



Convention on the Rights of the Child

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 8 (1) OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

Initial reports of States parties due in 2008

MONGOLIA *

[31 March 2008]

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I. INTRODUCTION

1. This is Mongolia's initial report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. This report has been prepared in accordance with the recommendations outlined in paragraph 72 of the concluding observations of the Committee on the Rights of the Child adopted at its thirty-ninth session. A Working Group which consisted of representatives of the Ministry of Defense, the Military Force Headquarters, and the General Authority for Border Protection and the National Authority for Children participated in a preparation of the report. A first workshop on the rights of the child not to be involved in armed conflicts was conducted at national level as a part of the report preparation process. Participants in the workshop exchanged their aspirations and ideas and agreed to collaborate in the future.

2. The Government of Mongolia considers that the Optional Protocol which was ratified by the General Assembly, on 25 May 2000 is an important document which addresses one of the key rights of the child in a broad context. Thus, we endeavored to cover activities concerning the rights of the child within the Military Force in Mongolia.

3. The present report was prepared in accordance with the revised guidelines regarding initial reports to be submitted by States parties under article 8, paragraph 1 of the Optional Protocol to the Convention of the Rights of the Child on involvement of children in armed conflict (CRC/C/OPAC/2).

II. INFORMATION ON MEASURES AND DEVELOPMENTS RELATING TO THE IMPLEMENTATION OF THE PROTOCOL

Article 1

4. Pursuant to article 9, paragraph 2 of the Law on Military Duty of a Citizen of Mongolia and Legal Status of a Military Person” male and 18-25 years old citizens of Mongolia shall be recruited into armed forces. This provision demonstrates a main notion of Mongolia’s defence policy which emphasizes that the recruitment of children and adolescents into active military service is not acceptable and the prevention from armed conflicts and hostilities is assured. Article 7, paragraph 4 of the Law on Protection of the Rights of the Child prohibits engaging a child in activities related to spying and terrorism.

Article 2

5. Under the Law on Military Duty of a Citizen of Mongolia and Legal Status of a Military Person, male citizens of Mongolia who have attained the age of 18 have a duty to be registered in a military office of their local administration. Pursuant to the Law only men aged 18 to 25 shall be recruited into the army. When they receive a draftee’s certificate they bear a duty to be recruited into the army. The age shall be defined in accordance with a day, month and a year of the birth. A draftee’s certificate is issued through soum and khoroo (territorial and administrative units) administration. The recipient shall go through medical checkups. Draftees who have passed medical checkups shall be recruited into the active military service in accordance with the total number of military servants as it is planned for that year. Recruitment into the compulsory military service is conducted twice a year. The service duration is one year.

6. The age for the enrolment into the compulsory military service shall be defined based on a citizen’s date of birth written on his Mongolian citizen’s card.

7. Article 30, paragraph 2 of Law on Military Duty of a Citizen of Mongolia and Legal Status of a Military Person states that the minimum and maximum age for enrolment through military mobilization into military service in a state of war or in cases of war may be changed upon a decision made by State Great Khural of Mongolia.

8. Currently, there is no legislation or practices in Mongolia to temporarily suspend a procedure on compulsory military service.

9. A citizen of Mongolia may be temporarily exempted from the conscription into the compulsory military service in the following circumstances:

If a citizen has two or more children

If a citizen has a pregnant wife and a child of preschool age

If a citizen supports his wife who has a disability with a degree I or II

If a citizen is caretaker/guardian to a sibling who is younger than 16 years old or a sibling who is older than 16 years old but has a disability with a degree I or II

10. The above provisions are consistent with article 9 of the Convention of the Rights of the Child.

Article 3

11. At the time when Mongolia ratified the Optional Protocol, the minimum legal age for military enrolment was 18 and has not been changed since.

