



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Seventy-fifth session

### Summary record of the 2211th meeting

Held at the Palais Wilson, Geneva, on Friday, 26 May 2017, at 3 p.m.

*Chair:* Mr. Nelson (Vice-Chair)

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*Fifth periodic report of Mongolia (continued)*

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*In the absence of Ms. Winter, Mr. Nelson, Vice-Chair, took the Chair.*

*The meeting was called to order at 3.05 p.m.*

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

*Fifth periodic report of Mongolia (continued) (CRC/C/MNG/5; CRC/C/MNG/Q/5 and Add.1)*

1. *At the invitation of the Chair, the delegation of Mongolia took places at the Committee table.*

2. **Ms. Aho Assouma**, noting the high birth rate in Mongolia, asked what measures were being taken in the areas of family planning and contraception, and whether Caesarean sections were provided to women living on the steppe. In view of the country's high suicide rate, she wished to know what services were provided to children at risk of suicide, whether child psychiatrists were available to provide support, and what measures had been established to care for children suffering from depression or addiction to drugs or alcohol. She would appreciate information on measures to counter advertising campaigns that discouraged women from breastfeeding.

3. **Mr. Rodríguez Reyes**, noting the reduction in paid maternity leave in the private sector and the shortage of trained health-care professionals, said that it was of concern that only 46 per cent of babies were breastfed exclusively up to the age of 6 months. He asked whether the aggressive marketing of substitute milk complied with the law on breast-milk substitutes, what measures were being taken to encourage exclusive breastfeeding and whether the Government was considering ratification of the International Labour Organization (ILO) Maternity Protection Convention, 2000 (No. 183).

4. He also wished to know how many hospitals complied with the baby-friendly hospital initiative of the World Health Organization (WHO) and the HIV/AIDS prevention plan of the United Nations Children's Fund (UNICEF). Moreover, in view of the vulnerability of young people to sexually transmitted diseases, he asked whether information on how to prevent those diseases was incorporated into school curricula and how the Government guaranteed that reproductive health services were accessible to teenagers nationwide.

5. Given the discrepancy in living standards between urban and rural areas, he wished to know how the Government ensured that all children had access to food, water, housing, hygiene and education. As some children fell ill as a result of coal-based heating, he requested information on measures to provide alternative sources of heating.

6. **Ms. Aldoseri** said that information was required on cases of sex trafficking among girls working in massage parlours, hotels and bars, including on measures to prevent sex trafficking in Ulaanbaatar and border regions in particular. She wondered how much protection was provided for children from the Democratic People's Republic of Korea and China who were subjected to forced labour or sexual exploitation in Mongolia, and what efforts were being taken to combat alleged corruption among officials which reportedly impeded anti-trafficking measures. Noting that cases in which boys were victims of sex trafficking rarely resulted in prosecutions, she requested information on efforts to protect all children under the law on combating trafficking in persons.

7. **Ms. Otani**, referring to paragraph 145 of the State party's report (CRC/C/MNG/5), said that she would appreciate clarification of the status of the Mongolian-born children of foreign workers who had been deported from Mongolia. In the context of section 10 of the State party's replies to the Committee's list of issues (CRC/C/MNG/Q/5/Add.1), she requested information on the impact of urbanization on children, particularly on their health, and asked whether it had caused the number of street children to increase.

8. **Ms. Mungunchimeg** (Mongolia) said that persons with disabilities formed 4.1 per cent of the Mongolian population, with approximately 10,000 children having some form of disability. While the majority of children with disabilities attended mainstream schools and lived with their families, others studied in special schools and resided in care facilities. The Ministry of Labour and Social Protection had established a special commission to address

the needs of children with disabilities, as well as a subcommission to help local authorities improve relevant social services. In cooperation with international organizations, the Government had created an integrated database of persons with disabilities which would facilitate their access to social services, and was planning to build a medical centre for children with disabilities.

