



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Thirty-ninth session

#### Summary record of the 1040th meeting\*

Held at the Palais Wilson, Geneva, on Thursday, 26 May 2005, at 10 a.m.

*Chairperson:* Mr. Doek

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*Second periodic report of Mongolia*

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\* No summary records were issued for the 1038th and 1039th meetings.

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*The meeting was called to order at 10 a.m.*

**Consideration of reports of States parties** (agenda item 5) (*continued*)

*Second periodic report of Mongolia* (CRC/C/65/Add.32; CRC/C/Q/MNG/2 (list of issues); CRC/C/RESP/87 (written replies by the Mongolian Government))

1. *At the invitation of the Chairperson, the delegation of Mongolia took places at the Committee table.*
2. **Mr. Bekhbat** (Mongolia) said that the transition of Mongolia towards a market economy that had begun in the 1990s was proving difficult, particularly for children, who were always the first to suffer from political instability and economic difficulties, but emphasized that successive governments had always put children's rights at the centre of their social policy and their activities.
3. The main goals of the Law on Protection of Child Rights, passed in 1996, were to guarantee children's right to special protection, protect the family and create an environment in which children could grow and develop, fully prepare children to live in society and imbue them with the principles of harmony and humanity, guarantee the social welfare of children living in difficult conditions, such as street children, and seek international cooperation in improving the living conditions of Mongolian children. To go further, the Government was currently working on its National Programme of Action for the Development and Protection of Children, running up to 2010.
4. Since poverty had been the greatest obstacle to children's welfare over the past 10 years, the Government was sparing no effort to combat it, not least by appealing to the international community, which was not only helping it to mobilize the funds it needed to act but was also helping to create public awareness of the need to give the highest priority to children's welfare. The role played by the Committee through its recommendations had been crucial, as had that of Mongolian and international NGOs.
5. The National Human Rights Commission, set up in 2001 in conformity with the Paris Principles, had been assigned a leading role in overseeing the implementation of human rights in general and children's rights in particular.
6. **Ms. Lee** observed that the transition period, political instability, the harsh winters and the high level of poverty were all factors that tended to cause children's policies to be neglected in Mongolia, a relatively young country in demographic terms, with 45 per cent of its inhabitants aged under 18.
7. Despite these difficulties, the State party had taken measures to protect children, including the appointment of a child rights commissioner to the National Human Rights Commission, revision of the Criminal Procedure Code in 2002, the passing of the Domestic Violence Act in 2004, the creation of the National Council for Children and National Authority for Children and the holding of the National Summit for Children in 2004.
8. The Committee wanted to know whether NGOs and children themselves had been consulted when the report under consideration was being prepared and whether the State party had benefited from technical assistance, whether there was a domestic mechanism responsible for coordinating all children's policies and programmes and what the precise mandate of the National Authority for Children was.
9. If application of the 20/20 Initiative represented real progress, it would be interesting to know what percentage of the national budget was actually allocated to policies for children's welfare and to learn why the education budget had fallen from 23 per cent of the national budget in 2004 to 21 per cent in 2005.

10. The delegation could provide further information about its position on child working, as article 71 of the Labour Code authorized children aged 14 and 15 to work for up to 30 hours a week and those aged 16 and 17 for up to 36 hours a week. The delegation could also specify the measures the Government planned to take to improve access to services for people living in remote areas of the country.

11. **The Chairperson**, noting that almost half the population could claim an allowance from the Government (particularly families with more than three children and families living below the poverty threshold), asked whether it would not be better for the State party to implement programmes to tackle the root causes of poverty.

12. Considering how vast the State party's territory was and how scattered the population, it would be helpful to know how the Government managed to inform all citizens of the existence of the National Human Rights Commission and apprise children of their rights and of the recourse to the child rights commissioner that was open to them if they believed these rights had been violated.

