



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Consideration of reports submitted by States  
parties under article 35 of the Convention**

**Initial reports of States parties due in 2011**

**Mongolia\***

[13 May 2011]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been edited.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
List of tables .....		2
List of figures .....		3
I. Preparation and structure of the report .....	1–4	4
II. Introduction .....	5–55	5
1. General information .....	5–15	5
2. Statistics of persons with disabilities .....	16–20	7
3. Constitution, politics, legal frameworks .....	21–25	8
4. Protecting and promoting human rights .....	26–39	10
5. Non-discrimination and equality .....	40	14
6. The Convention on the Rights of Persons with Disabilities and compliance with Mongolian laws .....	41–53	15
7. Further goals and steps .....	54–55	19
III. Provisions of the Convention .....	57–226	20
1. General provisions (Articles 1–4) .....	57–59	20
2. Political and civil rights and social and economic rights .....	60–205	21
3. Women and children with disabilities .....	206–226	48
IV. Specific obligations .....	227–238	52

## List of tables

Table 1	Total number of persons with disabilities and reasons, as of 2008–2010
Table 2	Major conventions and protocols on human rights ratified by Mongolia
Table 3	ILO conventions ratified by Mongolia
Table 4	Coverage of GES learners by the lunch programme 2005–2010
Table 5	Coverage of children with disabilities with preschool education
Table 6	Coverage of children with disabilities with general education
Table 7	Causes for persons with disabilities not to participate in election

## List of figures

Figure 1	Total number of persons with disabilities by reason as of 2010
Figure 2	Total number of persons with disabilities, by disability types and percentage, as of 2010
Figure 3	School 15 in Ulaanbaatar: a special road for CD
Figure 4	Toilet

## **I. Preparation and structure of the report**

1. The Government of Mongolia presents to the Committee on the Rights of Persons with Disabilities Mongolia's Initial Report reflecting conformity of the national legal frameworks with the Convention on the Rights of Persons with Disabilities and activities taken in such regards, achievements and challenges in ensuring special rights exercised, further steps and policy considerations, in accordance with the Guidelines on treaty-specific document to be submitted by states parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities (18 November 2009) and the Note by the Secretary-General on the same Guidelines.
2. This report has been prepared by the working group led by the Vice Minister for Social Welfare and Labour, established under an Order by the Minister of Social Welfare and Labour and comprised of representatives from the relevant ministries, agencies and nongovernmental organizations operating in the field of rights, development and protection of persons with disabilities, based on the work plan approved in tandem.
3. According to the approved work plan, the working group has convened eight times and organized two consultative meetings to discuss the initial draft report among governmental and non-governmental organizations (NGOs) which were participated by extensive representatives from relevant ministries, agencies and over 100 non-governmental organizations operating in the field of rights, development and protection of persons with disabilities, in addition to representatives of the World Health Organization and United Nations system organizations and professionals.
4. Moreover, updated drafts of the report have been posted on a website to ensure transparency to the public from time to time.

## **II. Introduction**

### **1. General information**

#### **1.1 Geography and climate**

5. Mongolia is located within the Central Asian highland and land-locked between the Russian Federation and the People's Republic of China. It has a territory of 1,562,200 square kilometres that means bigger than the United Kingdom, France, Germany and Italy collectively and is ranked as the seventh biggest country in Asia and the eighteenth biggest in the world.

6. Mongolia has harsh continental climate that the air temperature fluctuate between  $-45^{\circ}\text{C}$  in winter and  $+40^{\circ}\text{C}$  in summer in addition to drastic differences in daily air temperature fluctuations as well. Normally, Mongolia witnesses decreasing precipitations; the annual precipitations are 250–400mm in average and even 100–150 mm in the southern part.

7. The most of the land covers the Gobi Desert and steppe zones, while the forests account less than 10 per cent. The surface water resources appear insufficient compared to its vast territory, the soil layer is thin and moderately fertile. Although the soil surface seems fragile, most of the land is an open countryside in fact, as solely used for livestock pastures.

8. Mongolia is rich in mineral resources, in particular gold, copper, uranium and coal that such mineral deposits are considered of international importance.

#### **1.2 Historical and cultural aspects**

9. The historical facts reveal that fist human ancestors lived within Mongolia's territory about 1 million years ago. The first nation state was established by Hunnus 2,200 years ago. In 2006, Mongolia celebrated the 800th Anniversary of the Mongolian Great Empire founded by Chinggis Khaan and his descendants in twelfth and thirteenth centuries. In the seventeenth century, Mongolia was invaded like China and eventually colonized by Manchurians for 200 years until the beginning of the last century when Mongolia proclaimed its independence and became a Buddhist monarchy. In 1921, Mongolia witnessed another revolution upon supports from Russians, yet became a satellite state of the Soviet Union despite its de facto independent status in 1940s. As a part of the socialist camp, Mongolia endured both progresses and shortfalls during the socialism until 1990. For instance, Mongolian populations were entitled to State-funded healthcare and education services free of charge and the life quality improved significantly. Mongolia was admitted as a State party of the United Nations in 1961. In 1990, Mongolia became a parliamentary republic and embarked on a transition path of democratization and becoming a market economy.

10. Mongolians have a long tradition of history and cultural heritage from ancient times. The Mongolian language belongs to Altaic language family and the traditional Mongolian script is still used in modern days in parallel with the Cyrillic alphabet. Mongolia cultural heritage elements, such as the traditional wrestling, horse race, archery, long songs, khuumii (throat singing) and biyelgee (folk dance), are considered valuable contribution to the cultural fund of the world.

### 1.3 Demographics

11. Mongolia's total population is 2.7 million that it's regarded as the most sparsely populated country in the world. Mongolia is a homogeneous society; that ethnic Mongols account most of the population, besides a small number of Kazakhs and tuvans. The population increased in average by 66.1 per cent in the latter half of the last century, yet reduced to growth of 37 per cent in the last decade. According to World Bank's estimations, the birth rate is 238 per mille, the death rate – 56 per mille (world average - 86) and the net growth – 182 per mille (world average - 118) which still appears positive.

12. In Mongolia, 66.7 per cent of the total population is under age 35 and 5.8 per cent is over 60 years old. Therefore, the aging process is expected to evolve slowly in the coming 15-20 years. It means that the demographic pressure is modest during the current demographic "window" period. The average life expectancy is 67.96. Among this, 64.33 is for men and 71.79 for women. Mongolia's Human Development Index is 0.622 according to the new approach which ranks Mongolia at the 100th place in the world. Compared to that of 10 years ago, the indicator has improved, but only considered only the GDP growth per capita (or increase in revenues).

### 1.4 The economy

13. It has been over 20 years since Mongolia embarked on a transition path towards a market economy from the centrally planned economy. At the beginning of the transition, Mongolia experienced a deep crisis in early 1990s and the economy stabilized in the late 1990s. However, the economic growth has intensified since 2000 and even reached up to 10.2 per cent in 2007. In 2008–2009, the global financial crisis slowed down the rapid growth down to 1.3 per cent. The economic growth is estimated at 6.1 per cent in 2010. As a result of the prosperous development of the mining sector, Mongolia's economy is expected to grow annually by 10 per cent and folds in 10 years, as estimated by experts.

14. According to some research studies, Mongolia is ranked at the 2nd place with its economic growth among its comparable countries, yet at the 14th place with its employment rate growth. It indicates that Mongolia needs to balance between the economic growth benefits and employment growth through fair redistributions of wealth among the all strata of the society. In the past years, the poverty rate has not reduced from the 36 per cent, nor did the real unemployment reduce from the two digit increase. The Gini coefficient has risen by 0.36 in 2007–2008 as it was 0.33 in 2002–2003 which basically confirms the prevalence of these problems.

15. Mongolia needs to develop the mining sector based on sound policies and management through diversifying its economic sectors, including infrastructure, manufacturing industries; food-processing and tertiary (service-providing) sectors that can absorb greater labour forces. Consequently, the country can avoid "resource curse" and maintain the strong foundations of sustainable development in the long run. One important feature of Mongolia's economic growth appears that the private sector alone accounts for over 70 per cent of productions of industrial and service sectors. Development of the private sector and privatization processes have impacted the society both positively and negatively. State factories were privatized without sound policies to ensure their sustainable operations so that laid-off workers triggered unemployment on one hand. On the other hand, new enterprises and companies have contributed to reduce the unemployment rate, as indicated by experts commonly.

## 2. Statistics of persons with disabilities

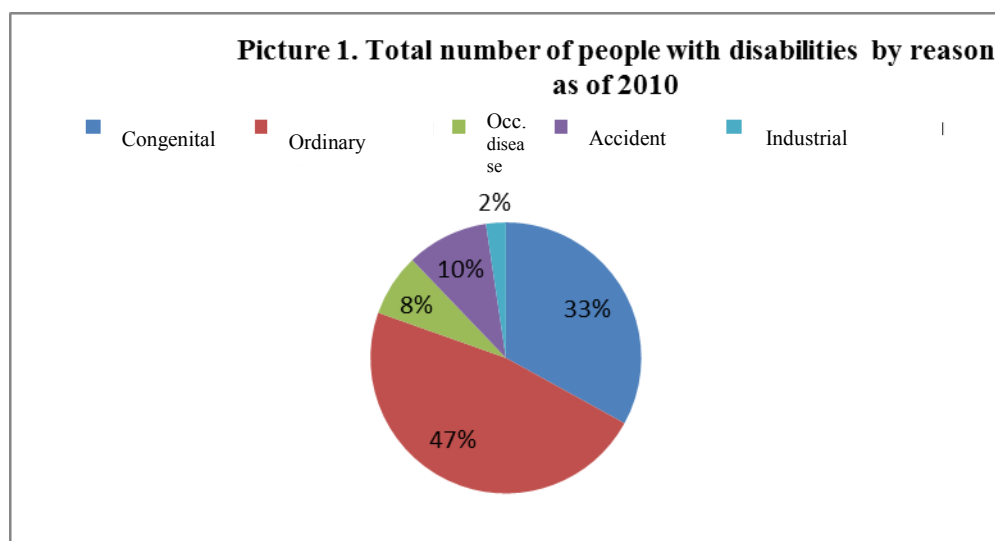
16. As of the end of 2010, there are 82,631 persons with disabilities in Mongolia; they account 2.97 per cent of the total population. Among persons with disabilities, 45.8 per cent are women and 1 per cent is children under age 16. The total number of persons with disabilities increased by 1,835 people in 2010, compared to the previous year and their share in the total population remains unchanged.

**Table 1. Total number of persons with disabilities and reasons, as of 2008–2010**

	People with Disabilities	Share in total population	Congenital disabilities	Percentage of Congenital disabilities	Acquired disabilities	Percentage of Acquired disabilities
2008	76369	2.85	26708	35	49661	65
2009	80796	2.95	26708	33	54088	67
2010	82631	2.97	27278	33	55353	67

Source: *Annual Statistics Yellow book, 2008-2010, NSO*

(a) Considering disability reasons, one third of persons with disabilities have congenital disabilities, while the rest have the acquired disabilities.



Source: *Annual Statistics Yellowbook, 2010, NSO*

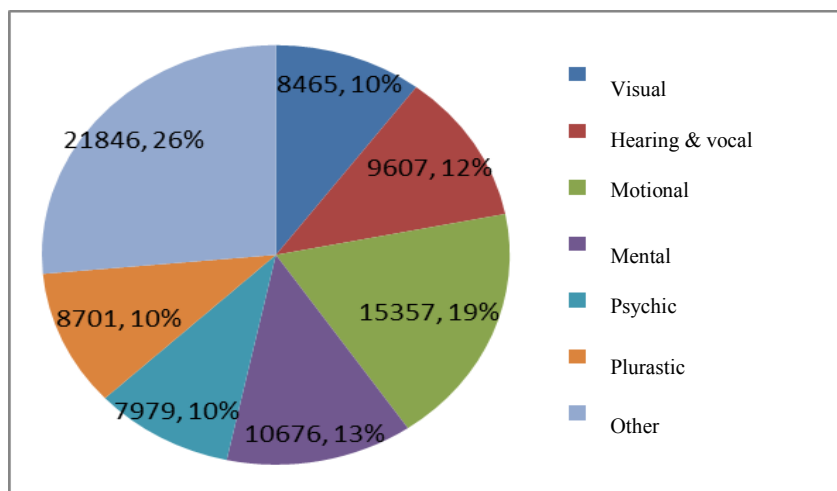
17. Apparently, almost 10 per cent of persons with disabilities have become with acquired disabilities due to occupational disease and injuries which indicates that Mongolia needs to strengthen current measures further to improve occupational safety and health and work place conditions.

18. In addition, the fact that one out of every three children under the age of 16 became disabled due to acquired disabilities suggests needs to enhance policies and activities to protect children from accidents and injuries and becoming disabled. About 80 per cent of children with acquired disabilities have become disabled due to ordinary diseases, while 15 per cent - due to domestic accidents.

19. Moreover, 80 per cent of persons with disabilities are of the active working age population that Mongolia needs to strengthen policies and programs aimed to promote employment of persons with disabilities in order to secure and protect rights of persons with disabilities.

20. The share of people with orthopaedic disabilities within the total persons with disabilities appears higher than almost one out of every 5 persons have orthopaedic disabilities. (Figure 2)

**Figure 2. Total number of persons with disabilities, by disability types and percentage, as of 2010**



Source: Annual Statistics Yellow book, 2010, NSO

### 3. Constitution, politics, legal frameworks

21. Mongolia is a parliamentary republic as stipulated in the Constitution of Mongolia ratified in 1992. The State power is classified by governing branches which include the State Great Khural – the legislative branch, the Government (Cabinet) – the executive branch, and the Supreme Court – the judicial branch.

(a) The State Great Khural is the unicameral parliament of Mongolia that consists of 76 members elected every four years by the general election. The State Great Khural, as the legislative body and the highest state authority, enacts laws.

(b) The Government of Mongolia consists of the Prime Minister and ministers. Ministries develop policies of respective sectors, execute general or sector-specific tasks and have adjusting and implementing agencies.

(c) The legislative branch consists of courts of all levels, prosecutors' offices and the Constitutional Court.

(d) The Head of the State of Mongolia is the President who is elected by the general election and has power to initiate and put a veto to laws, to appoint and resign judges and to propose to the State Great Khural the candidature for the position of Prime Minister.

(e) The territory of Mongolia is administratively divided into Aimags and Capital city, while Aimags into Soums, Soums into Baghs, the Capital city into Districts, and Districts into Khoroods. These administrative and territorial units have each a self-



governing body called Citizens' Representative Khural and/or public meetings, as Governors of all levels are responsible for implementing the state administration activities.

(f) In Mongolia, many non-governmental organizations operate and represent the interests of the civil society in accordance with the Law on NGOs enacted in 1997.

(g) According to the law, NGOs are allowed to get established on the basis of the right to associate voluntarily and to provide services to the society or their members. NGOs shall be registered in the State Registration Office and implement non-profit activities which exempt them from paying tax duties.

(h) Religious relations are governed by legal frameworks of Mongolia which limit the role of religion in state affairs, provide freedom of religion and allow practicing various religions and beliefs introduced in Mongolia. Currently, there are many registered and operational religious organizations practicing Buddhism, Christianity, Islamic, Bahai, Shamanism and Moon beliefs; of which about 50 per cent are Buddhist and 40 per cent – Christian.

22. Among the civil society organizations, functions of political parties and trade unions are regulated by specific laws. For instance, establishment and operations of communist or fascist parties are not allowed. At present, there are 27 registered political parties operating in Mongolia; of which, Mongolian People's Party, Democratic Party and Civil Will-Green Party have seats in the parliament. In the Parliamentary election of 2008, the Mongolian People's Party won 59.8 per cent of parliamentary seats, while the Democratic Party – 38.9 per cent. Besides, there are only 3 female members among the total 76.

23. The Constitution of Mongolia includes a chapter on the Judiciary that Articles 47-56 govern the overall judicial system, including courts, prosecutors' officers, their functions and activities. Detailed legal frameworks and regulations can be found in the Law on Courts and Law on Prosecutors' Office. Article 16 of the Constitution states "... the right to appeal to the court to protect his/her rights if he/she considers his/her rights or freedoms violated; to self-defense; to receive legal assistance; to have evidence examined; to fair trial ... Every person shall be presumed innocent until proved guilty by a court by due process of law" provides an important foundation and essence of the judiciary.

24. According to Article 40.1.4 of Criminal Procedure Code of Mongolia, "if persons participating in criminal proceeding are mentally disordered and mute or deaf, participation of defense counsel in a judicial examination shall be obligatory and interpreter(s) of gestures and special signs shall be provided with the right to give testimony, to submit complaint, to make speech in court and to get introduced with all materials of the case." Thus, this provision is applied in all levels of prosecutors' and courts proceedings, such as case filing, investigation and others. However, there are no statistics data showing how many percents of courts cases are involved with persons with disabilities.

25. In recent years, the increasing tendency of the crime rate tends is becoming a serious concern in the society, yet it should be noted that crime detections are improving.

