



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

Fifty-third session

11-29 January 2010

### Consideration of reports submitted by States parties under article 44 of the Convention

#### Concluding observations: Mongolia

1. The Committee considered the combined third and fourth periodic reports of Mongolia (CRC/C/MNG/3-4) at its 1456th, 1458th and 1460th meetings (see CRC/C/SR.1456, CRC/C/SR.1458 and CRC/C/SR.1460), held on 12 and 13 January 2010, and adopted, at its 1501st meeting, held on 29 January 2010, the following concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the combined third and fourth periodic reports, as well as the written replies to its list of issues (CRC/C/MNG/Q/3-4 and Add.1) and appreciates the constructive dialogue held with the high-level delegation of the State party which allowed for a better understanding of the situation of children in the State party.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with the concluding observations on the initial reports of the State party under the two Optional Protocols to the Convention (CRC/C/OPSC/MNG/CO/1) and (CRC/C/OPAC/MNG/CO/1), adopted on 29 January 2010.

#### B. Follow-up measures undertaken and progress achieved by the State party

4. The Committee welcomes the adoption of many legislative and other measures taken with a view to implementing the Convention, including the enactment of:

- (a) The Law on Prevention from Iodine Deficiency by Salt Iodization (2003);
- (b) The Law on Prevention of HIV/AIDS (2004);
- (c) The Law on Breast Milk Substitutes (2005);
- (d) The Law for Citizens with Disabilities (2005);

- (e) The Law on Monetary Assistance to the Child and Family (2006).
5. The Committee also notes the amendment of:
- (a) The Law on Social Welfare (2005);
  - (b) The Law on Education (2006); and
  - (c) The Criminal Procedure Law (2007).
6. The Committee notes with appreciation the State party's accession to the Convention on the Rights of Persons with Disabilities (2009) and its signature of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (2009).

## **C. Main areas of concern and recommendations**

### **1. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)**

#### **The Committee's previous recommendations**

7. The Committee notes with appreciation that several concerns and recommendations made upon the consideration of the second periodic report of the State party (CRC/C/65/Add.32) have been addressed. However, it regrets that others have been insufficiently or only partly addressed.

8. **The Committee urges the State party to take all necessary measures to address those recommendations from previous concluding observations that have been partially or not at all implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations, notably those related to: legislation; data collection; non-discrimination; corporal punishment; adoption; abuse, neglect, maltreatment and violence; standard of living; and the situation of street children.**

#### **Legislation**

9. While the Committee notes the efforts taken by the State party to align domestic legislation with the Convention, it remains concerned that some legislative provisions are not in full conformity with the principles and provisions of the Convention and that implementation of legislation is slow.

10. **The Committee reiterates its recommendation that the State party continue to harmonize its legislation with the principles and provisions of the Convention and strengthen the implementation of domestic legislation. It encourages the State party to develop and implement a comprehensive legislative act on the rights of the child.**

#### **Coordination**

11. The Committee notes the political will to address the rights of the child reflected in the existence of three bodies dealing with children's issues. However, it is concerned about insufficient coordination among these entities at all levels, and in particular at the local level, and reiterates the need to clarify the mechanisms for the implementation of child rights. The Committee further notes that the National Council for Children has not carried out regular meetings and operational activities accordingly to its time plan.

12. **The Committee reiterates its recommendation that the State party endeavour to:**

(a) **Review the structure of the national and local state bodies responsible for policy formulation and active implementation of child rights;**

(b) **Strengthen the mandate of the National Authority for Children as a coordinating agency and provide it with adequate financial and human resources to carry out its work.**

#### **National Plan of Action**

13. While noting the National Action Plan for Child Protection and Development covering the period of 2002-2010, the Committee regrets the lack of information regarding its implementation, its monitoring and evaluation mechanisms, and whether a subsequent national plan on the rights of children exists after 2007. Moreover, the Committee regrets that a comprehensive national plan of action to implement and promote the rights of children is lacking.

14. **The Committee recommends that the State party:**

(a) **Evaluate and monitor the National Action Plan covering the period from 2002-2010;**

(b) **Develop, adopt and implement, in consultation and cooperation with all relevant partners including civil society, a new National Action Plan to cover the period after 2010, with adequate human and financial resource allocations as well as a follow-up and evaluation mechanism to regularly assess progress achieved in its implementation and to identify possible deficiencies.**

#### **Independent monitoring**

15. The Committee notes the activities carried out by the National Human Rights Commission (NHRC) and that one of its three commissioners is mandated to deal with children's issues. Nevertheless, the Committee notes with concern that children cannot lodge complaints themselves.

