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FOREWORD

The present report on the status of human rights and freedoms in Mongolia is tabled with the State Great Khural pursuant to article 20 (paragraph 1) of the Law on the National Human Rights Commission of Mongolia.

The NHRCM has prepared the sixth annual status report covering areas on the implementation of human rights of military servants and persons with disabilities, and on human rights education.

Results of applied research and inquiries produced by the NHRCM, and findings from related studies, surveys and inspections delivered from other reputable organizations had served as the basis of the present report.

Article 5 of the Law on Armed Forces of Mongolia provides for civilian oversight of the military service; however implementation of human rights and freedoms of military servants had escaped independent scrutiny till present.

The global community is committed to provide equal opportunities and create enabling environment to persons with disabilities. Adoption of the UN Convention on Human Rights of Persons with Disabilities by the General Assembly on December 2006 is a clear manifestation of such commitment. Violations of human rights and freedoms of persons with disabilities is mainly caused due to lack of regulatory frameworks creating development opportunities and legal conditions for such enjoyment, limited resources to implement existing legislation, and low awareness on human rights of the disabled in the public domain. The present report also covers issues related to the rights of patients at the National Centre for Mental Health.

Promotion of human rights education has implications beyond strengthening democracy and equality, and ensuring civic participation in decision making. It has an important role in nurturing a public culture respective of human rights and freedoms, creating awareness of duties and responsibilities, building capacities for restoring violated rights and promoting respect of human rights of others. The experience from almost 15 years of public human rights education programmes – implemented in accordance with ideals of the 1992 Constitution – at formal and informal educational institutions present inferior outcomes in terms of participatory delivery and social inclusion.

The present report contains observations to raise awareness on the above human rights issues, provides analysis on the prevailing situation, and offers recommendations for remedial action for promoting related human rights and freedoms.

CHAPTER ONE: STATUS OF HUMAN RIGHTS OF MILITARY SERVANTS

The choice for democracy and free market economy in Mongolia had brought changes in its defense sector resulting in total renewal of regulating legislative frameworks. The legal status and duties of military servants in Mongolia is regulated by the Constitution (1992), Law on Defense (1993), Armed Forces (2002), State Border (1993), Duties and Legal Status of Military Servants (1992), Pensions and Allowances for Military Servants (1994), Military Property (2002), Public Service (2002) and other legislation, decrees of the President of Mongolia, Cabinet resolutions, and rules and procedures approved by ordinances from the Ministers for Defense and Justice and Home Affairs, and issued by directives from Armed Forces General Command and Chief of Border Protection Department. In total there are 20 legislation, and around 60 rules and regulations effective in the defense sector.

In 2006, the NHRCM had conducted monitoring visits to six military regiments of the Armed Forces General Command stationed in Ulaanbaatar and five military regiments at Dornogobi and Uvs Aimags subsidiary to the Border Protection Department. The scope of the fact-finding visits included monitoring on the implementation of rights of military servants as prescribed by legislation, human rights violations at armed forces, especially consequences arising from service misconduct, implementation of right to labor by civilian employees on service contract with the military, and status of workplace environment, living conditions, nutrition, uniform replacement and work safety of military servants.

Service Misconduct and its Consequences

1. Military servants discharge their duties under a unique subordinate unified command established according to their office positions and military ranks. Regrettably practices of service misconduct, unnecessary use of force and humiliation of subordinates are common in the military. These human rights violations should not be explained by the specifics of subordinate uniform command – the military service should abide to human rights norms and standards.
2. In a survey conducted among 829 recruits during monitoring visits at armed forces regiments, 79.4% of respondents indicated that sergeants exercise service misconduct, 55.9% respondents indicated sworn officers, 53.6% indicated corporals and 38.7% indicated other privates exercising service misconduct. In a similar survey among 522 recruits at border protection regiments 44.8% indicated sergeants, 23% officer, 10.2% corporals and 22% other privates as exercising service misconduct. Furthermore 32.3% of respondents from armed forces regiments reported being physically abused, 33.5% threatened and 36.6% being materially extorted, whereas 19.9% respondents from border protection regiments reported experiencing physical abuse, 17.6% threatened, and 6.3% being materially extorted. According to 2006 in-patient statistics of the Armed Forces Central Clinical Hospital for the 10 months, 12 privates were hospitalized as a result of severe beating by their superiors. These figures suggest that service misconduct such as physical abuse, mental duress and other improper behavior are common among military servants.

3. Electric shocks by communication gadgets, charging arms on a person's chest, imposing "impossible" drills under time constraint, beating to the lever, to the forehead by boots and hooks to the cheek are some of the brutal abuses experienced by recruits, and which are not reported to the higher command. All allegations on service misconduct were declined not only by the command of inspected regiments but also by high officials from the defense sector, which indicates on the latent nature of such violations and absence of a remedial mechanism to address the issue. Abused privates undergoing medical treatment were interviewed during the monitoring visit. However they were reluctant to name the perpetrators of service misconduct. They reported that "complainants are not welcomed in the service", and that there are no victim protection safeguards in place.
4. Service misconduct long practiced in the armed forces serve as one of the main causes for crime in the military service. Some serious offences resulted from service misconduct has been recorded at visited regiments. For instance, in May 2005 privates A, E and O at Uul patrol station of border protection regiment 0245 had shot down their deputy commander and patrol chief, and fled across the Russian border. In November of the same year private E at Bogolt patrol station shot dead the patrol chief, seriously wounded his wife and other privates as a result of humiliation and physical abuse by the patrol chief. In January 2006 another patrol chief "A" from the same regiment was killed by radist "B" who inflicted serious head injuries after an argument among the two. According to metropolitan court 2005 statistics, three military servants from Ulaanbaatar garnizon were found guilty under article 227 of the Criminal Law for using unnecessary force against their subordinates. The same source¹ further reports that during the years 2005-2006 twenty-three military servants from different duty stations were imprisoned under article 278 of the Criminal Law for negligence and service misconduct.
5. Privates receiving visits or returning from leave are subjected to extortion, physical search and confiscation of goods. Furthermore, smuggling cases had been recorded of leave certificates intended to be endorsed to privates for personal and family matters, or as reward for excellence in service. For instance, monitoring visits had exposed facts of extortion of material goods from recruits at regiments 029, 013, 120 and 326, and cases of leave certificate smuggling at regiment 032.
6. In-service officers and corporals instruct privates to perform odd jobs for their friends and relatives that could be classified as forced labor, including firewood preparation, carrying of dirt, construction work and digging. Work safety, proper gear and clothing are usually not a concern while forcing to perform these jobs, and recruits tend to sustain serious work related injuries. Among the respondents from the monitoring surveys 57.8% of recruits reported that they were charged at some point to perform odd jobs not having direct relation to their duty. Such practices of using forced labor, especially for private gains in this case, should be banned.

Disciplinary Sanctions

¹ Metropolitan Court Yearly Statistical Bulletin

7. Forms and procedures for disciplinary sanctions against military servants are regulated according to the Rule on Military Discipline². The rules prescribe different forms of punishment for privates and sergeants as compared to corporals and officers. Thus privates and sergeants in breach of military regulations or regiment by-laws could be imposed with four types of punishment, namely provided with warning, cancellation of leave, downgrading of ranks and solitary confinement for up to 10 days. However the said rule prescribes punishment other than solitary confinement for corporals and officers. The rules prohibit imposing dual punishment for the same offence, humiliating, cruel or rude treatment of military servants, and collective punishment. Military servants charged with solitary confinement in the Ulaanbaatar garnizon serve their punishment at armed forces regiment 032.
8. According to the Rules on Military Watch and Garnizon³, the sanction for solitary confinement should be administered at detention centers under the jurisdiction of the regiment or garnizon command. The rules have a provision prescribing that detention centers should have two types of chambers for solitary and ordinary confinement, possess timber panels for sleeping and the commandant may provide detainees with coats in case chamber temperature fall below 18°C. This provision is inferior to the standards set by Ordinance #270 (2002) of the Minister for Justice and Home Affairs on Procedures for Disciplinary Chambers and Solitary Confinement. For instance, given supremacy of the presidential decree, military servants could be detained for misconduct in solitary confinement on timber panels without any bedding and discretionally provided with coats, if chamber temperatures fall below 18°C.
9. Article 51 (paragraph 4) of the Criminal Law provides that “arrest charges to military servants shall be administered by solitary confinement in disciplinary chambers”. According to this provision of the law military servants charged with arrest shall undergo such sanctions in regiment or garnizon disciplinary facilities. Attention should be drawn to the fact that provisions for disciplinary chambers as specified in the Rules for Military Watch and Garnizon are inferior to the standards provided by the ordinance of the Minister for Justice and Home Affairs. Such inconsistency in regulations for disciplinary chambers provides uncertainty and arbitrary application of standards while administering sanctions.
10. The Rule on Military Watch and Garnizon provides that sanctions for arrest of military servants shall be issued from the prosecutor’s office, and that operations of regiment or garnizon disciplinary facilities shall be approved from the relevant authorities. The prosecutor’s office may well serve as the “relevant authority” in this provision of the rule. Hence operations of each disciplinary chamber and imposition of solitary confinement should be approved from the said office. However this provision in the rule is not adhered in most cases.
11. Officials charged with authority to impose disciplinary sanctions according to the rules on military discipline are another concern. Imposition of solitary confinement to privates and sergeants is a severe sanction, however almost 10 different officials could exercise this sanction. The list of these officials include railway and airport coordinators, civilian and military officials of Aimag and metropolitan defense

² Attachment to Decree 216 of the President of Mongolia, 1999

³ Attachment to Decree 216 of the President of Mongolia, 1999

departments – this presents a serious threat to the rights and freedoms of draft servants.

12. Case registration, documentation, with reference to grounds for arrest and name and rank of the official charging the sanction, and filing according to provisions in the rule at disciplinary chambers are not fulfilled. For instance, review of disciplinary chamber registration files at armed forces regiment 032 revealed shortage of relevant information, missing attachments with the order for arrest, and in some instances information on the administration of the sanction was not recorded at all. Although solitary confinement could be imposed up to 10 days, such time limits are not abided during administration. According to regulations, a platoon commander is authorized to arrest a sergeant up to 3 days and a private up to 5 days, however this provision in the rules is not strictly abided in the service. For example, platoon commander of armed forces regiment 029 had abused power and administered disciplinary sanctions beyond 5 days to subordinates on a regular basis.
13. Privates serving at Ulaanbaatar garnizon interviewed during the monitoring visit reported that military servants charged with solitary confinement are usually fed twice or even once a day, provided with unsafe tap water, not allowed to walk in open air, not provided with bedding, have to sleep on timber panels and are cold during nights. The situation is similar at regiments of the border protection department. For instance, border protection regiment 0108 detention facilities didn't had air circulation, natural light and other conditions for detaining military servants. Thus the rules on Military Discipline, and Military Watch and Garnizon should be revised in order to prevent violations of human rights in the administration of disciplinary sanctions.