13. **Mr. Siddiqui** wished to know how the State party had managed to devote 20 per cent of its national budget to education between 1995 and 2000, a time when the GDP growth rate was weakening and funding for children's policies was rising. He wondered whether Mongolia had sought international aid for this purpose or had had to reduce its investment in other sectors.

14. The delegation was asked to confirm or refute reports that wages and the cost of electricity and heating for school premises took up the bulk of the education budget. It was also asked to specify the factors behind the drop in the primary school enrolment rate, which had fallen from 95 per cent in 1990 to some 75 per cent in 2000, and state its current level.

15. The delegation was further asked to specify the infant mortality rate in 2000, as statistics varied by source.

16. Lastly, it would be interesting to know what links there were between the National Authority for Children, the National Council for Children, the National Human Rights Commission and the Ministry of Social Welfare and Labour, and whether the Government involved itself in any way in the activities of any of these bodies.

17. **Mr. Zermatten** was concerned by the extent of poverty in the country, which affected urban areas more than rural ones, and asked whether the Government envisaged taking structural measures to combat this scourge, and in particular to deal with the issue of street children (many of them young shepherds) and promote employment for women and girls, in particular by providing assistance for the establishment of cottage industries.

18. It would be interesting to know whether it was true that budgetary appropriations for health and education were calculated on the basis of the number of children likely to benefit (something that would mean urban areas being heavily favoured over rural ones) and what percentage of the health, education, social security and culture budgets, which had increased greatly over the past six years, was contributed by international institutions.

19. The delegation could indicate whether the State party meant to mobilize funding to put in place programmes to combat corporal punishment and sexual exploitation, for which there was currently no financing. It could also state whether the National Programme of Action for the Development and Protection of Children and the 20/20 Initiative coordinated their activities and whether the National Council for Children, which was responsible for implementing the Plan of Action, was represented at the provincial and municipal level.

20. **Mr. Filali** asked whether Mongolia had created a structure to follow up on the recommendations of the Committee and whether the Domestic Violence Act passed in 2004

had actually resulted in better protection for children, and in particular a reduction in the incidence of domestic violence, which was alarmingly widespread.

21. The creation of the Human Rights Commission was a good thing, but there was a need to know whether that body was authorized to carry out inquiries on its own initiative, whether it could require the police to pass on information to it, whom it was accountable to and whether its reports were made public.

22. In a traditional society like that of Mongolia, there must be a fear that the principle of children's views being respected in the family, at school and in the judicial system might not be fully applied, and further information from the delegation would be welcome.

23. **Ms. Smith** asked why so many natural resources remained unexploited and whether there were plans to exploit them better in future to combat poverty, which was the main obstacle to the full realization of children's rights in the country. She also wished to know what impact corruption had on the economic health of the country.

24. Children over 7 were consulted on matters of custody and adoption, clearly a matter for satisfaction, but they seemed to have no access to health services without their parents' permission before the age of 18, so clarification on this point was needed.

25. **Ms. Aluoch** asked whether the fee charged to register newborns, a deplorable practice, had been abolished recently given that a very up-to-date UNICEF report had found that the birth registration situation was good. At the time the report was prepared, internal migrants also had to pay a fee to obtain a residence permit in their new area, and people who could not afford this were unable to register with the administrative authorities and were thus prevented from using basic services, including some that were theoretically guaranteed to children, such as health and education services.

26. **Mr. Parfitt** wished to know what policy the State party followed towards unaccompanied minors seeking asylum and whether it envisaged ratifying the 1951 Convention relating to the Status of Refugees and the 1967 Protocol to this. The delegation could also provide information on efforts to combat alcoholism, a scourge that called for special policies, and on respiratory diseases, attributed in part to air pollution.

27. **Mr. Filali** also urged the State party to ratify the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, drawing its attention to the fact that this matter had already been addressed in the Committee's previous concluding observations.