16. **The Committee encourages the State party to take the necessary measures to ensure that the NHRC has the mandate and capacity to receive complaints from children themselves through easily accessible and child-friendly complaint mechanisms, with the capacity and authority to seek remedies for violations, taking into account the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child.**

#### **Allocation of resources**

17. The Committee recognizes the efforts made by the State party to increase the social budget, particularly in education, which represents up to 20 percent of the national budget. Nevertheless, the Committee is concerned that economic crises and inflation, as well as corruption, have had a negative impact on sustainable investment in children's rights and that the risk of regression and lack of resources for the enjoyment of basic children's rights persists. The Committee notes with concern the regional as well rural and urban disparities in a country with a vast territory and the difficult access to existing support programmes by severely disadvantaged families and children. It further regrets the Government's decision to stop the Child Money Programme.

18. **The Committee recommends that the State party:**

(a) **Increase resources for children, including under the Human Development Fund governing resources from extractive activities;**

(b) **Protect the children's budget as a part of the national budget (education, health, prevention of violence, recreation) from any external, internal economic shock or natural disasters. In this regard, the Committee encourages the State party to use a system of tracking indicators in the national budget to clearly identify how much is effectively invested in childhood, seeking international cooperation when necessary;**

(c) **Introduce the methodologies of:**

- **Results-based budgeting to guarantee the real impact in children's human development;**
- **Strategic budgeting to reduce rural and urban gaps and regional disparities, as well as to achieve specific goals, such as providing drinking water in specific areas and building educational infrastructure;**

(d) **Build up a system of user-friendly indicators oriented to provide a transparent and regular measure of the dynamics of the children's budget;**

(e) **Reinforce the State Authority on Anti-Corruption set up recently to prevent and investigate acts of corruption that erode the resources for children;**

(f) **Provide counterpart funds to support donor activities and decrease dependency on foreign assistance, in the measure possible.**

#### **Data collection**

19. The Committee notes efforts by the State party to collect statistical data for children, such as the establishment of a State Information Centre, through Web portals of governmental organizations, and ongoing projects. However, the Committee expresses its concern about:

(a) The lack of coordination between the National Statistics Office and other governmental organizations to collect, analyse, and report on child-related statistics;

(b) The insufficiency of national data compiled and analysed on children living in difficult situations, and the unavailability of national statistics on child protection due to a decentralized and underdeveloped child protection system;

(c) The persisting difficulties in collecting, processing and obtaining reliable statistical data.

20. **The Committee encourages the State party to ensure that the National Statistics Office has sufficient human, technical and financial resources to carry out its mandate, specifically with regard to coordination. It further recommends that the State party collect data for all children under 18, analyse existing and new data and utilize empirical evidence for the elaboration of public policies and affirmative action programs.**

#### **Dissemination, training and awareness-raising**

21. The Committee acknowledges the efforts taken by the State party to improve the dissemination of information on child rights through the training of professionals, public awareness campaigns and materials on the Convention available in the Mongolian and Kazakh languages. Nevertheless, the Committee notes with concern the insufficient

awareness of the Convention among relevant professional groups, communities, parents and among children themselves, especially in rural and remote areas.

**22. The Committee recommends that the State party increase and strengthen its efforts to disseminate the Convention and to raise public awareness about its principles and provisions, particularly among children, parents, and professionals working with children, through adequate and systematic training and sensitization on children's rights of professional groups working with and for children, including law enforcement officials, parliamentarians, judges, lawyers, health personnel, teachers, and the media, taking into account the language needs of the population.**

#### **Cooperation with civil society**

23. The Committee welcomes the participation of non-governmental organizations (NGOs) and child representatives in the consultative process for preparing the State party's report. Nonetheless, the Committee notes the limited participation of NGOs in the formulation and monitoring of policies and in the development of strategies to implement the Convention.

**24. The Committee emphasizes the important role that civil society plays in the implementation of the provisions of the Convention and recommends that the State party strengthen cooperation and coordination with civil society, including NGOs and children's associations, in the promotion and implementation of the rights of the child, including their participation in the elaboration of policies and cooperation projects, and in the follow-up to the concluding observations of the Committee and the preparation of the next periodic report.**

## **2. General Principles (arts. 2, 3, 6 and 12 of the Convention)**

#### **Non-discrimination**

25. The Committee notes that, in principle, measures have been taken to protect vulnerable children from discrimination. However, the Committee remains concerned that gender-based discrimination affects both boys and girls, and that in practice, children experience unequal treatment (*alag uzdeg*) based on, inter alia, a child's ethnic group, disability, living standards or those of the child's family, or given the child's residential location. The Committee is also concerned about the inequalities existing among the population in the Western region and the Kazak minority, and other minorities.