Housing and Living Conditions of Military Servants

14. Housing standards for military servants are clearly set out in Military Service Rules (1999), Organizational Guidelines for Military Service (2001), Organizational Guidelines for Boarder Protection Service (2002) and other documents. Military servants should carry out their duties in an environment meeting hygiene and safety requirements set out in those standards. The monitoring visits revealed that in practice those standards are inadequately met. Most buildings of the Ulaanbaatar garnizon had long worn out, with weak walls and ceilings and molded constructions. For instance, some facilities at armed forces regiment 029 were founded in the year 1917, and are still in use with some cosmetic renovations occasionally taking place. Authorities should take into consideration that most of the buildings inspected during the monitoring visit were heavily worn out with poor sewage pipes, outdated electricity networks and other utilities.
15. Article 113 of the Military Service Rules prohibits placing service personnel in quarters not fit for living; paragraph 4.a of the Organizational Guidelines for Military Service provides 2.5-4.0 square meters of space and not least than 9-12 cubic meters of air for each service person in a quarter; and capacious placement, when possible, of civilian personnel in the service. These provisions are not fully met at some regiments covered during the monitoring visit. For instance, border protection regiment 0311 and armed forces regiment 120 were temporarily placing new recruits

in compact barracks; border protection regiments 0168 and 0245 were camping new recruits in the gym. Overall, most barracks at visited regiments were cold, and with substandard lights and excessive air moisture levels.

16. Article 4.b of the Organizational Guidelines for Military Service provides for recreational facilities for service personnel at regiments to meet their leisure, personal development and cultural needs, fully furnished and supplied with necessary equipment and utilities; in practice implementation of this provision in the guidelines needs considerable attention. Especially recreational facilities at regiments of the armed forces are noticeably short in both quantity and quality of equipment and utilities. Similar facilities at border protection regiments have problems with receiving periodicals, magazines, books and other published materials. Respondents of the survey criticized on insufficient cultural, sport and educational events and programmes. In five of the eleven regiments covered in the monitoring visits fitness centers were not built at all. Fitness facilities at other regiments were not heated, in poor condition and not meeting hygiene requirements. Some of these facilities were used outside their intended purpose, leaving service personnel without any means for physical development and recreation.
17. Article 184 of the Military Service Rule and article 11 of the Organizational Guidelines for Military Service provide for establishing and properly furnishing meeting facilities for visitors of service personnel. Meeting facilities respecting privacy and comfort of service personnel and their visitors are essential requirements to ensure the rights of personnel and prevent service misconduct. However most armed forces regiments use part of their clearance checkpoint at the gates of the compound as a meeting corner. In contrast, border protection regiments would use their boarding facilities as meeting rooms for visitors.

Food and Uniform Supply of Military Servants

18. The practice of procuring poor quality food supplies to service personnel is explained from regiment commandment by the non-inclusive nature of cabinet resolutions #266 (2003) and #103 (2006) on food procurement, and by budget shortages. Privates responding to relevant questions in the survey complained on insufficient meal intake, unhygienic conditions in food processing, domination of intestines in the meal assortment and poor quality of bread. 25.6% of respondents reported on average to low quality of meals.

During the July-September food procurement in 2006, livestock weighing 8-15 kg per head was bought as meat source. However commandment instructed to record the purchase as 26 kg per head, which resulted in subsequent food shortages. Thus camel meat was primarily used to prepare meals for privates during fall, which caused excessive urination; by winter we only had monies to buy intestines for meals. Camel meat is usually not consumed during cold periods. By the time horse leaver, lungs and intestines reach the patrol stations they are already rotten. Border patrols sustain severe physical and mental hardship in terms of food supplies.

19. Uniform supplies and related standards had been approved by cabinet resolution #16 (1999). Uniform replacements for service personnel are made twice a year. The

monitoring team received numerous complaints on the poor quality of supplied clothing. For instance, uniform boots lack proper air circulation properties and cause constant humidity and cold to the foot; wrapping cloth tear down easily and are of inadequate size. The lazaret of armed forces regiment 326 had two patients with torn and frozen feet. Such complaints should be considered by relevant authorities who administer public procurement of military uniform supplies.

Medicare Services and Medication Supplies

20. Regiment lazarets possess inferior supplies of medical equipment and utilities, experience budget shortages, incomplete staffing structures, and the allocated budget is merely enough for in-patients and not for any preventive or rehabilitation procedures. Border protection units at remote areas could not afford attracting specialized medical practitioners, and their medical facilities run on constant human resource shortage. Overall border protection medical facilities only operate at headquarters, thus services do not reach patrol stations. The patrol stations usually have a posting for a health instructor, however it is filled with personnel without much paramedical background. In 2006, two border guards at regiment 0311 died from

2 Private Tegshbayar Nyamkhishig (22 years) of border protection regiment 0311 had sustained severe head concussion on 20th July 2006 while riding a horse in a forest. At the time his medical treatment was limited to manual therapy and three days were lost without proper check-up. The lazaret medical practitioner N. Narangarav was on annual leave, however it happened that doctor N. Sergelen from the United Special Services Hospital was visiting the regiment. The doctor had prescribed some medicine to the patient, who without much improvement was hospitalised during 24th July till 5th August. Consequently the private was transferred to Aimag Central Hospital. After two days their family decided to undergo proper check-ups at Ulaanbaatar. During the flight private Nyamkhishig lost consciousness, and died at the United Special Services Hospital without becoming conscious again. The medical statement concluded on hemorrhagic insult.

Records from Aimag hospital files from one to three years at pharmacy of armed forces regiment 120.

22. The medical check-up process at Draft Recruitment Commissions needs serious revision as many recruits come to the army with impairments or transmittable diseases. Several cases of outbreaks were reported which puts more pressure on the available medical services in the armed forces. For instance, a private with one blind-eye was serving at border protection regiment 0245, whereas private G recruited from Erdenet in 2006 to armed forces regiment 015 had transmitted TB to three other privates in his platoon.

Pensions, Allowances and Social Protection of Military Servants

23. Cabinet resolution #38 (1999) on Renewing Military Rank Allowances prescribes that privates and sergeants on draft would receive monies in the amount equal to 10% of average salaries of contract military servants. The monitoring visits revealed that on average contract service personnel would receive MNT 75,000; privates on draft at armed forces regiments would get paid MNT 2,150 and at border protection regiments MNT 4,210 respectively. Several complaints were received during the monitoring visits reporting on various deductions from salaries of privates on draft, and in some cases extorting signatures on salary lists without actually handing them out. As an outcome from one of the NHRCM recommendations issued after the

monitoring visits, the Minister for Defense signed an executive order to raise salaries of privates to MNT 8,200 and sergeants on draft to MNT 10,000 starting from January 1st, 2007. However continued oversight is needed to ensure that remuneration of personnel on draft is provided without any breach of the executive order.

24. Provided specifics of their duty border protection regiment service personnel are not in the position to rest over the weekend, however are paid on a five-day per work basis. These violations severely affecting livelihoods of officers and corporals are evident from operations of border protection regiment 0108. According to the provisions of the intergovernmental agreement between Mongolia and PRC on the Mongolian-Chinese Border Ports and Rules of Procedure, the Dzamin Uud/Erlian border zone received permanent operations status. Border protection officers and corporals servicing the busy port work 7 days a week with 8-22 working hours per day. However salaries are paid without consideration of these hardships and provided on 22 working day per month basis. An explanation to this practice was given by the commandment with reference to Article 28 (paragraph 2) of the Law on Duties and Legal Status of Military Servants (1992) which provides that one year of service of officers and corporals serving at border patrol camps and similar duty stations will equal to one year four months of service at ordinary duty stations. This clause in the law should not be used to dismiss illegal practices at border ports, and calls for immediate remedial measures.
25. With the mobile nature of the service most military servants have limited opportunities to own and possess immovable property, their spouses are left behind career development, meaningful employment and educational prospects. In particular, most service personnel would live in regiment quarters and enter pension age without an owned housing; a lump sum equal to the amount of 36 month salaries at the end of the service is the only one time resettlement assistance provided without any other social security protection. In present terms the 36 month lump sum is equal on average to MNT 5 million. This one time assistance would not be enough to look for basic housing options in the metropolitan area.

Right to Work of Civilian Staff

26. During the monitoring visits at armed forces and border patrol regiments surveys on the implementation of the right to work was obtain from 216 civilian staff. The results of the survey clearly indicate that command of monitored regiments seriously breach provisions in the labor legislation and in service contracts with civilian staff. Though service contracts are established with civilians copies are not provided (25% of respondents), overtime work is imposed upon (41.9%), annual leave days not fully taken up (11%), work safety clothing and gear not provided (36.4%) and nutritional supplements for working in hazardous environment not supplied (40%) are a few examples of such violations.
27. Civilian staff on service contracts had organised collective organizations for protecting their rights – these trade unions even initiated to form a federation. However complaints were received that regiment command would not provide

conditions for trade unions to perform duties, impose different sanctions on activities and obstruct the work of elected representatives of civilian contract workers.

CE
PE The process of organizing trade unions in the defense sector had emerged since 2005, however the are inactive due to illegal actions from some officials at the Chief of Command to suppress any activities to protect the rights and interests of civilian staff.

