstances faced by them. While taking note of the laws regulating the

rights of persons with disabilities and the National Programme for the Improvement of the Situation of Disabled Citizens, adopted in 1999, the Committee is concerned about the lack of effective policies, basic services and coordination supporting the children with disabilities. The Committee notes with concern the lack of a legal framework to provide children with disabilities with access to the physical environment. The Committee also notes with concern that the high number of children with disabilities have neither adequate access to social and health services nor to education. Furthermore, the Committee expresses its concern about the lack of adequate statistical data on children with disabilities and the existing prejudices against children with disabilities.

42. The Committee urges the State party, taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities and the recommendations adopted by the Committee on its day of general discussion on the rights of children with disabilities (see CRC/C/69):

(a) To initiate and plan a comprehensive national policy for children with disabilities and to allocate necessary financial and human resources to implement the plan;

(b) To collect adequate and disaggregated statistical data on children with disabilities and to use such data in developing policies and programmes to promote their equal opportunities in society, paying particular attention to children with disabilities living in rural areas of the country;

(c) To prevent and prohibit all forms of discrimination against children with disabilities and to ensure equal opportunities for their full participation in all spheres of life;

(d) To take all necessary measures to include children with disabilities in the mainstream school system to the extent possible and, where necessary, to establish special education programmes tailored for their special needs;

(e) To take measures to provide children with disabilities with access to the physical environment, information and communication;

(f) To raise awareness, owing to the deeply rooted prevailing prejudices against children with disabilities in Mongolian society, of children with disabilities, including their rights, special needs and potential, in order to change negative public attitudes.

Health and health services

43. While noting with appreciation the State party's efforts to improve primary health care, in particular the prevention of infectious diseases such as measles, meningitis and diphtheria as a result of the successful implementation of the National Immunization Programme 1993-2000, the Committee is nevertheless concerned at the regional disparities in access to health services, the high rates of both maternal mortality and under-5 mortality and regional differences in this respect, and the prevailing situation of malnutrition among children. The Committee notes with concern that the exclusive breastfeeding rate is declining and that the State party has not yet adopted the International Code of Marketing of Breastmilk Substitutes. The poor knowledge of

the use and effects of medicines and the limited access to affordable children's pharmaceuticals give cause for some serious concern. The Committee expresses its concern at the poor state of sanitation, environmental pollution problems and the limited access to clean and safe drinking water in the country. Furthermore, the Committee is concerned that children who have migrated from the rural areas of the country and are living without official registration in the capital have a very limited access to health and social services.

44. The Committee strongly recommends that the State party undertake all necessary measures:

(a) To prioritize the allocation of financial and human resources to the health sector, in order to ensure equal access to quality health services by children in all areas of the country, including children living in the most remote areas of the country;

(b) To continue its efforts to improve prenatal care and to significantly reduce maternal and under-5 mortality rates, paying particular attention to mothers and children living in remote areas of the country;

(c) To adopt the International Code of Marketing of Breastmilk Substitutes and to encourage exclusive breastfeeding for six months after birth, with the addition of an appropriate infant diet thereafter;

(d) To improve the nutritional status of children, for example through introducing a school nutrition programme, with particular attention to children in rural areas;

(e) To ensure equal access to safe and affordable pharmaceuticals used in the prevention and treatment of a range of health conditions of children and to raise awareness on the use and effects of medicines;

(f) To ensure access to safe and clean drinking water and sanitation in all areas of the country and to protect children from the consequences of environmental pollution;

(g) To pay attention to the health situation of those children who have migrated from the rural areas of the country and who are living without official registration in the capital, in order to facilitate their equal access to all health and social services.

Adolescent health

45. The Committee takes note of the State party's efforts to promote adolescent health and health education in schools by implementing the National Reproductive Programme on Student and Adolescent Health and a campaign on the "health-promoting school". However, the Committee is concerned at the limited number of school health services, including the lack of regular physical examinations and statistical data on the status of schoolchildren's health. In addition, the Committee is concerned that insufficient attention has been given to adolescent health in the context of non-communicable diseases related to lifestyle factors, such as tobacco smoking, alcohol consumption and drug abuse.