**26. The Committee recommends that the State party monitor and ensure the implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention. The Committee further urges the State party to ensure that cases of discrimination against children in all sectors of society are effectively addressed and requests that the next periodic report include specific information as outlined above, as well as on the measures taken to follow up on the 2009 Durban Review Conference.**

#### **Best interests of the child**

27. The Committee notes the wealth of existing national legislation that gives primary consideration to the best interests of the child. Nevertheless, the Committee regrets the fact that, in practice, provisions are not sufficiently enforced.

**28. The Committee recommends that the State party continue and strengthen its efforts to ensure that the general principle of the best interests of the child is appropriately incorporated in all legal provisions as well as in judicial and**

**administrative decisions and in projects, programmes, and services that have an impact on children.**

**The right to life, survival and development**

29. The Committee appreciates the State party's measures to refine mechanisms to ensure a safe, secure and violence-free environment for every child and the existence of laws to protect children. Nevertheless, it regrets that children are increasingly victims of accidents, including traffic accidents and while riding horses and other domesticated animals, and that injuries and fatalities among child jockeys continue, partly due to insufficient implementation and enforcement of the 2005 decree of the Deputy Prime Minister.

30. **In light of article 6 and other relevant provisions of the Convention, the Committee urges the State party to:**

(a) **Make every effort to reinforce protection of the right to life of all children within the State party;**

(b) **Strengthen and continue efforts to raise awareness about and undertake public information campaigns in relation to accident prevention;**

(c) **Develop a wider response to complement the medical orientation of the existing National Programme on Injury Prevention.**

**Respect for the views of the child**

31. The Committee notes that the State party has incorporated the principle of respect for the views of the child into relevant legislation but regrets that in practice, due to insufficient enforcement of existing provisions, the principle has not been implemented. Furthermore, the Committee regrets that the draft national policy on child participation (2005) has not yet been approved by Parliament.

32. **The Committee, recalling its previous recommendation related to the second report of the State party (CRC/C/15/Add.264, para. 26), recommends that the State party further promote, facilitate and implement the principle of respect for the views of children and promote children's participation in all matters affecting them within the family, in schools, at the community level, in institutions as well as in judicial and administrative procedures. It also recommends that Parliament approve the draft national policy on child participation, and that it take into account article 12 of the Convention, and the Committee's general comment No. 12 (2009) on the right of the child to be heard.**

**3. Civil Rights and Freedoms (arts. 7, 8, 13-17 and 37(a) of the Convention)**

**Birth registration**

33. The Committee notes that since 2006 birth certificates are issued free of charge in the State party. However, despite high birth registration rates, the Committee is concerned that nearly 10 per cent of births are not registered due to, among other things, internal migration, the remoteness of birth registry locations, and lack of awareness among herder families on the importance of birth registration.

34. **The Committee recommends that the State party continue and strengthen its efforts to register all children, with a special focus on children in remote areas and from herder families, including the opportunity for late registration free of charge.**

**Access to appropriate information**

35. While welcoming information on children's improved access to information technologies and the State party's support to public television and radio programmes for national minorities, the Committee notes with concern that some programmes need to be revised to meet the developmental and educational needs of children and to ensure that contents and information are age appropriate.

36. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to fully guarantee equitable access to appropriate information for all children, especially for those children who live in remote and rural areas, in conformity with their age and need;**

(b) **Develop appropriate guidelines to protect children from harmful information while fully guaranteeing their access to appropriate information. The Committee further recommends that the State party take into consideration the Committee's recommendations emanating from its day of general discussion on "The child and the media" (see CRC/C/57, paras. 242-257).**

**Corporal punishment**

37. The Committee notes the efforts being taken to address corporal punishment of children in the context of disciplinary measures, but reiterates its concern that corporal punishment is observed extensively in all settings of children's lives.