12. Mongolia has not issued any resolutions or statements to supplement the Optional Protocol.

Training of military staff

13. Pursuant to article 17, paragraph 1 of the Law on Military Duty of a Citizen of Mongolia and Legal Status of a Military Person, persons who have attained the age of 17 may be enrolled a military school as a cadet. Article 4, paragraph 1 of the same Law defines military servants as being persons who are serving an actual military service. Article 3, paragraph 2 of the same Law states that: “... actual military service shall consist of soldiers’ service, sergeants’ service, senior soldiers’ service and officers’ service. Therefore, an adolescent younger than 18 years of age who attends a military school or who serves in a military orchestra shall not be considered as a military servant.

14. The amendments made into the Law of Mongolia on Military Duty of a Citizen of Mongolia and Legal Status of a Military Person” dated on 7 June 2006 stated that the State central organizations in charge of issues of defence and justice and home affairs shall organize educational and vocational training for cadets of military schools in accordance with the Law on Education.

15. Since only those who completed a secondary school are eligible to be enrolled military schools most of cadets would have attained the age of 18 (because the age for school enrolment prior to 2006 was 8 and duration of studying at school was 10 years). However, the age for school enrolment has been reduced to seven or younger since 2006. In addition, many of current pupils who enrolled in primary schools before they had attained eight years of age study in secondary schools. Therefore, young persons who have not attained the age of 18 enrol in military schools such as the University of Defense or the Institute of Border Protection (after completing secondary school). Therefore, as stipulated by the Convention and the Law on Protecting the Rights of the Child it is required to develop legal acts which can regulate the study of underage persons (who have not attained the age of 18) at military schools. In particular, the age of involvement in handling military techniques and/or participating in military practice should be specified by law regulations. Pursuant to a current procedure for recruitment to the Officer’s School at the University of Defense young persons who completed a third year of a baccalaureate programme (20-21 years old) can be enrolled through a selection procedure

based on their physical development, grades and discipline. This Officers School provides basic training for military officers; however, the school does not teach military subjects. Students of this school major in civil professions.

16. The rules for military schools are approved by a central state authority in charge of issues of defense and justice and home affairs.

17. Pursuant to the Permission Number 960022 issued by the Head of Department of Science, Technology and Vocational Training of the Ministry of Education, Culture and Science as well as the Order issued by the Chairman of the General Authority for Border Protection on 20 October 1996, children under 18 can be trained as musicians of the military orchestra at the special border regiments and units upon their own wish and permission from either their parents or guardians. Currently, 18 children aged 15-17 are studying at the Military Musical School of the University of Defense. Twenty-five children aged 12-17 are being trained at the special border regiments and units. They are all boys. No military grades or titles are given to young musicians. In addition to the basic secondary education they study music theory and practice; and upon their graduation they receive a certificate of secondary education and a certificate of a player of wind instruments. Also, upon attaining the age of 18 cadets of music schools become actual military servants by giving a military oath. Upon graduation from a musical school the child may choose whether he serves further in the military or works as a musician in civil organizations.

18. Since the Military Musical School of the University of Defense and special border regiments and units provide the young musicians with accommodations, uniforms, training materials and stipend, an enrolment process is quite competitive. The operation of the Military Musical School and special border regiments and units is consistent with the provision of the Law on Protecting the Rights of the Child which stipulates that: "... a child shall have the right to receive state support for developing his/her talent, mind and body". In addition, they may be enrolled in these schools only upon his/her own will and with a consent of his/her parents or guardians. They are not considered as actual military servants until they reach the age of 18. While studying they do not handle military techniques and arms. Therefore, it can be concluded that the operation of military musical schools are in compliance with provisions of the Optional Protocol.

19. If these young musicians join the compulsory military service in their later life, their studying duration at a musical school shall be added to their time-span in military service. Thus, the Military Musical School belongs to the jurisdiction of the military sector. However, since it is military musical school all the cadets are still required to follow military rules and regimes in their daily life despite being under aged for military service by the law. Therefore, living and learning environment for the cadets at the Military Musical School should be consistent with the provisions of the Convention. Young cadets should be accommodated separate from adult military servants; be ruled by regulations with considerations of their physical development; and have regular contact with their families.

