



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the fifth periodic report of Mongolia\*

#### I. Introduction

1. The Committee considered the fifth periodic report of Mongolia (CRC/C/MNG/5) at its 2210th and 2211th meetings (see CRC/C/SR.2210 and 2211), held on 26 May 2017, and adopted the present concluding observations at its 2221st meeting, held on 2 June 2017.
2. The Committee welcomes the submission of the fifth periodic report of the State party and the written replies to the list of issues (CRC/C/MNG/Q/5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of or accession to international instruments, in particular the ratification in 2015 of the Optional Protocol to the Convention on a communications procedure, and the adoption of a number of new legislative acts and institutional and policy measures related to children's rights since its last review, in particular the revised Law on the Rights of the Child, the Law on Child Protection, the revised Labour Law, the revised Law on Domestic Violence and the revised Criminal Code.

#### III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: allocation of resources (see para. 9), children's rights and the business sector (see para. 14), non-discrimination (see para. 16), family environment (see para. 26), environmental health (see para. 35) and economic exploitation, including child labour and child jockeys (see para. 41).

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\* Adopted by the Committee at its seventy-fifth session (15 May-2 June 2017).



## **A. General measures of implementation (arts. 4, 42 and 44 (6))**

### **Legislation**

5. While welcoming the adoption of the Law on the Rights of the Child and the Law on Child Protection in February 2016, the Committee recommends that the State party take all measures necessary for their effective implementation in compliance with the Convention, in particular by ensuring the provision of adequate and sufficient human, technical and financial resources.

### **Comprehensive policy and strategy**

6. While noting the difficulties in adopting and implementing a long-term policy in general, the Committee recommends that the State party prioritize the adoption of a comprehensive policy on children encompassing all the areas covered by the Convention and, on the basis of the policy, develop an overall vision and strategy for its effective implementation. Such a strategy should be supported by sufficient human, technical and financial resources as well as mechanisms for regular monitoring and evaluation.

### **Coordination**

7. Recalling its previous recommendation (see CRC/C/MNG/CO/3-4, para.12) and noting that the National Authority for Children has been renamed the Family, Child and Youth Development Agency, the Committee urges the State party to provide this agency with the necessary human, technical and financial resources to ensure its effective operation as the coordinating body for the implementation of children's rights.

### **Allocation of resources**

8. While acknowledging the fiscal challenges of the State party and welcoming the introduction of a programme-based budgeting system to improve linkages between planning, budgeting and results, the Committee remains seriously concerned at the risk of regression in the enjoyment of children's rights due to inadequate budget allocation, lack of sustainable investment in basic services to promote and protect children's rights, corruption, and the volatility of the State party's economy due to its overdependence on the extractive industry and the related boom and bust cycles.

9. The Committee reiterates its previous recommendation (see CRC/C/MNG/CO/3-4, para. 18) and, with reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, further urges the State party to:

(a) Strengthen its efforts to reform public finance management towards programme or results-based budgeting that includes a child rights perspective, with specific indicators and a tracking system to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated for the implementation of the Convention;

(b) Ensure transparent and participatory budgeting through public dialogue, especially with children, and proper accountability of public officials;

(c) Define budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of macroeconomic downturn, economic crisis, natural disasters or other emergencies;

(d) Ensure that the fluctuation or reduction in budget allocations for the delivery of services does not reduce the existing level of enjoyment of children's rights;

(e) Intensify its efforts to combat corruption and strengthen institutional capacities to effectively detect, investigate and prosecute corruption, taking note of

target 16.5 of the Sustainable Development Goals on substantially reducing corruption and bribery in all their forms.

#### Data collection

10. With reference to its general comment No. 5 (2003) on general measures of implementation, the Committee recommends that the State party:

(a) Expediently improve its data-collection system. The data should cover all areas of the Convention and should be disaggregated by age, sex, disability, geographic location, ethnic and national origin and socioeconomic background in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability;

(b) Ensure that the data and indicators are shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;

(c) Take into account the conceptual and methodological framework set out in the publication of the Office of the United Nations High Commissioner for Human Rights entitled *Human Rights Indicators: A Guide to Measurement and Implementation* when defining, collecting and disseminating statistical information;

(d) Strengthen its technical cooperation with, among others, the United Nations Children's Fund.