9. Agencies in the fields of telecommunications and technology were working to address the needs of persons with disabilities, and regional offices of the National Commission for Persons with Disabilities had been set up in some areas. However, the early detection and identification of children with disabilities remained a challenge. The Government was allocating resources to ensure the enforcement of laws to protect the rights of children with disabilities, and a draft resolution enabling those children to benefit from increased disability allowances was under consideration by parliament.

10. **Mr. Cardona Llorens** asked what kind of training was provided to teachers to ensure that mainstream education was inclusive of children with disabilities.

11. **Mr. Khuyagtsogt** (Mongolia) said that economic growth had been slowing, partly on account of declining international prices for commodities in the mining industry. The depreciation of the tugrik against the United States dollar, as well as reductions in foreign investment and budget revenue, had caused a budget deficit amounting to over 15 per cent of Mongolia's gross domestic product (GDP). Accordingly, the International Monetary Fund (IMF) would be proposing a new fiscal programme to stabilize the economy on the precondition that current expenditure on benefits for vulnerable groups was maintained.

12. The maintenance budget for schools and hospitals had increased by 2.2 per cent and the percentage of GDP allocated to health-care and social protection services had increased in recent years, although the Government planned to reduce expenditure on health and education, with the exception of investments in rural areas and in building new schools. Additional funding had been allocated for the implementation of child protection legislation, and the budget had provided sustainable funding for childcare services, including maternity allowances for mothers of young children. The Government was prioritizing investment in education, and had improved access to education and health services in rural areas through cooperation between the Ministry of Health and the Ministry of Finance. NGOs would be contracted on behalf of the Government to undertake childcare activities, and ministries had established standards that would enable them to calculate an average cost per child in the health and education sectors, and allocate regional funding accordingly.

13. In order to combat air pollution, the Government had made budget allocations and implemented seven projects worth US\$ 60 million, although they had not yet had tangible results. Air pollution was a cornerstone of the Government's priority action plan, and its air pollution reduction programme aimed to reduce levels by 80 per cent in two to three years.

14. Under the 2017 budget, residents in suburbs of Ulaanbaatar would receive free electricity at certain times of day in order to reduce coal consumption, and thereby lower rates of respiratory disease. The prices of medicine for children aged from 0 to 5 years were fixed, while the parents of children in that age range with respiratory diseases would receive paid leave to care for their children.

15. The parliamentary standing committee was reviewing an amendment to existing public service legislation to ensure that public services remained free of political influence, guarantee their sustainability and ensure that public servants were assessed on the basis of their performance rather than their political beliefs.

16. **Ms. Aho Assouma** asked whether children with disabilities were able to access orthopaedic equipment. She also requested information on community care programmes and on how the Government ensured that all children were vaccinated, as well as on steps taken to guarantee access to drinking water for communities in the steppe, in view of the high number of diseases caused by contaminated water.

17. **Mr. Rodríguez Reyes** asked whether the Government had a specific plan for an alternative to coal-based heating, and said that he would appreciate further information on support for the parents of children who fell ill as a result of coal use.

18. **Mr. Khuyagtsogt** (Mongolia) said that it was not possible to abandon coal entirely as it was essential to running power stations and heating homes. However, the Government was promoting a move from coal-based heating to electricity-based heating by increasing the capacity of the national grid and modernizing generating plants. At the same time, it was working to introduce environmentally friendly stoves into private homes.

19. **Ms. Shilegpurev** (Mongolia) said that the cost of assistive devices for children with disabilities under the age of 18 was entirely borne by the Government. Moreover, as a result of the enactment of new legislation in 2012, a total of 116,700 children with disabilities had been able to receive assistance amounting to 122.1 billion tugriks (Tog). Between 2013 and 2015, a total of Tog 1.3 billion had been spent on the National Programme on Child Development and Protection, the main purpose of which had been to address the issues of the neglect, exploitation and abuse of children and to create a child protection system. The Programme had achieved some important objectives, particularly in the field of legislation with the passage of new childcare and protection laws, the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the introduction of a new system for assessing the skills and capacities of social workers. Also as part of the Programme, a cost analysis study of child protection had been carried out with the assistance of the United Nations Children's Fund (UNICEF).