46. **The Committee recommends that the State party pay close attention to adolescent health, taking into account general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, and strengthen its efforts to promote adolescent health, including sexual and reproductive health education in schools, and to introduce school health services, including youth-sensitive and confidential counselling and care. The Committee recommends that the State party ensure that adolescents not attending school are provided with the same education, information and services for health. In order to decrease tobacco smoking, alcohol consumption and drug abuse among adolescents, the Committee recommends that the State party initiates campaigns, particularly designed for adolescents, on health-behavioural choices.**

HIV/AIDS

47. The Committee notes the relatively low HIV infection rate in the country and is encouraged by the State party's efforts to prevent and combat HIV/AIDS and sexually transmitted infections (STIs) by implementing, inter alia, the National Strategy to respond to HIV/AIDS, the State Policy on Public Health, the National Reproductive Health Programme, the Law on the Prevention of HIV/AIDS and the National Programme on Communicable Disease. Notwithstanding the positive steps taken by the State party, the Committee expresses its concern about the existing risk factors, such as the growing number of young sex workers, which predispose them to HIV-infection.

48. **In the light of the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child (CRC/GC/2003/3) and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37), the Committee recommends that the State party strengthen its efforts to prevent the spread of HIV/AIDS and continue to raise awareness about HIV/AIDS among adolescents, particularly among those belonging to vulnerable groups.**

Standard of living

49. The Committee is deeply concerned at the persistent high rate of poverty in the State party. The Committee notes that, as a consequence of increasing migration from rural areas, poverty is becoming more urbanized and this change has created a range of new social issues, such as children living on the streets. While noting, inter alia, the adoption in 2004, of the "Money for hope" benefit system for children living in families with a minimum income and the State party's efforts to implement its poverty-reduction plan, programmes and projects, the Committee reiterates its concern at the high number of children who do not enjoy the right to an adequate standard of living, including adequate housing and other basic services, both in urban and rural areas of the country.

50. **In accordance with article 27 of the Convention, the Committee recommends that the State party continue to implement, as a matter of high priority, its national plan and programmes for poverty reduction, paying particular attention to economically disadvantaged families in need of support and material assistance, and to guarantee the rights of the child to an adequate standard of living.**

6. Education, leisure and cultural activities

Education, including vocational training and guidance

51. While noting with appreciation the State party's efforts to improve the standard of education and to secure access to education by implementing the revised Law on Education adopted in 1995, the Committee is concerned about the remaining difficulties encountered by children, especially in rural areas of the country, in their access to education and attendance in school. The high number of primary-school-aged children not enrolled in school, including gender and regional disparities in school enrolment, the increasing rates of illiteracy and the high rate of school drop-outs, especially in rural areas, give cause for serious concerns.

52. The Committee reiterates its concern about boys belonging to herder families and living in rural areas who are at a higher risk of dropout from school and being involved in child labour. The Committee notes with particular concern that the additional fees collected in schools cause financial obstacles for many children and deny them equal access to education. Furthermore, the Committee is concerned about incidents reported where children have been subjected to violence in schools and defective school facilities, including an insufficient number of classroom seats and a low quality of textbooks. The Committee notes the State party's efforts to build and renovate school dormitories, but it is concerned about their poor condition and limited capacity to accommodate children.