#### 4. Protecting and promoting human rights

##### 4.1. Acceptance of international human rights norms

26. Mongolia has ratified the main international human rights conventions and protocols set out below.

**Table 2. Major conventions and protocols on human rights ratified by Mongolia**

<b>Names of documents</b>	<b>Ratification year</b>
Optional Protocol to the International Covenant on Civil and Political Rights (1966)	1991
International Covenant on Economic, Social and Cultural Rights (1966)	1974
International Convention on the Elimination of all Forms of Racial Discrimination (1966)	1969
Convention on the Elimination of All Forms of Discrimination against Women (1979)	1981
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)	2000
Convention on the Rights of the Child (1989)	1990
Convention on the Rights of Persons with Disabilities (2006)	2008
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (1989)	2012
Convention against Discrimination in Education (1960)	1964

**Table 3. ILO conventions ratified by Mongolia**

<b>Names of conventions</b>	<b>Ratification year</b>
Right to Organise and Collective Bargaining Convention (No. 98)	1969
Freedom of Association and Protection of the Right to Organise Convention (No. 87)	1969
Equal Remuneration Convention (No. 100)	1969
Discrimination (Employment and Occupation) Convention (No. 111)	1969
Workers' Representatives Convention (No. 135)	1974
Tripartite Consultation (International Labour Standards) Convention (No. 144)	1998
Employment Policy Convention (No. 122)	2005
Forced Labour Convention (No. 29)	2005
Abolition of Forced Labour Convention (No. 105)	2005
Worst Forms of Child Labour Convention (No. 182)	2000
Occupational Safety and Health Convention (No. 155)	1998
Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159)	2002
Minimum Age Convention (No. 138)	1981
Minimum Age (Underground Work) Convention (No. 123)	1981
Maternity Protection Convention (Revised) (No. 103)	1969

#### **4.2. General legal framework within which human rights are protected at the national level**

27. In the Mongolian Constitution, a whole chapter is dedicated to determining variety of approaches and strategies are used to implement and protect human rights, including right to life (Article 16.1); right to free choice of employment, favourable conditions of work, remuneration and rest (Article 16.4); the right to material and financial assistance in old age, disability, childbirth and childcare and in other circumstances (Article 16.6); and the right the right to education and free basic general education.

28. In order to ensure the above rights, specific independent laws have been enacted. For instance: Labour Law (1997), Law on Employment promotion (2001), Law on Occupational safety and hygiene (2006), Law on Minimum wage (1997, 2010); Law on Social security (1998), Social welfare package law (1999) including Law on Social security of elderly people and Law on Social security of persons with disabilities, Social insurance package law including Law on Occupational injury and disease pensions and benefits provided from Social insurance fund (1995), Law on Citizens' health insurance (1994, 2006), Law on Health, Law on Education (1995, package).

29. Among laws regulating protection of rights of vulnerable people with special needs such as children, women, elderly and persons with disabilities, the Law on social security of persons with disabilities (enacted in 2006) plays an important role. This law clearly

defines issues related with social assistance to persons and children with disabilities, such as services and benefits to health rehabilitation, education and vocational skill trainings.

30. According to the Law, the following benefits and assistance are to be provided to vulnerable groups from the Social welfare fund of the government:

- (a) Discount to utilities costs; apartment payments and fuel costs;
- (b) Full and partial subsidies of prosthetics, orthotics, wheelchairs and other devices;
- (c) Full and partial subsidies of sanatorium treatment and transportation costs;
- (d) Free transportation of Braille printed books and publications up to certain distance (up to 10 kg etc.);
- (e) Free access to public transportation etc.

31. One of key instruments of ensuring human rights is legally-binding accountability mechanisms. Although all above-mentioned laws have stipulated some mechanisms to impose cash penalties and compensation of opportunities costs, it is widely noted that these penalty provisions are not effectively followed and enforced and that victims are not aware of their rights and do not file complaints and lawsuits. On the other hand, the degrees of penalties are also considered insufficient or lenient.

32. Considering implementation of these laws, relevant legal frameworks on rights, development and protection of persons with disabilities appear to have established in place, yet poor enforcement of accountability mechanisms and liabilities cause negative impacts to such people's well-being. For instance, Article 10.1.3 of the Law on Construction provides measures aimed to meet special needs of persons with disabilities, but the liabilities to impose 250,000-500,000 MNT for liable individuals and 1,000,000-2,000,000 MNT for liable organizations still very lenient.

Although standards for incorporating special needs of persons with disabilities in planning construction and road-building infrastructure started to be implemented since February 2010, the implementation processes are still very poor due to lack of monitoring and enforcement functions to identify irregularities and impose relevant liabilities in case of potential breaches identified...

(Comments collected from NGOs operating to protect rights of persons with disabilities)

#### **4.3. On national policy promoting right of persons with disabilities**

33. Recognizing that implementing and legalizing rights and freedom of citizens will largely depend on empowerment of people to exercise their rights as well as on government supports and general public awareness, the Government of Mongolia has taken numerous actions in such regards. For instance, the Parliament and the Cabinet have taken actions such as developing policies and strategies; affirming them through legislations and programs; allocating relevant budget funds; publicizing through media means and awareness campaigns; establishing government agencies with general specific functions promoting human rights and cooperating with non-governmental organizations.

34. At the Parliament and Cabinet levels (under State Great Khural and the Government), the National Human Rights Commission and the National Council for Children run activities, while there are non-staff national committees for promoting household livelihoods and child rights, and responsible for vocational education and training, and persons with disabilities, along with respective secretariats each. Agencies with general and/or specific functions to implement human rights operate under ministries that oversee education, social security and health care and infrastructure affairs.

35. Mongolian legislations have stipulated clear provisions aimed to guarantee and promote legal rights of vulnerable groups with special needs, such as persons with disabilities. For instance:

(a) Labour Law: to reduce working hours and extend paid vacation of persons with disabilities, to set up a quote for employment of persons with disabilities and to impose liabilities/cash penalties upon violations;

(b) Law on Employment Promotion: to provide incentives to employers who employed persons with employees with compensating percentage of salary up to 60 per cent and additional incentives (worth 5 and 10 times of minimum wage) for employment over 1 year;

(c) Law on Education and Law on Preschool Education: to adopt alternative education forms suited to students' special needs (individual and developmental), to promote inclusive education allowing preschool-age children with mild disabilities together with ordinary children in the kindergarten and creating a class for at least 2 children with severe disabilities;

(d) Law on Construction: to require constructions and facilities accessible to persons with disabilities; to produce construction drawings designed as accessible for persons with disabilities;

(e) Law on Urban Development: to plan infrastructure facilities in compliance with normative requirements and regulations not to limit access of persons with disabilities; to refuse issuing license to urban development planning and drawings for construction, internet-based and social infrastructure development projects which do not comply the above requirements;

(f) Law on Transportation: to require public transportation means to announce names of stations for people with visual difficulties and to place signs, station addresses and directions at all stops for people with hearing difficulties; to assign respective level governors to make decisions over changes in them;

(g) Law on Social Welfare of persons with disabilities: to guarantee persons with disabilities to participate in social relations, to serve their needs and to access rehabilitation aimed to individual development; assign hospitals, sanatoriums, schools and prosthesis-producing companies to run rehabilitation activities; to restrict refusals to people and children with disabilities to take entrance examinations to any education institutions; to provide additional pays (worth 10–30 per cent of their salary) to teachers teaching children with disabilities.

36. There are criticisms from general public and target groups about the low quality and efficiency of activities, such as publishing and distributing manuals and brochures to improve awareness of human rights and, in particular promotion of rights of vulnerable people, among public servants and authorities, and organizing seminars and workshops.

Despite numerous actions taken by the Government of Mongolia, there still lacks of common understanding and effective implementation of the Convention on rights of persons with disabilities, national programs, strategies and relevant legislations on promoting rights of persons with disabilities among the government agencies and the general public.

Persons with disabilities cannot travel to other places outside their residential areas to access social services such as receiving medical treatment in hospitals and sanatoriums and studying in various education institutions, as there are no legal provisions on travel discounts and allowances to travel by train and airplane.

(Comments collected from NGOS operating to protect rights of persons with disabilities)

37. Moreover, news programs with sign-language announcers and awareness publicity are increasing on public and private TV channels in order to improve information access to persons with disabilities and publicize legislations promoting rights of persons with disabilities. Yet, they still cannot keep up needs in reality. Standardization of the Braille system and development of publications and trainings in the Braille system appear still very slow.

38. In 2010, the National Human Right Commission of Mongolia (NHRC) has implemented the project on Promotion of the rights of persons with disabilities with support of Raul Folero Companion Association, Italian NGO and Italian Government. Within the framework of the project number of activities had been taken including multi sided promotional work, information and news for persons with disabilities and government servants as well. Therefore, NHRC is planning to start research work on the application of the right of multidisabled persons in 2011.

39. The Government of Mongolia considers that roles of and cooperation among the government, general public, private sector and media are important to protect and promote rights and freedom, in particular interests of persons with special needs. Thus, the Government has been taking various actions which are detailed later in Specific information parts. However, there are needs to improve multi-faceted cooperation and its efficiency further.

## **5. Non-discrimination and equality**

40. The Constitution of Mongolia, along with afore-mentioned laws, have legalized anti-discrimination principles that aim to eliminate discrimination on the basis of any illegitimate reasons. The general public is aware of anti-discrimination legal provisions in general, despite not being specific of disability-related reasons in some cases. For instance, the Constitution stipulates “no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and position, religion, opinion and education” (Article 14.2). Yet, representatives of persons with disabilities warn that the article does not specify “physical, mental and development disability” clearly as a basis of non-discrimination. Moreover, stakeholders consider and explain that the other Constitutional provision stating “every one shall be a person before the law” accommodates the above and other specific features collectively. In fact, it is confirmed that there are no incidents to have triggered and justified discrimination in other policies, legislations, social relations and such activities due to being omitted in the Constitution. Although specific provisions are included in independent anti-discrimination legislations, there are still persistent tendencies of ignoring violations “beyond their eyes”, complying only some or no norms and standards as required, and/or maintaining insensitive and noninclusive approaches in general.

... Although persons with disabilities are not explicitly excluded and discriminated, there are insufficient activities aimed to eliminate barriers faced in their inclusive participation opportunities. Thus, persons with disabilities in remote areas cannot participate in social relations and so tend to become victims of “implicit” discrimination.

For instance, people with visual impairment barely have access to information, while some cannot leave their homes due to lack of infrastructure sensitive to special needs.

(Comments collected from NGOS operating to protect rights of persons with disabilities)

## 6. The Convention on the Rights of Persons with Disabilities and compliance with Mongolian laws

41. In the past couple of years, various actions have been taken to ensure relevance of national legislations and policies to comply with the Convention on the Rights of Persons with Disabilities. For instance, National experts have cooperated with a UNDP consultant to upgrade relevant policies and programs aimed to improve broader participation of persons with disabilities in the socio-economic life of the country within the 4th Component of the UNDP Project “Poverty Research and Employment Facilitation for Policy Development-Phase II”. Moreover, one key area has focused on reviewing national legislations in comparison with the Convention on the Rights of Persons with Disabilities. The legal review findings have confirmed that national legislations of Mongolia appear relevant to and in compliance with key provisions of the Convention. The majority of Convention provisions are seen at the closer level with Mongolian legislations within its mandate. In case the Mongolian Parliament intensifies additional efforts to implementation of the Convention and relevant national laws, it is possible to reach the required mandate level, as indicated in the report.

42. The following articles identified as currently having the most significant gaps between Mongolian law and policy and the CRPD, we will focus on the following articles:

(a) Article 9- Accessibility. Current under-enforcement of Mongolian laws creates a gap between legal requirements and reality.

(b) Article 19- Living independently and being included in the community. Current Mongolian law and policy limits the right to live in the community to services that do not cause fundamental alterations.

(c) Article 24- Education. Current Mongolian laws on Education do not have specific articles on protecting the rights to education for children with disabilities or have paragraphs which seek to develop children’s full potential.

(d) Article 27- Work and Employment. Current Mongolian laws do not provide equality measures, such as vocational training, affirmative action, or job set asides.

(e) Article 28- Adequate standard of living and social protection. Current Mongolian legislations do not recognize economic or social protections as rights.

43. The report titled “For a better economic and social integration of persons with disabilities in Mongolia: Current situation and perspectives” indicate that the above key provisions are not effectively reflected in and enforced by national legislations in addition to the legal definition of persons with disabilities which implicates limitations of their participatory competence. (Please refer to the Report in Attachment)

44. The Government of Mongolia has implemented various activities to develop relevant policies and legal documents on protecting and promoting rights of persons with disabilities, since Mongolia ratified the Convention on the Rights of Persons with Disabilities in 2009. For instance:

(a) Under Mongolian President’s initiative, the “National Comprehensive Development Strategy” enacted in 2008 has included certain activities aimed to promote development of persons with disabilities.

(b) The Mongolian Government’s Action Program for 2008-2012 states “improve life quality and education access of persons with disabilities; create favourable conditions for protection of the rights of disabled people; and enable their active participation in social life through building accessible infrastructure”.

(c) Article 2.4.6 of the National Program on Human Right approved by the Government of Mongolia reflects in itself “ make promotional work and training to change wrong understanding and attitude among the public in discriminating the persons with special needs and demands

(d) As a result of amendment approved in 2008, the Law on Social Welfare of Persons With Disabilities allows costs/price of prosthesis, wheelchair and other special needs devices made in domestic factories to be subsidized once (one time purchase) for children and persons with disabilities.

(e) The Government Resolution #26 (issued in 2009) has determined the amounts of penalties to impose to public and private organizations which did not comply the set-aside employment quote system for persons with disabilities and transfer such penalty fees to the Employment Promotion Fund. This has become an important enforcement tool for promoting employment opportunities of persons with disabilities.

(f) The Law on occupational safety and health (enacted in 2008) includes a provision requiring employers shall ensure job places of persons with disabilities as suited to their work capacity and equipped with accessible entrances and exits

(g) Law on Education and law on Preschool Education (enacted in 2008) requires to allow preschool-age children with mild disabilities together with ordinary children in the kindergarten and creating a class for at least 2 children with severe disabilities (Article 9.10). Besides it, the Law on General Education has a similar provision in effect as well.

(h) Under the Resolution #325 issued by the State Secretary of the MECS, the methodology and guidelines on identifying children with disabilities and delivering comprehensive package services within education, health care and social security areas have been approved and are piloted in some kindergartens and schools currently.

(i) According to Resolution #382 (2009) issued by the State Secretary of MECS, a working group, consisting of representatives from related ministries, governmental and non-governmental organizations and experts, was established to develop “Sign language standards in Mongolian language”.

(j) As approved by Joint Ministerial Order #303/126 (2009) issued by the Health Minister and the Social Welfare and Labour Minister, the national strategy on preventing and monitoring deafness and hearing impairment is implemented in place.

(k) “Standards for rehabilitation structures and operations” were approved under Health Minister’s Order #221 (2009) and maintained at second-tier hospitals.

(l) “Guidelines on diagnosis and treatment of common diseases” was approved and implemented under Health Minister’s Order #264 (2009).

(m) The Law on Urban Development (enacted in 2008) requires maintaining norms, procedures and rules to provide accessibility to social infrastructure facilities and to refuse licenses to construction and infrastructure development projects which do not comply such requirements (Article 20.2).

(n) In 2009, “MNS 91.040.10 Standards – Access space enabling needs of persons with disabilities calculated in civil construction development”, “Guidelines on planning foot-walk and road for persons with disabilities” and “Planning with needs of persons with disabilities taken account” (BNbD norm) were approved.

(o) In 2008, the Law on transportation was amended with provisions stating “pub transportation vehicles shall announce stops for people with visual impairment and place stop name and address plates and directions signs in texts and illustrations for people with hearing impairment at each stops” (Article 7.4), and “public transportation operators with



more than 20 vehicles shall assign at least 10 per cent of their fleet for transporting persons with disabilities” (Article 10.2.8).

(p) According to above provisions, in 400 busses bought with funds from the state budget, specific seats for people with visual impairment have been assigned and devices for announcing stops have been installed. Currently, activities related with placing stop name and address plates and directions signs in texts and illustrations for people with hearing impairment are underway.

(q) Under Article 38.11 of the Law on Customs tariffs and customs taxes enacted in 2008, it is provided that imported goods such as special devices, equipment, transportation means and prosthesis materials for persons with disabilities, and equipment and raw materials for making such items shall be exempted from tax duties fully, in addition to humanitarian aids in such regards to be exempted from due taxes.

(r) The General Election Committee, under its Resolution #5 issued in 2009, resolved that “ballot boxes shall be placed as accessible to persons with disabilities and ballot boxes shall be prepared to allow voters, including persons with disabilities, mark their ballot sheets secretly”.

(s) Based on “National policy on promoting physical education and sports” approved under Resolution #95 issued by State Great Khural in 2009, the Government of Mongolia approved “Comprehensive program for promoting physical education and sports” in 2011 which states “to ensure active social participation of persons with disabilities through physical education and sports” within goals to promote sports as daily needs among general public and expand life expectancy.

(t) As Mongolia is one of beneficiary-countries covered under UNESCAP/WB/WHO Project on “Improving Disability Statistics”, the National Statistics Committee conducted a pilot study to test a set of standard disability questions in July 2009.

45. Numerous actions have been taken to implement relevant United Nations conventions, Mongolian national programs and legal provisions.