38. **The Committee urges the State party to introduce and enforce legislation to prevent and end all forms of corporal punishment of children as a method of discipline in all settings, including in the family and in the alternative childcare system. Furthermore, the Committee recommends that the State party conduct public education, awareness-raising, and social mobilization campaigns with the involvement of children, in order to change public attitudes of corporal punishment and to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28, paragraph 2, and taking into account the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.**

**Follow-up to the United Nations study on violence against children**

39. **With reference to the United Nations study on violence against children (A/61/299), the Committee recommends that the State party:**

(a) **Take all necessary measures for the implementation of the recommendations contained in the report of the independent expert of the United Nations study on violence against children while taking into account the outcome and recommendations of the East Asia and Pacific Regional Consultation on Violence against Children held in Bangkok from 14 to 16 June 2005.**

(b) **Prioritize the implementation of the recommendations of the Study to eliminate all forms of violence against children, paying particular attention to the following recommendations:**

- **Prohibit all violence against children**
- **Promote non-violent values and awareness-raising**
- **Address the gender dimension of violence against children;**

(c) Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse;

(d) Provide information concerning the implementation by the State party of the recommendations of the study on violence against children in the next periodic report;

(e) Seek technical assistance from the Special Representative of the Secretary-General on Violence against Children, the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the World Health Organization (WHO) for the above mentioned purposes.

**4. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4), and 39 of the Convention)**

**Family environment**

40. The Committee welcomes the State party's efforts to provide basic social services, develop self-study materials on parenting skills and provide professional assistance to parents for child upbringing. However, it expresses concern that no decision has been made on the revision of the Family Law since 2006 and takes note of the increase of families headed by single mothers and the formation of new groups of children without parental care, including children left behind due to the migration of parents and children temporarily heading their families.

41. The Committee reiterates its recommendation to the State party (CRC/C/15/Add.264, para. 34) to provide, to the extent possible, the necessary support to parents and families in need and to develop policies and educational programmes which promote non-violent, positive discipline methods (para. 30). The Committee also recommends that the State party:

(a) Set up family support centres at the *khoro* and *soum* local levels, providing them with adequate professional resources, including social workers trained to deal with the rights of the child;

(b) Adopt the amendment to the Family Code;

(c) Ensure that alimony benefits can be accessed by beneficiaries;

(d) Introduce specialized social work services on the rights of the child, improve the legal environment and structure for effective implementation of these services for children and their families and set up a procedure for performance monitoring.

**Children deprived of a family environment**

42. The Committee acknowledges the steps being taken to introduce alternative care services for children separated from their families, to put in place minimum care and quality standards for institutions and staff providing care for children, and to favour kinship care and foster care programmes. However, the Committee is concerned at the lack of systematic supervision and oversight in care institutions, the absence of placement review or case-management services when children are sent to care institutions, and the lack of a

systematic national child welfare arrangement that could provide alternatives to institutionalization.

**43. The Committee recommends that the State party:**

(a) **Develop programmes and policies focusing on the prevention of placement of children in residential care centres, including by providing support and guidance to the most vulnerable families and conducting awareness-raising campaigns;**

(b) **Take all necessary measures to allow family reunification for children in residential care centres;**

(c) **Establish a code of standards and set up a comprehensive mechanism of periodic review of children placed in institutions, in accordance with article 25 of the Convention, by, inter alia, ensuring the provision of required human and financial resources;**

(d) **Take into account the Guidelines for the Alternative Care of Children contained in General Assembly resolution 64/142 adopted on 20 November 2009.**

**Adoption**

44. While noting the various legislative measures to regulate domestic and inter-country adoptions, the Committee regrets the lack of information on the institution responsible for implementing the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption, the absence of support services for prospective adoptive families, the absence of mechanisms to review, monitor and follow up adoptions, the lack of statistics on foster care and adoption as well as information on the child's views throughout the process of domestic adoption. The Committee is further concerned that the process of inter-country adoption is not in full conformity with the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption.

**45. Reiterating its previous recommendation (CRC/C/15/Add.264, para. 36), the Committee encourages the State party to establish a comprehensive national policy and guidelines governing foster care and adoption, including screening, and a central monitoring mechanism in this regard. It also recommends that the State party ensure that the procedures governing domestic and inter-country adoptions are done according to the best interests of the child and in full conformity with the principles and provisions under article 21 of the Convention and the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption. Furthermore, the Committee suggests that the State party establish the relevant institutional basis, and in particular, a national authority with the mandate and capacity to deal with the implementation of the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption.**

**Abuse and neglect**

46. While acknowledging the activities undertaken to prevent and combat child abuse and neglect, the Committee is concerned at its persistent occurrence, especially affecting girls, and at the lack of a comprehensive child protection strategy. Moreover, the Committee expresses concern that existing legal provisions to prohibit rape and incest are insufficiently enforced, that sanctions for offenses against boys and girls are not equal, and that children victims of sexual abuse, including rape, often do not receive adequate protection and/or recovery assistance, but may even be treated as perpetrators of a crime. Furthermore, the Committee regrets the rate of sexual abuse within the family not prosecuted nor punished under the national penal law.