53. **The Committee recommends that the State party take immediate measures to allocate adequate financial and human resources in order:**

(a) To progressively ensure that all children, without any distinction by gender, from all areas of the country, have equal access to quality education without any financial obstacles and to also consider the reinstatement of neighbourhood schools in order to facilitate children's access to education;

(b) To strengthen measures aimed at increasing enrolment rates in primary and secondary education without any regional disparities and to secure that all children have equal opportunities to complete their education;

(c) To strengthen its efforts to adopt and implement effective measures to decrease school dropout rates, especially among children living in rural areas;

(d) To take additional steps to address increasing illiteracy rates;

(e) To expand the vocational training facilities at the secondary-school level and for adolescents who have never attended school or dropped out before completion;

(f) To increase the quality of teaching methods by providing appropriate training to teachers;

(g) To improve school facilities, including by building new schools and improving heating and electricity installations in schools, the quality of text books and the condition of school dormitories;

(h) To continue to include human rights in general, and the rights of the child in particular, into the school curricula, taking into account the Committee's general comment No. 1 (2001) on the aims of education, and to promote a safe and non-violent school environment.

Leisure, recreation and cultural activities

54. The Committee notes with concern the insufficient number of recreational and cultural activities and facilities for children living in cities and that many playgrounds built for them have been destroyed during the last decade.

55. In the light of article 31 of the Convention, the Committee recommends that the State party pay attention to the right of the child to engage in play and increase its efforts to promote and protect the right of the child to rest, leisure, cultural and recreational activities by allocating adequate human and financial resources to the implementation of this right, including by designing and building safe playgrounds for children living in cities.

7. Special protection measures

Refugee children

56. The Committee welcomes the State party's efforts to protect refugee children, particularly those coming from the Democratic People's Republic of Korea, by respecting the principle of non-refoulement and by assisting in the search for durable solutions. But it is concerned that children seeking refugee status in Mongolia do not always receive appropriate protection and assistance in the enjoyment of their rights under the Convention.

57. In the light of article 22 and other relevant provisions of the Convention, the Committee reiterates its previous recommendation (see CRC/C/15/Add.48, para. 26) that the State party accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, to develop specific asylum legislation, which should include particular provisions on the protection and treatment of asylum-seeking children, especially those who are unaccompanied and separated and that it accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

Economic exploitation

58. The Committee notes with appreciation the efforts made by the State party to better safeguard the right of the child to be protected from the exploitation of child labour, such as the ratification of the ILO Convention No. 138 (1973) concerning minimum age for admission to employment, in 2002 and No. 182 (1999) concerning worst forms of child labour, in 2001, the adoption of the Labour Code provisions in 1999, which establish a minimum age for employment as 16, and the adoption of the list of workplaces forbidden to employment of minors, in 1999, as well as the signing of a Memorandum of Understanding with the ILO's International Programme on the Elimination of Child Labour (IPEC) in 1999 and participation in the IPEC activities.

59. Notwithstanding the positive steps taken by the State party, the Committee is concerned at the high rate of working children in Mongolia and the various kinds of negative consequences resulting from the exploitation of child labour, including the school dropouts and negative impacts on health caused by the harmful and hazardous work. The high number of child domestic and rural workers and children working in very harmful conditions in gold and coal mines give cause for serious concerns.

60. Furthermore, the Committee is concerned at the hazardous situation of children increasingly involved and exploited in traditional horse racing, which has undergone considerable changes from traditional sports to profitable businesses with child-abusive and exploitative features. In particular, it is concerned, that children, sometimes as young as 8 years old, are involved and that such involvement can generate serious injuries, even fatalities.

61. **The Committee recommends that the State party take immediate and effective measures:**

(a) To ensure the full implementation of child labour provisions, including the prohibition against employing children in harmful or hazardous work, and the effective prevention of child labour, including child domestic labour and child rural labour, by implementing article 32 of the Convention on the Rights of the Child and ILO Conventions Nos. 138 (1973) and 182 (1999), which the State party has ratified, and by taking into account ILO recommendations Nos. 146 and 190;

(b) To improve the monitoring of child labour in the country by increasing the number of trained labour inspectors;

(c) To ensure that working children have access to quality education, including vocational and non-formal education and that they are given sufficient time off to enjoy their right to education as well as to rest, leisure and recreational activities;

(d) To influence public attitudes on child labour by undertaking awareness-raising campaigns, particularly for children, parents and other caregivers, on various kinds of negative consequences resulting from the exploitation of child labour, including child domestic labour and rural labour;

(e) To address the issue of child jockeys in traditional horse racing by undertaking a comprehensive study to assess the nature and extent of exploitation of children in the horse-racing business and by explicitly prohibiting the employment of children under the age of 16 as jockeys in these races in line with the minimum age for work set in the labour law;

(f) To continue to seek assistance from ILO/IPEC.