46. A number of studies have been conducted by expertise teams so that they played an important role in identifying livelihoods, employment and psychological conditions of persons with disabilities and thus helped develop and implement realistic policies and activities. For instance, in the study conducted under support from Mercy Corps International Organization, it is mentioned that Mongolian legislations consider persons with disabilities as inactive beneficiaries of welfare benefits, but not as individuals who have rights which is not surprising to find the legal definition defined with such attitudes mainly.<sup>1</sup> Another study by the same organization mentioned that 46.6 per cent of children with disabilities face bullying problems that affect their schooling and also discrimination attitudes tend to be common among parents of preschool children<sup>2</sup>. Moreover, the studies such as “Outlines of organizations promoting rights of persons with disabilities” by Research and Education Institute and “Identifying needs of persons with hearing impairment” by Mongolian Education Alliance among others, can be mentioned.

47. Considering findings of the review evaluation conducted by the Ministry of Social Welfare and Labour on implementation of the afore mentioned “National program for promoting persons with disabilities”, participation and empowerment of persons with

<sup>1</sup> “Social service development for persons with disabilities: Research on co-dependency of infrastructure and services” Merci Corp, 2009

<sup>2</sup> Research on Right to employment and education of the persons with disabilities, 2009

disabilities have improved as a result of having supported initiatives of persons with disabilities, built roads, exits and stairs accessible to persons with disabilities, and increased information access due to more supplies of ICT equipment. Due to improved supports for providing skills needed on the labour market to persons with disabilities and for promoting self employment opportunities, their paid employment rate has increased significantly. Moreover, both the number and scope of programs and projects have expanded within efforts to implement the National program and the Government Action Program in regard to improving their education opportunities, information access and prevention of physical, mental and orthopaedic disabilities. More details can be found in specific documents later in the Report, yet some brief facts are mentioned below:

(a) In the last couple of years, in total 516 projects aimed to promote employment of persons with disabilities have been selected and funded with about 1.3 billion MNT so that over 1,800 job places are created and 1,130 of them employed persons with disabilities and their caretakers and family members.

(b) Based on amendments to the Law on Education, new regulations have been approved, such as inclusive education for children with disabilities, increasing variable costs linked with the number of children with disabilities, and providing additional salaries for their teachers.

(c) The public investment for improving social security of persons with disabilities has increased by 63 per cent in the last 3 years (2008-2010).

(d) In 2009, altogether 175.4 million MNT were spent on developing community-based social welfare services in rural areas that covered 2,115 individuals.

(e) A one-month campaign themed “Accept the diversity to stop discrimination” was organized by United Nations Human Rights Project Office and NGOs in cooperation with the civil society organizations, international agencies and individuals in 2010.

(f) The National Standardization and Metrology Agency approved standards such as “Access space enabling needs of persons with disabilities calculated in civil construction development” and “Guidelines on planning foot-walk and road for persons with disabilities”. (MNS 6056, NNS 6055)

48. On June 17, 2010, Mercy Corps International and UNDP organized a workshop themed “Accessible environment for persons with disabilities vs. Standards implementation” in order to publicize newly-approved standards to general public and governmental and non-governmental organizations and identify further actions so that the standards “Access space enabling needs of persons with disabilities calculated in civil construction development” (MNS 91.040.10:2009) and “Guidelines on planning foot-walk and road for persons with disabilities”. (MNS 6056:2009) were introduced to and discussed by participants. Moreover, presentations titled “Foot walks for pedestrians and persons with disabilities”, “Accessible environment” and “Education and employment rights of persons with disabilities” among others, were delivered and discussed during the workshop.

49. Within activities aimed to build up infrastructure accessible for persons with disabilities, 2-4 hours of syllabus on inclusive infrastructure have been included in curriculum of biennial trainings for licensing professional architects. The work to develop the standard “BNbD normative requirements for implementing needs of persons with disabilities” started in March 2011 and is still underway. The main Architectural drawings manual on “Planning multi-storied buildings-BNbD31-17-10” has been revised, while standards including “Car park-BNbD21-05-10”, “Railway and road tunnels” and “Planning and drawings of apartment blocks” have been developed and will be approved shortly. These standards have included specific provisions for inclusive infrastructure and for monitoring activities which will be conducted during approval of architectural drawings.

50. Considering statistics of persons with disabilities afore mentioned, programmed objectives to prevent ordinary and occupational diseases and to rehabilitate physical, intellectual and mental competence have not realized up to targeted goals, in addition to lacks of comprehensive implementation measures. Besides the above factors, it is necessary to study impacts of provisions concerning generous social welfare and insurance benefits in such regards. However, under the Law on social insurance, the Medical Examination Commission determines degrees of disabilities depending on loss of working capability so that the percentage of loss of work capability means the percentage of impairment of concerned organs and abilities. For instance, in the procedural rule of the Commission states that “degrees of loss of work capability and of disabilities shall be determined as and categorized into “fully lost”, “more than 70 per cent and half-lost (50-69 per cent)”. Thus, under Social welfare laws, persons with full disabilities are entitled to pensions and other discounted allowances and also people falling in above categories would benefit similar services so that persons with disabilities are motivated to have higher degrees of disabilities up to 70 per cent in order to receive subsidized services. Such practices tend to expand welfare beneficiaries. Furthermore, current approaches used for determining degrees of disabilities mix physical and mental impairments and work capabilities which must be revised and upgraded meaningfully.

51. In the current Education Law, there are no provisions on teaching Braille and sign languages, or promoting language expressions of people with hearing impairment, or recruiting teachers with disabilities. Normally, general public appear critical towards special schools which isolate children with disabilities from family and social environment.

52. Quantitative statistics of school-age children with disabilities still lack nationwide.

53. The Government should analyze factors of decreasing number of children with disabilities entering higher and vocational education institutions. Children with disabilities are not provided with accessible infrastructure and conditions to take admission tests so that they cannot be properly covered and considered during admission processes.

## 7. Further goals and steps

54. On legal frameworks:

(a) Amend the Labour Law and Education Law and revise National programs to ensure expanded access of services, expression of voices and opinions and rights to information access;

(b) Amend the Education Law and the Law on Vocational education and trainings with provisions aimed to promote learning environment for and social participation of students with disabilities;

(c) Amend the Labour Law and legislations concerning occupational injuries and diseases with provisions to promote employment opportunities of persons with disabilities and to determine degrees of loss of work capability more meaningfully;

(d) Fill legislative gaps and inconsistencies which cause shortfalls in implementing laws, through strengthening sanctions and liabilities, and take relevant measures in such regards;

(i) On strengthening law enforcement and monitoring:

(a) Organize regular publicity campaigns to promote legal provisions, standards and normative rules reflecting adaptive and accessible infrastructure for persons with disabilities;

(b) In this regard, line ministries should play leadership roles to take actions for strengthening law enforcement.

55. On restructuring:

(a) Take actions to increase investment for building up infrastructure accessible for persons with disabilities;

(b) Improve coordination and cooperation of relevant institutions;

(c) Study and adopt international best practices building up accessible infrastructure facilities for persons with disabilities;

(d) Currently, under Social Welfare and Labour's Minister's Order, the National Committee for Affairs of Persons with Disabilities was established consisting of representatives from governmental and non-governmental organizations and social bargaining institutions. This Committee has sub-committees which deal employment, development and social security issues of persons with disabilities, in addition to on-staff secretariat to manage and support its activities.

(e) However, it is still necessary to establish a special agency for protecting rights of persons with disabilities which is responsible for following functions:

(ii) Ensure persons with disabilities to exercise rights to file lawsuits and to provide favourable opportunities to such persons in case of violation of their legal rights;

(iii) Participate in monitoring law enforcement, and accept, discuss and resolve alleged serious violation incidents;

(iv) Approach and cooperate with relevant institutions to solve disputes;

(v) Provide relevant structures and functional frameworks for such agency which promotes employment opportunities and rights protection of persons with disabilities.

### **III. Provisions of the Convention**

#### **1. General provisions (Articles 1–4)**

57. Definitions: In the Law of Mongolia on Social Welfare of persons with disabilities, it is provided that "a person with disability refers to an individual who lost capability to engage in social relations permanently or temporarily longer than 12 months due to physical, intellectual, psychological and neurosensory impairments". However, the Ministry of Health relies on the definition of persons with disabilities as provided by WHO that reads "a person with disability refers to an individual who cannot maintain normal daily social and personal life needs independently due to acquired or congenital physical and/or mental limitations". Due to above differences in defining disability, statistics related persons with disabilities often vary and contradict substantially.

58. Defining the 'permanent disability' as impairments longer than 12 months as stated in legislations of Mongolia, it is considered relevant to the current context meantime. Moreover, concepts of "Reasonable accommodation" and "Universal design" can be used in national legal acts with meanings as defined in the Convention without hindrance in terms of legislations, regulations and traditions.

59. General principles of the Convention appear been incorporated in national legislations wholly, yet Clauses 'd' and 'h' should be more clarified in relevant national

documents. Moreover, it is considered urgent priorities to incorporate Article 9, 19, 24, 27 and 28 of the Convention within national legal frameworks and to ensure their effective implementation.

## **2. Political and civil rights and social and economic rights**

### **2.1. Political and civil rights**

#### **Article 5. Equality and non-discrimination**

60. The Constitution of Mongolia states that “No person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and position, religion, opinion and education. Every one shall be a person before the law.” (Article 14.2 of the Constitution)

61. At present there are no valid laws and legal acts at national level, which discriminate against persons with disabilities. The laws provide opportunities for equal access to all public services such as protection in the legal frame, education at all levels for children with disabilities, upgrading skills, healthcare and rehabilitation services, work and employment, receiving social security services.

62. According to the law on Social Welfare of Persons with Disabilities in all cases except active infection of chronic contagious diseases such as tuberculosis, persons with disabilities have rights to study, obtain professions; access special needs education free of charge along with able-bodied persons. It is prohibited to refuse persons with disabilities a right to enrol in any educational and vocational institution of all levels under pretext of their disabilities, to fire persons with disabilities from work without valid reasons, to refuse their employment in appropriate official positions with exception of cases when they have contagious diseases.

63. In order to provide equal opportunities to persons with disabilities to access educational services, favourable conditions for their enrolment in national universities, institutes, colleges, vocational and training institutions are provided. Their tuition fees are financed by the State fund, their level of preparation for enrollment in universities and colleges is improved through education for children with special needs. According to the Labour law their working hours are reduced, the duration of vacation is increased, appropriate conditions at work places are provided and a quota of work places in business entities for persons with disabilities is determined. According to the Law on Support of Employment an active policy of supporting employment of persons with disabilities along with other persons is followed, including their equal, active participation in labour market, support with loans, mediation, professional and economic engagement, business training, community works, which promotes equality of persons with disabilities and a policy of eliminating discrimination, is implemented.

64. Medical assistance and services guaranteed by related legal documents such as the Law on Health, the Law on Social Insurance, the directive of the Health minister on providing health services to persons with disabilities in the first place, without making them wait in lines, are provided to population in an equal, non-discriminative way.

#### **Article 8. Awareness raising**

65. The legal reform of 2008 on issues of persons with disabilities and its implementation played an important role in changing negative attitudes towards persons with disabilities in the society, in raising self-confidence of persons with disabilities, in increasing opportunities for them to enjoy their rights like other citizen. Especially amendments to The Labour Law and the Law of Support of Employment created economic

incentives for supporting employers in the field of providing persons with disabilities with the right to work and support their employment, which created an opportunity to form positive attitudes towards persons with disabilities among employers, to make them aware of their advantages.

66. To mention some examples of work implemented according to this article of convention:

(a) In the frame of the National Program on Support of Persons with Disabilities multiple work was organized to protect rights of persons with disabilities, to raise public awareness about them, which led to improved public attitudes towards persons with disabilities. There is a number of examples that reflect these attitudes. Since 2009 the MCCT introduced new nominations in the Best 100 enterprises such as The Best Supporter of Employment of Persons with Disabilities, the Most Socially Responsible Enterprise, which became one of major criteria to increase social responsibility of employers.

(b) A program broadcast on MNTV under the name of “A window with closed curtains” was prepared with participation of children with disabilities. 208 series of the program made a real contribution to resolution of social problems of children with disabilities, to their participation in social life, their education and became an advocacy work that urged the public to support and cooperate with children with disabilities, rather than just feeling sorry for them.

(i) The news program on MNTV is broadcast with translation into the sign language. In the future information, child and legal programs broadcast on other TV and radio channels need to introduce the translation into sign language.

(ii) The MSWL made an agreement with a studio Tulga 5, operated by persons with disabilities, and developed 4 series of TV programs “We can live well regardless of disabilities” in 2010, which were broadcast on MN TV and 5 other commercial channels.

A concept of community-based rehabilitation of persons with disabilities is introduced in educational institutions that train medical doctors and teachers.

In 2007 The Psychology Department of the Teachers College that trains elementary school teachers introduced a course on Community-based Rehabilitation of Persons with Disabilities including 20 hours of lectures and 32 hours of practice into curriculum of graduate students.

In 2008 a School of Traditional Medicine at University of Medical Sciences introduced a 16 hours lecture and 32 hours of practice course on Community-based Rehabilitation of Persons with Disabilities in the curriculum of the School of Public Health.

In 2008 in cooperation with the Methodology Department of the Pedagogical Institute in Dornod aimag a workshop was organized for the staff to introduce the concept of Community-based Rehabilitation of Persons with Disabilities, and the concept of training children with disabilities to prepare them for enrolment in mainstream schools, methods of work with such children, which was introduced in the curriculum of 3-4 year students.

A joint workgroup was set up to introduce a course on Community-based Rehabilitation of Persons with Disabilities in the curriculum of the Nursing School since 2010.

(c) In order to give positive understanding of persons with disabilities to the society training for TV and radio journalists on Community-based Rehabilitation of persons with disabilities was organized. New information on activities organized in the frame of the

program on “Community-based Rehabilitation of persons with disabilities –Tegsh duuren” is published in the newspaper “Tegsh duuren hair enhriilel” every quarter. The newspaper is published regularly since 2006.

(d) A short training and promotional documentary on early detection of different forms of disabilities and rehabilitation was made and is used for awareness-raising of persons with disabilities via public health centres.

(i) A short documentary on prevention from different forms of disabilities and secondary complications from them was made in 2005 and is used in training.

(ii) In the frame of the program on “Community-based rehabilitation of persons with disabilities –Tegsh duuren” public health centres were established at the health departments of 9 eastern aimags and a National Centre of Rehabilitation in Ulaanbaatar in order to provide health education to total population, especially to persons with disabilities, to present legal documents and acts related to the issue of disabilities, to provide with handouts and other materials, to provide information.

(e) With financial assistance of AIFO books and handouts on early detection and rehabilitation of disabilities were translated into Mongolian and printed in 1997-2000, so they became a basic tool for doctors and medical workers.

(i) In order to provide health education to visually impaired persons by increasing their participation in support and protection of their health, health training and promotion leaflets on prevention from diseases, healthy living etc are printed in Braille and distributed every year.

(ii) Following handouts were published in Mongolian in 2008-2010

a. A package of handouts in the frame of the program on Community-based training of persons with disabilities, WHO- 900 copies

b. Handout on working with children with disabilities, David Werner - 900 copies

c. Working with children with cerebral palsy, WHO-1500 copies

d. Working with persons with spine and spinal cord traumas, WHO-1500 copies

e. Working with post-stroke persons, Lorenzo Carraro-1500 copies

f. Working with children under 5-1500 copies

g. Handout of exercises to do at home-1500 copies

(iii) As a result of the project implementation trainers on Human Rights were trained in Mongolia. Handouts for persons with disabilities were published in English and Mongolian for the first time and became available to the public.

(f) Since approval of the Convention on the Rights of Persons with Disabilities in the frame of the program on “Community-based rehabilitation of persons with disabilities –Tegsh duuren” the National Commission on Human Rights exchanged opinions with NGO’s on the issues of raising public awareness on the Convention on the Rights of Persons with Disabilities, providing especially civil servants and officials in Public Institutions with knowledge of disabilities, providing participation of persons with disabilities in resolution of any problems related to them. As a result, joint meetings of officials and persons with disabilities have been organized regularly since 2009.

67. Work directed to development of respect for human rights, especially the rights of persons with disabilities, is reflected in the curriculum of the general education schools.

68. Since the 2004-2005 academic year the contents of classes on Civilization, History, Society was innovated to provide knowledge and skills on such values of a democratic society as human rights and freedoms, justice, equality, traditions and customs to raise students as members of a democratic society. For instance, the course on Civilization introduces such concepts as ethics, values, ethical norms, traditions and customs; the course on Society presents ethics and morals in the frame of informal norms regulating social interactions. These courses make a great contribution to ethical education of students, providing them with knowledge and skills on such values of a democratic society as human rights and freedoms, justice, 26 equality, traditions and customs, and making them active members of democratic society.

#### **Article 9. Accessibility**

69. In order to implement the article of convention, which states creating all opportunities for participation of persons with disabilities in social relations and independent life, the government of Mongolia and its related agencies have organized a number of works.