Complaint file 2007/29. NHRCM

Normative Protection of the Human Rights of Persons with Disabilities

1. Enjoyment of human rights and freedoms by everyone without discrimination by race, color, gender, language, religion, political or other belief, ethnic or social origin, wealth, nationality or other differences is the basic principle of human rights. These principles are guaranteed by the Universal Declaration of Human Rights, International Convention on Civil and Political Rights, International Convention on Economic, Social and Cultural Rights and other UN human rights treaties. Article 25 (paragraph 1) of the UDHR declares that every person shall be entitled to a decent standard of living, and receive state support in cases of becoming elderly, losing work capacity or disabled.
2. The UN had endorsed several declarations in order to promote and protect the rights of the disabled including declarations on the mentally retarded (1971), human rights of the disabled (1975) and human rights of persons with sight or hearing imparities (1979). The aim of these declarations is to guarantee equal enjoyment of human rights and freedoms by persons with any form of disability.
3. In 1969, Mongolia had ratified⁴ ILO convention 111 against discrimination at workplace, by which it shares the responsibility to develop national policies based on local situation and practices supporting equal opportunities in employment in order to eradicate all forms of discrimination at workplace. Furthermore, ratification⁵ of ILO convention 159 on professional rehabilitation and employment of persons with disabilities obligates state parties to develop and periodically review and improve appropriate national policies.
4. In December 2006, the 61st session of the General Assembly had approved the UN Convention on Human Rights of Persons with Disabilities. The convention when entered to force shall improve national mechanisms to promote and protect human rights of persons with disabilities and establish associated norms and standards in international jurisprudence. According to resolution A/61/611 of the General Assembly the instrument is open for signatures from 30th March, 2007, and as of 2nd April 81 state parties became signatories to the convention, and with one ratification.
5. Article 14 of the Constitution of Mongolia declares that every person legally residing in Mongolia shall have equal rights before the courts and shall not be discriminated against upon race, color, social origin or other differences; article 16 (paragraph 5) states that the elderly, persons who lost capacities for work, gave birth or taking care of children, and in other circumstances prescribed by law shall be entitled to social protection.

⁴ Ratified by Mongolia on 10th May, 1969

⁵ Ratified by Mongolia on 03rd February, 1982

6. At present there are around 35 laws and 20 national and sectorial programmes aimed to fulfill provisions of the Constitution and international obligations of Mongolia to promote and protect human rights of persons with disabilities.
7. The national normative protection framework for the human rights and freedoms of the disabled is gradually improving. Thus amendments to the Law on Education passed in December 2006 has been an important initiative to provide state support to enroll children with disabilities in educational institutions while recognizing differences in abilities and special needs of the disabled. Cabinet resolution #238 (2006) had approved a national programme to support persons with disabilities and a sub-programme on supporting participation of children with disabilities. The national programme shall be implemented in two stages till the year 2012. In a recent development, the President's Office has submitted a legislative package proposing amendments to 11 legislation including laws on health, labor, physical development and sports, construction, roads, value added tax and taxation of business entities in order to improve the normative protection framework of persons with disabilities through providing equal opportunities, removing obstacles for participation and improving employment and fiscal environments. The Ministry of Social Protection and Labor has also initiated legislative amendments to the social insurance package.
8. All in all, the legislative frameworks to deliver basic social services to persons with disabilities are in place. However obstacles are present to resolve social issues of the disabled, in particular there is a need remove provisions in the legislation discriminating against them. Another concern is that even with the existence of legislation and national programmes to promote and protect human rights including of persons with disabilities, those important documents are left without any substantive budgetary allocations and enforcement mechanisms for effective implementation are not clearly stated. Thus good intentions do not reach the beneficiaries of the legislation.
9. Article 3 (paragraph 1) of the Law on Social Protection of Citizens with Disabilities provides a classification of disability as a feature of a person with limited ability to work or live independently due to mental, intellectual or sensual imparities caused by inherent or acquired changes, or bodily injuries sustained from casualties. The above description of disability in the law is broad to the extent that it essentially prevents gathering of reliable statistical data on persons with disabilities, and subsequently leads to exclusion of people in need from social services and protection.
10. Social protection mechanism for persons with disabilities is regulated by laws on Social Protection of Citizens with Disabilities (2005), Social Welfare (2005), Social Insurance (1994), Pensions and Allowances for Industrial Accidents and Occupational Illness from Social Insurance Fund (1994) and other relevant laws and regulations. According to legislation the social protection system consist of social insurance and social welfare components, and the disabled community is a constituency steadily covered in the latter component. Persons with disabilities are entitled to social welfare allowances in accordance with Article 18 (paragraph 1.3) of the Law on Social Welfare (2005) if that person is fully blind, mute, deaf or a dwarf, or otherwise who lost beyond 70% from capacities to work or independently live and is not entitled to social insurance benefits (paragraph 1.4). However executive order A/250 jointly issued by Ministers for Health and Social Protection (1997) on the

“List of Domestic and Occupational Injuries and Illnesses” establishes inability to engage in professional work due to minor mental imparity or epilepsy, single eye blindness, amputation of leg, arm, forearm or shank to constitute less than 70% from a persons capacities to work. Under prevailing market conditions that not creates job opportunities for the disabled the ministerial order providing enrollment to social welfare benefits only to disabled persons with loss of over 70% of capacities to work is in breach of international obligations of Mongolia and effectively hinders the enjoyment of constitutional rights, in particular the right for social entitlements. Without enforcement of the right to work and exclusion from social welfare payments thousands of persons with disabilities are living without any means to sustain a decent life and essentially dragged down to poverty.

11. Article 5 of the Law on Social Protection of Citizens with Disabilities provides for types of assistance and concessions from the social welfare fund to citizens with disabilities. In particular, it has provisions for assistance such as monetary subsidies for housing rent or firewood stock up that will be provided once a year for poor households with disabled members; 50% concession shall be provided once a year to a disabled person from a poor household for recuperating at sanatoriums; and meal concessions at pre-schooling organizations shall be provided to a child up to 4 years of age of a disabled parent from a poor household. Hence various assistance and concessions stipulated in the Law on Social Protection of Citizens with Disabilities target only persons in need who lost their capacities to work and who is from poor households. Members of the society who lost capacities to work due to medical reasons, and have limited opportunities to support their household income are imposed with stringent eligibility criteria excluding them from the social welfare system, and such criteria discriminate persons with disabilities based on their assumed household income.
12. All in all, the types of assistance and concessions declared in the Law on Social Protection of Citizens with Disabilities are set with low expectancy for implementation and far from every day needs of the beneficiaries. For instance, Article 5 (paragraph1.8) provides for concessions on telephone payments for poor households without any members engaged in employment and with a disabled member of legal age. Though the provision addresses the needs of the blind, however eligibility criteria for the concession are considerably high. According to income level indicators a person with higher education and owning an apartment would not be considered as poor. On the other hand, poor families in general do not have sustainable means or immediate need for a telephone line, and in case they have a blind family member, who would require constant care, exploring income generation opportunities is a necessity. Thus the concession elaborated in this clause may have a very narrow scope for application. Other provisions for assistance including clauses for 50% concession on recuperation at sanatoriums and child care needs possess the same eligibility criteria, and the original intention seems to conflict with real life situations.
13. The joint executive order A/250 from the Ministers for Health and Social Protection on the “List of Domestic and Occupational Injuries and Illnesses” requires serious revision. In recent years brucellosis has been excluded from the list of occupational deceases which resulted in exclusion from social welfare benefits, rehabilitation services and concessions of dozens of disabled persons. In the Russian Federation, Federal Republic of Germany and many other countries brucellosis is considered as

an occupational decease and contracted persons receive support and assistance in the same social target group as the disabled.

14. The Law on Pensions and Allowances for Industrial Accidents and Occupational Illnesses from Social Insurance Fund provides for assistance and entitlements only for persons who sustained disability from industrial accidents. However a person who sustained disability in a domestic accident is not eligible for such assistants no matter if social insurance fees were dully paid before the change in circumstances.
15. Each year dozens of employees sustain industrial accidents and contract occupational illnesses as a consequence of illegal or hazardous operations at factories and processing plants imposing more burden to the social protection services. Inappropriate accountability mechanisms for businesses violating work safety and security standards damages the interests of employees. For instance, numerous complaints are received on the implementation of article 97 of the Labor Law which obligates businesses to pay lump sums in the amount equal to average of 18 months salaries once or more times a year for employees who lost over 72% of their work capacity due to industrial accidents, acquit poisoning or occupational illness, and lump sums in the amount equal to average of 36 monthly salaries once or more times in cases of deaths. Irreversibly losing work capacities at a young age due to wrongful acts or omissions of the employer could not possibly be substituted even with receiving payments for only 18 months salaries. As the provisions in the law are ambiguous, lump sums for industrial death are not paid more than once to the surviving family.
16. Relations regulating health care, medical and rehabilitation services of persons with disabilities are incorporated in the laws on Social Protection of Citizens with Disabilities (2005), Health (1998), Health Insurance (2002) and regulations issues by the Minister for Health. Although the right for receiving medical care has been guaranteed within the normative protection framework, some rules and regulations should be revisited to meet present needs of the beneficiaries. In particular, this holds true for joint decree #21/30 of Ministers for Health and Finance on the List of Illnesses and Medication for Subsidized Treatment at Hospitals (2003). Although, the decree has good intentions to target medical services to the needed, many observers criticize the narrow scope in the list of medication and types of treatment⁶. For instance, the list contains only 54 items of medication from which 11 are for mental illnesses. However treatment for many common diseases among the disabled such as paralysis is not included in the list. Furthermore, resolution #03 of the medical insurance council (2002) approving procedures for subsidizing medication misses altogether medication for children including those with disabilities.
17. Relations regulating employment for persons with disabilities are incorporated in laws on Labor (1999), Social Protection of Citizens with Disabilities (2005), Supporting Employment (2001) and other legislation. Article 111 (paragraph 1.d) of the Labor Law provides that organizations and businesses with more than 50 vacancies should employ 3% or more persons with disabilities or dwarfs at the workplace, and in lieu of not employing till the prescribed percentages substitution fees are payable on a monthly basis for each unemployed person (paragraph 2). Though the provision serves as a mechanism to promote employment among the

⁶ Status of the rights of children with disabilities in Mongolia, Association of Parents with Disabled Child, 2006, pp. 20

disabled, the clause is rather broad and not reflecting realities that the disabled persons face. For instance, the military, law enforcement and emergency services would tend not to relate the clause on disability employment to their workplace. On the other hand, big employers in the rural areas would consist of medical institutions, educational facilities and local authorities, and most business fall out of the scope of the legal clause. Article 8 of the Law on Social Protection of Citizens with Disabilities provides that working hours for persons with disabilities could be shortened according to the labor legislation. However Ministry of Social Protection and Labor should note the absence of any regulations in the normative framework for such flexible hours. Although legislative and policy frameworks to promote employment for the disabled are in place, substantive improvement is not occurring in practice due to uncertainty surrounding business incentives, workplace standards, working hours and salary schemes for persons with disabilities.