#### Independent monitoring

11. With reference to its general comment No. 2 (2002) on the role of independent human rights institutions, the Committee reiterates its previous recommendations (see CRC/C/MNG/CO/3-4, para. 16) and further recommends that the State party:

(a) Ensure that the National Human Rights Commission of Mongolia is provided with adequate human, technical and financial resources to carry out its mandate effectively, fully in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(b) Implement the recommendations made by the Global Alliance of National Human Rights Institutions Subcommittee on Accreditation in October 2014, particularly with regard to the formalization of a clear, transparent and participatory selection and appointment process;

(c) Implement the recommendations made by the National Human Rights Commission of Mongolia to the State party on issues related to the rights of children, including those regarding horse racing, domestic violence, the right to education of children with disabilities, corporal punishment, regulation and monitoring of childcare providers and issuance of birth certificates.

#### Dissemination, awareness-raising and training

12. The Committee recalls its previous recommendation (see CRC/C/MNG/CO/3-4, para. 22) and recommends that the State party:

(a) Strengthen its currently limited awareness-raising programmes, campaigns and dissemination activities to ensure that the provisions of the Convention are widely known by the general public, including parents, caregivers, teachers, social workers and other professionals working with and for children, and children themselves;

(b) Ensure that all professionals working with and for children are systematically trained on their responsibilities under the Convention, including all law enforcement officials, teachers, health personnel, social workers and personnel of childcare institutions, the State sector and local government officials.

**Children's rights and the business sector**

13. While noting the measures taken by the State party to minimize the negative impact of business activities, the Committee remains concerned at the lack of regulation of business enterprises that negatively affect the rights of children, including the extractive industry. It also expresses serious concern about the prevalence of conflicts of interest between official duties and the private interests of those in public service roles, including members of parliament and government officials having personal investments in horse racing and training, pharmaceutical industries and tobacco and alcohol industries, which curtails the rights of children.

14. **With reference to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, the Committee recommends that the State party establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environmental and other standards, particularly with regard to children's rights. In particular, it recommends that the State party:**

(a) **Adopt appropriate legislation to regulate the extractive industry and ensure its effective implementation so that the industry's activities do not negatively affect the rights of children;**

(b) **Take all measures necessary, including effective enforcement of legislation such as the Law on Regulating Public and Private Interests in Public Service and Preventing Conflicts of Interest, to eliminate conflicts of interest between official duties and the private interests of those in public service roles;**

(c) **Develop and adopt a national action plan on business and human rights for the implementation of the Guiding Principles on Business and Human Rights, in line with the commitment made by the State party in the context of the universal periodic review (see A/HRC/30/6, para. 108.162 and A/HRC/30/6/Add.1);**

(d) **Implement the recommendations made by the Working Group on the issue of human rights and transnational corporations and other business enterprises in April 2013 (A/HRC/23/32/Add.1).**

**B. General principles (arts. 2, 3, 6 and 12)****Non-discrimination**

15. The Committee is seriously concerned about the growing and persistent inequality in the State party and reports of increasing instances of discrimination, with impunity, against children in marginalized and disadvantaged situations, such as children from low-income families, migrant and unregistered children, children from rural areas, children with disabilities, children from ethnic and linguistic minority groups and indigenous groups, and lesbian, gay, bisexual and transgender children, particularly in schools and dormitories.

16. **The Committee urges the State party to adopt concrete measures to strengthen compliance with its legislation prohibiting such discrimination and to eliminate stereotypes and attitudes leading to discrimination, including by:**

(a) **Encouraging reporting of cases of discrimination;**

(b) **Ensuring prompt and appropriate action against the perpetrators;**

(c) **Implementing awareness-raising and educational activities targeting children, families and professionals working with and for children, such as teachers, social workers, personnel of childcare institutions and local government officials.**

**Best interests of the child**

17. While welcoming the inclusion of the right of the child to have his or her best interests taken as a primary consideration in the Law on Child Protection and other recently amended legislation, the Committee reiterates its previous recommendation

(see CRC/C/MNG/CO/3-4, para. 28) and, with reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, further recommends that the State party:

(a) Take concrete steps to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, in particular with regard to family law, children in care and sentencing of parents;

(b) Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving them due weight as a primary consideration;

(c) Evaluate, on basis of the procedures and criteria described above, practices, policies and services that may not be in the best interests of the child, such as the use of institutional care, orphanages, boarding schools and 24-hour kindergartens;

(d) Ensure that all professionals and other people working with and for children give primary consideration to the best interests of the child when carrying out their work.