(a) According to the normal standards BD 31-04 on planning buildings for persons with disabilities, when developing the design and the project of newly built and renewed roads and road side constructions in the capital city, roads and road side constructions designed for persons with disabilities should be included. Special ramps for persons in wheelchairs and pedestrian walks for blind persons are planned in new and renovated roads. In the frame of the campaign on Persons with Disabilities and Accessible Environment, in 2010 a special presentation board of roads and road constructions for persons with disabilities was prepared and exhibited. During the exhibition organizers answered questions of citizen, made a presentation in mass media on issues of planning roads and constructions for persons with disabilities and gave an interview on the issue.

(b) As Article 9.1.3 of the Law on Construction states that special needs of persons with disabilities should be met in the building and article 10.1.3 states that the building plans should reflect measures to provide for the needs of persons with disabilities. Implementation of these articles is monitored by the analysis of the building blueprints.

(c) Amendments and changes were made in the major handout for developing building blueprints such as Design and planning of residential buildings BNBD 31-01.10, Planning of tall buildings BNBD 31-17.10. New norms for Car Parking BNBD 25-21.05 and Tunnels under Railways and Highways were developed and are ready for approval. These norms reflect measures necessary for provision for needs of persons with disabilities and their implementation is monitored during approval of plans.

(d) According to Article 10.1.3 of the Law on Construction, plans and blueprints on kindergartens, schools, dormitories and community buildings to be built with the national budget investment are monitored for measures designed for persons with disabilities. In 2010 in total 87 objects, commissioned by the MOH and MESC and 75 objects of residence and community buildings were checked and accredited.

(e) In the Main directions of economic and social development in 2011, approved by resolution 302 of the Government of Mongolia in 2010, the MECS reflected MNS-6055:2009 and MNS-6056:2009 standards in newly built school buildings. All new schools and their environment to be built in this academic year will follow instructions MNS-6056:2009 on Planning pedestrian walks for persons with disabilities, Main requirements to space and environment in civil engineering and Planning with regard to needs of persons with disabilities MNS-60552009.

(f) In the frame of a project on Education of Children with Disabilities, implemented jointly by MECS and Swedish International Development Agency (SIDA), a

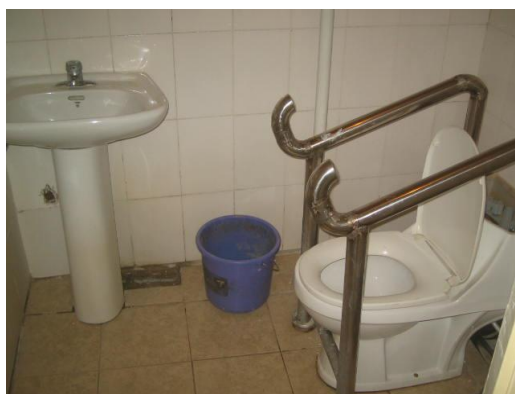


model environment for education and development of children with disabilities in mainstream schools was created in the kindergarten 46 and the 15th secondary school of Khan-Uul district. Some equipment and training tools was supplied. Preliminary results of the project showed that there were all opportunities for provision of educational services to children with disabilities in mainstream school and kindergartens, if an environment providing such children with equal opportunities was created at schools and teachers were trained. A special program showing expertise of the school number 15 was broadcast on MN TV. Lately, mainstream secondary schools pay attention to creation of conditions for education of children with disabilities based on their own resources.

**Figure 3. School 15 in Ulaanbaatar: a special road for CD**



**Figure 4. Toilet**



(g) MNS6188:2010 standards on Structure and Activities of Maternity Wards were developed and approved by resolution 46 of the National Council on Standards and Measurements in 2010. Standards are enforced since their registration in National Registry. These standards specifically stated infrastructure needed for women with disabilities such as wheelchair ramps, rooms without a threshold, and special handles on the walls in pre-delivery rooms, halls, toilets, and elevators.

(h) In 300 of 400 big buses supplied by the National Budget Investment, special seats of different colour for persons with disabilities and seniors were designed, and signs were placed on these seats. Special devices were installed to announce stops for blind persons. Work on placement of names and routes of the buses in written and in form of graphs is done on each bus stop for persons with hearing disabilities.

(i) Regulations on normal building and planning for persons with disabilities (BD31-101-04) and Space and environment for needs of persons with disabilities in civil

engineering and planning (MNS6055:2009) are followed in the general system of norms and normative documents in construction. A Special Instruction for plans and blueprints to provide for needs for persons with disabilities is developed, which includes major elements such as space and zoning, pedestrian walks, covering of pedestrian walks and floors, car parking, stairs and ramps, building and doors to rooms, elevators, equipment, utility rooms etc. Plans of 22 objects were checked for inclusion of special signs and roads for persons with disabilities on roads, bridges, squares, paid parking in 2010.

(j) Some measures have been taken at policy level to develop the sign language, which is the main tool of communication for a citizen with hearing and language impairments to train professional interpreters of the sign language. However, it is necessary to expand further such measures at national level to increase the number of the sign language interpreters by establishing a training centre for the sign language interpreters.

(k) Basic sign language training was organized in 3 provinces for teachers and students of teacher training colleges, police and child care organization staff, parents, secondary school students, in total 3000 persons. On the basis of the sign language dictionary a special Curriculum for training of sign language instructors in provinces and the capital city and a Teaching Manual for teachers were developed. Training on preparation of the sign language instructors was organized in provinces and the capital city according to the curriculum with 2-3 teachers from each province. In total 65 instructors were trained and at present a Basic, Intermediate and Advanced level curriculum for the sign language are being developed.

#### **Article 10. Right to life**

70. Article 16 of the 1992 Constitution of Mongolia stated that “Citizen of Mongolia have a right to life. Deprivation of human life shall be strictly prohibited unless capital punishment is imposed by due judgment of the Court for the most serious crimes, pursuant to Mongolian Criminal law”, which is valid for persons with disabilities as well. The Criminal Code of Mongolia reserves capital punishment with regard to persons, who committed major crimes (46.1.7). In total 7 kinds of crime have capital punishment. The President of Mongolia has a right to grant pardon to persons with capital punishment and in 2010 he initiated a ban of capital punishment, so this kind of punishment was not executed in 2010. In relation to that an issue of ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, was supported by the government and is discussed by the related Standing Committee of the Parliament.

#### **Article 11. Situations of risk and humanitarian emergencies**

71. Although the Law on Protection from Disasters does not have a specific article on protection and provision of security of persons with disabilities, in risky conditions such as armed conflicts or natural disasters, according to article 9.1.1 of the Law on Emergency situations, in case it is viewed necessary, a committee including heads of the general HQ of armed forces, police, intelligence, border, and civil security institutions shall be established and necessary measures shall be taken.

72. During some winters Mongolia faces the dzud disaster, which is a major natural disaster and the MOH together with AIFO NGO started providing Dzud Relief Action since 2001. Following measures are taken during the Dzud assistance: specialized medical doctors from the general hospital provide medical check-up to population of soums under direction of the provinces Health department (Psychology, gynaecology, dentist, USG); a meeting of the Commission on Medical status and Labour capability of persons with disabilities is organized locally and disability benefits are prolonged by at least 1 year, some homeless

persons are provided with gers, households with persons with disabilities are provided with family medical kits.

73. First Rapid assessment of living conditions of children and adolescents in areas with difficult winter was made in 2009-2010. Evaluation of children's health, their living conditions, study of their food and nutrition gave good results. The evaluation aimed to check whether issues of child development, their protection, health, education, social welfare were satisfactory, since many households faced changes in their lives due to the *dzud*. It gave additional information to plan and justify emergency and further measures.

74. The evaluation covered 73364 households in 65 soums of 12 provinces. Of total population 36.7 percent or 97106 were children, with 244 children with disabilities living in dormitories at schools, who received humanitarian aid.

75. Based on lessons learnt from the previous years, *dzud* relief teams with representatives from United Nations agencies, related international organizations, the National authority for children, ministries and agencies that participate in fighting disasters were set up in December 2010 to develop assessment of winter conditions in 2010-2011. It created conditions for improving links between stakeholders, strengthening capacity of human resources, determining correctly the methodology to be used in difficult conditions, receiving humanitarian aid from international organizations if necessary.

76. The question of reflecting comprehensively the issue of child protection in amendments to the Law on Protection from Disasters is being studied.

77. In order to provide implementation of the General plan in case of earthquakes, approved by resolution 76 of the Government of Mongolia in 2010, recommendations from the National Security Council and the President of Mongolia, a plan for protection from disasters was developed in local and UB Child departments and special schools and one training was conducted.

78. During the epidemic of H1N1 virus 25 children with disabilities, who were treated in the children's ward of the National Centre of Mental health and 33 children with disabilities, residing in the Orphanage, were distributed aid.

#### **Article 12. Equal recognition before the law**

79. The Constitution of Mongolia declared equal principles for everyone to work, study, access to health services and for persons with disabilities to receive material and financial assistance. On the basis of this concept such national laws and regulations is the Labour Law, Social Welfare of persons with disabilities, Support of Employment, Social Insurance, pensions, allowances, payment for industrial accidents and occupational diseases to be provided from the Social Insurance Fund, Medical Insurance, and Health Law guarantee equal rights of persons with disabilities to participate in social life, to be rehabilitated, to study, to be employed, to receive social welfare services.

80. It is necessary to notice that although legal environment for employment and social welfare of persons with disabilities is in place, with regard to implementation of laws it is not satisfactory.

81. Article 14 of The Constitution of Mongolia declares that every citizen residing legally in Mongolia has equal rights and the Civil code of Mongolia follows the principle of equality before the law. Article 5.1 of that law states criminal responsibility of a person guilty of committing a crime regardless of his/her origin, language, race, age, sex, social status, wealth, job, official position, religion, views or education. At present there are no registered cases, when this article was violated. With view to disability of an individual, however, it does not mean that their rights are not violated at all, but persons with disabilities have limited opportunities to participate in court proceedings on their wish, to

express freely their opinions, to meet court officials, when they wish. There is a need to conduct training for judges and court staff, to ask for their opinions in order to change the present situation.

#### **Article 13. Access to justice**

82. The Court of Mongolia operates on principles of Article 14 of The Constitution of Mongolia that states “No person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and position, religion, opinion and education. Every one shall be a person before the law”, Article 49.1 of the same law “Judges shall be independent and subject only to law”, article 8.1 of The Law on Court, which states that every person in Mongolia has equal rights before the law regardless of his/her origin, language, race, age, sex, social status, wealth, job, official position, religion, views or education and other status, namely the form of ownership of the enterprise or his/her authority.

83. Article 7 of the Civil Court of Mongolia states that punishment other measures of criminal responsibility to the person, who committed the crime should not be inhumane, cruel, with aim or in a form to defame his/her reputation and good name. Therefore, persons with disabilities as well as other citizens have opportunities for equal participation at all levels of court proceedings. For instance, in case persons with hearing impairment participate in court meetings, they have a special interpreter. In case of minors, the court proceedings are closed.

84. The question of covering with special training of court staff and police workers, who detain persons with disabilities, is not satisfactory. For instance, it is necessary to include the question of persons with disabilities in the contents of the curriculum of training for police department workers, investigators and registers.

85. In Resolution 10 of 2009 the Supreme Court of Mongolia made an explanation that a term “ruled by court decision as legally incapable” is related to a decision that the court made according to article 18.2 of the Civil code and Chapter 3 of the Law on Resolution of Civil cases in the court with regard to a person, who is incapable to understand consequences of own conduct, or unable to manage oneself properly, due to mental illness, and therefore is considered legally incapable.

86. The court buildings that are being built lately, for example, the Application Court for Administrative Cases, the inter-*soum* court in Kharkhorin in Uvurhangai province, the second inter-*soum* court in Bulgan of Khovd province, the second inter-*soum* court in Borundur in Hentii province and the court building in Umnugovi province, are planned to be built with special stairs, thresholds and handles for persons with disabilities.

#### **Article 14. Liberty and security of the person**

87. Article 13 of the Constitution of Mongolia declares the right to personal liberty and safety. “No one shall be searched, arrested, detained, persecuted or restricted of liberty except in accordance with procedures and grounds determined by law. No person shall be subjected to torture, inhumane, cruel or degrading treatment. Where a person is arrested his/her family and counsel shall be notified within a period of time established by law of the reasons for and grounds of the arrest.” The article serves to all citizen of Mongolia regardless of their disabilities and it serves to all other laws and regulations.

#### **Article 15. Freedom from torture or cruel, inhuman or degrading treatment or punishment**

88. The law specifically prohibits any torture or cruel treatment, warns against it and makes culprits accountable for such conduct in case it takes place. In 2007 certain

amendments were made to The Law on Criminal Liability and the Law on Implementation of Court decisions in order to prevent from and stop any such actions.

89. In order to improve legal grounds for criminal liability, to monitor regulations and justification on limitation of human rights and detainment of persons, to enforce principles of respect for others' rights and freedoms, to keep public order, the Civil Code, the Criminal Code, The Law on Criminal Proceedings, The Law on Court, The Law on Prosecutors Office, The Law on Advocacy were reformed and approved in 2002.

(a) Training on the right to be free from torture and inhuman cruel treatment was organized in March 2010 for the staff of court, the State Prosecutor's Office, Office of Implementation of Court Decisions at SPO. In order to make training regular, the course was presented to the Accreditation Committee of the National Legal Committee.

(b) A consultative meeting was organized to present implementation of the Memorandum signed by related legal institutions to support cooperation in the field of prevention from torture. During the meeting it was agreed to prolong the Memorandum for the next 3 years and it was agreed that the next direction for cooperation might be ratification of the Optional protocol.

90. To eliminate cruel or inhuman treatment and to provide for human rights, a law on Criminal Proceedings approved in 2002 states that complaints, information, cases of inhuman, cruel treatment by police, court, prosecutor staff shall be investigated by the Investigation Office under the State General Prosecutor and an Investigation Office is established under the General Prosecutor of Mongolia.

#### **Article 16. Freedom from exploitation, violence and abuse**

91. According to the Law on Gender Equality approved in February 2011, legal grounds were determined for provision of gender equality in political, legal, economic, social, cultural and family relations. In the frame of the law such concepts as "gender equality", "gender discrimination", its direct and indirect forms, "gender-based violence" were determined and the principle of gender equality was described as "Providing opportunities and conditions for equality of men and women in political, economic, social, cultural, family and other relations, equal participation in social life, equal benefits from development outcomes and social wealth".

92. Principles of the Law on Fight Domestic Violence are based on respect of human rights and freedoms, following the rule of law, prevention of violence, prompt measures to stop violence, safety of victims, and changing the behaviour of abusers. According to the principles of the law, persons with disabilities are also protected by the law. Based on the objective to provide victims with diversified professional services, some duties of the state are contracted to NGO's, specialized in fighting domestic violence as stated in article 19 of the Law on the Government, so in that way cooperation between the state and NGO's becomes more active.

93. With financial and technical assistance from such organizations as the Save the Children, World Vision Mongolia, activities on raising public awareness are conducted to protect children from physical punishment in the family environment. A book on Positive Methods of Child Upbringing was published and NGO's provide advice and services on work of parents with children 24 hours a day.

#### **Article 17. Protecting the integrity of the person**

94. All persons, especially with women with disabilities, have a right to reproduction without any discrimination. Article 13 of the Law on Gender Equality prohibits enforcing or violating in any form the right to prevent or protect from unwanted pregnancy and sexually

transmitted diseases, to hinder participation of men or women in training or promotion on reproductive health or other training in the field of health, to have checkups or tests, to discriminate men or women, when providing health services, to persuade, request or pressure an abortion (13.3, 13.4, 13.5). However, according to Article 37 of the Law on Health, measures on prevention of conception or performing an abortion may be taken in following cases:

(a) When it is determined that the foetus in the woman's uterus has genetic or physical deformities, or if the given pregnancy presents a threat to the mother's life, the pregnancy might be stopped by medical methods with written consent of the pregnant mother and the husband if necessary.

(b) Measures can be taken to prevent conception in persons with genetically mental disorders or mentally impaired persons. In cases other than the above mentioned women with disabilities cannot be forced to have an abortion or insert intra-uterus contraceptives.

#### **Article 18. Liberty of movement and nationality**

95. Article 16 of Constitution of Mongolia declares "the right to freedom of movement and residence within the country, right to travel and reside abroad and to return to home country. The right to travel and reside abroad may be limited exclusively by law in order to ensure the national security and the security of the population and protecting public order". According to this article persons with disabilities, like other citizen, have a right to temporary or permanent residence on the territory of the country.

96. The law on Civil Registration of Mongolia states that "In case parents cannot register their child because of such reasons as when the mother or the father or both parents are treated in hospital for long period of time or are imprisoned, their relatives or an a staff of the medical institution, where the child is kept, should register the child in the Civil Registration within 15 days after the birth in urban areas and within 30 days in remote rural sums or bags". This article is valid for all children born in Mongolia regardless of disabilities. At present there are no registered cases, when the right of children with disabilities to be registered, to have a name and citizenship, know their parents or be cared for by their parents upon their birth, was violated.

97. As a participant of a Convention, Mongolia accepts that persons with disabilities like other citizen have a right to free movement, free choice of their residence and citizenship in the legal frame. There were no cases of violating, limiting, prohibiting rights of persons with disabilities in this field. Persons with disabilities enjoy their rights according to The Law of Mongolia on Citizenship (1995) without any discrimination.