Street children

62. The Committee regrets that the State party report did not provide it with adequate information about the situation of street children. While noting with appreciation the establishment of centres for children living in the street, the Committee is concerned at the increasing number of street children living in very harsh conditions and that the causes leading to

this phenomenon are often abusive family situations. According to the Law on Temporary Detention of Children without Supervision adopted in July 1994, a runaway child can be detained up to one week. The Committee is concerned that the State party's domestic legislation does not remain in full conformity with the principles and provision of the Convention in this respect. Furthermore, the Committee notes with concern that the negative public attitudes and prejudices against street children exacerbate their difficult situation.

63. **The Committee recommends that the State party:**

(a) **Adopt a comprehensive national strategy to address the situation of street children, paying particular attention to the most vulnerable groups, and provide these children with adequate assistance, including recovery and social reintegration services for physical, sexual and substance abuse and vocational and life-skills training in order to support their full development;**

(b) **As regards the implementation of the Law on Temporary Detention of Children without Supervision, adopted in July 1994, refrain as a matter of policy from detaining runaway children and seek alternative forms, which are fully compatible with the provisions of the Convention, for their detention;**

(c) **Undertake an action-oriented study to identify the root causes and magnitude as well as the personal characteristics of street children in order to prevent this phenomenon and provide street children with services which are tailored for their needs and also provide them with opportunities for reunification with their family;**

(d) **Raise awareness of children living in the streets in order to change negative public attitudes about them;**

(e) **Collaborate with non-governmental organizations working with street children in the State party and with children themselves and seek technical assistance from, among others, UNICEF.**

Sexual exploitation and trafficking

64. The Committee is deeply concerned at the increasing number of children engaged in prostitution. While noting that trafficking in children is a relatively new human rights problem in Mongolia, the Committee is concerned about certain risk factors, including persisting poverty, the high rate of unemployment, difficult family circumstances that lead to runaways from home and a growth in tourism, which may increase sexual exploitation and trafficking in children.

65. **In order to prevent and combat trafficking in children for sexual and other exploitative purposes, the Committee recommends that the State party:**

(a) **Develop and adopt a comprehensive national policy to prevent and combat sexual exploitation and trafficking in children, including the root causes and factors that place children at risk of such exploitation;**

(b) Strengthen its efforts and legislation to identify and investigate trafficking cases, to improve understanding of the issues of trafficking and ensure that perpetrators are prosecuted;

(c) Provide adequate programmes of assistance and reintegration for sexually exploited and/or trafficked children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted, respectively, at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;

(d) Sign and ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Administration of juvenile justice

66. The Committee takes note of the efforts made by the State party to better safeguard the rights of children in conflict with law. This includes the adoption in 1999 of the National Programme on Prevention of Child Crime and Crimes against Children, including the establishment of the Child Crime Prevention Unit through reorganizing the Children's Section of the Criminal Police Department, and the adoption in 2002 of the Criminal Law provisions, which provide persons below 18 years of age with special legal proceedings. However, the Committee is deeply concerned about the established practice of keeping persons below 18 years of age in pre-trial detention for a prolonged period of time and sentencing juvenile first offenders to imprisonment for petty crimes. The Committee is also concerned that persons below 18 in conflict with law are not provided with access to appropriate legal aid and assistance. Notwithstanding some positive steps taken to improve the detention and prison conditions for persons below 18 years of age, the Committee notes with concern that children's living conditions remain poor in these institutions.