28. **The Chairperson** noted that corporal punishment seemed to be widely accepted in Mongolian society and that there was no law prohibiting it. It would be good to know whether the State meant to put an end to it, particularly in schools, and whether it was carrying out awareness-raising campaigns. The delegation could also indicate whether the State had taken any measures, apart from levying a tax on urban residence permits, to stem the rural exodus, and what its general policy towards this was.

*The meeting was suspended at 11.05 a.m. and resumed at 11.25 a.m.*

29. **Mr. Bekhbat** (Mongolia) said that the questions had been grouped into three main categories and that any question which could not be answered immediately would be responded to in writing.

30. **Ms. Baasankhuu** (Mongolia) stated that the Mongolian statistical system was still underdeveloped but that, according to the figures available, 65 per cent of the State budget was allocated to children's issues and the implementation of child-related programmes and activities. It was not surprising that so much of the budget was assigned to children when 46 per cent of the population was under 18.

31. It was true that social spending had held steady between 1995 and 2000 despite the economic slowdown and had not dropped between 2000 and 2005 either, something that could be put down to deliberate government policy and the improvement in the economic situation. Thus, social spending rose from 22.1 per cent of GDP or 42.5 per cent of total public spending in 2000 to 25.2 per cent of GDP or 56.6 per cent of total public spending in 2004.

32. **Mr. Krappmann** asked whether the delegation could state the amount of such spending and say whether this growth in the budget took account of inflation, then running at about 10 per cent.

33. **Ms. Baasankhuu** replied that social spending totalled 381.5 billion togrogs in 2004, as against 225.4 billion in 2000. This was not the only recent change in the structure of the budget. Until 2003, the State budget was essentially an operating budget, calculated on the basis of costs (pay of government staff, etc.), and it was mainly the responsibility of local authorities to provide social services such as education and health care. Since 2003, the budget had been performance-oriented and calculated on the basis of the costs of the programmes to be implemented rather than on the basis of operating costs. Furthermore, in order to reduce regional disparities in access to services, the decision had been taken to centralize the financing of these services. Since then, while service provision remained the responsibility of local authorities, budgetary allocations for the whole country had been set centrally. This new system was expected to reduce the disparities between urban and rural areas, but it was less than two years old and the central and local authorities were still adapting.

34. On 1 January 2005, a programme with a budget representing 2.3 per cent of GDP was launched to provide financial assistance to families with three or more dependent children living below the poverty threshold. The Government hoped to be able to extend this programme to families below the poverty threshold with just one or two children from 2006, thereby benefiting 275,000 families, or 600,000 children.

35. **Mr. Krappman** noted that the amount of the allowance was modest, with some sources putting it at 3,000 togrogs (2.5 dollars) per child per month.

36. **Ms. Baasankhuu** (Mongolia) said that the allowance was indeed the equivalent of 2.5 dollars, but that in a country where the monthly minimum wage was 40,000 togrogs and the average monthly salary of a public servant was 86,000 togrogs, an allocation of 9,000 togrogs a month for a family with three children was a very considerable help. A survey conducted among beneficiary families had found that they were satisfied. The Government intended to increase the amount if the budgetary situation permitted.

37. **Ms. Soyolgerel** (Mongolia) stated that the discrepancies formerly encountered between the official statistics of the Ministry of Health and the findings of the multiple indicator cluster surveys carried out jointly by the National Statistical Office and international institutions such as UNFPA were now negligible, and according to the last study carried out in 2003, the infant mortality rate in Mongolia was now about 30 per mille, with substantially higher mortality in the countryside, as people there usually lived a long way from any medical facility. Because of the country's particularly severe climate, acute respiratory infections were among the main causes of infant mortality, accounting for a third of deaths among under-fives.

38. The sharp acceleration of the rural exodus over the previous five years and the consequent increase in population density in large cities posed some serious problems, not least for education and health services. While the provision of basic social services for migrants was indeed very inadequate, with such services or classes as were available tending to be overburdened, the fact was that the right to free health care and education for all children under 18 was enshrined in the Constitution.