47. **The Committee urges the State party:**

(a) **To prohibit all forms of child abuse and violence in the family and enforce the prohibition of rape and incest;**

(b) **To conduct a baseline study at a national level, to identify and address the causes of child abuse, prevent harm and respond to violence and use of force against children and neglect with regard to children, and to develop a national system for the protection and recovery of child victims of abuse based on the findings;**

(c) **To reinforce mechanisms for monitoring the number of cases and the extent of violence, sexual abuse and neglect in the family and institutions, and improve coordination between such mechanisms;**

(d) **To establish a reporting mechanism for child abuse;**

(e) **To ensure that professionals working with children receive training on their obligation to report and take appropriate action in suspected cases of domestic violence affecting children;**

(f) **To strengthen public awareness campaigns and provide information, parental guidance and counselling with a view, inter alia, to prevent child abuse and neglect;**

(g) **To ensure that boys and girls who are victims of abuse and neglect receive adequate support and equal access to services for recovery, counselling and other forms of rehabilitation, including establishing centres to provide children and their families with free psychological counselling in all *aimags*.**

**5. Basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)**

**Children with disabilities**

48. While acknowledging efforts made by the State party, the Committee remains concerned at the numerous problems faced by children with disabilities. In particular, it is concerned that the legal definitions of persons with disabilities are too broad and that conflicting legal provisions impact negatively on persons with disabilities. Further, the Committee is highly concerned at the social exclusion of children with disabilities due to improper infrastructure and to their lack of access to education, social welfare and health services. Overall, the Committee notes the difficulties faced by children with disabilities to enjoy a “full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation.”

49. **The Committee recommends that the State party continue to strengthen measures to protect and promote the rights of children with disabilities and that it take into account article 23 of the Convention and the Committee’s general comment No. 9 (2006) on the rights of children with disabilities to, inter alia:**

(a) **Collect accurate disaggregated statistical data on children with disabilities at the national and local levels and establish a database of children with disabilities;**

(b) **Develop a comprehensive national policy for children with disabilities;**

(c) **Ensure that children with disabilities exercise their right to education to the maximum extent possible, including vocational training;**

(d) Undertake greater efforts to make available the necessary professional (i.e., disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parent support groups and training for professionals;

(e) Develop early identification and early intervention services for infants and pre-school children with disabilities, with a special focus on family support and community involvement;

(f) Carry out public awareness initiatives among children, parents, families, caretakers and communities to encourage a positive and discrimination-free understanding and outlook for children with disabilities.

#### **Health and health services**

50 While welcoming the various measures undertaken by the State party in the area of health, and noting the decrease in infant and child mortality, the Committee is concerned about the persistence of stunting and rickets, reflecting micronutrient deficiencies and chronic malnutrition, especially among boys under five. The Committee is further concerned about the decreasing trend in the health budget, noting that most of the budget is allocated to infrastructure and physical health with a disregard for emotional health and social support, including for children consuming drugs and alcohol.

51. **The Committee recommends that the State party:**

(a) Continue to develop a healthcare system that ensures the provision of the highest standard of health for all children, paying special attention to primary care services, addressing the needs of the most vulnerable families and applying modern public health approaches to adequately address social determinants of health among children;

(b) Consider the establishment of a governmental body in charge of maternal and child health care and development at the national and local levels;

(c) Strengthen measures to increase access to safe drinking water and improve hygiene practices, in the light of article 24(c) of the Convention;

(d) Ratify the Convention concerning Maternity Protection, 2000 (No. 183) of the International Labour Organization.

52. Furthermore, the Committee recommends that the State party address, as a matter of urgency, the high rates of malnutrition and develop community-based programmes, awareness and micronutrient campaigns to inform parents and caretakers about basic child health and nutrition, the advantages of breastfeeding and fortification or supplementation with vitamin A and zinc, hygiene and environmental sanitation and reproductive health.

#### **Adolescent health**

53. The Committee notes the efforts to develop a model for adolescent-friendly health services at *aimag* centres and districts of Ulaanbaatar and notes with appreciation the re-establishment of the National AIDS Committee. The Committee however regrets the insufficient information concerning adolescent health, including disaggregated data for adolescent health issues, information on reproductive health issues and the existing adolescent health services.

54. **The Committee recommends that the State party:**

(a) Undertake a comprehensive study in order to understand the nature and extent of adolescent health problems, with the full participation of adolescents, and use this as a basis for the formulation of adolescent health policies and programmes;

(b) Promote and ensure access to reproductive health services for all adolescents, including sex and reproductive health education in schools as well as youth-sensitive and confidential counselling and health care services, taking into due account the Committee's general comment no. 4 (2003) on adolescent health and development in the context of the Convention.