20. In partnership with international organizations, donor States and UNICEF, steps had been taken to raise private sector awareness of the importance of protecting children's rights. One such initiative had been a fairness campaign aimed at sensitizing the business community to the issues faced by working mothers and encouraging the creation of special areas in the workplace for breastfeeding women. There was no record of mining companies ever having breached the rights of children. However, the use of children in gold mining was considered one of the worst forms of child labour and, if such cases were to arise, they would be dealt with under the Criminal Code. UNICEF was currently conducting a study on the relationship between the mining industry and child migration, the results of which would be implemented by the Government as a matter of priority.

21. The Ministry of Labour had designated 11 industries and 75 specific jobs in which it was forbidden to employ children. The Labour Code was due to be revised with the addition of a new chapter concerning the employment of children. It would define the age at which children could become involved in economic activities, stipulate their contractual arrangements and working conditions, and list prohibited jobs. It would also include measures aimed at improving registration, monitoring and health-care provisions for children engaged in economic activities. A national programme for eliminating the worst forms of child labour — which was in line with the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) — had been implemented between 2012 and 2016. Although an independent assessment had found that, due to lack of funding, it had had a success rate of just 58 per cent, certain important goals had been reached. For example, under the programme, child protection legislation had been passed, a list of jobs in which children could not be employed had been approved, and an integrated system of registration for child workers had been set up.

22. A comprehensive national programme on child rights and child protection covering the basic rights of children had been developed and was ready for Cabinet consideration. The programme, which aimed to provide children with a safe and secure environment in which to live and study, covered a number of areas that had been overlooked in earlier initiatives, such as inequality, income assessment and poverty reduction, mother- and child-friendly social policies and increased budget allocation for the protection of children.

23. Family law was being amended with the introduction of new provisions to safeguard the best interests of the child. They included regulations on property ownership for children of divorced parents and the creation of a special fund to ensure that alimony decreed by the courts was duly paid. The amendments also tightened the regulations surrounding domestic adoption by making provision for pre- and post-adoption monitoring by social workers, and introduced new and stricter regulations on international adoptions, which were currently regulated by ministerial decree.

24. **Ms. Oyunchimeg** (Mongolia) said that the incidence of mortality among children under the age of 5 had fallen from 40 to 20 per thousand live births. Accidents were the third most frequent cause of death in that age group, particularly burns, which accounted for more than 70 per cent of the total. A national prevention programme had been launched aimed at educating children and their parents about dangers within the home, especially those associated with traditional cooking methods. A new hospital for burns was being set up and specialized training was being offered to medical personnel working in rural areas.

25. There was a well-established structure of hospitals and medical services that covered both urban and rural areas. For persons living in remote regions, emphasis was placed on building the capacity of local medical centres and ensuring that primary care was available. Compared with other States, the ratio of patients to doctors and nurses was generally very favourable although there was a lack of specialists such as paediatricians and gynaecologists. The Government, in cooperation with the World Health Organization (WHO), was investing in new technology to enable persons to exchange information and obtain medical consultations via the Internet or mobile communications networks. Emergency medical services could be delivered to remote locations by rail and air, with the Government meeting 90 per cent of the costs. A State-funded policy of basic health insurance was being contemplated.

26. Prevention was another key area of public health and the Government had launched awareness-raising campaigns on alcohol, tobacco and drug consumption as well as on sexually transmitted diseases, contraceptives and other reproductive health issues. One of the focal points of the Mongolian Sustainable Development Vision-2030 was disease prevention and the prolongation of life expectancy, with a particular emphasis on gathering reliable information in order to determine the root causes of underlying trends. Another objective was to improve the quality of medical services with a view to reducing maternal and infant mortality and, to that end, the government agenda for 2017 included a national plan for reproductive health. Although certain positive results had already been achieved, progress still needed to be made in areas such as combating drug and alcohol abuse and preventing underage pregnancies.

27. The Law on Mental Health had come into force in 2012 but research still needed to be carried out within schools, and in society as a whole, in order to improve the implementation of the Law and of the national mental health programme.