39. **The Chairperson** wished to ascertain the exact size of the exodus to the capital and asked whether the administrative charge system put in place to restrain the depopulation of the countryside was proving effective, whether migrants benefited, once their arrival had been registered, from any assistance in obtaining housing and health services, finding a job, placing their children in a school and obtaining any family allowances, and whether the reasons for the low rate of registration of new arrivals were known.

40. **Ms. Baasankhuu** (Mongolia) explained that the administrative charge introduced to restrain the mass influx of migrants into Ulaanbaatar (40,000 people in 2004), reduce overpopulation in the yurt quarters and deal with the resulting shortfall of social services had been abolished in 2004 following a ruling by the Supreme Court supporting the position of the National Human Rights Commission, which had argued that this fee violated the right of Mongolian citizens to move about and choose their place of residence freely in their own country.

41. The Government had just launched an ambitious regional development programme aimed at reorganizing the territory for the benefit of certain regions from a sustainable development perspective, creating better living conditions there and endowing large cities, notably the capital, where the authorities were not in a position to provide housing or housing assistance to every family, with town planning projects designed to organize the development of the quarters around available public infrastructure and community services.

42. **Ms. Lee** wished to know the exact attributions of the National Authority for Children and the National Council for Children, including the way budgetary allocations for children were set, and the nature of the relationship between them.

43. **Ms. Javzankhuu** (Mongolia) said that the National Authority for Children was responsible for applying policies relating to children's rights, following up the different activities associated with these and disseminating information about their implementation. The National Council for Children was chaired by the Prime Minister and was responsible for mobilizing and managing the local resources set aside for promoting and protecting children's rights, organizing coordination between old and new ministries, NGOs, donors and international organizations, ensuring that children themselves were involved and evaluating activities carried out for children's benefit.

44. The National Human Rights Commission, one of whose three commissioners was responsible for children, monitored the implementation of the human rights enshrined in Mongolian legislation and in the international instruments to which Mongolia was a party. It thus oversaw and monitored activities undertaken for the benefit of children in the country, received complaints from individuals about violations of children's rights, made recommendations on the basis of its observations and published reports.

45. In the context of its National Programme of Action for the Development and Protection of Children (2002–2010), the Mongolian Government, in collaboration with children themselves, had prepared a strategic document envisaging the institution of a children's ombudsman. The children consulted also asked to be able to elect a representative to the Human Rights Commission.

46. On the basis of a national study, the Government had finalized a revised anti-poverty programme designed to increase family incomes by prioritizing job creation, and had also developed and adopted a social welfare and assistance programme running up to 2015. In 2002, Parliament had passed the Employment Promotion Act, and this had led to the institution of an employment promotion fund, financed out of the State budget, which provided members of the neediest families with financial assistance to assist them in finding a job.

47. A regional development strategy had also been decreed to overcome the difficulties represented by the large expense involved in providing basic services over a territory with a low population density.

48. **Ms. Lee** asked if there had been any campaigns to raise parents' awareness of the concept of joint parental responsibility, as recommended by the Committee on the Elimination of Discrimination against Women in the conclusions it had adopted following its review of the most recent periodic report of Mongolia after ascertaining that the demographic policy of Mongolia gave women sole responsibility for caring for the family and children and encouraged them to have large families, thereby contributing to the economic marginalization of women and exacerbating poverty.

49. Considering the increase in the number of divorcees and widows, the delegation could indicate what measures were being taken to assist single-parent families and whether there was any facility whose exclusive function was to receive ill-treated and neglected children. Given the figures revealing the increase in domestic violence due to rising alcoholism, it would be helpful to know what legal provisions there were against incest.

50. The Committee wished to know what measures the State party planned to remedy the absence of a law creating a right of access for the disabled and to enable the 37 per cent of disabled children who were deprived of education to attend school.