18. The Law on Social Protection of Citizens with Disabilities (2005), Construction (1998), Education (2002) and other legislation contain provisions for proper infrastructure to meet the needs of persons with disabilities. Similar provisions are also found in the National Human Right Action Plan (2003), National Programme on Improving Livelihoods of Citizens with Disabilities (2006) and Government Action Programme (2004). However coherence of national legislation and programmes to create proper infrastructure to meet the needs of the disabled including in the telecommunication sector needs substantive improvement and streamlining in relevant procedures and standards. For instance, article 9 (paragraph 2.3) of the Law on Construction provides that public construction projects shall be drafted with reference to needs of persons with mobility imparities according to relevant norms and standards. The given provision concerns imparities related to mobility, and does not reflect on the needs of the blind, deaf, mentally retarded and other disabled persons. In order to implement this legislative provision the Construction, City Building and Common Services Department of the ministry issued ordinance #17 (2004) on Norms for Construction Planning for Citizens with Disabilities (BD 31-101-01). This document is essentially a guideline for new construction work, partial extension of buildings, redesigning interior, renewing and amending city planning, and developing spaces, furniture and equipment to meet the needs of the disabled. Other similar norms and standards include Public Construction and Planning Norms (BD 31-03-03), Construction Norms of Administrative and Service Buildings (BD 31-04-03), Rules and Standards on Drafting and Planning Apartments (BD 31-01-01), Rules on Planning and Building of Settlements (BD 30-01-03) and other planning and standardization documents. However these norms and standards are not endorsed by the relevant state authority, and hence could not be enforced in actual construction work. Thus appropriate norms and standards should be legalized in order to meet the needs of persons with disabilities.
19. Article 9 (paragraph 3.2) of the Law on Social Protection of Citizens with Disabilities provides for using sign language in television information programmes, (paragraph 3.3) on meeting mobility needs of the disabled in public transport, railways, entrances and rest rooms in public housing, administrative and service buildings, and (paragraph 3.4) on meeting the special needs of the disabled at traffic lights, roads, communication systems at public places. However the same clauses are absent in the provisions of the laws on Telecommunication (2001), Public Roads (1998) and Public Transport (1999). As a pressing need, relevant amendments should be made in the area of telecommunications. Some indication on improvement could be illustrated

by the research initiated from the Ministry of Road, Transport and Tourism (2006) to develop national standards on specialised roads for the disabled, cyclists and pedestrians which also looks at transport options meeting the needs of the disabled.

20. Tax concessions and incentives are an important factor to increase employment opportunities for the disabled and building relevant infrastructure meeting their special needs. The fiscal legislation has provisions for removing income taxes from persons who lost above 50% of work capacity, concessions to businesses employing disabled persons on an increasing percentage level, and removing value added taxes on special equipment for the disabled. However relaxation on customs, value added and excise taxes are missing on cars, public transport and other vehicles designed for the disabled. Such relaxation would encourage investments in building favorable infrastructure projects for the disabled.
21. Legislative framework to encourage physical development and participation in sports by the disabled should be revised. National policies supporting physical development and sports do not reflect the special needs of the disabled and in some instances are discriminatory to them. For instance, article 18 (paragraph 3) of the Law on Physical Development and Sports (2003) describes the national team system comprising of teams of persons of legal age, youth, students and adolescents. From international best practice national teams of the disabled are long recognized with national and international Paralympics games organized for the last 20 years, and such national teams enjoy state support. Absence of the disability team as a constituency of the national team system is obviously a discriminative practice. Furthermore the Cabinet had approved regulations (2005) on promoting successful participation in sports recognized by the Olympic committee at the Olympics, continent games, world and regional championships, world cups, student universiads, student world cups and Paralympics. The regulations do not list regional Paralympics games for promoting the winners. Discriminating sportsmen participating in games of equal magnitude is a serious breach of human rights. Moreover, serious attention should be given to the fact that the difference between the monetary amounts provided to winners in ordinary and Paralympics games is tenfold.

Statistical Data on Persons with Disabilities

22. In order to develop effective and proper policies and services, targeted national legislation and programmes should be based on reliable statistical information on persons with disabilities in all their diversity. At present official data on the status of disability are not complete and different sources provide conflicting information.
23. According to the onetime census conducted by the National Statistics Office (2004) there are 69,253 persons with disabilities⁷ in Mongolia. This comprises 2.8% from the total population, and when disaggregated by sex – 55.2% or 38.2 thousand are male and 31.2% or 31.0 thousand are female. In terms of age and proportion to the total population 0.6% are minors up till age of 15, 3.9% are between 15-59 age group, and 2.8% are persons with disabilities above 60. In the composition of persons with disabilities 9.9% are minors between 10-19 years of age, 18.7% in the 20-29 age group, 21.9% in the 30-39 age group, and 27.1% in the 40-49 age group. At the same

⁷ As of 24th May, 2004

time, official statistics from the Ministry of Health (1998) identifies 4.8% of the population or 115,000 persons possessing different types of disabilities, with 18.1% of them mentally retarded, 5.6% numb or deaf, and 36.5% having other forms of disability. While the National Statistics Office reports on 9.9% of the disability community or 6,900 persons belonging to the 0-19 age group, data from the Ministry of Education, Culture and Science (2003) provides for 37,000 children with disabilities. In the same year the State Welfare Department registered 34,000 children with disabilities.

24. The appalling difference in numbers could be explained by different methodologies, lack of inter-agency coordination and obscurity in the definition of the disabled person in the legislation. It is of importance to review policies by identifying causes and circumstances to prevent disability, and conducting unified census of the disabled population for informed and consistent decision making.

Status of the Right to be Free from Discrimination

25. Initial steps to create favorable environment and infrastructure to meet the special needs of persons with disabilities had been taken up by state and private sector in the past two years, however progress is still slow in this regard. Improper infrastructure impeding free movement of the disabled essentially restricts their public participation, deteriorates discrimination and leads to human rights violations. For instance, all public buildings including the parliament house does not possess accessible entrance facilities for persons with disabilities. Furthermore sidewalks near these buildings are paved with glossy tiles, freighting even ordinary people to slip over and get injured. Most decision makers will sit on second floors and above in public buildings which would not have special lifts or other transfer mechanisms, making impossible for the disabled to raise concerns and file complaints. Accessibility options for the disabled are not developed in secondary and higher education institutions, cultural organization, hospitals and other public places. As a positive development the Mongolian Children's Palace and Science and Technology University have installed sideways for wheelchairs. Social exclusion caused by improper infrastructure could be illustrated from cases examined in the Status of Rights of Children with Disabilities Report (2006) which found that 60% of disabled children never visit cultural organizations due to accessibility (39%), to imparity (26%) and to distance needed to travel (15%).
26. The work on road construction and adjustments for the disabled are not sufficient. Apart from sidewalks and fences for the disabled at Sukhbaatar, Chingeltei and Bayangol district, near Training Centre for the Blind, inter-junction at 100 Household and some entrances to the 29th Specialized Secondary School other road improvements are absent. Moreover, there is no single public transport specially constructed or adjusted to meet the mobility needs of the disabled.
27. Article 9 (paragraph 3.2) of the Law on Social Protection of Citizens with Disabilities on using sign language on television information programmes and article 8 (paragraph 2.7) of the Law on Public Broadcasting prescribing for equal provision of information programmes to meet the needs of minority groups, children, disabled person and marginalized groups are not fulfilled in practice. The UBC news on

Mongolian National Public Broadcasting Corporation is the only programme among 16 different TV channels that occasionally broadcasts using sign language. The above situation directly has an affect on low to zero access to information by the disabled. The report on the Study to Improve Legal Environment for the Disabled (2005) revealed on the worrying state of access to information by persons with disabilities, specifically that 55% of the disabled responded on lack of any kind of legal knowledge and information made available to them.

28. Recent advancements in the information, communication and technology sectors are not accessible to persons with disabilities. For instance, promotion of tactilan keyboards is not in the agenda of decision makers.
29. Accessibility impediments also restrict participation of persons with disabilities in the election process. Voter ballots are not issued with Brale printing, voting cabins are not adjusted to the needs of the blind, dwarfs or persons with wheelchairs, and standards for voting cabins taking into account the needs of the disabled are not devised – all these and other factors restrict participation in equal, free and direct voting by persons with disabilities⁸.
30. Discrimination of citizens with disabilities in sports is common. Human rights of disabled sportsmen are violated by the absence of specialized training facilities, lack of clear provisions in relevant legislation and discriminatory practices in encouraging successful participation. Thus Cabinet resolution #208 (2005) provides for promoting winners of Olympic games in the form of awarding monetary prizes by MNT 120 million to gold medalist, MNT 48 million to silver medalist and MNT 24 million to bronze medalist, whereas for Paralympics games MNT 12 million is awarded to gold medalist, MNT 4.8 million to silver medalist and MNT 2.2 to bronze medalist.

Mongolian sportsmen with disabilities successfully participated at the 9th Asian Paralympics Games organized along with the 15th Asia Games in Qatar. The seven sportsmen competed in judo, marathon, archery and shooting and returned home with 1 silver and 3 bronze medals. The successful participants submitted relevant papers upon return to the deputy minister for health, according to Cabinet resolution (2008). To facilitate the process they had also made submissions to the Office of the President and Cabinet. However they haven't heard from them as yet.

Complaint file 2007/14, NHRCM

31. In general, the public perceives persons with disabilities as objects of state assistance and support instead of equal members of the society with claims to their constitutional rights. Article 9 (paragraph 3.1) of the Law on Social Protection of Citizens with Disabilities, chapter 2 (article 2.4.6) of the National Human Rights Action Plan, and provision 5.8 of the National Programme on Equal Inclusion to Education of the Disabled Child promotes positive public perception on issues of disability, however rights based information for persons with disabilities do not reach the general public. In part this is due to inferior knowledge on the subject and lack of human rights consciousness by the media.
32. Content analysis of recent media clippings on the subject shows that 25% of stories are related to the work and services of public institutions, international development

⁸ Legislative Review of the Voting Legislation, NHRCM, 2005, pp. 8

agencies and grassroots organizations, 20% related to daily lives and different experiences of the disabled, 15% related to the work of NGO's active in the field, 15% are opinion editorials on the subject and the remaining pieces are advertisements and calls for donation⁹.

33. Although information on issues related to disability is increasingly becoming available to the general public, part of that information contain adverse messages insinuating the dignity of persons with disabilities, directly or unintentionally, without showing respect or understanding to their differences. For instance, the study contracted to the Sociological Department of the Mongolian State University jointly by the Ministries of Health and Social Protection on "Social Needs of Citizens with Disabilities" (1999) 71.4% of respondents considered persons with disabilities as different from ordinary citizens. Participants of the survey consider the disabled as belonging to the marginalized social group with illness or impairities (23.8%), and requiring constant care and attention from society (45.5%). Furthermore, 52.8% of respondents learn on disability issues from the press, 14.7% do not have access to information on the subject and 3.1% admitted on indifference to such information.