#### **Respect for the views of the child**

18. Recalling its previous recommendation (CRC/C/MNG/CO/3-4, para. 32) and, with reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) Provide sufficient human, technical and financial resources to effectively implement the strategy to promote child participation and the Law on Child Protection in order to allow children to express their views and to ensure that their views are given due consideration throughout the decision-making process on issues that affect them;

(b) Ensure the effective implementation of legislation recognizing the right of a child to be heard in relevant legal proceedings, including by establishing systems and/or procedures for social workers and courts to comply with the principle;

(c) Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, community and schools, with particular attention to girls and to children in vulnerable situations, such as lesbian, gay, bisexual and transgender children and children with disabilities.

#### **Right to life, survival and development**

19. While noting the measures adopted by the State party, the Committee remains seriously concerned about risks to the life, survival and development of children caused by injuries and accidents, in particular burns among children below 5 years of age, car accidents due to increasing traffic in rural areas and horse racing. The Committee recommends that the State party strengthen efforts to prevent injuries and accidents, including by educating parents and the public at large on accident prevention and ensuring the accountability of those responsible.

### **C. Civil rights and freedoms (arts. 7, 8 and 13-17)**

#### **Birth registration and nationality**

20. While noting the high rate of birth registration reported by the State party, the Committee draws the attention to target 16.9 of the Sustainable Development Goals on providing a legal identity for all, including birth registration, and recommends that the State party:

(a) Strengthen efforts to provide all children with a legal identity through birth registration, including Kazakh children, those who migrate within the territory of the State party and those who were born at home or without midwife support;

(b) Take all necessary measures to grant Mongolian citizenship to all children residing in the State party who would otherwise be stateless, particularly Kazakh children who have returned to Mongolia;

(c) Consider ratifying the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961 and bring its legislation in line with these international instruments.

#### Right to privacy

21. While noting that the right to privacy of children is guaranteed in legislation, such as the Law on Privacy and the Law on the Rights of the Child, the Committee expresses concern about the undue interference with this right by parents, health-care professionals and individuals working with and for children, leading in some cases to suicide, and recommends that the State party take all measures necessary to fully protect the right of the child to privacy in practice. In particular, it recommends that the State party establish clear guidelines for parents, teachers, social workers, health-care professionals and other professionals working with and for children to ensure that they fully understand and respect the right of the child to privacy.

#### Access to appropriate information

22. Noting the prevalence of Internet use among children in the State party, the Committee reiterates its previous recommendation (see CRC/C/MNG/CO/3-4, para. 36) and further recommends that the State party take all necessary measures to ensure that children are adequately protected from information and material harmful to their well-being, particularly on the Internet and social media. It also recommends that the State party take concrete measures to improve children's access to appropriate information from a diversity of sources, including television programmes for children as well as books, especially those aimed at the promotion of the child's social, spiritual and moral well-being and physical and mental health, while paying particular attention to the content disseminated through the mass media, the needs of children from ethnic and linguistic minority groups and children with disabilities.

### D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

#### Corporal punishment

23. While welcoming the adoption of the revised Law on the Rights of the Child and the Law on Child Protection, which make corporal punishment of children in all settings a criminal offence, the Committee remains concerned that corporal punishment continues to be used widely in the home and in schools and urges the State party to ensure the effective implementation of the law, including through public education and awareness-raising programmes such as nationwide social mobilization campaigns, as well as training of parents and teachers, to promote positive, non-violent and participatory forms of child-rearing and discipline.

#### Violence and abuse

24. Noting with concern that children continue to be subjected to violence and abuse in the State party, including physical and psychological violence in the home by parents who are dependent on alcohol, as well as sexual abuse, the Committee reiterates its previous recommendation (see CRC/C/MNG/CO/3-4, para. 47) and urges the State party to:

(a) Establish a national child protection system as a top priority and substantially increase the number of professional and qualified social workers to effectively assist children;

(b) Carry out a comprehensive assessment of the extent, causes and nature of violence against children, including sexual abuse of boys, and, on the basis of the findings, include a strategy in the National Programme on Child Development and Protection 2017-2021 to prevent and combat violence against children, with the involvement of children;

(c) Ensure the allocation of adequate human, technical and financial resources for the operation of the Child Helpline 108 so that timely and effective action and follow-up activities can be undertaken in response to complaints received;

(d) Provide free counselling to parents, including psychological and legal counselling.