51. The Committee also wished to know whether measures had been taken to introduce teaching about human rights and the Convention into school curricula. It would likewise be helpful to know what was being done to ensure that a lack of playing fields did not mean adolescents were left to their own devices.

52. Given that the number of children being exclusively breastfed was declining, it would be interesting to know whether Mongolia had any immediate plans to adopt a national code for the marketing of breast milk substitutes.

53. There was also a need to know whether the lack of a satisfactory legal framework for unaccompanied minors present in the country as refugees or asylum seekers had recently been debated by the National Security Council, since asylum issues were still the exclusive responsibility of its chairperson.

54. Supplementary information would be welcome on the treatment of different minorities, especially the Tsaatan, whose children should be able to continue to exercise their right to learn to speak and write their own language.

55. **Mr. Krappmann** asked whether the authorities envisaged altering the school financing system, which seemed to be deficient, and whether a school rebuilding programme was in place to deal with the various maintenance problems affecting boarding schools. It would also be helpful to know how the State party intended to bring all children subject to compulsory education back into school, especially boys who dropped out to help their parents on their farms or contribute financially to the upkeep of their families. In this connection, there was a case for examining the possibility of bringing in a specific programme to make school more attractive to boys, particularly by giving a larger role to vocational training there. Another need was to endeavour to determine how education could be made genuinely free for all and at every level, as some sources indicated that although it was free in principle, children sometimes had to buy their own books or pay for certain services.

56. **Ms. Anderson** asked what specific measures were being taken to help the ever larger numbers of children who were compelled to work, provide them with a safe working environment appropriate to their needs and ensure their situation was monitored.

57. The delegation could also provide details of action to provide adolescent-oriented information on health, including sexual and reproductive health, and of programmes to provide adolescents with a higher level of better-quality, more accessible services in this area.

58. Further details would also be welcome on the measures the State party envisaged taking to prevent the proliferation of child trafficking cases, which so far were not numerous but were known to have occurred.

59. **Mr. Zermatten** asked whom teaching about children's rights was targeted at, how the teachers providing it were trained and whether the State party had made any provision for occupational and educational programmes aimed at children living in the street with nothing to occupy them, or for measures to prevent this situation arising.

60. **Ms. Smith** asked whether the principle of the best interests of the child was embodied in the revised Protection of Child Rights Act, how many children had approached the National Human Rights Commission so far, whether they had easy access to that body and, more generally, what real chance there was for children, especially those who were disabled or living in the countryside, to participate in programmes designed to protect their rights.

61. **Ms. Vuckovic-Sahovic** asked whether there were any plans, in the absence of a special system of juvenile justice, to organize ongoing training for judges and public prosecutors in this area, and requested supplementary information on minors' conditions of detention, reportedly very harsh on occasion, and on the grounds for detention.

62. **Mr. Liwski** wanted to know whether the authorities were engaged in creating a single infant mortality database the better to identify some major causes that could easily be avoided. It would be helpful to have clarification on the main obstacles to carrying out vaccination campaigns, given that just 60 per cent of children participated in periodic vaccination programmes in accordance with the timetable laid down, and on the evaluation that had been carried out of the "Health-promoting school" programme. It would also be interesting to know whether the authorities had tried to make mothers more attentive to their children's health by means of community programmes targeting them and measures to train health-care professionals.

63. **Ms. Ortiz** asked whether the services provided to families had developed since Mongolia ratified the Convention and whether parents and children had the opportunity to participate in the evaluation and planning of programmes affecting them. The very large number of children placed in institutions raised the question of whether thought had been given to the usefulness of pursuing this route, as opposed to strengthening the institution of the family to avoid having to have recourse to it. The delegation might state whether there were any programmes to bring children out of these establishments. Details of the nature and exact number countrywide of local family assistance organizations and the relationship between international adoption and local adoption would be appreciated.

64. The delegation was asked to say which central authority was responsible for ensuring that the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption was applied and whether it thought an increase in the number of international adoptions was desirable.

*The meeting rose at 1 p.m.*