#### **Mental health**

55. The Committee notes the efforts made by the State party to address mental health problems among children. However, the Committee expresses its strong concern over the increasing number of children vulnerable to depression, stress, tobacco and drug addiction, and behavioural disorders, in particular among urban children, and the lack of effective preventive interventions to proactively manage these public health problems. The Committee is highly concerned about suicides among children in the State party, especially among girls.

56. The Committee recommends that the State party develop a comprehensive national child mental health policy, along with all obligatory components of core recommendations by WHO, including mental health promotion, counselling, prevention of mental health disorders in primary health care, schools and communities, as well as out-patient and in-patient mental health services for children and adolescents with severe mental health problems, without stigmatizing affected children. The Committee also recommends that the State party make available assistance to children attending primary school and dormitories for the first time, in order to support their cognitive, social and emotional developmental needs.

#### **Standard of living**

57. The Committee notes with concern the persistence of widespread poverty in the country and expresses concern at the large regional disparities in living standards. The Committee is most concerned about the major inequalities between urban and rural environments. Further, the Committee is concerned that the overall standard of living of many children is very low, as measured by income-related indicators as well as access to food, housing, education, safe water, adequate sanitation and safe hygiene practices. The Committee also notes with concern the situation of children living in the urban slum areas and the health effects of heating through burning soft coal in *gehirs*.

58. The Committee recommends that the State party take steps to improve the standard of living of children, giving particular attention to improving food availability, the quality of water and sanitation, hygiene, housing and education. The Committee further recommends the adoption of measures by the State party to reduce regional disparities and that it seek to find alternative measures of heating in *gehirs*.

### **6. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

#### **Education, including vocational training and guidance**

59. The Committee welcomes the investment made by the State party to provide free, compulsory education and to cover dormitory expenses. It also notes the efforts made towards making schools "child-friendly". Moreover, it also notes the important role of

social workers in the provision of services for children and the inclusion of a child protection role in the job description of social workers in educational settings. Nevertheless, the Committee expresses concern about the serious under-representation of boys in education due to a high drop-out rate aggravated by cultural attitudes on the role of boys in the family. It notes with concern the persistence of corporal punishment or psychological pressure in educational institutions. Furthermore, the Committee is concerned about children with limited access to educational services, especially at preschool levels, including: children from herder families in remote, sparsely-settled rural areas, children of families that migrated to the capital city and children from informal mining communities. The Committee also notes with concern the shortage of schools, kindergarten classes and material facilities such as furniture, lavatories and security. While noting that dormitories serve the needs of children from herder communities, the Committee is concerned that children's contact with their families is not always assured.

60. **In the light of article 28 and other relevant provisions of the Convention, and taking into account the Committee's general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

(a) **Address the gender and regional disparities in education, and consider developing accredited non-formal education programs for children who have dropped out of school or for children who must balance study and work, including unpaid family work;**

(b) **Continue to improve the availability and quality of educational and living facilities including dormitories and boarding schools for children from herding communities, taking into account the culture and the need of children to maintain contact with their families, whenever possible;**

(c) **Ensure that child-friendly school standards are developed and used in the appraisal of school and teachers' performance;**

(d) **Continue efforts to provide education through innovative means such as travelling schools and generalized access to the Internet;**

(e) **Allocate adequate training, resources and support for social workers to carry out their new responsibilities so as to focus attention on children and families with a view to expanding community-based services, and to include work with children in prevention, recovery and counselling;**

(f) **Strengthen the understanding of children's rights among professionals working with children, parents, children and the general public promoting educational methods that encourage positive, non-violent forms of discipline, foster positive attitudes towards children of professionals working with them, especially teachers, and raise awareness against emotional violence;**

(g) **Incorporate human rights education, including the Convention and other relevant human rights instruments related to children, in school curricula and take measures to implement the Plan of Action for the first phase of the World Programme for Human Rights Education, adopted by all United Nations Member States on 14 July 2005 (General Assembly resolution 59/113B).**

#### **Leisure, recreation and cultural activities**

61. The Committee notes with concern the lack of areas where children can engage in sports, arts and other recreational activities, and the scarcity of places where children and adolescents can have meetings, gatherings and participate in leisure time activities.

62. The Committee encourages the State party to establish child-friendly places and:

(a) Establish community playgrounds and youth centres together with local communities, schools, children's institutions and other local resources;

(b) Increase the number of places where families can spend their free time together.