Status of the Right for Social Welfare and Protection

34. Social protection services aimed to persons with disabilities do not fully reach their intended clients. Onetime registration and selective study conducted by the National Statistics Office established that 11.6% of the disabled, or 8,000 persons, were not successful in getting their status determined by the Commission on Medical and Labor Attestation. Some of the reasons for not getting their status determined by the Commission on Medical and Labor Attestation include unawareness on location, incomplete documentation and unwilling to do so for personal reasons (10% in each case), and because of hardship to meet transport expenses (6%). Moreover, findings of the study on Implementation of Standards on Equal Opportunity for the Disabled (2006) conducted by the Philanthropy Centre report that 22% of disabled respondents receive concessions and services from social welfare, whereas 77.4%, or 2,057 persons, are not able to be enrolled in any social programmes. A similar component of Improving Legal Environment for the Disabled Project (2005) run by the Italian Raoul Follereua Association (AIFO) found that two out five survey respondents are not able to receive any kind of social welfare services.
35. The Law on Social Welfare (2005) provides that a person fully blind, mute, deaf or a dwarf, or who lost over 70% capacities to work and is not entitled to social insurance could receive social welfare. However this provision is inferior to the previous legislation and persons who lost below 70% capacities to work are now not entitled to any kind of support. According to preliminary reports from the Labor and Welfare Services Department 20,000 social welfare pensions will be ceased¹⁰ within the year 2007.
36. Under joint executive order A/250 (1997) from the Ministers for Health and Social Protection persons who lost below 70% capacities to work and excluded from social welfare pensions include persons with minor mental illness, amputated forearm or shank, hip joint dislocation, single-eyed, poor eyesight or hearing, or using

⁹ From study report on Implementation of Rules and Standards on Equal Opportunitites for Persons with Disabilities

¹⁰ Labor & Welfare Services Department Bulletin, 01.03.2007

orthopedic footwear¹¹. Organizations working with disability issues criticize the joint order which effectively restricts thousands of those in need to access social welfare services. Relevant public agencies should revisit eligibility criteria's set forth in the joint order provided that prevailing market conditions offer limited opportunities for the disabled to obtain decent jobs.

37. Moreover, the “List of Domestic and Occupational Injuries and Illnesses” approved by the above joint executive order from the Ministers for Health and Social Protection downgraded some occupational diseases and limited the percentage of injuries and casualties eligible for rehabilitation services. These standards inferior to previous regulations lead to serious violations of human rights of the disabled.

A group of workers from Makh Impex processing plant lodged a complaint to the NHRCM maintaining that exclusion of brucellosis from the list of occupational illnesses is in breach of provisions in national legislation and international treaties of Mongolia. From 156 patients registered by the National Cancer Centre 96 are from Makh Impex, 37 are veterinarians, 9 zoologists, and the remaining patients work for Mon Noos Co. Ltd, Gobi Co. Ltd, hide processing plant, dairy farm, bio factory, pig farm and other businesses. All registered patients had contracted the disease at their workplace, and this has been established by the relevant authorities. Exclusion of their illness from occupational diseases had negatively affected their health and wellbeing. The NHRCM had issued a letter to the Ministries of Health and Social Protection and Labor; however the issue has not been resolved as yet.

38. At present social welfare pensions for persons with disabilities comprise MNT 26,500 per month which does not meet basic needs of the beneficiary.
39. Immediate action is required to improve the services of the Medical and Labor Attestation Commission. The above 70% capacity to work criteria in the Social Welfare Law (2005) is established on discretion and without any scientific or methodological approach by the medical and labor attestation commissions, as recorded in numerous complaints received by disability organizations. For instance, four complaints on arbitrary attestation were received last year from Dornod Aimag. Disability organizations are also concerned on lack of provisions for establishing child disability in the working procedures of the medical and labor attestation commissions.
40. The Social Welfare Funds provides more than 10 types of concessions to persons with disabilities extending support and assistance in their daily lives. Subsidies for industrial accidents and occupational diseases that lead to disability are provided till the beneficiary reaches pension age and conditional reimbursement of rehabilitation and orthopedic expenses are provided from the Industrial Accident and Occupational Disease Insurance Fund¹². For instance, over 6 thousand insurers received support for orthopedic and rehabilitation needs worth MNT 440.7 million in the last five years¹³. Although the state allocates resources to meet social welfare needs of persons with disabilities, social protection services should be delivered on a just and equitable basis for all those who are entitled.

¹¹ National Confederation of Disabled Citizens Organizations

¹² Law on Provision of Industrial Accident and Occupational Diseases Pensions and Allowances from and Fees Payable to the Social Insurance Fund, 2004

¹³ <http://www.ndaatgal.mn>

Status of the Right for Medical Care and Services

41. Article 28 of the Law on Health provides for state subsidies on medication for certain mental illnesses, and conditions requiring long term or hopsis treatment. The Law on Private Health Insurance also provides for concessions on medication for persons with disabilities. The state allocates considerable resources and attention to deliver medical services to the disabled members of the community, in particular, policies and initiatives taken up by the Ministry of Health for providing rehabilitation services to the disabled with support from community, and encouraging active involvement from immediate family members, care providers, health volunteers and social workers is worth noting. However more attention should be channeled to the implementation of the health legislation, increasing and updating services and concessions to the disabled and ensuring equitability. Survey results contained in the report on Improving Legal Environment for the Disabled (2005) show 40% of disabled respondents and 77.7% of their caretakers and family members believe on shortcomings in the implementation of rights of the disabled for medical care and services¹⁴.
42. Important initiatives in the health sector directed to provide better medical care and prevent from disability include national programmes on physical development, public health education, iodine insufficiency prevention, private accident prevention, mental health protection, prevention on blindness, oral hygiene and the Healthy Mongolian National Project to name a few. Expanding poverty, underprivileged livelihoods, hazardous workplace environment, widespread negligence and lack of education and skills to prevent injuries and casualties contribute to the increasing number of disabilities, and hence call for better coordination, effectiveness, actual implementation and equitability of all public healthcare programmes. The National Statistics Office reports that 64.5% of the disabled acquired their condition with 62.6% of them during disease, 15.8% from domestic injuries, 8.7% from occupational illness and 2.7% from industrial accidents.
43. Disability condition acquired from nomadic lifestyles, in particular from accidents while riding horses and other domesticated animals are common. In particular, horse races with kid jockeys that nowadays are conducted throughout the year also contribute to the increasing number of the disabled. For instance, 10,000 children participated in horse races as jockeys in the year 2006 alone, with almost 500 of them sustaining different degrees of casualties – 39.8% with minor injuries, 31.0% with serious and 20.8% with severe injuries¹⁵.
44. Statistics on acquired epilepsy during labor and delivery is another raising concern in the health sector. For instance, as of January 2007, four out of 15 infants (0-5 years of age) receiving care at the nursing centre of the Nalaikh District Labor and Welfare Department, established with support from World Vision, were diagnosed with epilepsy acquired during birth.

¹⁴ Survey Report, Improving Legal Environment of the Disabled, AIFO, Ulaanbaatar, 2005

¹⁵ National Child Protection Department

45. Patients with disabilities receive rehabilitation services such as shock therapy, physical treatment, minerals waters, and oxygen, solitaire, hydro and mud therapy, manual and needle therapy, meditation and other services. Rehabilitation services are organized differently depending on location with predominantly traditional therapy cabinets in the provinces, and specialized ambulatories at large cities. In this regard, the situation where rehabilitation services provided in the health sector operate without independent structures and are organized within primary medical institutions should be revisited, and rehabilitation service standards should be developed and streamlined¹⁶.
46. Relatively low enrollment of persons with disabilities to rehabilitation services has been reported in the study Rehabilitation Services in Mongolia Today (2004) conducted by the Ministry of Health. The Improving Legal Environment for the Disabled study report accounts that 47.1% of respondents received rehabilitation therapy for organ function and 51.4% for limitations due to lost functionality, however 33.1% of respondents never received any rehabilitation services at all. Status of the Rights of the Child with Disabilities Report (2006) prepared by the Association of Parents of Children with Disabilities surveyed 975 children with disabilities from which 70.5% of respondent living in cities and 73.0% living in the countryside never received rehabilitation services. Reasons for not being enrolled in rehabilitation services include financial constraints, unawareness on location, personal reasons, unaware on services and unavailability of the services in the countryside.
47. The most serious obstacle for delivering quality rehabilitation services at medical institutions are lack and insufficiency of proper equipment, products and supplies. For instance, a recent survey from the Ministry of Health on operational ineffectiveness at some medical institutions revealed that 70% of respondents attribute the situation to outdated technology and equipment used at the hospitals, 22% on the need to expand facilities and 8% responded that use of medical equipment over its capacities negatively affects on the overall treatment¹⁷.
48. The creation of the rehabilitation centre for children with disabilities initiated by the City Mayor's Office and Save the Children Fund (UK) and upon the recommendation from the NHRCM has become a major breakthrough in addressing social and health challenges faced by the metropolitan disabled children.
49. Provision in the law for assistance to the disabled from the social welfare fund predominantly covers subsidies for orthopedic needs. For instance, the social welfare fund shall meet full costs for domestically produced prosthesis of a disabled child for two times; shall meet 100% of costs of domestically produced prosthesis of a disabled citizen not entitled to social insurance benefits for the first time and 50% of costs for the second time; onetime reimbursement of wheelchairs and other orthopedic equipment for a disabled child from a poor household and a disabled member of a poor household, if the person is not entitled to social insurance benefits. In 2006, the National Rehabilitation Centre provided services to 1,561 patients, and produced prosthesis and other orthopedic equipment worth of MNT 70,733.3 million from which 29.9%, or MNT 16,223.1 million was covered from the social welfare fund¹⁸. However, eligibility criteria for social welfare benefits are high for the

¹⁶ Rehabilitation Services in Mongolia Today, Study Report, Ministry of Health, 2004, pp. 41

¹⁷ Rehabilitation Services in Mongolia Today, Study Report, Ministry of Health, 2004, pp. 43

¹⁸ Status of Equal Opportunity Standards for the Disabled, Philantropy Centre, 2006, pp. 26

disabled, issues with equitability are persistent, quality of orthopedic equipment from social welfare organizations require improvement, and equipment standards do not consider practical usage. The NHRCM shares the view of disability organizations maintaining that any initiative from the decision makers, particularly in regard to social welfare benefits and services, should be developed through participation and involvement of the actual beneficiaries of the intended care and services.