Article 4

20. There are not any national or foreign armed groups operating within the territory of Mongolia.

21. In the past few years the Military force of Mongolia has been participating in the peace making activities in hot spots of the World in countries such as Iraq, Afghanistan, and Sierra Leone. The peace keepers are selected for their qualifications and experience. Selected soldiers take a special course prior to their foreign service.

Article 5

22. Mongolia is putting extensive efforts to ensure its independence and national security in line with trends of globalization, new millennium and international development through joining international agreements and statutes as well as amending or approving national policies and laws in compliance with them. Pursuant to the 1969 Vienna Convention, Mongolia has joined and ratified several United Nations rules, statutes and international agreements. As a result, the country has created external and internal environment favorable for preventing children to be involved in armed conflicts.

23. In line with the Geneva Convention of 1864, 1929, 1949 (I-IV) and 1951 and the Hague Conventions of 1899 and 1954 and their Optional Protocols, the Government of Mongolia has approved a number of policies and legal documents including the National Security Concepts, the Fundamentals of State Military Policy of Mongolia, the Procedures on Locating in or Letting to Cross the Territory of Mongolia for Foreign Military Force; the Law on the State of War, the Law on War and the Civil Defense Code. All these national policies and laws have created the legal environment for preventing children younger than 18 from being involved in armed conflict. In 1990, Mongolia joined the Convention and joined the Optional Protocol in 2004. All these factors contribute to the enhanced implementation of the rights of the child.

Article 6

24. The conscription of children younger than 18 years old to an actual military service was prohibited by national legislation prior to the time Mongolia joined the Optional Protocol and to date, no amendment was made in that regard.

25. The Ministry of Defense, the Military Force Headquarter and the General Authority for Border Protection are in charge of the implementation of the Optional Protocol.

26. The Constitution of Mongolia declares that any international agreement or statutes shall act as national legislation as soon as Mongolia joins them. About 80 currently active national laws stipulate that international agreements and conventions shall be complied if it is not stated otherwise by national laws. The State Great Khural of Mongolia monitors the implementation of all international agreements to which Mongolia is signatory. The Government monitors the implementation of international agreements within its mandate.

27. There is a provision in the Law on the State of War that stipulated that in case of a state of war, Mongolia may terminate or

temporary invalidate any international agreement it has joined in accordance with the special provisions outlined in the concerned treaty or widely recognized international practice.

28. Prior to the commencement of their assignment Mongolian peace keepers receive training on the Convention on the Rights of the Child and other international humanitarian instruments. Training with the following three steps is mandatory for them:

First Step: Training takes place at military regiments and units. A curriculum for the training at this step covers international humanitarian instruments and treaties on armed conflicts as well peacekeeping actions. The curriculum also refers to some provisions of the Convention on the Rights of the Child and its Optional Protocols. The training is supported by the International and Mongolian Red Crosses. They provide trainers and training materials.

Second Step: Training for Mongolian peace keepers is conducted in accordance with the Generic Training Model for two-three months before their peacekeeping service. A curriculum at this stage refers to some provisions of the Convention on the Rights of the Child and its Optional Protocols. The training is supported by the United Nations Peace Department and in some cases experts are invited to come.

Third Step: When the peace keepers come to the site of their assignment they receive training of a duration of 7-14 days. Peacekeepers learn culture and customs of the regions they are going to serve; the Codes of Conduct; their roles in protecting children and women from any types of attack or violence; physical and emotional rehabilitation of children who were involved in armed conflict.

29. The Optional Protocol was translated into Mongolian language and disseminated to employees of children's organizations and military force.

Article 7

30. Mongolia has neither requested technical and financial assistance from foreign countries nor has given any such assistance to other countries in order to implement the Optional Protocol.