**7. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

**Asylum-seeking and refugee children**

63. The Committee notes the State party's intention to accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol but is concerned that steps to this effect have been slow. The Committee regrets that there is no available information on children of migrants, refugees and asylum-seekers.

64. The Committee reiterates its recommendation (CRC/C/15/Add.264, para. 57) to the State party to ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Furthermore, it recommends that the State party, taking into account article 22 and other relevant provisions of the Convention, take all feasible measures to ensure full protection and care, as well as access to health, social services and education, of asylum-seeking and refugee children in the State party. Moreover, it recommends the establishment of a database to obtain disaggregated data on asylum-seeking and refugee children and to guide a comprehensive policy. It also recommends that the State party ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

**Economic exploitation including child labour**

65. The Committee reiterates its concern from previous concluding observations (CRC/C/15/Add.264, para. 9) that certain legal provisions contradict each other, in particular domestic laws on compulsory education and the minimum age of employment. The Committee is further concerned over reports indicating an increase in the rate of child labour, in particular of children involved in hazardous labour. Moreover, the Committee notes with concern the number of children dropping out of school and working in, inter alia, informal mining communities, circuses and agriculture, their limited access to social services and their exposure to the worst forms of child labour, poisoning from chemicals used for gold processing, and occupational or other accidents.

66. The Committee recommends that the State party take urgent measures to monitor and address the negative effects of child labour, by, inter alia:

(a) Combating the worst forms of child labour;

(b) Making the necessary amendments to ensure harmonization between conflicting legislation guided by the Convention and relevant ILO conventions;

(c) Designing and conducting campaigns to raise awareness of the negative effects of child labour;

(d) Providing non-formal education classes for young working children and skills training for older children;

(e) Continuing to seek technical assistance from ILO and UNICEF.

### **Children in street situations**

67. The Committee notes the efforts implemented by the State party to prevent children from living on the streets but remains highly concerned about the increasing number of street children in urban and suburban settlements and newly formed slums. The Committee is further concerned about the unavailability of information on the causes for children living on the streets as well as the lack of reliable statistical data. The Committee regrets information on police persecution to keep children off the streets.

68. **The Committee encourages the State party to conduct a situation analysis to understand the root causes that drive children to the streets and to address these causes, undertaking a rapid assessment of vulnerabilities and children in need of protection, and mapping existing programmes and projects addressing the needs of street children. The Committee further recommends that the State party:**

- (a) **Design a comprehensive rights-based policy, assuring the right of children in street situations to be heard and fulfilling the rights of children in street situations, including alternatives to police detention, rehabilitation and reintegration of children;**
- (b) **Raise awareness of the rights of children in street situations;**
- (c) **Build capacity of all professionals dealing with street children, including police officers, social workers, members of the media and society at large;**
- (d) **Train police in child rights and child protection.**

### **Sexual exploitation and abuse**

69. The Committee welcomes the measures implemented by central and local government organizations to develop a comprehensive national policy to prevent and combat sexual exploitation of children, including research and documentation on the root causes and factors that place children at risk. Nevertheless, the Committee notes with concern the number of victims of sexual exploitation, in particular girls, who are treated as offenders and not provided adequate protection services. Furthermore, the Committee is concerned over the lack of investigations and prosecutions of perpetrators.

70. **The Committee recommends that the State party:**

- (a) **Strengthen measures to prevent sexual exploitation of children, especially girls;**
- (b) **Protect victims, provide them with adequate recovery and social reintegration services and programmes and ensure that victims are not criminalized;**
- (c) **Reinforce awareness-raising of victims of sexual violence within the family and capacity-building training for law-enforcement officials, social workers, judges and prosecutors on how to receive, monitor and investigate complaints, and in a child-sensitive manner that respects confidentiality;**
- (d) **Improve data collection and the sharing of information among agencies;**
- (e) **Prioritize recovery assistance and ensure that education and training, as well as psychological assistance and counselling, are provided to victims;**
- (f) **Ensure that investigations of reported crimes of sexual exploitation and abuse are promptly conducted and perpetrators sanctioned.**

**Sale, trafficking and abduction**

71. While noting measures taken by the State party to combat the trafficking of children, the Committee is nevertheless concerned that trafficking for the purposes of sexual or other exploitation, such as work in mining, is still a problem in the State party. The Committee is further concerned about the lack of reliable information regarding the extent of human trafficking and regrets that many of the existing measures and programs for prevention of human trafficking and victim protection and assistance are carried out by NGOs and international agencies with little or no support from national budgetary resources.

