# Implementation of the

# International Covenant on Economic, Social and

# Cultural Rights in Mongolia

# Submission to the Committee on Economic, Social and Cultural Rights for consideration of the list of issues on Mongolia

# by the Mongolian National Federation of the Blind, Mongolian National Association for wheelchair Users and the Mongolian National Federation of Disabled People’s Organizations

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**CONTENTS**

Introduction………………………………………………………………..………………..….……....1

About authors preparing this submission……………………………….….…………………………..2

Non-discrimination (article 2).……………..…….……………........................…………………...…..4

Right to just and favourable conditions of work (article 7)....................................................................6

Protection of family (article 10) …........................................................................................…..7

Right to an adequate standard of living (article 11) …….…...........................................….….....9

Right to education (article 13 and article 14)…..…….................................................................13

Cultural rights and access to information (article 15) …………...…...........................................15

# INTRODUCTION

**Purpose**

This joint written submission presented by the Mongolian National Federation of the Blind in cooperation with Mongolian National Association for Wheelchair Users and the Mongolian National Federation of Disabled Persons’ Organizations.

This submission seeks to provide supplementary information to the CESCR on implementation of the rights of persons with disabilities in Mongolia for the purposes of compiling the list of issues. The submission presents information on implementation of the International Covenant on Economic, social and Cultural Rights by the Mongolian government article by article and suggested questions for the list of issue appear at the end of each section.

Mongolia ratified the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol on 13 May 2009. It is clear that the human rights standards of the ICESCR and the CRPD intersect and reinforce each other when it comes to the rights of persons with disabilities. Throughout this submission, in addition to provisions of the CESCR, some references will be made to related CRPD provisions as the latest articulation of the human rights of persons with disabilities.

**Methodology for the preparation of the present written submission**

This written submission was made based on observation and experience of the Disabled Persons’ Organizations (DPOs) in Mongolia. During the preparation process the meeting on the monitoring of the ICESCR with DPOs was held. We conducted extensive reviews of the domestic legislation, policy and programs including concerning disability issues and DPOs reports during the process of preparation.

The first draft of the written submission was sent out to the DPOs for their feedback and comments. Based on their feedback the final written submission was prepared.

# Introduction of the National Disabled Persons’ Organizations which were preparing this list of issues for Mongolia

The **Mongolian National Federation of the Blind (MNFB)** is a non-profit, non-governmental organization established in 1978, with the mission to defend the rights of blind people living in Mongolia and to support their participation in civil society on an equal base with sighted people.

The MNFB is a member of the World Blind Union and the World Blind Union-Asia Pacific, the International Blind Sports Association and the Asian Medical Massage Instructors Network. The president of the MNFB is serving as the chair of the North East Asian sub-region of the world blind union Asian pacific - region.

The MNFB pays attention on education, employment, social protection and many other issues related to blind people’s interests through whole Mongolia.

The federation is functioning for approximately 9.600 people who are blind, have low vision or another visually impairment through 23 provincial branches and districts and it has councils on elderly, women, sports, culture and youths. Under the MNFB there are rehabilitation training center, brail and talking book printing center, best massage centers and best FM 98.5 radio station running operations.

The MNFB is also focusing on awareness raising, an accessible environment and total inclusion of all persons with disabilities in Mongolia with advocacy activities towards the government and society. In these activities the federation is closely working with other national organizations for persons with disabilities.

The **Mongolian Association for Wheelchair Users (MNAWU)** is established in 2005 to support wheelchair using people and to pay attention for cooperation with other Disabled Persons’ Organizations and was in 2011 recognized by the government as the formal national working organization under the new name “Mongolian National Association for Wheelchair Users, a non-governmental organization for persons with mobility disabilities.

The mission of the MNAWU is equal participation and sufficient society and the main goals are to empower the members and to protect their rights, to change the public attitude about persons with disabilities and to influence the government and the community with advocacy activities to create an accessible environment and inclusion for all persons with disabilities in Mongolia.

The association did not have an office until 2011 to be able to give different services to their members but from 2011 the MNAWU organized many trainings and other services and their members grow fast to over 700 officially registered members at the moment and is trying to organize activities for 13.000 wheelchair users in whole Mongolia through branch offices in different provinces and districts of Ulaanbaatar.

The MNAWU is working with the Ulaanbaatar government on implementing the Universal Design, road evaluations and, as member of the committee under the Ministry of construction and Urban Development, involved in the evaluations of new buildings.

**Mongolian National Federation of Disabled Persons Organizations (MNFDPO)** was established on June 21, 1997 by the initiative of 12 organizations working in the field of promoting the rights of persons with hearing disability and speech disability and persons with orthopedic disabilities. The organization has branches in 9 districts, 21 provinces and 44 member organizations.

