



Convention on the Rights of the Child

Committee on the Rights of the Child

Fifty-third session

11-29 January 2010

Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Concluding observations: Mongolia

1. The Committee considered the initial report of Mongolia (CRC/C/OPAC/MNG/1) at its 1458th and 1460th meetings, held on 12 and 13 January 2010 (see CRC/C/SR.1458 and CRC/C/SR.1460), and adopted at its 1501st meeting, held on 29 January 2010, the following concluding observations.

Introduction

2. The Committee welcomes the submission of the initial report of the State party as well as the replies provided in the responses to its list of issues (CRC/C/OPAC/MNG/Q/1 and Add.1). The Committee also appreciates the dialogue held with the high-level delegation. However, the Committee regrets the brevity of the report of the State party, which did not follow the revised guidelines for reporting under the Protocol, and that the delegation did not include officials from the Ministries of Justice and Defence.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with its concluding observations adopted on the combined third and fourth periodic report of the State party on 29 January 2010 (CRC/C/MNG/CO/3-4).

Positive aspects

4. The Committee welcomes the provision in Mongolian law (article 9, paragraph 2, of the Law on Military Duty of a Citizen of Mongolia and Legal Status of a Military Person) which provides that persons under the age of 18 will not be subjected to compulsory recruitment.

5. The Committee also welcomes the ratification by the State party of the following:

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

(b) ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in September 2001;

(c) Rome Statute of the International Criminal Court in 2002.

I. General measures of implementation

Dissemination and awareness

6. The Committee notes the efforts made by the State party in translating the Optional Protocol into the Mongolian language and disseminating it to employees of children's organizations and military force. However, the Committee remains concerned that awareness of the principles and provisions of the Optional Protocol among the general public remains low.

7. The Committee recommends, in the light of article 6, paragraph 2, of the Optional Protocol, that the State party enhance its efforts to make the principles and the provisions of the Optional Protocol widely known to the public at large and in particular to children and their parents.

Training

8. The Committee welcomes the information that training activities are being provided to the Mongolian peacekeepers on international human rights and humanitarian standards, including on the Convention on the Rights of the Child and its Optional Protocols. Nevertheless, the Committee is concerned that members of the Mongolian armed forces, professional categories, including those

working with the administration of justice, and law enforcement officers do not receive systematic training on the provisions of the Optional Protocol.

9. The Committee encourages the State party to strengthen its efforts in providing human rights training activities, including on the provisions of the Optional Protocol, for members of the armed forces. The Committee also recommends that the State party continue to develop training programmes on the provisions of the Optional Protocol for relevant professional groups working with children, including prosecutors, lawyers, judges, law enforcement officers, social workers, medical professionals, teachers, media professionals and provincial and local officials.

II. Prevention

Military schools

10. The Committee is concerned at the lack of independent mechanisms to deal with possible complaints by the students at the Military Musical School of the University of Defence and at the special border regiments and units.

11. The Committee recommends that children attending military schools have adequate access to independent complaints and investigation mechanisms.

Peace education

12. The Committee recommends that the State party strengthen its programmes and activities with a view to creating an environment of tolerance, peace and understanding, inter alia by introducing human rights education and, in particular, peace education in the school curricula.

III. Prohibition and related matters

Criminal legislation, regulations

13. While the Committee notes that the Criminal Code partly implements the provisions of the Protocol, providing for the prohibition of recruitment of children into armed forces, it remains concerned at the lack of a specific legal provision which prohibits the involvement of children in hostilities.

14. The Committee recommends that the State party:

(a) Ensure that the violation of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities be explicitly criminalized in the State party's legislation;

(b) Ensure that military codes, manuals and other military directives are in accordance with the provisions and the spirit of the Optional Protocol.

IV. International assistance and cooperation

International cooperation

15. The Committee appreciates the State party's active contribution to the United Nations peacekeeping operations.

16. The Committee recommends that the State party continue ensuring that its personnel is fully aware of the rights of children involved in armed conflicts and that military contingents are aware of their responsibility and accountability.

V. Follow-up and dissemination

Follow-up

17. 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 Supreme Peoples Assembly (Parliament), the Ministry of Defence and to local authorities, where applicable, for appropriate consideration and further action.

Dissemination

18. The Committee recommends that the initial report submitted by the State party and concluding observations adopted by the Committee be made widely available to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

VI. Next report

19. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its fifth periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.