28. Turning to the questions raised concerning access to contraceptives and reproductive health, she said that, while many young people were aware of contraceptive methods, further efforts were needed to overcome the general reluctance in society to use them. The use of Caesarean deliveries was becoming more widespread, especially among young women. To reduce the risks entailed in such deliveries, the Government now required a medical opinion to be given before a Caesarean section could be performed. Abortions, too, had become more widely practised because of inadequate family planning.

29. Mongolia had a long-standing tradition of breastfeeding, with some 80 per cent of newborns being breastfed, making it one of the leading countries in the region in that respect. However, the transition to a market economy and other factors had meant that the rate of breastfeeding had been declining. Therefore, a new law had recently been introduced to regulate the marketing of breast-milk substitutes and to promote breastfeeding. The Government was making efforts to ensure that hospitals and birthing centres in rural areas provided an optimal level of care for infant feeding in accordance with the World Health Organization baby-friendly hospital initiative. It was also taking steps to make workplaces more baby-friendly and encourage mothers to breastfeed their babies at work.

30. **Mr. Madi** (Country Rapporteur) said that he wished to know the age at which compulsory education ended and the minimum legal age for employment. He would appreciate clarification of the reasons for removing the ban on the participation of child jockeys under the age of 16 in horse races.

31. **Ms. Aho Assouma** said that she would be grateful for further details of the measures being implemented under family planning and counselling services to help reduce the continued high infant mortality rate. She also wished to know what strategies were in place to treat anaemia and iron deficiency among children under 5 years of age.

32. **Mr. Rodríguez Reyes** asked whether the State party intended to incorporate the provisions of the International Code of Marketing of Breast-milk Substitutes into the law to promote breastfeeding.

*The meeting was suspended at 4.35 p.m. and resumed at 4.50 p.m.*

33. **Mr. Altansukh** (Mongolia) said that the National Statistical Office used a wide range of indicators to collect data on children, including the number of children in care institutions, the number of child victims of domestic violence in shelters, the number of children requiring psychological counselling and the number of children from vulnerable groups.

34. Mongolia had an adequate legal framework for the provision of alternative childcare. He drew attention to the law on child protection and the family law, which made direct provision for alternative childcare services. Monetary allowances to help support families to pay for the care of children deprived of a family environment were provided for under those laws. In total, there were more than 3,000 persons in Mongolia who had taken on responsibility for the care of children deprived of their family environment. Nearly 2 billion tugriks had been paid out to the families caring for them. The legislature was currently considering ways of ensuring that provisions on alternative childcare were duly incorporated into the relevant laws and regulations.

35. The law on child protection contained provisions that sought to eliminate the use of corporal punishment by parents. However, despite the Government's robust efforts to end corporal punishment, it was still accepted by the public as a traditional means of disciplining children. The Government had therefore worked in partnership with World Vision International and Save the Children to raise public awareness about its harmful consequences.

36. In 2016, some 13,500 children had worked as child jockeys. Horse racing remained a popular traditional sport in Mongolian society. However, his Government had launched a very aggressive public-awareness campaign to change attitudes about the use of children under 16 as jockeys. In 2016, 16 governors had issued a ban on such use of children, in particular during winter races. Until public attitudes changed, however, it would be necessary to ensure that children who were involved in such traditional horse racing events were afforded every possible protection against accidents or injuries. They were thus covered by accident insurance and were required to undergo medical check-ups. The Government gave high priority to preventing child jockeys from dropping out of school.

37. **Mr. Javkhlan** (Mongolia) said that, as his Government did not have any records of asylum-seeking or refugee children in the country, there was no legislation to address the issue. The Criminal Code did not contain any specific provisions on young offenders. However, a new law that would enter into force in July 2017 did contain specific provisions on children. Provision had been made for detaining young people in special educational facilities rather than in prisons. Furthermore, a number of alternatives to custodial sentences were now provided for, including suspended sentences for children.