50. The study on the Status of Rights of Disabled Child reports that only 20% of survey respondents actually have orthopedic equipment¹⁹. Basic orthopedic equipment would cost, depending on type, size, model and materials, between MNT 100,000-250,000, and this is usually not affordable by most parents from poor households.
51. Numerous complaints are received on the quality of orthopedic equipment, hearing aids and other products supplied from social welfare organizations, however relevant authorities do not address the issue. On the other hand, the practice of handing over orthopedic equipment to persons in need through public relations campaigns of politicians is demeaning and humiliating the beneficiary. Thus concrete action is required for improving equitability, quality and affordability of supporting equipment to the disabled.

Status of the Right to Education

52. The Law on Social Protection of Citizens with Disabilities recommends that registered TB patients could attend educational and professional training together with ordinary students at periods other than acute illness. Article 42 (paragraph 1) of the Law on Education provides that “building, utilities and equipment of educational institutions shall meet the professional requirements of the trainer, staffer and student, special needs of the disabled, and safety and hygiene standards. Article 43 (paragraph 2.7) specifically notes that the state shall be responsible for creating an educational environment favorable for the disabled.
53. However accessibility issues, social indifference, generalized training programmes, improper evaluation systems, and lack of educational tools and trained personnel leads to violations of the right to education of the disabled child. Equal enrollment for disabled kids and other integration programmes are initiated from the Ministry of Education, Culture and Science, however fundamentals for integrated education are not put in place. For instance, from over 200 public and private secondary schooling institutions in Ulaanbaatar only two schools meet the standards for enrolling disabled children²⁰. Moreover, shortage of disability trained educators and consultants are evident not only in ordinary but also in specialized schools.
54. Another factor affecting the right to education by disabled children is lack of psychological preparedness and support. Most of the disabled children would be raised at home without effective skills for communication. On the other hand, a culture of acceptance, understanding and respect for special needs of the disabled is not nurtured in the school environment. The study report on the Status of Rights of

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Disabled kids are more or less accepted at kindergarten; however things change when it comes to school. For example, two kids with hearing and eyesight imparities were not accepted at Secondary School #3 at Uliastai soum. 80-90% of complaints at the Aimag Governor disability unit is in regard to schooling rights of disabled children.

Disabled Child contains a finding that 46.6% of respondents had experienced bullying and patronizing from ordinary kids²¹.

Hearing aids, wheelchairs and walking crutches are in great shortage, domestically produced prosthesis wear out before time and require constant replacement. Hearing aids procured from China has side effects and further damages health

Status of the Rights of the Disabled, NHRCM, 2003

The disabled with orthopedic needs should be provided with proper walking crutches; however models meeting the needs of the elderly are not produced

From panel discussion meeting with the disabled community

55. Disabled children enrolled at ordinary schools would not be provided with special training modules, textbooks and manuals and other needed tools. Another concern is lack of appropriate evaluation standards. Evaluation of disabled kids using assessment systems designed for ordinary kids leads superficially to overall underperformance of the school which is avoided by the school administration, hence explains to some extent the resistance to enroll disabled kids. Thus there is a need to systematically address the issue of integration by nurturing a culture of tolerance, developing specialized educational aids, training educators and specialists on disability and creating other means to effectively abolish the present segregated schooling system for the disabled.

Some would consider that integration policies would lead to overcrowding in classrooms. The integration policies are only declarative – educators are not provided even with basic methodologies to work with kids with special needs.

Rights of the Disabled Child, Focus Group Discussions, Social Monitoring Research Centre

Status of the Right to Work

56. According the National Statistics Office 26.4% of persons with disabilities above the age of 15 are engaged in employment. Among them 56.9% are self-employed, 16.4% are members of a family business and 12.8% are contract or temporary workers²². Efforts from public agencies, international donor community and NGO's to encourage employment among the disabled are producing results. For instance, in 2006 the Labor and Welfare Department had solicited 555 full-time and 125 part-time jobs for the disabled, supported 11 persons with disabilities to secure loans worth MNT 1-10 million, assisted in the creation of 25 new job vacancies for the disabled, and enrolled 479 disabled in occupational training courses²³. The project on Increasing Disability Employment implemented during 2002-2004 had facilitated in employment brokerage for 1,677 jobseekers, trained 825 disabled in more than 40 specializations, provided financial assistance in the amount of USD 62,360 to 136 businesses run by disabled persons, and USD 33,820 for 140 self-employed persons with disabilities.
57. However, accessibility concerns, social stigma, overall indifference, as well as lack of initiative and participation from the disabled hinders the process of increasing

²¹Status of Rights of Disabled Child, Association of Parents of Disabled Children, 2006, pp. 37

²² Onetime Registration of Disabled Citizens, National Statistics Office, 2004

²³ Labor Market 2005 Report, Ministry of Social Protection and Labor, 2006

employment opportunities for the disabled. The study on Right to Work by the Disabled (2006) conducted by the Free Trade Union of Disabled Workers encompasses a survey among 1,148 respondents, including 832 employed persons with disabilities and 316 job-seekers with disabilities, which indicates poor legal knowledge of the disabled, medical reasons preventing from abiding to strict working hours, intolerant environment and low pay are the main reasons discouraging employment among the disabled.

58. An important factor to increase employment among the disabled is creation of a tolerant and positive attitude among employers, family members of the disabled and society in general to the issue. The Improving Legal Environment for the Disabled project supported from AIFO reports on a survey questioning the ability of the disabled to gain employment, where positive answers were received from 40% of disabled respondents, 25% of care providers and only 5.7% from businesses. These figures are illustrative of the general attitude towards active participation of the disabled in the society.

Dwarf JB from 2nd khoroo of Khaan-uul District, Ulaanbaatar, had graduated with a "B" grade Commerce Diploma in 1999 and completed a year computer course, however experiences difficulties with employment. He actively seeks job opportunities, and is frustrated that the most he gets is a job interview after which he is given a polite excuse for not hiring him.

Status of the Rights of Disabled, NHRCM, 2003

59. Provision of article 111 of the Labor Law on employment of disabled or dwarfs up to 3% of total staffing positions at organizations and businesses with more than 50 staffers is not implemented at central and provincial organizations and business entities. The Right to Work of the Disabled study (2006) conducted by the Free Trade Union of Disabled Workers covered 521 business entities with 50 and more staffers at nine metropolitan districts. According to the provisions in the law these businesses should generate 2,486 jobs for the disabled, however in practice the disabled are employed at only 58.3% or 1,450 jobs. The study also covered 164 businesses from seven Aimags with a probability to open 784 jobs – however, only 58.3% or 450 job positions were actually filled with persons with disabilities. Substitution fees to be collected in lieu of employing the disabled are also very low. The project team was able to recover through state labor inspectors MNT 9,042 million as substitution fees to the Disabled Citizens Development Fund from 685 businesses not implementing the provisions of the labor law.

60. Insufficient implementation of the provisions of the labor law could be explained by the fact that big employers in the provinces are mostly the local administration, medical and education institutions, and law enforcement agencies. Local businesses tend to be compact and on average employing not more than 25 workers. The Right to Work by the Disabled report also mentions the general response from the police and military leadership claiming that the particular provision of the labor law on disability employment is not applicable in the context of their service.

Chief E of the Tuv Aimag Provincial Police noted that the provision in labor legislation is in conflict with the law on police. The police force recruits highly trained, physically fit personnel, and there are no possible vacancies for the disabled. In terms of substitution fees in lieu of employing a disabled, police operations run with a budget deficit already. In his view the labor law provision should provide alternative interpretation to law enforcement agencies.

Status of the Rights to Work by the Disabled, 2006

Status of Rights of Persons with Mental Illness

61. The NHRCM had inspected the in-patient operations of the National Centre for Mental Health in order to monitor the status of rights of persons with mental illness for medical care and services. By order #331 (2006) issued by the Minister for Health the Mental Clinical Hospital and National Narcology Centre had been structurally merged into the National Centre for Mental Health. The centre operates with 450 beds, 437 medical practitioners and staff, 11 in-patient wards and 20 treatment and service units.
62. During the inspection the centre was servicing 427 in-patients. From these patients 241 or 56.4% were persons with severe forms of illness receiving treatment over three months and without caretakers or custodians, or with family members who rejected custodial rights. In terms of duration for treatment, 40 patients or 16.59% were at in-patient wards from 3 months to one year, 130 patients or 53.94% were for 1 to 3 years, 27 patients or 11.2% were for 3 years and 1 month to 5 years, and 44 patients or 18.25% were for 5 years and 1 month and above. 144 patients were rejected by their family.
63. In 2003, the State Mental Care Centre at Maanit had been abolished and 183 patients were removed to the Mental Clinical Hospital which not only had an adverse impact on workload, but required a new “care providing” profile to be shaped on the run. Hence the decision of the Minister for Health (2006) to merge the National Narcology Centre with the mental hospital had created overcrowding through the transfer of almost 100 staff from the narcology centre, and related developments had turned into the main causes of violations of patient rights.
64. The conditions of in-patient wards are inferior, and allocated space per patient is 2-3 times lower than the prescribed standard for in-patients. The standard on Structure and Operations of Specialized Hospitals (MNS 5203:2002) prescribes that an adult patient should be allocated with 7 square meters of space and a minor patient with 6 square meters of space, however the newly merged mental hospital provides only 2.4-3 square meters for adult patients and 3.8 square meters for minor patients. Some wards had placed patients at corridors and doorways, some even place two patients in a shared bed, and at peak periods some patients are placed at timber boards.
65. The building and sewage systems of the National Centre for Mental Health had long worn off, with molded walls and ceilings, and overcrowded wards makes it easier for outbreaks of transmittable diseases. Most patients of the national centre suffer from TB, and during the inspection 19 most heavily TB contracted patients were receiving treatment and placed with ordinary patients. Moreover during the inspection scabies was spreading among the patients. For instance, in 2006 three medical practitioners working at the mental hospital had contracted TB, and one of them started to loose capacities for work.
66. The in-patients of the mental hospital have limited or no means for recreation and access to information. Although more than half of mental hospital patients essentially stay there permanently, however the wards would not provide facilities for recreation, printed products are insufficient, and communication and postal services are not available at all.