**E. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20-21, 25 and 27 (4))**

**Family environment**

25. The Committee remains concerned about the prevalence of children without parental supervision who are vulnerable to neglect, abuse and other violations of their rights, such as the rights to education and health, particularly children from herding families who live in dormitories, children in monasteries and children in informal care as a result of internal or external migration of their parents. It expresses particular concern about reports of increasing numbers of child-headed households and cases of neglect of children because their parents work long hours in the mining sector and at locations that are far from their homes.

26. The Committee recommends that the State party:

(a) Strengthen its efforts to enable parents to take care of their children, including by providing financial support;

(b) Take all measures necessary to protect children without parental supervision from violations of their rights, including by ensuring the accessibility of an effective complaints and child protection system and by organizing awareness-raising activities on the rights of children targeted at those who are responsible for children without parental supervision, including in dormitories and monasteries;

(c) Collect reliable data on the specific challenges faced by children heading their own households to guide the formulation of appropriate policies to address their needs, including access to education and health care, and engage with companies involved in mining activities to prevent and reduce the number of child-headed households.

**Children deprived of a family environment**

27. While noting the measures taken to introduce alternative care services for children who have lost their parents or live separately from them, the Committee remains concerned at the number of children who continue to be accommodated in residential care institutions and recommends that the State party:

(a) Strengthen existing efforts to support family-type care in the community, including foster care and adoption;

(b) Ensure adequate safeguards and clear criteria, based on the needs as well as the best interests of the child, for determining whether a child should be placed in alternative care;

(c) Establish and implement standards of care for children in alternative care, including the number and qualifications of staff in institutions, and undertake regular monitoring of institutions and other care arrangements and the situation of the children therein;

(d) In doing so, take into account the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex).

#### **Adoption**

28. While noting the revised Law on the Family, the Committee regrets that insufficient progress has been made in practice with regard to adoption and urges the State party to:

- (a) Fully implement its previous recommendations (see CRC/C/MNG/CO/3-4, para. 45);
- (b) Ensure that the principle of the best interests of the child is the paramount consideration in the adoption process, in particular in assessing the adoptability of the child and the suitability of adoptive parents;
- (c) Establish transparent procedures to regulate the adoption process, including monitoring and post-adoption follow-up.

#### **F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)**

##### **Children with disabilities**

29. While welcoming the adoption of the Law on the Rights of Persons with Disabilities in 2016, the Committee remains concerned at the social exclusion of children with disabilities and the discrimination they face in all areas of life and urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:

- (a) Fully implement the recommendations made by the Committee on the Rights of Persons with Disabilities in May 2015 (see CRPD/C/MNG/CO/1);
- (b) Ensure the allocation of sufficient human, technical and financial resources to effectively implement the Law on the Rights of Persons with Disabilities;
- (c) Organize the collection of data on children with disabilities and develop an efficient system for diagnosing disability, which is necessary for putting in place appropriate policies and programmes for children with disabilities;
- (d) Set up comprehensive measures to develop inclusive education that caters to the individual needs of each student and ensure that inclusive education is given priority over the placement of children in specialized institutions and classes;
- (e) Train and assign specialized teachers and professionals to integrated classes to provide individual support and all due attention to children with learning difficulties;
- (f) Take immediate measures to ensure that children with disabilities have access to health care, including early detection and intervention programmes;
- (g) Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children.

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

30. While welcoming the measures taken by the State party to improve the quality of and access to health services, including efforts to provide free health insurance coverage to all children, the Committee remains concerned at the persistent inequality in children's health across regions and socioeconomic status, as well as the lack of access to quality health care, particularly in rural areas; and, with reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, recommends that the State party:



(a) Promptly take the necessary measures to ensure adequate access to health services to all children, with particular attention to children in rural areas and from low-income families;

(b) Take concrete measures to combat corruption in the health-care sector, such as the practice of soliciting additional informal payments, including by holding those responsible accountable;

(c) Seek financial and technical assistance from the United Nations Children's Fund and the World Health Organization, among others, in this regard.