#### **Article 19. Living independently and being included in the community**

98. In 2011 Regulations on provision of nursing and care to persons with disabilities were developed. Such issues as nursing for persons that need private nursing, a system of independent living for persons with disabilities, domestic services directed towards participation of persons with disabilities in social life of the community, accessibility and conditions of nursing homes for persons with disabilities or residential buildings with regard to the form of disabilities, social services for the total population and accessibility of services for persons with disabilities were included in regulations. The Regulations determine in detail care and nursing. At present we do not have a special nursing home for persons with disabilities. They are serviced by national centralized nursing homes. For example:

(a) Regular training were organized in 2009-2010 for heads of health centres, family doctors, school management and parents on nursing for persons with disabilities,

improving and establishing self-help groups. In total 30 million MNT were spent on training.

(b) In 2009-2010 the Red Cross committee of Chingeltei district together with the district HHUH trained volunteer personal care assistants and caregivers as well as trainers and provided care services in the frame of the project on Home Services of Volunteer Caregivers for persons with disabilities. In 2009 care services were provided to 100 citizen requiring permanent care and nursing, in 2010 in total 100 persons were covered with services: 25-day care, 50-with living skills training, 25-with daily services.

(c) In 2009-2010 experts in charge of issues of persons with disabilities were covered with training on the Convention contents and principles.

(d) In 2009 the program on providing Nutritional support to vulnerable groups of the society was successfully implemented by the government. Work on determining and selecting the target group was organized, a database of 9517 poor vulnerable households and citizen from 9 districts of the capital city was compiled. The data base registered 723 lone senior citizens without caregivers, 1635 seniors, who need permanent care and nursing, 544 persons with disabilities, 1420 persons with disabilities, who need permanent care and nursing, 511 children with disabilities that need permanent care, 29 blind persons and 127 children aged 0-18 with different mental disorders.

(e) In 2010 in the frame of the sub-program a survey of 3 target groups was made. The question of providing social welfare and nursing services on the bases of contracts with a private sector, NGO's, and individuals is being studied.

#### **Article 20. Personal mobility**

99. One of the necessary tools to provide for mobility of persons with disabilities is simple rehabilitation aids (cane, corner chairs, walkers, leg, hand, neck braces etc). In the frame of the "Community-based rehabilitation of persons with disabilities- Tegsh duuren" project implemented together with AIFO NGO in 1997-2010, orthopaedic shops were established in 21 provinces, the 10th rehabilitation Centre for Children with Cerebral Palsy in Ulaanbaatar and the National Rehabilitation centre.

100. Since 1999 the staff of orthopaedic shops (carpenters, tailors) is trained at the National Rehabilitation centre during 10 day training. In most provinces carpenters from health centres work in orthopaedic shops.

101. Since 2008 trauma doctors and surgeons from the local general hospitals are covered with skill upgrading training at the National Centre of Traumatology.

102. The law of 2008 on Social Welfare of Persons with Disabilities determines conditions for reduction of prices on mobility assisting devices and equipment to persons with disabilities. In line with the law resolution 23 of 2009 by the Minister of Social Welfare and Labour approved model prices for 53 kinds of prosthetic and orthopaedic devices. Based on these model prices the Social Welfare Fund provides financial assistance to state and private economic entities, organizations and NGO's that manufacture mobility assisting devices and equipment. For instance, such NGO's as "Erhem chanar", "Saihan setgel", "Mobility Mongol" as well as The National Rehabilitation centre supply prosthetic or orthopaedic and other special devices to senior citizen and persons with disabilities on the basis of an agreement with the Labour and Welfare services department and receive price reduction.

(a) In 2010 for 2904 persons with disabilities, who did not have a right to receive reduction from their Fund of Industrial accidents and occupational diseases, 681.4 million MNT were allocated for payment of prosthetics of 19 kinds made domestically.

(b) For 80504 children with disabilities, who did not have a right for reduced prices for rehabilitation and prosthetics from their fund and children with disabilities under 18 the Fund spent 1127.1 million MNT on purchase and manufacture of wheelchairs, walkers, canes, tape recorders, hearing aid, and other orthopaedic and special devices of 21 kinds.

#### **Article 21. Freedom of expression and opinion, and access to information**

103. Substantial work was done in direction of development of the sign language, which is the main tool for communication among persons with hearing and speech disabilities, by increasing the vocabulary of the sign language, developing common standards for Mongolian sign language.

104. In 2006 a workgroup consisting of representatives of sign language experts, teachers of special schools, NGO's of persons with hearing and speech disabilities established by resolution 58 of the State Secretary of MECS, developed and published a Dictionary of Mongolian Sign Language with 3000 words. With publication of the dictionary the number of sign words in the sign language – the main tool for communication among persons with hearing and speech disabilities- has increased, leading to improved quality of communication with other persons and giving an opportunity to receive information in short term and to continue studies.

105. As of 2010 nearly 200 internet café operated at the national level, the number of internet users has reached 199849 and opportunities for receiving internet services from home are fully established. There are also opportunities to make payments and bank transfers from one's mobile phone, the MNTV broadcasts its news programs in Mongolian and English as well as the sign language. The Dream Channel of child programs also broadcasts its news programs with the sign language interpretation.

106. With an aim to reach the general public with progressive information technology a project on developing a screen reader in Mongolian for visually impaired persons is being implemented jointly with the NUM and NECTEC Company from Thailand with financing from International Telecommunication Union.

107. At present academics, researchers from NUM and representatives of the Mongolian Association of the Blind are working on software decoding written words into sounds.

#### **Article 22. Respect for privacy**

108. An Ethical committee of doctors and experts operates under the Prosthetics and Rehabilitation department of the National Rehabilitation Centre. One of the main duties of the committee is to secure privacy of personal, health, and rehabilitation information of persons with disabilities.

109. The MOH approved Ethical norms for medical experts in December 2007. According to Article 3.3 of Ethical norms a medical worker should keep privacy of information related to the clients not only when he/she is alive, but also after his/her death except for cases indicated in Article 6 of the Law on Personal Confidential information. Article 3.14 states that "The medical card and other medical document related to the client's confidential information should not be given to other persons or copied for use by other persons without consent of the client", so personal information of persons with disabilities is kept according to the above article.

110. Based on the Ethical norms of a medical worker an Ethics Committee headed by the State Secretary of the MOH was established in 2007. Committee branches operate in each clinic. Article 26 on The Law of Health determined duties of a medical worker as



- (a) Following ethical norms of a medical worker, valuing humane views, not using professional knowledge against health of an individual.
- (b) Keeping confidential information about health of an individual as well as the organization.

### **Article 23. Respect for home and the family**

111. Article 16.11 of The Constitution of Mongolia declared that the state protects interests of the family, mother and child. This article was further legalized in the law on Human Rights, which states that the state, individuals, enterprises, and organizations shall strive for provision of the best interest of children in their activities and children have a right to receive support from the state to develop their intellect, talent, skills, and physical health. Article 25.1 on the Family states that “A child has equal rights within the family”.

112. The law on Family only includes genetic mental disorders in reasons hindering marriage and states that persons and children with disabilities have equal rights within the family with advantages when the family assets are divided or a caregiver is appointed.

113. Awareness-raising and advocacy activities directed towards increasing duties and responsibilities of family members, creating peaceful, non-violent atmosphere in the family, increasing real participation of men in providing care for children with disabilities are conducted jointly with the Association of Parents with Children with Disabilities. In the frame of this cooperation the Association established branches in 17 provinces and the capital city districts in order to develop positive attitudes towards children with disabilities among parents with such children, to teach children with disabilities equally in mainstream schools, to develop their advantages, to socialize them, to teach them living skills, to provide them with assistance and services. The association has regular activities with over 4600 members and supporters. An information centre operates in each branch in the building of the local HTH, providing consultation and conducting training to parents of children with disabilities on questions of education, health, social welfare, providing services to over 5500 persons. In 2010 in the capital city (Songinohairhan District) and 8 provinces (Orhon, Darhanuul, Dornod, Hovd, Selenge, Dundgovi, Bayanulgi, Arhangai) in total 97 consultant parents were trained, that assisted nearly 1500 children, parents and caregivers.

114. In-service training module was developed jointly with the network of NGO’s working with children with disabilities to implement recommendation of the Committee on Child Rights.

115. In-service training was also organized at the Training and Production Centre of the blind persons. A methodology of protection and prevention of children with disabilities and children, requiring permanent care and nursing, during natural disasters and emergencies is being developed. Projects were implemented at the Rehabilitation centre, Uhaarahui Centre and APCD with financing by the Save the Children.

## **2.2 Social and economic rights**

### **Article 24. Education**

116. Activities on creating a legal environment aiming to strengthen respect for human rights and freedoms of Mongolian people, especially human rights and differences of persons with disabilities are implemented successfully.

117. The Constitution of Mongolia declared that a Mongolian citizen has a right for education. The state provides free general education for the people, which represents equal rights for education to every person regardless of differences of an individual.

118. In line with the constitution The Law on Education (2006) determined the right of the people to learn and study as follows “In education no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and position, religion and opinion. Equal opportunities and conditions for studying in native language shall be provided.” It brings human rights in line with democratic norms and also provides opportunities to enjoy rights to study and choose the form of studies.

119. Articles of the Law on Education include free, open education in various forms to match needs of the learner, his/her private development specifics, mandatory basic education for all children under 16 that parents and caregivers should follow, prohibition to limit or stop interest and wishes to study, which become a guarantee for girls and boys to fully realize their right to study. The law explains the term a “learner with disabilities”. The state shall provide environment and conditions to create equal opportunities for their study as well as provide rehabilitation services and create conditions for children with disabilities to study in mainstream schools. Kindergartens, secondary schools and vocational training centres shall be financed differently as for variable costs per learner with regard to special needs of learners with disabilities. These articles in the law on Education played an important role as they were directed towards supporting and developing learners with disabilities to be integrated in the society and community and created a legal environment for study of children with disabilities in mainstream kindergartens and secondary schools.

120. Article 9.10 of the Law on Preschool education approved in 2008 by the Parliament of Mongolia stated that “Children with a minor form of disability can be taught with other children in mainstream kindergartens, with up to 2 children with minor forms of disabilities in one group”. It created legal environment for preschool children with disabilities to learn and develop together with healthy children and by indicating the number of children in a group it is directed towards keeping quality of educational services at appropriate level.

121. Attention is paid to creation of legal environment directed to equal inclusive education of children with disabilities, development and implementation of policies and strategies. Such documents as a package of laws on Education (2006), a Master plan of developing education in Mongolia in 2006-2015, a policy on developing a child-friendly school, a program on Equal inclusive education of children with disabilities in were approved and are being implemented.

122. A Master plan of developing education in Mongolia in 2006-2015, approved by Resolution 192 of 2006 of the Government of Mongolia, determined 11 packages of activities along with expected results that will expand social services to children with disabilities and provide them with comprehensive inclusive education. For instance, such activities as early diagnosis of young children with disabilities, their rehabilitation, care and nursing, inclusive education services, diagnosis of difficulties in learning process, support to children in overcoming learning difficulties, inclusion of children with disabilities in mainstream schools, expert and methodological assistance of professional organizations and experts to teachers and learners of mainstream schools were included in the plan.

123. Recognition of specifics and differences of persons with disabilities, their development based on their possibilities is more effective. In order to provide for the right of children with disabilities to study and develop, following activities are implemented at the policy level.

124. A policy document on Developing a Child-friendly School was approved by resolution 190 of the Ministry of Education, Culture and Science in 2004 and is directed towards providing high quality, effective education that meets needs of children with disabilities, thus realizing their right for education. The policy is based on favourable, mutually respecting relationships between teachers-learners-parents-public. It takes into

account specifics of every child, eliminates any trends to discriminate children because of academic results or disabilities, or living conditions, is based on democratic participation in learning and childcentred teaching methodology and aims to create a child-friendly learning environment and activities in a safe, normal physical environment. *The policy states a need to provide opportunities for equal learning to children with disabilities, to prevent violation of their right to study, to provide special support and assistance. In the frame of policy implementation learning modules in 9 directions were developed in each school and national training was organized twice. One of them is a learning module on Methodology of creating an equal-opportunity, learning-friendly environment at school.* The module puts such objectives as covering all children with education at appropriate age, providing for their active participation in learning activities, recognizing the differences of learners with disabilities and supporting their learning and development process, revealing possible difficulties and assisting children in overcoming them.

125. By resolution 387 of Ministry of Education, Culture and Science a curriculum for special needs education was approved in 2005 and is followed in general education schools starting from the 2005-2006 academic year. The curriculum plays an important role as it is directed towards education that meets needs of children with disabilities, matches, and specifics of their disabilities and is flexible.

126. To protect reputation of secondary school learners with view to their academic results, reduce the effect of negative consequences in relations between teachers and learners as well as among learners, to support self-confidence and dignity of learners, to encourage their interest to study and to keep confidentiality of their marks, which is private information, the Ministry of Education issued an order by which general education schools introduced a system of confidential marking of learners since 2005. This measure contributes to elimination of problems faced by children, especially children with disabilities, because of their academic success and recognizes that every child is different.

127. The Government of Mongolia started implementing in primary schools a Lunch program since 2006-2007 academic year. The program aims to reduce absenteeism and school dropout in primary school, to protect the health of learners and improve the quality of education. The costs of lunch per child were 300 MNT, which the government increased up to 400 MNT in 2008.

**Table 4. Coverage of GES learners by the lunch programme 2005–2010**

Academic year	Forms	Costs per child (MNT)	Children covered (thousands)	Financing (billion MNT)
2006-2007	I-III	300	109.9	9.6
2007-2008	I-IY	400	187.8	16.5
2008-2009	I-Y	400	252.6	18.5
2009-2010	I-V	400	273.9	17.7

128. By the joint order of ministers of MECS, MOH, MSWL a Program of Equal Inclusive Education of Children with Disabilities (2004–2008) was approved and is implemented. The program determines a policy of providing opportunities and conditions for children with minor disabilities to study in mainstream schools and for children with major disabilities to study in special schools, thus including every child with disabilities in general education school.

129. The NSO jointly with MESC with financial assistance from UNICEF carried out a survey on situation of children with disabilities and gave policy recommendations regarding children with disabilities on the basis of survey findings. According to the 2006 survey by

NSO of total 6897 children with disabilities aged 0-16, 37 percent have acquired disabilities, of which 75.5 percent were complications from common diseases, 18.9 percent- from domestic accidents, 2 percent- from occupational diseases, 3.5 percent were disabled due to accidents at work.

**Table 5. Coverage of children with disabilities with preschool education**

Academic year	Number of total learners	Number of learners with disabilities	Percentage of total learners
2006-2007	122536	1058	8.6
2007-2008	130758	1031	7.8
2008-2009	130710	988	7.5
2009-2010	142065	1156	8.1

**Table 6. Coverage of children with disabilities with general education**

Academic year	Number of total learners	Number of learners with disabilities	Percentage of total learners
2006-2007	542505	38569	7.1
2007-2008	537546	35899	6.6
2008-2009	532058	23969	4.5
2009-2010	522066	22966	4,3

130. According to the MECS data as of 2009-2010 academic year in total 22966 children with disabilities studied in grades 1-11, which accounts for 4.3 percent of total learners. Of total learners with disabilities 51.5 percent were girls. Of 11311 learners with disabilities in primary school 364 or 47.4 percent were girls. By the kinds of disabilities, there were 3943 children with visual impairment, 1984 learners with hearing impairment, 2315 with speech impairment, 1208 with intellectual impairments, 1147 with physical disabilities and 714 with combined disabilities.

131. The second part of Regulations for Providing Aid to learners of state and foreign tertiary educational institutions, 2.1.5 states that tuition fees of a learner with disabilities or a learner, whose parents are both disabled are included in the control number of the State Education Fund and are provided by the state as aid, so learners with disabilities are included.

132. In the frame of Resolution 177 of the Government as of the second half of 2010 tuition fees of 215 learners with disabilities at universities and colleges were financed by the state in amount of 22.8 million MNT and in the last 4 years about 900 learners were covered with this aid.

133. Starting from 2011-2012 year 1 student shall be granted a Government of Russia scholarship to study in the field of special needs education.

134. A project on Equal Inclusive Vocational Education of Persons with Hearing Impairment by the National Rehabilitation Centre was supported in the frame of the Millennium Fund Project on disseminating best practices.

135. Special devices and library equipment worth 389.8 million MNT was purchased in 2009 on budget money for students with learning disabilities, who study in public universities and colleges. Equipment was installed in the Pedagogical University, National

University, University of Science and Technology and its branch-the Darkhan Technology School and is used by students with disabilities.

136. According to the Law on Education the general education schools bear the responsibility of educating children with disabilities. Up to present there were no cases, when a child with disability was denied enrolment in school. However, schools and teachers have little experience in resolving difficulties faced by such children in the learning process, schools do not have special equipment and devices, so there are cases, when children drop out of schools because of this. Another factor influencing this situation is a large number of students in one class, especially in urban areas. On the other hand, although there is lack of sufficient evidence, lately disabilities of children have become more complicated and the number of combined impairments or disabilities has increased, which might influence the situation.