67. The Committee notes that boys below 18 years of age serve their sentences in a separate juvenile prison in Ulaanbaatar, but girls still serve their sentences in the same prison with adult women. The Committee is concerned at the low number of social reintegration services for sentenced and released persons below 18 years of age. With respect to the domestic legislation for the administration of juvenile justice, the Committee expresses its concern about the difficulties faced by persons below 18 years of age released on probation. Furthermore, the Committee is concerned that the courts continue to fall short of being child-sensitive and adequately trained to be sensitive enough to the provisions of the Convention.

68. In the light of the recommendations adopted by the Committee at its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238), the Committee recommends that the State party ensure the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention, and other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of

Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, and the Vienna Guidelines for Action on Children in the Criminal Justice System. In this regard, the State party should in particular:

- (a) Develop and implement a comprehensive national programme on administration of juvenile justice, including establishment of juvenile courts endowed with appropriately trained professional personnel covering all *aimags* of the country;**
- (b) Limit by law the length of the deprivation of liberty of persons below 18;**
- (c) Limit by law the length of pre-trial detention of persons below 18 so that it is truly a measure of last resort for the shortest period of time, and ensure that it is decided by a judge as soon as possible and consequently reviewed;**
- (d) Encourage the use of alternative measures to the deprivation of liberty of persons below 18, such as probation, community service or suspended sentences;**
- (e) In cases where deprivation of liberty is unavoidable and used as a last resort, improve procedures of arrest and conditions of detention;**
- (f) Ensure that persons under 18 have access to appropriate legal aid and defence and independent, child-sensitive and effective complaint mechanisms;**
- (g) Provide training on relevant international standards to those responsible for administering juvenile justice and consider establishing social worker posts in prisons to assist children in conflict with law;**
- (h) Ensure that both sentenced and released persons under 18 are provided with educational opportunities, including vocational and life-skills training, and recovery and social reintegration services, in order to support their full development;**
- (i) Seek technical cooperation and assistance from, inter alia, OHCHR, the United Nations Office on Drugs and Crime Prevention, and UNICEF.**

Children belonging to minorities

69. The Committee regrets that it has been largely precluded, through lack of information in the report, from examining compliance of the State party's obligations with the rights guaranteed under article 30 of the Convention with regard to children belonging to minorities, such as Khazakhs and Tsaatans. The Committee is concerned about the limited enjoyment of their human rights, particularly concerning their access to social and health services and education.

70. **The Committee recalls the obligations of the State party under articles 2 and 30 of the Convention and recommends that the State party ensure that children belonging to minorities fully enjoy all of their human rights equally and without discrimination. The Committee requests that the State party provide concrete and detailed information, in its next periodic report, on the implementation of article 30 of the Convention on children belonging to national or ethnic, religious and linguistic minorities.**

8. Optional Protocols to the Convention on the Rights of the Child

71. The Committee welcomes the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in June 2003, and of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in October 2004.

72. **In order to be able to examine the implementation of the Optional Protocols, the Committee underlines the importance of a regular and timely reporting practice. The Committee recommends that the State party fully meet its reporting obligations under the reporting provisions of the Optional Protocols and the Convention.**

9. Follow-up and dissemination

Follow-up

73. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia by transmitting them to the members of the Council of Ministers or the Cabinet or a similar high-level body, the Parliament, and to provincial or state governments and parliaments, when applicable, for appropriate consideration and further action.**

Dissemination

74. **The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) that it adopted be made widely available in the languages of the country, including (but not exclusively) through Internet, to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.**

10. Next report

75. **In the light of the recommendation on reporting periodicity adopted by the Committee and described in the report of its twenty-ninth session (CRC/C/114), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by State parties is crucial. The Committee recognizes that some States parties experience difficulties in initiating timely and regular reporting. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by 1 September 2007, the due date for the submission of the fourth report. The report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.**