38. Children who were convicted of serious criminal offences such as murder or rape received prison sentences. All such children were provided with a compulsory secondary education. They were also offered vocational training. Their school-leaving diplomas did not contain any criminal record. The establishments for children were staffed with psychologists and social workers. In 2015, 1,100 children had been prosecuted for criminal offences and only 78 had been detained during the prosecution period. His Government viewed the deprivation of liberty of young people as a last resort. The children who were placed in detention centres were kept separate from adults and enjoyed better food and living standards. The majority of the country's detention centres had recently been renovated or rebuilt, thereby greatly improving the conditions of detention.

39. Women prisoners were entitled to have their children stay with them up to the age of 3 years, compared with 1 year previously. In 2016, there had been four babies staying with their mothers in detention centres and, in 2015, five. The women concerned had full access to health and social protection services and enjoyed the right to family visits. They also had their own cells and stayed in separate quarters with their own kitchen facilities.

40. With a view to protecting child witnesses and child victims, child-friendly interview rooms had been established in the courts. Persons from vulnerable groups who were suspected or charged with offences were afforded free legal counsel if necessary.
41. The age of criminal responsibility was 14 years in the case of serious criminal offences, such as murder or rape, and 16 years for all other crimes. The Criminal Code contained special, milder provisions for children under 18 years of age. The sale of children, child prostitution and child pornography were considered criminal offences under Mongolian law, in accordance with the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
42. Military service applied only to adults, as from 18 years of age. There was a secondary school affiliated with the Ministry of Defence; however, its students had freely chosen to attend that school and were not considered to be undergoing military service. They were taught certain subjects on military practice and tradition but were not given instruction on weapons handling.
43. Crimes committed outside Mongolia, including those committed by stateless persons residing in Mongolia, were covered by the Mongolian Criminal Code.
44. The principle of non-discrimination was enshrined in the Constitution of Mongolia. Steps had been taken to translate that principle into specific laws and regulations, including in relation to domestic violence, education and persons with disabilities. Moreover, when charging a person with an offence, the authorities followed the law irrespective of the person's gender.
45. Some 40 stateless children currently living in Mongolia had migrated to Kazakhstan before returning to Mongolia, whereupon they had applied for Mongolian nationality. Their applications were under consideration by the President, who made the final decision in such matters.
46. In cases of alleged torture or brutal treatment by police officers, the law enforcement authorities would set up a special unit to investigate the reports. One such unit was already in operation.
47. The Anti-Corruption Agency was totally independent and reported only to the parliament of Mongolia. Its mandate was governed by a specific law, which was available in English online.
48. **Ms. Tsolmon** (Mongolia) said that psychology was now part of teacher training; thus far, nearly 29,000 teachers had been given such training. As a rule, medical doctors were assigned to all schools with more than 900 students, of which there were about 470 in Mongolia. Students attending smaller schools were free to seek medical services from their district hospitals.
49. Schooling was compulsory for children up to the age of 10. Referring to a Committee member's query about a sexual and reproductive health course that reportedly had been eliminated from the school curriculum, she said that it had not in fact been eliminated, but rather incorporated into biology and physical training classes. Regarding the school dropout rate for girls, she said that a dozen health programmes, covering a range of topics including reproductive health, were currently being taught in schools. It was important for schools also to work with parents on such issues. During the 2015/16 academic year, some 36,000 students had graduated from high school, 19,000 of them girls, including 6 who had given birth during high school. There was probably a link between the rise in teenage pregnancies and the fact that girls entered vocational training institutes or universities before turning 18.
50. Mongolia had applied a nationwide school policy since 1985. In 2005, the Government had adopted a revised State policy on education, which was expected to remain in place until 2024. Approximately 360 *soums* — the administrative unit below a province — were connected to the central electricity grid; 12 relied on renewable energy sources; and 2 used diesel. The remaining 10 *soums* were expected to benefit from electricity later in 2017.