#### Nutrition

31. While noting the progress that has been achieved in reducing child undernutrition, the Committee reiterates its previous recommendation (see CRC/C/MNG/CO/3-4, para. 52) and, taking note of target 2.2 of the Sustainable Development Goals on ending all forms of malnutrition, recommends that the State party:

(a) Ensure the availability of essential micronutrients, including vitamins A and D, to children under 5 years of age, paying particular attention to children in rural areas and from low-income families, and facilitate opportunities for nutrition counselling during distribution;

(b) Increase the number of infants up to 6 months of age that are exclusively breastfed by designing and enacting a national breastfeeding policy and action plan with sufficient resources, which may include awareness-raising measures targeted at mothers about the benefits of exclusive breastfeeding, strengthening the implementation and monitoring of the current Law on Breast-milk Substitutes (2005) in line with the International Code of Marketing of Breast-milk Substitutes and related World Health Assembly resolutions, and promoting measures to facilitate working mothers to breastfeed;

(c) In order to reduce obesity in children, introduce legislation to exclude advertisements for unhealthy food and drinks from targeting children, including those which are located in the vicinity of children's settings or activities, and adopt concrete measures to promote healthy diets, including with regard to lunches served at schools.

#### Adolescent health

32. The Committee regrets the lack of measures to implement its previous recommendation to undertake a comprehensive study to understand the nature and extent of adolescent health problems and to formulate health policies and programmes for adolescents (see CRC/C/MNG/CO/3-4, para. 54) and recommends that the State party do so without further delay. It also recommends that the State party reintroduce sexual and reproductive health as a separate class in schools, involving adolescents in the development of its content, and that it strengthen its efforts to provide adolescents with appropriate reproductive health services, taking into account the Committee's general comments No. 20 (2016) on the implementation of the rights of the child during adolescence and No. 4 (2003) on adolescent health and development in the context of the Convention.

#### Mental health

33. The Committee is concerned about indications of a further increase in mental health issues among children, including children contemplating or attempting suicide, and reiterates its recommendation that the State party develop a comprehensive national child mental health policy with the elements previously mentioned (see CRC/C/MNG/CO/3-4, para. 56), which should be based on an analysis of the situation and its root causes. The Committee further recommends that the State party take measures to increase the number of specialized child psychologists and consider introducing low-threshold services, such as specialized nurses in the school health service.

### **Environmental health**

34. While noting the measures taken by the State party to respond to severe air pollution, the Committee expresses serious concern about the impact of increasing levels of air pollution on children, particularly in Ulaanbaatar and the Ger areas, including reduced fetal growth, preterm birth, reduced lung function leading to acute respiratory disease and chronic respiratory disease later in life, and pneumonia, which is already one of the leading causes of under-5 child mortality in Mongolia. It also expresses concern that mining activities and rapid urbanization have led to increased water and soil contamination, thus further undermining children's access to safe drinking water.

35. **The Committee reiterates its previous recommendations (see CRC/C/MNG/CO/3-4, paras. 18 (c), 51 (c) and 58) and further urges the State party to:**

(a) **Immediately adopt child-specific measures to mitigate the impact of air pollution on children, including as a minimum the inclusion of high-efficiency particulate air (HEPA) filters in prenatal care packages and expanding the availability of affordable alternatives to coal as a method of heating in winter;**

(b) **Declare access to clean water and sanitation as well as protection of children from the effects of air pollution as national policy priorities and allocate sufficient technical and financial resources to effectively mitigate the negative impacts of environmental pollution on children;**

(c) **Ensure the provision of technical knowledge, expertise and the means to monitor and regulate air and water pollutants to officials working at the local level.**

### **Impact of climate change on the rights of the child**

36. Noting the impact of climate change on the fragile ecosystem of the State party and the direct impact on children as a result of extreme winters that lead to significant losses in livestock, particularly among herding families, the Committee urges the State party to adopt a child-focused approach to coping and adapting to climate change and include children in the development of its policies and plans, taking note of target 13.5 of the Sustainable Development Goals on promoting mechanisms for raising capacity for effective climate change-related planning and management.