137. School managers, teachers, parents, medical doctors, social workers, child representatives participated in training on “Community-based rehabilitation of persons with disabilities, forms of disabilities, methods of communication with children, principles of inclusive education”. In 2008-2010 in total 1800 persons were covered with training and in total 8660 children with disabilities are studying in general education schools.

138. However, the number of children with disabilities, who study successfully at school is lower than that of children, who first enrolled. There are following reasons for that situation:

(a) Since teachers at schools do not know about special needs of children with disabilities, some children drop out of school because of encountered problems.

(b) As teachers, who have children with disabilities in their class, are not paid additional incentives, teachers are not willing to take children with disabilities into their class.

(c) The low academic success of children with disabilities negatively affects teacher’s evaluation.

(d) The concept of inclusive education is not implemented in its classic meaning in the system of general education.

(e) Due to lack of favourable learning environment, including transportation of children with disabilities to and from school, lack of educational materials for children with special needs, such children are not able to graduate from school. Therefore, there is a need to determine ways to overcome the above problems and resolve them.

139. In order to meet special needs of learners with hearing and speech impairments the MESC purchased hearing aids, providing modern hearing aid and implants by Widex Company from Denmark worth over 130000 MNT and established a Hearing Research centre. Professional doctors and technical workers, specialized in hearing studies, work at the centre, checking hearing of learners, providing and repairing necessary devices and hearing aids, giving advice to learners.

140. The Law on education indicated that variable costs per learner with disabilities studying in kindergarten, GES, vocational school should be financed differently, in relation to special needs of the learner. According to that a joint order by the Ministers of MESC and Finance was signed in 2007 and a coefficient for calculating the average amount of variable costs per learner at GES was approved. However, due to lack of regulations and special methodology to diagnose a child with disabilities, studying at GES, this coefficient is not used at present. Development and implementation of a general methodology to detect and diagnose disability at national level is one of pressing issues.

141. A fact that in our country there is no system for evaluating knowledge and skills of children with disabilities causes difficulties in educating children with disabilities in mainstream schools. Since in all kinds of examinations that evaluate academic success in primary and secondary schools (progress and graduation exams, placement tests conducted by The General Authority for Inspection Office, Province's Education Department, etc.), the academic success of the school and the class is evaluated lower due to academic results of children with disabilities. That is why schools and teachers sometimes refuse to educate children with disabilities, which can lead to violation of their right for equal education. This situation was evaluated and a workgroup was established by the order of the State Secretary of MESCS in 2010 in order to change the present system and methods of evaluating children with disabilities with the same methodology as able-bodied children, to create an optimal system of evaluation, where their development progress is evaluated with regard to their specifics and difference. The workgroup developed a draft Regulations of Evaluating Learners with Disabilities and organized 4 discussions in March, July and August of 2010 in Khovd, Selenge, Ulaanbaatar. Feedback from over 120 teachers, parents, directors of schools, medical doctors and representatives of community organizations was received and the final draft regulations were developed.

142. On the basis of Article 13.2 of The Law on Primary and Secondary education by order 325 of the State Secretary of July 5, 2012, a workgroup was established to develop a methodology and methods of detecting children with disabilities, providing them with comprehensive educational, health, social welfare services.

143. The work group developed a methodology on providing comprehensive social services to children with disabilities and methods of detecting mentally disabled children and organized private project Bayanhongor, Zavhan provinces and 2 districts in Ulaanbaatar city.

144. A workgroup set up by an order 58 of the State Secretary of MECS comprised of sign language experts, teachers of special schools, representatives from NGO's of persons with hearing and speech impairments, Mongolian language experts developed and published in 2006 a Dictionary of Mongolian sign language with 3000 words. Basic sign language training was organized in 3 provinces for teachers and students of teacher training colleges, police and child care organization staff, parents, secondary school students, in total 3000 persons. On the basis of the sign language dictionary a special Curriculum for training of sign language instructors in provinces and the capital city and a Teaching Manual for teachers were developed. Training on preparation of the sign language instructors was organized in provinces and the capital city according to the curriculum with 2-3 teachers from each provinces. In total 65 instructors were trained and at present a Basic, Intermediate and Advanced level curriculum for the sign language are being developed.

145. Teacher training, theoretical and methodological knowledge and practice of work with children with special needs is very important, and to some measures have been taken resolve this problem, but presently working teachers and students, who are studying to become teachers greatly need methodological training on work with children with disabilities.

146. Since 2004 a new course on Special Needs education was introduced in the curriculum of upgrading skills training of GES teachers and 60 teachers were trained in this field.

147. Teachers obtained a right to organize training on methodology of work with children with disabilities upon graduation of credit training on upgrading skills approved by the Minister of Education in 2010. Over 1500 teachers in urban and rural areas received training and upgraded their skills of work with children with disabilities.

148. Article 42 of the Law on Education states that “building and construction, technical tools and equipment of educational institutions shall meet specifics of work of teachers, staff, learners as well as special needs of learners with disabilities, hygiene and safety requirements”, and article 34 declares that the state shall provide learners with disabilities with learning conditions and opportunities. That is why the government paid attention to creating learning and development environment and conditions for children with disabilities and budget resources allocated in this field have been increasing every year.

149. Attention was paid to creation of conditions (technical devices, equipment, and learning tools) and supply in order to cover them with rehabilitation services in the course of inclusive education of children with disabilities.

150. In order to improve learning environment of a special school number 116 for children with visual impairment MESC jointly with an international organization ADRA Mongolia set up an audio studio fully equipped with modern equipment worth 16.3 million MNT. The studio is used for development of digital materials for children and persons with visual impairment. In total 35 packages of CD’s on health, laws and legislation, living skills for learners, students, young people and general public with visual impairment were developed and delivered to libraries of provinces and the capital city. CD’s are also used in work with students of the school for children with visual impairment. These materials include extracts from 8 textbooks on Mongolian language, social sciences, history, history of Mongolia etc, learning of famous people, economics, lessons on prevention from harmful consequences of HIV/AIDS, alcohol and tobacco, reproductive health, what should children do to be healthy, health and healthy environment, parts of laws valid in Mongolia, which were developed into learning tools. Parts suggested for listening by learners were compiled in the form of an audio book and used in classes.

151. This work was organized in special schools on the basis of specifics of learners’ disabilities and in total over 300 kinds of technical equipment such as printers, reading equipment for printed materials, mobile Braille screen, magnifiers, hearing machines for a class, logopaedic equipment, software for musicians with visual impairment, software for transfer into Braille of graphs and formulas, software for transfer into Braille of texts and pictures, software for transfer of text into audio form. In 2008 a dormitory for 130 children was built near the school for children with hearing impairment and in 2010 a kindergarten for 150 children with disabilities is planned to build with financing of 1.0 billion MNT from the National Budget. In 2008 a Rehabilitation Centre for Children with Disabilities worth over 150 million MNT was built in the complex number 10 for children with cerebral palsy with joint financing from MESC, and Save the Children UK.

152. In 2008 MESC jointly with the Mongolian National UNESCO Commission implemented a project on printing Braille books. Teachers of the school together with MPU staff developed and published the ABC, Mongolian Language 2,3, Mathematics 1,2 text books that are used in learning. In 2000-2009 MESC made an agreement with the representatives of international assistance to provide learners of the school for children with visual impairments with backpacks, school supplies and Braille paper worth 8000 Euro year.

153. In order to create learning environment for children with disabilities 400 million MNT were allocated in 2011 National Budget. Toilets, roads and playgrounds of 20 GE schools will be repaired along with specifics of certain disabilities. According to the Law on Budget 2011 of Mongolia of budget approved for repair and maintenance of schools in educational sector resources for repair of school number 116 for children with visual impairment, building a new building for the school number 70 and capital repair of the special school number 25, were approved and work has started.

**Article 25. Health**

154. Family doctors, *soum* clinics provide basic medical assistance to persons with disabilities, national centres, clinical hospital and special professional centres provide diverse specialized assistance to them. According to the Law on Medical Insurance all citizen, especially persons with disabilities, have free medical services. Mongolian citizen pay a certain amount of money for certain tests only at the third level clinics.

155. To improve assistance and services to persons with disabilities caused by chronic illnesses, work on choosing the Best elderly-friendly family doctors' clinic and a practice of providing rehabilitation assistance at home by a team was introduced.

156. Since 2010 a "Book to control growth and development of children under 5" was introduced in order to prevent from and detect early disabilities as well as control of development of children at family level by parents and by family, *soum* and bag doctors.

157. To improve medical assistance and services provided to persons with disabilities training on clinical rehabilitation was organized for rehabilitation doctors, trauma doctors, surgeons and doctors of other specialties in the frame of Tegshduuren program in cooperation with the branch Council on rehabilitation:

(a) Doctors, who attended training, organized further training with credits to *soum* and family doctors in their own area. In total over 500 specialty doctors attended training.

(b) In the frame of "Community-based Rehabilitation of Persons with Disabilities- Tegsh duuren" program since 2008 together with Post-graduate Studies Office of University of Health Sciences a 3-month training for nurses of local general hospitals was organized to specialize them in rehabilitation. In 2000-2010 136 nurses specialized in rehabilitation.

(c) A number of measures have been taken for prevention and early detection of illnesses in persons with disabilities. For instance, in 2010 during the International Day on rights of persons with disabilities 200 persons were administered a free diabetes test and advice on early detection and prevention of diabetes was given.

158. Present legislation on medical insurance does not have any articles discriminating persons with disabilities, but it gives more opportunities to them. The state pays medical insurance premium of persons with disabilities, which is implemented by payment from the Human Development Fund to the Medical Insurance fund. A person with disabilities like all other citizen receives following services from the Medical Insurance Fund:

(a) Medical services from the family doctor

(b) Health services from the clinic hospital

(c) Free treatment at clinical hospitals

(d) Reduction of prices for over 360 medicines in pharmacies, accredited by the Ministry of Health

159. If a person with disabilities has a right to receive services from the social fund he/she has an opportunity to get reduced prices for prosthetic and orthopaedic devices from the Fund of occupational disease and industrial accidents. The employer of a person with disabilities is fully exempt from the unemployment medical insurance premium to be paid to the Social Insurance fund.



**Article 26. Habilitation and rehabilitation**

160. As Article 6 of the Law on Social Welfare of persons with disabilities states, rehabilitation services for persons with disabilities include such kinds as health, professional, education, labour, social, psychological services. Enterprise engaged in treatment, nursing, training, and production of prosthetics and orthopaedic devices shall provide such services. The Social Welfare fund shall finance partly or in full measure costs related to it and rehabilitation services will be implemented by individuals, private enterprises or NGO's on the basis of contracts.

161. At national level rehabilitation services for persons with disabilities are provided basically by a state industrial entity- the National Rehabilitation centre. Directions of its activities are determined by the law on Social Welfare of persons with disabilities on the basis of many kinds of rehabilitation services and objective needs of people. The centre has such duties as to train person with disabilities, provide medical and professional rehabilitation, socialize them, involve communities and families in rehabilitation activities, manufacture prosthetic and orthopaedic devices at national level, and provide professional and methodological guidance.

162. In order to create model services with an infrastructure meeting special needs of persons with disabilities, in the frame of Social Welfare development program implemented with ADB assistance, an expansion to the centre was built with a loan from ADB, equipment from ROK was supplied and at present the centre operates with 6 basic units including training and professional consulting, prosthetics shop, community development etc. For instance:

(a) In 2010-2011 academic year 116 students with disabilities were enrolled on the basis of diagnostics from 6 special schools and capital city districts. At present they study in 9 majors.

(b) In 2010, 2626 persons were covered with checkups, 88 persons were visited at home for consultation and services on production of necessary prosthetic and orthopaedic devices, rehabilitation and training were organized. Of them 39.1 percent came from the rural areas. Over 300 persons with disabilities received information and consultation via a special hotline.

163. Since The National Rehabilitation centre does not have branches in rural areas and the Department of Health Rehabilitation services has low capacity, provision, repair of prosthetic and orthopaedic devices to local persons with disabilities, their rehabilitation with clinical treatment is problematic.

164. Rehabilitation departments established for elderly and persons with disabilities at local Social Welfare and Labour departments lack staff to provide rehabilitation services other than health services and there is shortage of equipment necessary for provision of health rehabilitation.

165. There is some work done lately in supporting initiatives of the private sector in the field of rehabilitation, in strengthening capacity of NGO's. Attention is paid to establishment of a trend for community-based rehabilitation by expanding the community participation-based rehabilitation program, coordinating it with activities of the Tegshduuren committee, introducing a 20-hour program in the curriculum of the pedagogical university.

166. However, poor conditions and opportunities for provision of rehabilitation services other than health rehabilitation, lack of national staff trained in this field, lack of comprehensive needs analysis show that in the society a trend of just caring for the person with disability still dominates until present.

167. Although the government of Mongolia pays special attention to health care issues and takes relevant measures in this field, the number of persons with disabilities that need attention from the society and costs of care for them have been increasing every year. It might be related not only to rehabilitation services, but also to the methodology of determining and calculating loss of labour capacity. For example, in 2010 the number of persons with disabilities, who received a status of persons with certain percentage loss of labour capacity increased by 2.2 percent compared to the last year. The percentage of labour capacity loss and its period was terminated for 633 persons, whose labour capacity improved (2010 report of the Central Accreditation commission on health and labour capacity).

168. A 10-day credit training was organized for *bagh* (smallest administrative unit) doctors, family and *soum* doctors in order to detect early disabilities, prevent from secondary and tertiary complications, determine their needs and provide appropriate health rehabilitation assistance and services. In 2008-2010 in total 5500 doctors were covered by training.

169. Apart from outpatient check-up and health-care assistance to persons with disabilities by *bagh*, *soum*, family doctors, patients are visited at home, their needs are determined, appropriate rehabilitation treatment is provided and family members are taught to provide certain services. In the frame of the program teams of “Volunteer Home Care to persons with major disabilities and their family members” work in 21 aimags and 8 districts. Team members include doctors, nurses, social workers, volunteers, other persons with disabilities,

- (a) Nearly 3700 persons with major disabilities received rehabilitation assistance at home.
- (b) 27500 persons were covered with health rehabilitation

#### **Article 27. Work and employment**

170. Legal coordination of employment of persons with disabilities, provision of their equal rights to work, to receive the same salary and wages with other citizen in same jobs, provision of favourable work conditions, support of their employment is regulated by the Labour Law of Mongolia, laws on Support of Employment, on Minimal Wages, on Safety and Hygiene of Workplace. According to the ILO Convention No. 111 on Non-Discrimination (Employment and Occupation) ratified by the Government, a principle of paying the same salary for same jobs is followed and is reflected in laws and legislation on labour relations. Although some employers pay persons with disabilities lower salaries compared to others under excuse of low productivity and poor skills of persons with disabilities, at present there is lack of any facts, labour disputes or conflicts on this issue.

171. Employment of persons with disabilities is supported in the legal frame in 4 basic forms :

- (a) Quota (Labour Law)
- (b) Non-quota (implemented through a principle of providing persons with minor loss of labour capacity with a job)
- (c) A protected system of employment (a form of supporting self-employment)
- (d) A system of distributing advantage (creating many workplaces matching a certain kind of disability)

172. The Labour Law created appropriate working conditions for persons with disabilities by reducing the number of working hours, increasing duration of vacation. Enterprises are given a quota for employment of persons with disabilities with funds, the amount of which is

determined with regard to the number of employees, differences in regional development and the volume of payment. According to the law, in 2009 persons with disabilities were to work at 7.9 thousand workplaces in 2633 enterprises, of which over 80 percent is allocated on budgetary organizations. Due to limited frame of activities of budgetary organizations implementation of the law is unsatisfactory. An enterprise that does not employ persons with disabilities has a duty to pay an amount determined by the government to a special government Fund on Support of Employment. Nearly 300 million MNT a year is accumulated in the fund in average, which is much lower than expected and shows insufficient realization of the above provision.

173. The law also gives a right to the enterprise to be exempt of the above fees for 12 months if it previously paid it continuously for 24 months, which aims to create an interest among employers to employ persons with disabilities.

174. The law on Support of Employment regulates an issue of providing necessary public services for open participation of persons with disabilities at labour market. According to the law, persons with disabilities of labour age, whose labour capacity was determined by the Employment office, like other citizen can receive such services for support of employment as provision of advice and information for professional orientation, training and retraining, mediation of jobs, involvement in public events, provision of low-interest micro-loans.

(a) The fund for Support of Employment spent 1030424.6 thousand MNT on employment of persons with disabilities. In the frame of the law on Support of Employment according to data collected by province and district departments on Labour and Welfare Services in 2010 1232 persons were covered by training on business skills and retraining and 598 persons with disabilities were mediated for jobs, 1684 persons were engaged in public events and received temporary employment.

(b) In 2010 the MSWL made a selection of 392 projects in 2 stages to support self-employment of persons with disabilities, made financing of 850 million MNT, thus increasing income of over 1700 persons with disabilities and their family members.

(c) In the frame of the Law on Support of Employment massage centres, where blind people work in large numbers, the Training and Production centre of the Blind, FM radio of the Blind, the sewing shop of persons on wheelchairs received financial assistance. Through this activity MSWL aims to create a module of supporting employment appropriate for a certain kind of disability.