51. Dormitory conditions continued to be of some concern. It was generally recognized that dormitories were not ideal settings for children's intellectual development. That being said, according to a study carried out by the Government of Mongolia, together with Norwegian researchers, which had involved visits to 34 dormitories and interviews of parents of children living in dormitories, the overall conditions of dormitories had been found to be acceptable. Every annual budget allocated funds for the training and retraining of teachers in boarding schools. As for reports of violence in dormitories, a recently adopted law on domestic violence set out specific criteria for acts that could be considered offences requiring sanctions. The Government was striving to enforce the new law and had zero tolerance for violent acts in dormitories. There was not, to her knowledge, any record of specific, evidence-based cases, but only general complaints. Mongolia was committed to further improving dormitory conditions, investigating every complaint and taking all necessary measures to deal with any violations.

52. Every school, whether public or private, was allocated a certain sum per child from the annual budget. Public schools relied fully on government funding; it was therefore unlikely that the amount per child would increase. However, the budget for the education sector had been rising steadily for several years.

53. After-school activities on school grounds were considered dangerous for children and had therefore been banned after 7 p.m., resulting in a decrease in the number of offences.

54. Thirty-seven schools catered to the needs of Kazakh children. In those schools, grades 1 to 5 were taught in Kazakh; starting with grade 6, two subjects were taught in Kazakh and the rest in Mongolian.

55. There were two religious schools officially registered in Mongolia. The Government fully supported all types of schools, whether domestically or internationally funded; however, all schools were expected to comply with the laws and educational requirements of Mongolia. All schools must apply for and be granted a licence in order to operate as an educational institution.

56. With regard to children with disabilities, there was a national rehabilitation centre and a number of similar centres at the local level. Physical training was part of the curriculum and recreational activities were also available.

57. **Mr. Altansukh** (Mongolia) said that, as part of the Government's action plan for 2016-2020, street children continued to be identified and interviewed by the authorities with a view to meeting their needs. Although there was no comprehensive database on street children, as of 2016, nearly 80 street children had been registered, including 3 during the most recent winter. The Government took many measures to protect street children against the cold weather and it employed a professional psychologist to identify their specific needs. Major issues relating to the situation of street children included family members' addictions that had led to the loss of employment and severe psychological problems for children who spent more than two years living in the street. In order to achieve significant results, implementation of the Government's action plan would need to address the needs of not only the street children themselves, but their families.

58. **Ms. Oyunchimeg** (Mongolia) said that the Government had taken steps to address pneumonia and other respiratory conditions. Some 21 per cent of children suffered from iron deficiency. A nutrition enrichment programme, with a focus on folic acid, was being carried out in order to combat anaemia. The marketing of breast-milk supplements by medical professionals was illegal in Mongolia. Obesity was a significant problem in children. In the 0-5 age group, health policies focused on mineral and vitamin content in food.

59. **Mr. Javkhlan** (Mongolia) said that children's complaints could be channelled through their parents or legal guardians, as well as through social workers and local children's centres. If a child committed an offence, law enforcement institutions could initiate prosecution. As for access rights, mobile telephony was available throughout Mongolia. As a result of a government policy aimed at establishing access to information and communications technologies in all provinces, every administrative unit, even in very



remote areas, had full access to the Internet. A regulatory agency had been set up to protect children by blocking access to child pornography websites and conducting continuous monitoring of websites for any information harmful to children. A blacklist of some 200 individuals involved in transmitting such information had already been drawn up. Legal committees for the defence of children's rights had been set up throughout Mongolia to assist children who had been imprisoned for committing a crime; psychological counselling was one example of such assistance.

60. **The Chair** said that the delegation was welcome to submit any additional information in writing within 48 hours; that information would be considered by the Committee when drafting its concluding observations.

61. **Ms. Sandberg** (Country Rapporteur) said that she welcomed the positive spirit with which the delegation had participated in its constructive dialogue with the Committee. It would have been useful, however, to receive more detailed information about the implementation of certain laws. She had been surprised to hear that Mongolia had no record of violent acts in dormitories; furthermore, there continued to be concerns about the lack of effective child-friendly complaint mechanisms and about settings where children were deprived of parental care. She encouraged Mongolia to continue its progress in terms of children's participation and juvenile justice and urged the delegation to continue to approach the Committee's recommendations not as criticism but as guidance for further improvement.

*The meeting rose at 6 p.m.*