67. Some concerns had been raised in regard to the psychotropic medication used for treatment. For instance, joint order #210 (2000) issued by the Ministers for Health and Social Welfare had approved 11 types of drugs having psychotropic effect from which aminazin, galeoperidlor and few other drugs have severe side effects and poor effectiveness, hence banned in most countries. New generation drugs such as zuklopenticsol, galeoperidrol-dekonat and other new products have superior qualities, however costs of these medications are also more expensive, and the national hospital claims not being in the position to provide for latest and superior medicine. On the other hand, there is an apparent shortage of interest on the part of suppliers to introduce new medicine and services to clients with specific mental needs, in part explained by perceived caretaker sentiments reluctant to spend more on new medicine. Thus a bidding process in 2005 to seek expression of interest for supplying zuklopenticsol, galeoperidrol-dekonat and other new products did not result in a single submission.
68. In accordance with article 12 (paragraph 3) of the Law on Mental Health which provides for establishing medical conditions of a person sanctioned with medical committal or considered as endangering public order due to mental illness by a special expert commission within 72 hours from placing that person in a medical institution, the warden of the mental hospital had issued decree #42 (2007) on the founding of such special expert commission. However, the special expert commission is not operational at present – members were never informed on their appointment, it never convened since establishment, and a single medical statement was not issued from the body, which gravely holds personal freedoms and human rights at risk.
69. Joint order #210 (2000) issued by the Ministers for Health and Social Welfare and decree #42 (2007) of the warden of the mental hospital approves four types of restraint measures that could be taken for persons with mental illness. These measures and relevant procedures are aimed to prevent probable violent and endangering public behavior of mental patients, and include:
- Placing the patient on a metal bed and wrapping the body with beddings;
 - Placing the patient on a metal bed and strapping around chest and knees with bandages;
 - Placing the patient on a stretcher and wrapping the body with beddings.
 - Placing the patient on a stretcher and strapping around chest and knees with bandages;
- However the most common restraint measure practiced in the mental hospital, and not allowed by the books, is wrapping the arms of the patient with bandages to the bed.
70. Among the long-term patients of the National Centre for Mental Health 44 are not enrolled in social welfare programmes and 45 do not possess personal identification papers.
71. The minor's ward of the national centre has 26 patients, – 13 girls and 13 boys – and 19 of them do not possess birth registration or any other personal identification papers. This situation effectively places minor patients outside state supervision and civic registration, and seriously endangers their child rights.

72. Remuneration and salary supplements of medical practitioners and staff at the National Centre for Mental Health is not satisfactory, provided specifics and hardships in their duties and work environment. For instance, MNT 7,000 is provided to medical practitioners and staff as salary supplements for hardship in service. Experiencing physical abuse from patients is another concern. In the past three years 12 staff from the third ward alone had sustained serious and severe injuries from their patients. Thus special attention should be given to security issues of medical practitioners and staff at the national centre.

CHAPTER THREE: STATUS OF HUMAN RIGHTS EDUCATION IN MONGOLIA

Global Trends in Human Rights Education

1. Article 26 (paragraph 2) of the Universal Declaration of Human Rights defines education to be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms; for promoting understanding, tolerance and friendship among all nations, racial or religious groups, and further the activities of the United Nations for the maintenance of peace. This concept of education highlighted in the UDHR had found its reflection in other UN international human rights instruments. In particular, International Covenant on Economic, Social and Cultural Rights (article 13), Convention on the Rights of the Child (article 29), Convention on Elimination of All Forms Discrimination Against Women (article 10) and Convention on Elimination of Racial Discrimination (article 7) reaffirms the right to education, and determines the responsibility of the state to create an enabling environment for its citizens to exercise the right.
2. The United Nations and other international development organizations had endorsed numerous principles, declarations and programmes to promote human rights education. The Vienna Declaration and Programme of Action (1993)²⁴ and Durban Declaration against Racism, Racial Discrimination, Xenophobia and Other Intolerance (2001) are important documents in this regard. Other initiatives supporting human rights education include World Plan of Action on Education for Human Rights and Democracy, Montreal (1993), Declaration and Integrated Framework of Action on Education for Peace, Human Rights and Democracy (1994), UNESCO Declaration on Principles of Tolerance (1995), and Education for All – Dakar Framework for Action (1995).
3. The General Assembly of the United Nations proclaimed the Decade of Human Rights Education (1995-2004) to advance development and implementation of national human rights education strategies. An evaluation to the work organized under the decade was made in the year 2004, which concluded on the need to further human rights education programmes in all sectors. This resulted in declaration by the 59th session of the General Assembly of the World Programme for Human Rights Education (2005-ongoing).
4. The World Programme is structured around ongoing series of phases, the first of which covers the period 2005-2007 and focuses on the primary and secondary education school system. This involves work on developing human rights educational programmes based on evaluation of human rights curricula at school, and preparing training for trainer programmes among other initiatives.

National Legislation and State Policies on Human Rights Education

5. Article 16 (paragraph 7) of the Constitution of Mongolia declares that every citizen has the right to education and that the state shall provide for free secondary education;

²⁴ See section 1 (paragraph 33 and 34) and section 2 (paragraphs 78-82)

article 5 (paragraph 1.4) of the Law on Education provides that the state shall be responsible to provide education without discrimination to race, language, color, age, gender, development needs, health, social origin, wealth, occupation, office, religion or beliefs, and to instruct in the mother tongue.

6. The State Great Khural has approved the policy document on education (1995) to establish enabling frameworks for enjoyment by citizens of their right to education, and to determine principles, content and purpose of education in general, and endorsed associated legislation to this policy document including laws on Education (2002), Primary and Secondary Education (2002) and Higher Education (2002). The main concepts devised in these legislation are decentralization of administrative and financial management of tertiary educational institutions, transfer of school management to local authorities, promotion of independence of higher educational institutions and colleges, support to establishment of private educational facilities, and advocacy for open and equitable schooling systems. An immediate result from the process is the creation of private schools that through competition contributes to the improvement of quality in the education sector.
7. The National Human Rights Action Plan (2003) has put forward an objective to develop formal and informal human rights education systems through establishing baselines, needs assessment and scope of action (provision 1.1.2.6), and development of a sub-programme on human rights education to prepare national staff and train human rights trainers. Although four years had passed since the adoption of the NHRAP, the above provisions for conducting baselines and developing sub-programmes has not been materialized. In part, this slow development has been attributed to uncertainty with financial resources and unclear implementation mechanisms. Cabinet resolution #17 (2007) approved the NHRAP Operational Plan (2007-2008) that charges the Ministry of Education, Culture and Science to devise the sub-programme for developing model human rights curricula for formal and informal education and prepare TOT modules. However relevant authorities should take into consideration that the resolution remains unclear on the financing of the sub-programme.

Human Rights Education Needs Assessment

8. Decent number of studies and surveys on human rights education needs assessment were conducted by government agencies and civil society organizations. For instance, studies on Access to Legal Information, Advocacy and Services (2005) by UNDP, Human Rights Education in Mongolia and Cultural Relativism (2005) by the Social Science Faculty, Mongolian Pedagogical University, Informal Legal Education Needs Assessment (2005) by the National Legal Centre, and Legal Education in Mongolia (2004), by The Asia Foundation, could be mentioned in this regard. Results from these studies indicate that most citizens would be aware on the importance of human rights and legal education, however lack coherent understanding and practical skills for application of that knowledge in their daily lives, in particular when there is a need for protecting their rights and interests. An interesting observation in almost every study is that the target group would appreciate the need for human rights and informal legal education after his or her rights were violated.

Human Rights Education at Formal Educational Institutions

9. In the 2006/2007 academic year 94.7 thousand kids were enrolled at 742 preschool institutions, 542.5 thousand pupils at 706 public and private primary and secondary schools, 24.7 thousand apprentices at 41 vocational training organizations and 142.4 thousand students enrolled at 164 public and private higher education institutions and colleges. This accumulated number will comprise almost 30% of the country's population. High levels of enrollment at formal educational institutions present certain advantages in providing human rights education through primary, secondary and higher education systems.
10. The Street Law Programme implemented during 1998-2003 by the Ministry of Education, Culture and Science in partnership with the Mongolian Open Society Forum had substantially contributed in the introduction of human rights education in secondary schools. As a result of the programme, content, tools and methodologies of legal education in secondary schools were developed in a systematic manner, with inclusion of a separate human rights subject in the curricula.
11. In 2004, the Ministry of Education, Culture and Science renewed standards for primary and secondary education, with a component on Standards for History and Social Science Education which includes in its objectives promotion of human rights knowledge, development of capacities to exercise rights and to protect them, if violated, and to nurture a culture respective of human rights and freedoms. Moreover, within the preparatory phase of transferring to the 12-year education system decree #132 (2004) on Piloting Model Frameworks for Training Plans and Course Content issued by the Minister for Education, Culture and Science provides for teaching human rights and legal education topics from grades 1 to 11 within subjects of *The Human Being and Society*, *Civilization* and *Citizen and Society*, which represents another advancement in providing human rights education at secondary schools.
12. Although concrete action for promoting human rights education at secondary schooling system is taken by the state through above and other initiatives, however an apparent shortcoming is that primary and secondary educational standards frequently change, and still regarded as being in the phase of transition or considered as pilots.
13. In 2005, the NHRCM had conducted a study on Human Rights Education in Secondary Schools with support from UNESCO, and evaluated the quality, outcome, training content, methodology and tools used in the Human Rights subject taught at secondary schools, together with training capacities on the subject and human rights environment at selected schools. The study covered 175 schools including at Arkhangai, Bayan-Ulgii, Darkhan-Uul, Umnugobi, Sukhbaatar and Khovd Aimags and 6 metropolitan districts.
14. At the time of the study the subject on human rights was taught at the sixth grade through a variable or regular content approach in accordance with the then governing educational standard and training plan approved by order #100 (1998) issued by the Minister for Enlightenment. However at 13 private schools of Bayangol and Songinokhairkhan districts of Ulaanbaatar the human rights subject was not taught at all. At other schools covered by the study the subject was taught for 9 hours at 13 schools, for 18 hours at 37 schools, and for 27 hours at 38 schools. Thus exclusion of

the subject from the curricula at some schools and few hours covered under the variable approach at others meant that pupils were not provided with comprehensive knowledge on human rights, capacities to claim their rights and with attitudes for respect of human rights.