### **Standard of living**

37. The Committee remains concerned about the persistence of poverty in the State party as well as the low overall standard of living of many children and recommends that the State party intensify its efforts to address poverty and the lack of access to clean water and sanitation among children in rural and remote areas and urban slum settlements. The Committee further recommends that the State party:

(a) **Undertake a study to identify the root causes of inequality and implement effective redistributive and progressive taxation policies that could direct resources towards children in the most vulnerable situations, taking into account target 1.3 of the Sustainable Development Goals on implementing nationally appropriate social protection systems and measures for all;**

(b) **Effectively implement the recommendations made by the Committee on Economic, Social and Cultural Rights (see E/C.12/MNG/CO/4, para. 22) and the Special Rapporteur on extreme poverty and human rights (see A/HRC/23/36/Add.2).**

## **G. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)**

### **Education**

38. While noting the effort made by the State party to implement some of its previous recommendations (see CRC/C/MNG/CO/3-4, para. 60), the Committee is concerned at the lack of consistency and continuity of government policies on education, which hinders progress on critical issues that need urgent attention, and,

with reference to its general comment No. 1 (2001) on the aims of education, strongly recommends that the State party:

(a) Strengthen efforts to guarantee equal access to education by all children at all levels, paying particular attention to the specific needs of boys, including those living in monasteries, children with disabilities, children in remote rural areas, children from herder families, children from low-income families and children from ethnic and linguistic minorities, such as Kazakh children;

(b) Ensure that pregnant teenagers and adolescent mothers are supported and assisted in continuing their education in mainstream schools;

(c) Explore and implement alternative forms of primary education for children of herder families other than boarding schools, such as accredited online classes and programmes and travelling schools;

(d) Take concrete measures to improve access to and retention in primary and secondary schools and ensure the availability of qualified teachers, transportation to schools, learning and instructional materials and adequate physical infrastructure, including access to clean water and sanitation facilities;

(e) Strengthen measures to combat violence against children in schools at all levels, including through trainings for teachers on educational methods that encourage positive, non-violent forms of discipline and by establishing mechanisms to prevent and protect children from violence;

(f) Allocate sufficient financial resources for the development and expansion of early childhood education, based on a comprehensive and holistic policy of early childhood care and development.

#### **Rest, leisure, recreation and cultural and artistic activities**

39. While welcoming initiatives taken to increase children's access to recreational activities, such as the adoption of a policy document on the organization of extracurricular activities in schools, the Committee remains concerned at the lack of opportunities and places for age-appropriate cultural, artistic, recreational and leisure activities and recommends that the State party allocate sufficient resources to implement its previous recommendation (see CRC/C/MNG/CO/3-4, para. 62).

## **H. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)**

### **Economic exploitation, including child labour and child jockeys**

40. While welcoming the measures taken by the State party to combat the exploitation of children, including amendments to the Labour Law and the adoption of a national programme to eradicate the worst forms of child labour by 2016, the Committee remains seriously concerned that children continue to be engaged in dangerous and hazardous work, notably in agriculture, mining and horseracing. It expresses particular concern that the prohibition of participation of children under 16 years of age in horse races between 1 November and 1 May in Executive Order A/36 of February 2016 was removed by the Minister of Labour and Social Welfare in February 2017 and that children continue to be used as jockeys, which exposes them to risks such as physical and mental abuse by horse owners, school dropout, injury and death.

41. The Committee reiterates its previous recommendation (see CRC/C/MNG/CO/3-4, para. 65) and further urges the State party to:

(a) Adopt a comprehensive policy and plan of action to eradicate the worst forms of child labour, with sufficient human, technical and financial resources, particularly given that the National Programme on the Elimination of the Worst Forms of Child Labour 2012-2016 was deemed to have been inadequately implemented due to insufficient funds and management capacity;

- (b) Effectively enforce the revised Labour Law to ensure that no child under 15 years of age is involved in work;
- (c) Effectively enforce the prohibition of participation by children under 16 years of age in horse races between 1 November and 1 May as a step in the process to eradicate the employment of children under 18 years of age as jockeys;
- (d) Investigate cases of serious injury or death of children as a result of horseracing and ensure that those responsible are held accountable;
- (e) Enforce anti-corruption measures to avoid and respond to conflicts of interest between official duties and the private interests of public officials who are involved in businesses that employ children in dangerous and hazardous work, including horseracing.