175. Although legal environment of participation of persons with disabilities at open labour market is relatively well-established, its frame is limited. It is related, on the one hand, to poor capacity, understanding, attitudes, and information of central and local national committees on Labour. The Law on Support of Employment provides advantages to employers that employ persons with disabilities. 60 percent of salary and wages paid to persons with disabilities in the course of the first 6 months of employment are compensated, an incentive equal to 5-10 times of minimal wages is given to an employer, who provided a workplace to a person with disabilities in the course of 24 months, financial assistance is given to special production shops and units set up at training centre and enterprises with an aim to create workplaces for persons with disabilities, who are not able to enter the labour market independently. However, knowledge and information about such opportunities is low among employers, so implementation is not satisfactory.

176. A percentage of non-educated, unskilled persons is high among persons with disabilities. The government pays special attention to training and retraining of persons with disabilities and organizes training for them via training organizations offering short-term training. Costs of training are planned to be 30 percent greater than that for able-bodied persons, but participation is low due to lack of special infrastructure at training institutions.

Although vocational education and training centres have possibilities for training of persons with disabilities, the present legislation does not have a compulsory quota for training of such persons and does not pay attention to them. Setting a quota will affect training of persons with disabilities via training organizations offering short-term training and will increase their opportunities to be employed in the future.

177. Article 16 of the Law on Safety and Hygiene of workplace determines requirements put forward to safety and hygiene at workplace for persons with disabilities in a following way: “Workplace conditions for persons with disabilities should be appropriate for their ability to work and should be equipped in way that does not hinder entrance and exit to work place”. Since employers have limited sources of financing for installation of additional equipment or infrastructure, they face problems in creating such conditions. There is lack of a structure, a system or an enforcement mechanism to control whether employers, who employ persons with disabilities under the quota, create such conditions. This duty can be carried out by professional NGO’s working in this field.

178. All workers including persons with disabilities, who are employed on the basis of a labour contract to execute simple work that does not require special education or skills and other similar agreements should not be paid wages less than the minimal wages determined by the consensus of the government, employers, and trade unions. The amount of minimal wages is to be determined once every 2 years with regard to changes in living costs of population, optimal ratio of labour productivity and average salary, the amount of social welfare pensions and allowances, the level of economic growth and employment. The law gives an opportunity to monitor whether persons with disabilities employed in the same jobs as other workers receive the same salaries and if they receive salaries lower than minimal wages.

#### **Article 28. Adequate standard of living and social protection**

179. Article 3.1.2 of the Law on Social Welfare determines a person with disabilities “a person requiring social welfare support and assistance”. According to the related laws, the Social Welfare and the Social Insurance funds provide to them pensions and allowances to sustain their livelihood and render assistance to them or their family members if necessary. The law on Social Security of persons with disabilities legalized provision of 13 kinds of assistance and benefits including social insurance pensions and allowances, social welfare pensions, cash allowances on special conditions, assistance, benefits, different care giving services, care based on community participation. Since October 1, 2010 the amount of social welfare pensions increased by 30 percent and 27.6 billion MNT were allocated from the Social Welfare fund.

180. Article 3.1.3 of the Law on Social Welfare gave a definition of a person who is not able to carry out daily chores independently and needs constant care from others as “a person requiring constant care” and indicates that care givers should be provided allowances under special criteria and conditions in line with article 3.1.7 of the law.

181. For instance, in order to sustain livelihoods of persons with disabilities the Social Welfare fund provides monthly allowances and assistance to individuals, who care for persons with disabilities that require constant care, allowances for medicines that a person with disabilities in constant care under constant medical control needs. Persons, who are not able to work due to a need to care for a child with disabilities under 18, who requires constant care, persons, who care for a lonely person with disabilities without children or any relatives to look after him, also receive allowances.

182. In 2010 the Social Welfare fund spent 4.3 billion MNT to the above 33.9 thousand persons that need social welfare assistance; 33.0 thousand persons were paid allowances from the fund totalling 8.2 billion MNT.

183. Since 2005 with participation of individuals, state and non-government organizations, business entities “welfare services based on community participation” was piloted. It is a comprehensive measure to strengthen capacity of persons with disabilities, to help and support them, to rehabilitate, to give consultations, to support their livelihood. Attention is paid to ways of meeting needs of persons with disabilities locally.

184. According to Article 3.1.9 of the law on Social Welfare persons with disabilities, who are lonely without any relatives to care for them, are unable to live independently, who need constant treatment and care are provided specialized care services. Services on providing them with food, clothing, medical, cultural, psychological, nursing services are provided and activities on creating normal conditions for their life and protection of their legal rights are implemented. In care units at Welfare Service departments in Bayanulgii, Uvs, Hovd, Byanhongor, Dornгови, Dornod aimags and care centres in Huvsgul aimag and Batsumber soum 350 persons reside, of which 30 percent are persons with disabilities.

185. Centralized care centres with budget financing have taken organizational measures directed to decentralization by the way of providing welfare services based on community participation. Measures are taken on leaving a certain group of persons with major disabilities that need constant care in the care of the state and take the other part out from welfare; integrate them in the society and the community. In the frame of privatization of social sector management of care centres will be transferred to professional organizations, private sectors and NGO’s on the basis of contract, measures to improve the quality of conditions and services, standards of social welfare, care and nursing services to be provided to persons requiring social welfare assistance have been approved. In 2010 the social welfare fund covered 17.6 thousand persons with care services based on community participation and spent 1.3 billion MNT on such activities.

186. Since 2009 the government in cooperation with ADB has implemented a subprogram on providing nutritional support to the vulnerable groups of population. The program became one form of directing services and care to the target groups. In the frame of the program the target group that received food stamps was determined with a PMT methodology.

187. In the frame of the objective to improve housing supply in the Action plan of the midterm program “New Construction” it is planned to establish a new care centre for 90 persons on the basis of the care centre for seniors in Batsumber of Tuv province, to build an apartment building for seniors with a rehabilitation and nursing clinic for persons with disabilities and seniors in Zuunselbe horoolol of Ulaanbaatar in 2010-2012.

#### **Article 29. Participation in political and public life**

188. Article 3.5 of the Law on Presidential Elections states that “voters vote by secret ballot. Nobody shall interfere with free expression of a citizen's will”. Article 33.1 states that “The voter comes to the polling station and votes in person. If the voter is unable to come to the polling station because of poor health, physical disability, he/she shall submit a written application to the precinct election commission for a possibility to vote by a mobile ballot box no less than 3 days before the voting day. No less than two members of the election commission, who are not representatives of the same political party shall go to the place of residence of the voter to take his/her vote.” Article 33.4 states that “nobody shall be present in the room apart from the voter. A voter, who is unable to mark the ballot by him/herself, may be assisted by his/her authorized person. Assistance cannot be given by an authorized representative of a political party, a member of the election commission or an observer.”

189. Article 5.5 of the same law states that “Nobody shall exert any influence on a citizen and nobody shall interfere with free expression of a citizen's will”. Article 47.7 states that

“If the voter is unable to vote personally because of poor health, physical disability or educational level he/she may be assisted by his/her authorized person, who should have a right to vote.” Article 47.10 states that “If the voter is unable to come to the polling station because of poor health, he/she shall submit a written application to the precinct election commission for a possibility to vote by a mobile ballot box no less than 5 days before the voting day.” Article 47.11 says that “Based on the request as in 47.10 the election committee shall draw up a list of voters that will vote by a mobile ballot box and approve by a commission meeting the list of names, routes and schedules of outside voting.” Article 47.12 says that “No less than two members of the election commission, who are not representatives of the same political party shall go to the place of residence of voters pointed out in 47.11 to take their votes.”

190. Article 21.1 of the Law on Referendum states that “A voter shall come to the polling station and vote. If the voter is unable to come to the polling station because of poor health or other valid reasons, no less than two members of the election commission, who are not representatives of the same political party shall go to the place of residence of the voter and he/she will vote by a mobile ballot box.” Article 21.5 states that “nobody shall be present in the room apart from the voter. A voter, who is unable to mark the ballot by him/herself, may be assisted only by his/her authorized person, not members of the voting committee.”

191. Article 3.7 of the *Instructions to prepare the voting station and the Parliamentary election committee room* approved by resolution 11 of February 29, 2008 of the General Election Committee states that “Ballot boxes shall be placed in a way suitable for voters with disabilities to access them” and article 3.9 says “prepare voting stations in a way that enables voters with disabilities as well as other voters to mark their ballots in a secret”.

192. Total number of persons with disabilities with voting g right is 39265, which accounts for 2.54 per cent of total voters. A 2008 survey carried out by the National Association of Organizations for Persons with Disabilities showed that 34.7 per cent of total persons with disabilities of voting age or 13625 persons participated in 2008 elections, which is 1.15 per cent of total voters, who cast the ballot.

**Table 7. Causes for persons with disabilities not to participate in election**

Causes	Persons who did not participate in elections-25640
Because the polling station was not suited to PD	48 per cent of persons with mobility impairment or 4721 persons
Because of lack of ballots in Braille	40 per cent of persons with visual impairment or 2785 persons
Lack of interpretation into sign language	7 per cent of persons with hearing impairment or 557 persons
other	The rest had other reasons

Survey conducted by NCOPD during the 2008 parliamentary elections

### **Article 30. Participation in cultural life, recreation, leisure and sport**

193. The new draft of the policy on culture followed by the state of Mongolia developed by MESC specifically reflected the issue of involving persons with disabilities in cultural activities, evaluating their talents and efforts.

194. In 2009 the National Authority for Children received 4 community-based centres from the Save the Children UK and in 2011 it transferred to NAC a community-based Rehabilitation Centre for children with disabilities in Chingeltei district. Over 200 children

from 17th, 18th, 19th *khoroos* of Chingeltei District receive more comprehensive, quality services on training and promotion, rehabilitation and social work with their families.

195. In 2010 the Mongolian centre of the International Theatre Institute with support from the government of Mongolia, MECS, HTG organized an international festival of child plays on Theatre-Children-Future. Over 100 representatives from 9 countries- Switzerland, Sweden, Norway, Bulgaria, Croatia, Vietnam, Mongolia, Buriat, and Saha Yakut participated in the festival. Plays by participants, professional training on child theatre, and an international conference on Theatre-Children-Future were organized. During the international conference in the frame of 2 major topics of “Socialization of children with disabilities via theatre” and “Preparation of future theatre viewers” participants exchanged their views and discussed such questions as the present-day theatre, its future viewers, rights of children with disabilities, problems faced by them, measures to be taken in the future. Recommendations were made on increasing effectiveness of theatrical arts in improving cooperation of public, cultural, and community organizations, on provision of participation of children, their development and protection. Recommendation was sent to decision-makers, which put beginning to real support to the problem of socialization of children with disabilities. In order to improve environment for persons and children with disabilities the State Drama Theatre installed special seats for children with disabilities and resolved problem with entry and exit for them.

196. “Cinderella” produced by Ch. Tuvshin and “Pinocchio” produced by B. Munkhdorj with financial assistance of Save the Children UK were printed in 300 copies for needs of children with visual impairment. A child play “Mermaid” was shown to 600 children with disabilities with financial assistance of Oyu Tolgoi Company. In cooperation with business and professional organizations, a project called “Developing together” is being implemented to socialize children with disabilities via art.

197. An event to select the Child of the Year is organized annually since 1991 by the order of the Head of the National Authority for Children. Every year children are selected in 5 nominations for their success and leadership and the event is widely publicized. In the last 2 years children with disabilities were nominated and won the Child of the Year award, which contributed to their trust in the future, elimination of discrimination and neglect towards them, formation of positive ethical trends such as respect for others, positive trends in family environment. It also gave them opportunities to enroll further in universities and colleges, which became a great success.

(a) D. Navaanjamts received a gold medal and the Child of the year-2009 award (when he was at 10th grade of a special school for children with hearing impairment) and now studies at Shonkhor Sports College.

(b) P. Bolortuya, who received a gold medal and the Child of the year-2010 award, is a 9th grade student at special school for children with visual impairment.

198. In cooperation with professional organizations children with disabilities are sent to camps on their summer holidays free of charge, and their parents and caregivers pay 50 per cent of the costs for their own vacation. A project on rehabilitation and reproductive health was implemented in 15 camps of 16 provinces and covered over 5000 adolescents.

199. In 2009 4 community-based centres were received from the Save the Children UK and in 2011 it transferred a community-based Rehabilitation Centre for children with disabilities in Chingeltei district, which is now run by an Education program of the ADRA Mongolia international organization. Over 200 children from 17th, 18th, 19th *khoroos* of Chingeltei District receive more comprehensive, quality services on living skills, training and promotion, rehabilitation and social work with their families.

200. In 2010 a care centre for children with disabilities in Bayankhongor *soum* of Bayankhongor aimag opened and a Rehabilitation sanatorium for children with chronic diseases and children with disabilities were established on the basis of the Child department of the Central hospital of Zavkhan province. The centre and the sanatorium created appropriate conditions for treatment and rehabilitation of children with disabilities and children with anaemia, malnourishment and underweight.

201. According to the provisions of Law on Patents, law on Copyright and other related rights, Law on the Trademarks that protect intellectual rights, orders of the Prime minister of Mongolia of April 12, 2006 and order # 59 of July 3, 2006 declared protection of copyright of works by persons with disabilities and made them exempt from fees for related service.

202. A comprehensive program on development of sports approved in February 2011 specifically indicated persons with disabilities. In the frame of the first objective on *Increasing the average life expectancy and making sports a daily practice of population* provisions were included on active participation of persons with disabilities in social life via sports. In the frame of the 4th objective- *Strengthening the material basis for sports* it is indicated that a sportsmen's village and a Winter Sports Palace for training of the national team members and other sportsmen will be built in the vicinity of the new Sports Palace, a national stadium complex will be built and supply of technical devices and equipment for use in training of the national team sportsmen will improve.

203. A Paralympics national team operates at the Sports department. The team trains 12 sportsmen in the kinds of judo, athletics, archery and shooting. D. Baatarjav received the first gold medal in Beijing Paralympics-2008 in the archery. As a result of training Para-judo wrestlers received silver and bronze medals from the 10th Asian Paralympics organized in Guangzhou, China in 2010 and 3 sportsmen took 5th places in different competitions. Over 30 million MNT were spent on the participation of the team in these Asian competitions.

204. A team of 13 members including sportsmen, trainers and officials participated in World Paralympics in Antalya, Turkey from April 1-10, 2011, which became a major event to receive a right for participation on 2012 Paralympics.

205. A team of Para-archers participated in an International joint training in Bangkok, Thailand and is preparing for competitions in the Asian Cup and the Asian championship to receive a right for participation in 2012 Paralympics. Over 80 million MNT have been spent up to the present on training and competition costs of the Paralympics team.

### **3. Women and children with disabilities**

#### **Article 6. Women with disabilities**

206. Of total persons with disabilities women account for 45.9 per cent. If their disabilities are classified by causes, 33 per cent of them are congenital, remaining 67 per cent are caused by accidents, injuries, and diseases. It shows that attention should be paid to the prevention of population from accidents and diseases and workplace safety issues.

207. The MOH developed strategies for Reduction of maternal mortality in 2000-2004, and 2005-2010. The progress of strategy for implementation, stressing issues faced in the course of implementation, was discussed at the Health Minister's Council meetings and appropriate measures were taken. In implementing these strategies measures were taken to disseminate gender sensitive information on healthy delivery, to provide equal assistance services, to raise public awareness on gender-based violence and gender equality and sensitivity, to mobilize social resources in work on prevention of malnourishment of mothers and infants from socially vulnerable groups, to detect and treat physical defects among adolescent women and total women of reproductive age regardless of their origin,



religion, social status, geographic and regional location, income, physical condition of mothers and infants. According to reports from the provinces and the evaluation of present situation and needs for urgent assistance in delivery, implementation of planned activities is relatively good and maternal mortality has decreased.

208. It was concluded that some planned activities such as increasing participation of private health institutions in assistance and services on healthy delivery, expanding assistance to mothers and infants in inter-*soum* hospitals, increasing their capacity, providing poor mothers without permanent registration with the right to have check-ups and treatment in any medical clinic regardless of their residence, supporting assistance to mothers by volunteers was unsatisfactory.

#### **Article 7. Children with disabilities**

209. The Law on Child rights guarantees the rights of children for freedom of thought, seeking and receiving information, freedom of association, freedom of peaceful assembly and freedom of thought, opinion and expression of their views.

210. The Government of Mongolia has been implementing a sub-program on Support of participation of children with disabilities since 2006. The program is being implemented in 2 stages in 2006-2012 in the frame of 4 objectives aiming to provide children with disabilities with a right to have their own choice, views and values as an individual and a member of the society, to develop their capacity and skills to bear responsibility for their independent actions, to create environment and conditions supporting their participation in social life.

(a) The National Authority for Children in cooperation with professional organizations organizes work on assistance and socialization of children with disabilities via a magazine Child rights and Sun, Naiz, 1979 hotline, national and local mass media, information leaflets, other promotion materials.

(b) The National Authority for Children set up a database of children with disabilities and uses it in the development of policies directed towards increasing their participation in the society and realizing their rights.