15. Outdated methodologies used by teachers, lack of professional and methodical support from school administration, overcrowded classrooms and scarcity of textbooks and manuals affect the quality and effectiveness from human rights training sessions. For instance, training session assessments of 29 classes revealed that 5 teachers or 17.2% from monitored sessions received satisfactory assessment, 17 teachers or 58.6% sessions received average, and 7 teachers or 24.1% of monitored sessions received unsatisfactory marks from the assessment. 67.5% of schools covered in the study had no literature on human rights or legal education other than the prescribed textbooks.
16. Though the curricula and content of the human rights subject has been renewed at the secondary school level, however training and re-training efforts to prepare the teachers are slow. Training of the human rights subject by teachers without proper background and qualifications is common in many schools, and which negatively affects on the importance of the subject. The study reports that most serious challenges faced by the teachers of the human rights subject are absence of a teachers manual, shortage in training aids, lack of general knowledge on human rights, poor access to relevant information, overcrowded classrooms, and shortage of interest to the subject by other teachers and administration.
17. As personal learning enhances more from interaction with the surrounding, and as the environment has a significant impact on the person's upbringing, the human rights environment at schools should become one of essential values of the education system. In other words, without a proper human rights environment at schools, teaching on human rights will not achieve desired outcomes. The NHRCM study report concludes on the absence of a human rights environment at schools. In particular, bullying, patronizing, use of force, discrimination and oppression of opinion by teachers and staff are common.

... teacher N had had wrongfully awarded a bronze medal at the Mongolian language Olympiad to a pupil with lower grades than me. I was a bit frustrated and didn't know were to address my concerns. When I raised the issue with the principal, he became angry that I complained after everything was already over.

... teachers discriminate pupils by the progress they are making in learning. Those who have better grades tend to receive more attention from the teachers. This is done so that at least someone from our school is represented at inter-school competitions.

... teachers bully us and give nicknames. They also threaten pupils for order and discipline.

Records from interviews with pupils during the study.

18. As an outcome from the study, the NHRCM had developed guidelines for teachers of the Human Rights subject at secondary schools, and prepared and delivered a set of recommendations addressed to the State Great Khural, Cabinet, Ministry of Education, Culture and Science, State Professional Inspection Agency, Pedagogical Institute, Aimag and Metropolitan Education and Culture Departments, educational institutions training teachers and to secondary schools.

19. There is pressing need to include a mandatory human rights course at the curricula of higher educational institutions, especially where future lawyers and administrative public servants are trained, in order to contribute to a human rights conscious public service. The joint order #230/200 (1997) issued by the Ministers for Enlightenment and Justice prescribes 36-hour human rights course for higher education institutions providing legal training. In 2003, the NHRCM conducted an assessment on the implementation of the above joint order, and found that only a few of the higher education institutions have human rights as a mandatory course in their curricula, whereas most higher educational institutions would offer the subject as an elective course, and a few will have human rights topics incorporated in the training programmes of other law subjects.
20. In 2003, the NHRCM had developed a model human rights course for higher education institutions providing legal training. The process of developing a 2 credit Human Rights course included programme, content and methodology outline, delivery of the pilot at law schools and universities, and training of trainers' module. The development of the model course came along with different impediments and challenges, including reluctance of law schools to share their existing human rights course materials with the project developers
21. Introduction of human rights subjects at higher educational institutions providing training and re-training of pedagogues is a substantive initiative addressing multitude of issues related to promoting human rights education. From the 2004/2005 academic year the Mongolian Pedagogical University offers an elective course on Human Rights Education for law, social science and history majors. In 2006, the University opened an affiliate Human Rights Education Centre with the purpose to train trainers, develop training materials, maintaining an information and educational webpage²⁵ on human rights. This initiative by the Mongolian Pedagogical University is commendable, and is supported from the Ministry of Education, Culture and Science and UNICEF.
22. Although there is measurable progress as mentioned above, however it should be noted that promotion of human rights education at formal educational institutions does not involve broad participation and is limited to narrow scope of initiatives. In particular, there is lack of mainstreamed policies for delivering human rights education at occupational and higher educational levels. Hence quality and effectiveness of human rights education should be upgraded, the subject should be reflected in relevant higher educational standards, and appropriate courses could be offered as electives at universities training lawyers, pedagogues, medical practitioners and civil servants.

Human Rights Education at Informal Educational Institutions

23. Civic education on human rights has been organized by public institutions and civil society organizations in partnership with international development agencies through various development programmes and projects. The media has an increasing role in delivering public human rights education.

²⁵ www.humanrights.org.mn

24. Within the framework of NHRAP implementation establishment of local committees at central and local administrative authorities has been initiated since the year 2005. The main functions of these local committees include organization of training and advocacy for improving human rights education of public servants. Hence there is a need to provide professional, methodological, financial and other support to these local committees in order to strengthen human rights knowledge and awareness at the public service and to nurture a work environment respective of human rights and freedoms of its clients. The local committees should be considered as outreach mechanisms to deliver informal human rights education to the public sector.
25. The NHRCM provides public human rights education services according to article 13 (paragraph 2.5) of its founding legislation. Under its mandate the national institution conducts human rights education and awareness raising activities among public servants, human rights practitioners and the general public. During 2001-2006, the NHRCM enrolled approximately 18 thousand participants for 2.1 thousand hours of various human rights training, produced around 70 television and radio programmes, and delivered 40 print items to the public. In order to deliver its services nationwide the NHRCM had organized 2-3 *road show* activities at each of the 21 Aimags. The NHRCM Information and Documentation Centre and Human Rights Education Centre are important public facilities to promote human rights education. All these initiatives were made possible with the support and partnership with UNDP, Canada Fund, ILO, Sida and other international development agencies. The allocated budget of MNT 1.5-2.8 million per annum for operations of the national institution is insufficient for promoting human rights education to the broader public. Thus there is a need for increasing the relevant budget item to enable the NHRCM to perform its duties according to its mandate.
26. Civil society organizations play an important role in promoting public human rights education. According to 2007 data, the Ministry of Justice and Home Affairs had registered 4,200 NGOs from which 257 organizations work in the field of promoting and protecting human rights²⁶. At present there are 16 licensed television stations including the Mongolian National Public Broadcasting Corporation, 1,604 registered daily periodicals and other independent press, 226 radio stations broadcasting throughout the country. The media is an untapped resource for promoting human rights education and public awareness raising. The state should also take stock and assist through coordination and information support various activities of civil society organizations to promote public human rights education.

²⁶ Information, Monitoring and Evaluation Bulletin, Ministry of Justice and Home Affairs, 2007

RECOMMENDATIONS

The following recommendations are submitted to the present sixth annual status report on human rights and freedoms in accordance with article 13 (paragraph 1.1-1.2) of the Law on the National Human Rights Commission of Mongolia.

ONE. Improve the enabling environment for military servants to exercise their rights and freedoms, and prohibit actions violating their personal security by following means.

1. Create effective management, administrative and investigation mechanisms directed to prohibit illegal actions including duress, battering, extortion of goods and forced labor for private gain of military servants on draft.
2. Streamline regulations concerning disciplinary sanctions of military personnel in accordance with human rights standards, and enforce practices of prosecutor's supervision on administering solitary confinement sanctions.
3. Incorporate human rights subjects in the curricula of the Military University and Border Protection School, and at other training facilities for military personnel.
4. Carry out multidisciplinary inspection on the compliance of military compounds and housing with general building standards, and take gradual measures to improve work and living environment for the military personnel.
5. Pay special attention to quality and safe supply of food and uniform clothing to the military personnel, and improve supervision on procurement and distribution. Renew norms and standards on nutritional intake and uniform design with involvement of professional inspection agencies.
6. Provide assistance in creating proper facilities apart from physical development and professional training, which will enable military personnel for development, education, sports and recreation.
7. Undertake measure to raise salary schemes, pensions and allowances and social protection of the military personnel, especially in regard to improving opportunities for military personnel serving at remote duty stations to purchase immovable property in urban areas, and create conditions for family members to enjoy their basic rights.
8. Enable trade unions and other collective organizations of civilian staff to perform duties according to their mandate.

TWO. Provide equal opportunities for persons with disabilities, and create favorable environment for realization of their rights through the following.

1. Resolve on the issue of acceding to the UN Convention on Human Rights of Persons with Disabilities adopted by the General Assembly resolution A/61/611 (2006), and aimed to create equal opportunities for the disabled to enjoy their civil and political and economic, social and cultural rights.

2. Review the ambiguous and broad definition of disability in the legislation, specifically by redefining the term “citizen with disability” in article 3 (paragraph 1) of the Law on Social Protection of Citizens with Disabilities.
3. Take into consideration findings of the present NHRCM status report during parliamentary hearings on the legislative amendment package submitted by the Ministry of Social Protection and Labor and initiated from the President’s Office.
4. Improve normative protection frameworks for the disabled with reference to findings of the present report through initiating legislative amendments to the laws on Social Welfare, Social Protection of Citizens with Disabilities, Cabinet resolution #208 (2005) on merits for award and promotion, list of occupational and domestic injuries and illnesses (1997), rules on medical and labor expert commissions (1994), list of diseases for subsidized treatment and related medicine (2003) and other normative acts.
5. Development and enforcement of standards for buildings, public places, roads, bridges, communication, workplace, transport and other infrastructure and construction meeting the special needs of persons with disabilities.
6. Promote comprehensive legislative practices to incorporate financing and implementation arrangements to proposed laws, policies and programmes.
7. Take advantage of the 2010 population census planned by the National Statistics Office to establish reliable data on citizens with disabilities and improve social welfare allowances and services, and to review and evaluate state policies for strengthening human rights of the disabled.
8. Undertake measures to support effective operations of the National Centre for Mental Health, National Centre for Rehabilitation, educational institutions for persons with special needs and other organizations working for the disabled community.
9. Establish a specialized care centre for persons with mental illness.
10. Implement and monitor provisions of the National Programme to Support Citizens with Disabilities and Sub-programme to Encourage Participation of Children with Disabilities, and recommendations from the 2006 Annual Human Rights Forum.

THREE. Improve quality and effectiveness from promoting human rights education at formal and informal education institutions through the following.

1. Develop, approve and implement the human rights education sub-programme as part of the NHRAP implementation process and based on comprehensive baseline study on the status of human rights education. Develop the human rights education sub-programme with reference to international documents and programmes on the subject matter.
2. Develop training content, methodology and evaluation applications and provide with methodic support to human rights education programmes at formal and informal educational institutions.

3. Incorporate mandatory human rights courses at higher educational institutions providing training for lawyers, public servants, military profession, medical practitioners and pedagogues. Include indicators on knowledge and awareness on human rights at professional accreditation exams such as for the medical profession, teachers and others.
4. Provide inter-agency support through coordinated policies to the work on developing human rights training manuals, textbooks and other educational tools, training of trainers, and their continued professional development.
5. Support, encourage and cooperate with civil society initiatives for the promotion of public human rights education.