#### Children in street situations

42. While noting the adoption of the Government Action Plan 2016-2020 and City Mayor Ordinance No. A/847 to improve the registration and protection of children in street situations as well as the plans to establish a development centre for unsupervised children, the Committee reiterates its previous concern about the lack of reliable statistical data and information on the causes of children living on the streets (see CRC/C/MNG/CO/3-4, para. 67) and, with reference to its general comment No. 21 (2017) on children in street situations, urges the State party to:

- (a) Collect disaggregated data on children in street situations throughout the State party in both urban and rural areas;
- (b) Conduct a situation analysis so as to better understand the root causes that drive children to the streets and make the information publicly available;
- (c) Develop a national policy and regulatory framework and allocate sufficient resources for the development of sustainable and coordinated measures for the prevention, protection, recovery and reintegration of all children in street situations;
- (d) Take all measures necessary to ensure that the health, education and social protection systems address the specific needs of children in street situations so as to guarantee their rights to education, health and a minimum standard of living;
- (e) Reunite children with their families when it is in their best interests.

#### Administration of juvenile justice

43. Noting the commitment made by the State party in the context of the universal periodic review to establish a comprehensive framework on juvenile justice in conformity with international standards (see A/HRC/30/6, para. 108.128 and A/HRC/30/6/Add.1), the Committee urges the State party to do so without further delay and to implement its previous recommendations (see CRC/C/MNG/CO/3-4, para. 76), as well as the recommendations made by the Committee against Torture in 2016 (see CAT/C/MNG/CO/2, para. 24). In particular, the Committee urges the State party to:

- (a) Designate specialized judges for children and ensure that such specialized judges receive appropriate education and training on the principles and provisions of the Convention;
- (b) Ensure the provision of qualified and independent legal aid to children in conflict with the law and throughout the legal proceedings, including free legal aid for those unable to afford it;
- (c) Promote measures for dealing with children accused of having infringed the penal law without resorting to judicial proceedings, such as diversion, probation, mediation, counselling or community service, and, wherever possible, use alternative measures at sentencing and ensure that detention is used as a last resort and for the

shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;

(d) In cases where detention is unavoidable, ensure that the children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services.

Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography

44. The Committee regrets the limited information concerning the implementation of its concluding observations adopted on 29 January 2010 on the State party's initial report under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography (see CRC/C/OPSC/MNG/CO/1) and urges the State party to take all measures necessary to implement the recommendations contained therein, particularly with regard to data collection (*ibid.*, para. 7), legislation to define and criminalize the sale of children, child prostitution and child pornography in accordance with articles 2 and 3 of the Optional Protocol (*ibid.*, para. 9) and recovery and reintegration of victims (*ibid.*, para. 31). It also recommends that the State party:

(a) Establish and implement an effective regulatory framework and take all necessary legislative, administrative, social and other measures to prevent and eliminate child sex tourism;

(b) Effectively implement mechanisms to ensure the safety of children on the Internet, such as the public-private partnership programme on child protection in the cyber environment.

Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the involvement of children in armed conflict

45. The Committee regrets the limited information concerning the implementation of its concluding observations adopted on 29 January 2010 on the State party's initial report under the Optional Protocol on the involvement of children in armed conflict (see CRC/C/OPAC/MNG/CO/1) and recommends that the State party implement the recommendations contained therein, particularly with regard to military schools (*ibid.*, para. 11) and criminal legislation and regulations (*ibid.*, para. 14). It also recommends that the State party adopt measures, in accordance with article 4 of the Optional Protocol, to criminalize the recruitment and use in hostilities of children under 18 years of age by non-State armed groups.

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

46. The Committee recommends that the State party, to further strengthen the fulfilment of children's rights, consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

## **IV. Implementation and reporting**

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

47. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the fifth periodic report, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

## **B. National mechanism for reporting and follow-up**

48. The Committee recommends that the State party establish a national mechanism for reporting and follow-up as a standing government structure that is mandated to coordinate and prepare reports to and engage with international and regional human rights mechanisms and to coordinate and track national follow-up and implementation of the treaty obligations and recommendations and decisions emanating from these mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to systematically consult with the national human rights institution and civil society.

## **C. Next report**

49. The Committee invites the State party to submit its combined sixth and seventh periodic reports by 1 September 2022 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

50. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.

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