(c) Training on non-discrimination of children with disabilities, their socialization was conducted among teachers and students of general education schools with support from volunteer children and covered 1200 children. Volunteer children also participated in organization of campaigns on protection of rights of children with disabilities, on increasing their participation such as Khariu neheegui tus, Setgeliin ilgeemj, Minii iluu chamd, Setgeliin dem, which involved over 170 children. (2010 Activity report, Uvurkhangai province).

211. Mongolia is included in the number of countries in the region that have appropriate experience in increasing participation of children and adolescents and is developing a new draft of a policy document on supporting child participation to strengthen further its position.

212. According to the survey by province and local authorities for children, there are at present 22,929 children with disabilities aged 0-17. Of them 25 per cent have visual impairment, 12 per cent - mobility impairment, 12 per cent - intellectual disability, 18 per cent - hearing impairment, 10 per cent - cerebral palsy, 9 per cent - speech impairment. However, according to the National Committee of Persons with Disabilities, there are 32,516 children with disabilities.

213. Article 4 of the Law on Child Rights determined basic principles of child rights as follows: “ non-discrimination of children by education or health status, equality”, “responsibility of parents and care givers in providing for children’s physical, mental and

moral development, their study”, “provision of the rights of a child to healthy life, development, protection, participation in social life is a basic duty of the state and the family”, “rights of children for seeking and receiving information, freedom of association... should not violate public order.”

214. The Law on Education, the Law on Pre-school Education, the Law on Primary and Secondary education provide children with disabilities with equal opportunities to obtain education at all levels. A learner with limited opportunities to study due to congenital or genetic pathologies, or who lost intellectual, mental, sensory abilities because of accidents or injuries, is determined as “a learner with disabilities.” A child with disabilities is provided with comprehensive nursing, care, protection, upbringing and teaching services via special and specialized kindergartens at pre-school age and their physical, intellectual and social development is supported. The Social Welfare fund provides benefits for payment of meal costs for kindergarten children with disabilities and compensates 50 per cent of costs of vacation in the child camp.

(a) In 2010, the Social welfare fund provided 5.0 million MNT worth of benefits in meal costs of 339 kindergarten children with disabilities

(b) In 2010, the Social welfare fund compensated 12.8 million MNT of costs of child camps for 239 children with disabilities.

215. In order to realize rights of children with disabilities to study, especially that of children with visual impairment, to support their studies, in cooperation with the Mongolian National Federation of the Blind work on printing Braille books is done, the Social Welfare fund provides for costs of delivering them to local areas and children are provided with books free of charge.

216. The Government of Mongolia pays special attention to improving food supply of households and individuals that need social welfare assistance such as children with disabilities. For instance, the Government of Mongolia in cooperation with ADB is implementing a Social Welfare and Nutrition program. In the frame of the program, in 2009, 25.3 thousand citizen from socially vulnerable groups were provided with monthly food stamps of 14 thousand MNT. Among them there were 3083 children with disabilities, who need constant care, 120 blind children aged 0-18, 872 children with intellectual disabilities.

217. Since 2009, MNS 5852-2008 standards on General Requirements put forward to Child Care, Welfare, and Protection services have been followed. According to the standards, care and welfare organizations bear duties on covering children with disabilities with medical check-ups, paying attention to their living conditions, refurbishing their homes in line with the standards.

218. The Government provides assistance in realizing rights of children with disabilities to express freely their views and opinions. For example,

(a) Of 438 delegates that participated in a General Forum of Mongolian children organized in May 2010, 30 per cent were children with disabilities. During the forum, work was done on expressing child views on each article of Convention according to the recommendations from the Committee on the Rights of the Child. A report by children with disabilities was presented at the forum and the children met with the First Deputy Minister of the Government.

(b) With an aim to involve children with disabilities in decision-making, to teach them evaluate decisions and make their suggestions, forums, meetings, open discussions with participation of children with disabilities were organized in Selenge, Dornogobi, Sukhbaatar, Gobi-Altai, Bayan-Ulgii, Darkhan-Uul, Zavkhan, Orkhon, Khovd, Khentii provinces and the capital city. Of total children with disabilities 19.6 per cent personally participated in such events, which made 60 positive changes in their participation in social

life, access to information, free expression of their views, attitudes to their families and environment.

(c) In the frame of a program Child-to-Child, 1300 children were trained as peer trainers, and obtained skills to help children with disabilities, support their participation, discuss different issues, which increased knowledge of further 5000 children and their parents.

(d) To create possibilities for active participation of children with disabilities in social life, arts, cultural, sports competitions such as “Child world” picture competition, the Best adolescent singer, dancing competitions, chess tournaments expand their scope. Of total children with disabilities 63.5 per cent or 14,754 children attended life skills training. Development centres for children with disabilities are set up in Darkhan-Uul, Uvs, Khovd, Sukhbaatar, Bayan-Ulgii and Umnugobi provinces.

219. Early detection of children with disabilities, their needs analysis, appropriate assisting devices for them were made. For instance:

(a) Parents of children with cerebral palsy were covered with a 10-day training. In total, 1200 parents participated in training. As a result, parents learned ways of working with their children and progress was observed among children with cerebral palsy. For instance, 60 per cent of children covered by a survey had improved mobility skills and learned to crawl, stand up, sit up, and walk by themselves. In 20 per cent of children a moderate progress was observed, which can be explained by the lack of time of parents to work constantly with their children. The remaining 20 per cent did not show good progress. The survey showed that early detection of cerebral palsy in children aged 0-6 months along with teaching to parents’ methods of care for their children and special exercises affects positively mobility skills of children with cerebral palsy, which can prevent from secondary complications and gives an opportunity for earlier rehabilitation.

(b) Children with disabilities covered by the training were distributed rehabilitation aids. Such aids were produced with common local materials such as wood, fabrics, PVC tubes, with the use of cheapest methods. In total, 3500 aids were produced and distributed to children free of charge.

220. By order 342 of 2009 of the Health Minister, the List of Essential Medicines was renewed for the 6th time, and a list of medicines to be provided on discount was approved, including 26 kinds of medicines to be used by children.

221. The List of medicines to be provided with discount from the Health insurance fund was renewed in line with the new List of Essential medicines, and was approved by the resolution 03, 2010 of the Health Insurance Council. 357 kinds of medicines were included in the list under the brand names.

222. Implementation of the resolution by the Health Minister and supply of medicines with a discount is different in different places, it is not satisfactory especially in remote rural areas, or families of children with disabilities and persons with disabilities themselves lack financial sources for purchase of medicines. Especially persons with epilepsy need to have a check-up in the province hospital to receive their medicines and then buy them in pharmacies in urban areas. This puts an economic pressure on persons with disabilities and parents of children with disabilities with low income. There are also cases, when some people lack related legal knowledge and do not know how to use the benefits.

223. The Government of Mongolia organizes many forms of activities at national level directed towards realizing the rights of children with disabilities to express freely their views and opinions.

(a) Of 485 delegates of the 1st National forum of children with disabilities in 2006, 34 per cent were children with disabilities.

(b) Of participants of the forum of Parents and Children with Disabilities in 2007, 46.5 per cent were children with disabilities.

(c) 30 per cent of participants of the 2nd National children's forum under auspices of the President of Mongolia in 2008 were children with disabilities.

(d) In 2010, the general forum of Mongolian children was organized. A fact that 48.5 per cent were children with disabilities gives real support in discussing pressing issues with them and voicing them to policy and decision-makers as well as general public, providing coordination and comprehensive sustainable activities to increase their participation, attitudes and accountability of parents, the society and the communities. 14 children with disabilities met with the First Deputy Prime Minister of Mongolia and the Deputy Head of the National Authority for children, and a presentation on children with disabilities was made at the joint forum.

224. In the past period, forums, discussions, meetings of children with disabilities were organized in 12 provinces, and 3 capital city districts. Personal participation of children with disabilities in such events increased their participation in social life. In Bayan-Ulgii province, a survey of children with hearing impairment was carried out and a sign language textbook was published in Kazakh language with the assistance of AIFO. In Uvurkhngai province, the head of the local Council for Children and the Governor met with the representatives of children with disabilities and resolved the question of transportation of children with disabilities to school. In Darkhan-Uul province, annual meetings "Developing children" and a "Day of children with disabilities" became a tradition. Self-governance councils of children with disabilities and volunteer clubs of children with disabilities were set up in Khovd province and Nalaikh district of capital city, all of which shows certain progress in work with children with disabilities.

225. Such children's organizations as province child councils, scout councils, young Red Cross volunteers, "New wave", children's councils involve children with disabilities and their participation increased by 10 per cent. In total, 55 volunteer groups and clubs such as Bid, And *nukhdiin buleg*, *Naiz*, *Sain duriinhnii bag*, self-help groups have in their ranks about 6800 children (29.6 per cent).

226. Of total 14200 children, who participated in different events to discover talents, to create opportunities for children with disabilities for active life in the society such as "Child world" picture competition, "*Itgel duuren amidartsgaaya*" performance, Miss competition among the girls with hearing impairment, music, painting, crafts, chess, dance, origami, bead jewelry, knitting clubs, there were 14750 children with disabilities.

## IV. Specific obligations

### Article 31. Statistics and data collection

227. Due to different definitions of persons with disabilities at the national level, statistics on health, education, social welfare, employment of persons with disabilities and information received from administration, central and local authorities differs.

Findings of the sample surveys also differ because data collection methods and methodology is different, links between professional organizations are weak and detailed methodologies of diagnosing children with disabilities are not in place.

228. Data related to persons with disabilities from different sources show that:

(a) There are over 10 thousand persons with disabilities in Mongolia – in 2010, NSO counted 82631

(b) There are 41 101 persons with disabilities, who receive pensions from the Social Welfare fund (over 16, 2009)

(c) There are 53832 persons with disabilities, who receive pensions from the Social Insurance fund (SIGA, 2009)

(d) The number of children with disabilities is (NSO, 2009 – 7809), (37- 34000)

(e) There are 82600 persons with disabilities of labour age (aged 15-59, NAHD, 2009).

229. Although the methodology of defining disability is the most complicated issue at international level, it is vital to define it according to the Article 2, Convention on the Rights of Persons with Disabilities, and legalize it in national laws and regulations. Practice of many countries shows that it is necessary from the point of view of economic and social factors.

230. By the order of 2003 of the head of NSO, statistical data on disabilities is collected with the NS-1 Form in the Report on some Household, Population and Social Indicators and is included in annual statistical yearbooks.

231. The NSO of Mongolia pays attention to improving official statistics about disabilities. In 2004, registration and a sample survey of persons with disabilities was conducted with the use of methodology and definitions recognized internationally. The questionnaire of the Population and Housing Census-2010 for the first time included questions about disabilities, which opened opportunities for enriching official statistics in this field.

232. In the frame of a project on improving statistics on disability among countries in Asia- Pacific region a survey to pilot a package of question about disabilities was carried out in 2009 in 6 countries of Asia-Pacific region, including Mongolia. The NSO organized this survey. The pilot survey on data collection was carried out in July 2009 in 7 *khoroos* of Songino-khairkhan district in Ulaanbaatar, Sukhbaatar, Mandal Khushaat *soums* of Selenge provinces. Households were selected and covered with a survey with a ratio of 60 per cent from urban and 40 per cent from rural areas.

### **Article 32. International cooperation**

233. The Government of Mongolia cooperates with United Nations agencies, governments of different countries, NGO and humanitarian organizations on the issue of supporting development, protection, education, health, employment of persons with disabilities in order to provide them equal opportunities. For instance, a number of projects and programs is implemented with assistance of such organizations as UNDP, UNFPA, UNICEF, UNESCO, ILO, WHO, WB, ADB, Save the Children, World Vision-Mongolia, SIDA, AIFO, VSO, ADRA, Canadian Fund, Mercy corps that make efforts to protect rights of persons with disabilities and provide them with equal opportunities.

234. In the labour and social welfare sector, a number of projects and programs is implemented in the field of provision of the rights of persons with disabilities to develop, to be protected, to work, support of employment jointly with UNDP, AIFO, ILO, Mercy Corps and other international organizations and NGOs. They provide technical and methodological assistance to development of government policies and activities. To mention some of them:

(a) In the frame of the UNDP project on “Study of poverty and development of employment supporting policies” in 2009-2011, financing of 45695 USD was planned and activities have been implemented.

(b) The project on *Support of livelihood of persons with disabilities by policy implementation* has been implemented since 2010 with financing from ILO and Czech government and has a budget of 214 thousand USD. The project has 3 major components: to develop models for support of employment of persons with disabilities at 3 organisations, namely the Labour exchange, the National rehabilitation centre, and the Association of Mongolian employers, on monitoring of implementation of national laws and regulations in the field of provision of the right to work and support of employment, on strengthening capacity of social partners, central and local implementers, raising public awareness.

(c) The MOH made an agreement of cooperation with the AIFO, an Italian NGO, since 1991 and is implementing jointly a program on *Community-based rehabilitation of persons with disabilities – Tegsh duuren*. In this period, AIFO jointly with EU has implemented 2 projects with the MOH. A project on *Community based rehabilitation of persons with disabilities – Tegsh duuren* was implemented in 1997-2000 in 11 western provinces and 6 districts of Ulaanbaatar city, in 2008-2010 – in 9 eastern aimags of Mongolia. Since 1991 to present, the AIFO made an investment of total 310551830 MNT via the program on *Community based rehabilitation of persons with disabilities – Tegsh duuren*.

(d) A project on *Increasing opportunities for rural children with intellectual disabilities to access education and health services* implemented with assistance from EU and ADRA-UK is carried out in Songino-khairkan and Bayanzurkh districts of Ulaanbaatar, in Bayankhongor and Zavkhan provinces.

(e) To rehabilitate children with disabilities and to strengthen cooperation in this field, the Seoul city prosthetics plant, Rehabilitation centre and the Vocational Training and Production centre in Gannam district of Seoul city were visited to study their expertise, which put start to further cooperation. The National Rehabilitation centre established relations with the prosthetics plant in Seoul to exchange experience, receive assistance and train experts in this field.

(f) WHO provides all kinds of support and assistance to improve the quality of health services and assistance in Mongolia. MSWL cooperated with WHO to organize the International Day of protection of the rights of persons with disabilities. The WHO supports all activities such as receiving information about global policies and coordination, training etc

(g) Since in most provinces in Mongolia services on early diagnostics of children with disabilities are underdeveloped, the system of mediating services between sectors (such as health, education, social welfare services) is weak, service providers and parents have insufficient knowledge of early diagnostics of intellectual disabilities, there is lack of resources, problems of persons with disabilities are left behind in the frame of public health services and access to comprehensive health services for children with intellectual disabilities is insufficient. In order to increase opportunities for equal access to education and health services for every child, ADRA is implementing a project on *Assess of children with intellectual disabilities to comprehensive social services- equal opportunities to every child* with EU financing. In the frame of the project, the MOH work group developed medical diagnostic tools for early detection of intellectual disabilities in children and their rehabilitation and developed a simple handout for parents of children with such disabilities.

235. Ratification of the Convention on the Rights of Persons with Disabilities by Mongolia with a duty to implement its provisions is, on the one hand, a responsible step towards improving legal environment in our country and creating economic conditions for their implementation. On the other hand, it creates conditions for increasing technical and

methodological assistance from the international community and the United Nations and its agencies.

### **Article 33. National implementation and monitoring**

236. Mongolia organizes activities on realization of the rights of persons with disabilities in the frame of the Constitution of Mongolia, related laws, other normative acts, a special law on Social Welfare of Persons with Disabilities.

237. According to the scope of duties that the MOSWL is in charge of, which is determined by the Law on Structure of the Government of Mongolia, a national unit responsible for development of policies to realize rights of persons with disabilities, to implement them, control and evaluate implementation, was set up in the Ministry under the name of a National Committee. The committee has representatives from related ministries, NGOs, international and foreign partner organizations, and has 2 secretaries elected from the state and NGO representatives. The unit has basic duties to convene at the national level on issues of the rights, development, protection and employment of persons with disabilities, to coordinate the sectoral policies, to provide general guidance for policy implementation and to monitor it. The national committee conducts its activities in the frame of following duties.

(a) To make suggestions and conclusions on support of persons with disabilities, to improve their livelihood, to give directions to related organizations, to provide methodological guidance to local councils.

(b) To develop policy recommendations and guidelines on issues of intensifying, enhancing and developing implementation of the Convention on the Rights of Persons with Disabilities, laws and regulations and national programs.

(c) To coordinate activities implemented at the province and city levels, to provide support, guidance and recommendations, and to monitor.

(d) To provide links between activities implemented in the frame of programs carried out by foreign partners, to give recommendations to related partners

(e) To mobilize resources, to strengthen partnership and cooperation

(f) To make conclusions on activities to be organized at the national level.

238. A branch council with a duty to realize the rights of persons with disabilities for work, to provide with professional and methodological guidance and coordination, implementation of the policy on support of employment operates at the National Council on Employment that was established according to the Law on Support of Employment. The branch council works on making policy recommendations in the field of supporting employment of persons with disabilities, to provide persons with disabilities with services on support of employment and make decisions on certain financial and policy issues. The branch council studies the issues of employing persons with disabilities on vacancy of contracted staff in charge of employment of persons with disabilities at the Labour and Welfare service departments in province and districts.