72. **The Committee reiterates its recommendations from previous concluding observations (CRC/C/15/Add.264, para. 65) and urges the State party to:**

- (a) **Take all measures to ensure the protection of children from international and internal trafficking and sale;**
- (b) **Strengthen efforts to address the root causes of sale and trafficking, including gender-based discrimination and poverty;**
- (c) **Allocate sufficient resources (human and financial) to policies and programmes in this area to provide comprehensive social and psychological assistance to child victims of sale and trafficking for their recovery and social reintegration;**
- (d) **Establish a system for collecting and disaggregating data on the sale and trafficking of children;**
- (e) **Carry out prevention and awareness-raising activities in collaboration with relevant partners.**

**Helpline**

73. The Committee notes that currently, a number of NGOs have carried out parallel projects to provide helplines for children. Nevertheless, the Committee notes with concern that a nationally available, free of charge, well-functioning child helpline of international standards is not available in the State party.

74. **The Committee recommends that the State party ensure a helpline and, inter alia:**

- (a) **Allocate a 3-digit, 24-hour, toll-free number accessible daily to all *soum* (administrative unit below province) and *bagh* (administrative unit below *soum*) of the State party;**
- (b) **Allocate sufficient funds for awareness-raising activities, training and capacity building;**
- (c) **Ensure resources for the adequate functioning of the helpline services designed to assist children.**

**Administration of juvenile justice**

75. The Committee notes the efforts made by the State party to improve the legal framework that ensures the protection of children's rights, such as by limiting the legally allowed duration of pre-trial detention for children, reducing the mandatory minimum sentences for first-time offenders, and through support for "Juvenile Committees" and the "Ger Khuree Center". Nevertheless, the Committee remains concerned about:

- (a) **The inadequate conditions in pre-trial detention centres faced by children, in particular the increasing complaints about forced confessions and police violence during detention, and that children are often not separated from adults in police detention;**

(b) The lack of specialized juvenile courts and trained juvenile judges in many regions of the State party;

(c) The State party's punitive approach focusing on sanctions of those having committed a crime, without reintegration or assistance and without any education provided for detained children.

76. The Committee reiterates its previous recommendation (CRC/C/15/Add.264, para. 68) that the State party bring the system of juvenile justice fully in line with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules) and the Vienna Guidelines for Action on Children in the Criminal Justice System; and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In this regard, the Committee recommends to the State party in particular:

(a) Protecting the rights of children in pre-trial detention and ensuring that children are not exposed to forced confession and police violence during detention and that they are separated from adults in police detention;

(b) Establishing specialized juvenile courts and the appointment of trained juvenile judges in all regions of the State party;

(c) Ensuring that all professionals involved with the system of juvenile justice are trained on relevant child-friendly international standards;

(d) Protecting the rights of children deprived of their liberty, monitoring their conditions of detention and ensuring that children remain in regular contact with their families while in the juvenile justice system;

(e) Taking a holistic approach to addressing the problem of juvenile crime (e.g. addressing underlying social factors) advocated in the Convention, using alternative measures to detention such as diversion, probation, counselling, community service or suspended sentences, wherever possible;

(f) Providing children with legal and other assistance at an early stage of the procedure;

(g) Ensuring that children are provided with basic services;

(h) Establishing an independent child-sensitive and accessible system for the reception and processing of complaints by children and investigating, prosecuting and punishing cases of violations committed by law-enforcement personnel and prison guards;

(i) Requesting further technical assistance in the area of juvenile justice and police training from the Interagency Panel on Juvenile Justice;

(j) Adopting appropriate measures to combat torture and cruel, inhuman or degrading treatment and considering ratifying the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

#### Protection of victims and witnesses of crime

77. The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all child victims and or witnesses of crimes, e.g. child victims of abuse, domestic violence, sexual and economic exploitation, abduction,

and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that it take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20).

## **8. Ratification of international human rights instruments**

78. The Committee recommends that the State party ratify the core United Nations human rights treaties and their Protocols to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment, the Optional Protocols to the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

## **9. Follow-up and dissemination**

### **Follow-up**

79. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to the Supreme People's Assembly (Parliament), relevant ministries and the municipal authorities for appropriate consideration and further action.

### **Dissemination**

80. The Committee further recommends that the combined third and fourth periodic reports and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

### **Next report**

81. The Committee invites the State party to submit the fifth periodic report by 20 October 2014. This next report should not exceed 120 pages (see CRC/C/118) and should also include information on the implementation of the two Optional Protocols to the Convention on the Rights of the Child.

82. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, approved at the 5th Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).