The MNFDPOs is running the “Business Incubator Center” to support the disabled persons’ employment opportunities, an “Information and Research Center” to establish nationwide database related to the disabled persons, the “Human Fate” newspaper and the “Tulga-5 TV studio” to provide disabled persons with information and advertisement and soap, gloves and felt product factories in order to expand employment opportunities and to solve its financial problem.

The main activities are to influence the state policy and decision making regarding to the issues on the rights of disabled persons, monitoring on service quality and accessibility, that must be given out to the disabled people, to conduct and implement some of the state duties on contract basis and to strengthen the skills and capacities of NGOs working in the field of disability.

## POSITIVE DEVELOPMENTS

As a result of 2012 parliament election in September 2012, the Coalition government established a Department for Development of Persons with Disabilities in the Ministry of Population Development and Social Protection which started its operations with 4 staff.

With the participation of persons with disabilities, a process for making a amendment into the Law on the Social Protection of persons with disabilities is being coordinated with consideration of the CRPD. We have hopes that this law will come to reflect the real needs of persons with disabilities.

According to resolution No.281, has for the first time adopted a “Plan of Actions to Implement the CRPD in 2013-2016.” Although the benefits of the action plan have not been felt by persons with disabilities yet, we await that it will produce results in the future.

The Government of Mongolia officially accepted the Incheon strategy to “Make the Right Real” for persons with disabilities in Asia and the Pacific region. This strategy calls for a 10-year implementation period to strengthen the rights of persons with disabilities, which consists of 2 stages lasting five years each. However, the plan for the initial 5 years has not been yet developed.

**ICESCR PROVISIONS**

**Non-discrimination (article 2)**

**The policy being implemented with regard to persons with disabilities**

Following Mongolia’s acceptance of the CRPD in 2009, it became necessary to correlate national legislation with the CRPD. Since then, a number of laws related to persons with disabilities have been modified, but the new decrees, acts and regulations failed to conform to the principles and provisions of the Convention. Due to extremely poor implementation, most of the regulations have not been actualized and continue to remain on paper. The legal provisions designed to hold those who breach the regulations accountable are weak and overly general.

For instance, The Ministry of Population Development and Social Protection admitted major shortcomings when it gave the following assessment of the **National Program to Support Persons with Disabilities, which was implemented from 2006-2012: “…the implementation of the program was inadequate due to such reasons as poor policy coordination and monitoring mechanism, lack of a specified budget, poor understanding of the issue on the part of themanagement of local organizations responsible for developing and implementing policies related to persons with disabilities, scant information about the subject available to them, insufficient knowledge and skills of the personnel working in this field as well as high rate of the personnel turnover.”**

Although conferences and seminars concerning persons with disabilities are being organized at the national level and recommendations are being issued, no measures are being taken to ensure that the recommendations are implemented or that the monitoring of the implementation is done. One-time exhibitions, events, temporary campaigns, and projects lasting several months are being reported as work completed for persons with disabilities, but this work does not conform to the principles of the Convention**. These initiatives do not involve the participation of persons with disabilities and their representative organizations (in accordance with Article 4(3) of the CRPD), and are thus not based on the real needs of the disabled as expressed by them, and have a non-sustainable, temporary nature.**

In 2012, at the demand of disabled persons’ organizations (DPOs), a department in charge of persons with disabilities was established at the Ministry of Population Development and Social Protection (MoPDSP). However, the department has insufficient authority to ensure inter-sectoral coordination and suffers from a shortage of funds.

The government has adopted a **plan of action to implement the CRPD in 2013-2016. However, as is the case with the previous action plan, the issue of funding its implementation has not been resolved. Governors at all levels were instructed to budget for activities to implement the action plan, but due to the failure to specify penalties for non-compliance, no work is being done**.

The participation by persons with disabilities is not enough in the policy development and decision making process as well as the implementing, monitoring and evaluation process of programs and activities on all levels to enable persons with disabilities to address disability issues and specific needs. This is because of the decision makers could not realize up till now that in order to fully address the rights of persons with disabilities they must work together with all the sectors. They are treating persons with disabilities as the concern of the Ministry of Population Development and Social Welfare and are always putting the disability issues in second place.

**Non-discrimination**

The Mongolian Constitution, other laws and legal documents forbid all kinds of discrimination. For example, the Mongolian Constitution, article 14.2 says that no person shall be discriminated against on the basis of ethnic, origin, language, race, age, sex, social origin and status, property, occupation and position, religion, opinion and education. Every one shall be a person before the law.

**But there is no sentence in the Constitution that prohibits discrimination of people on the basis of disability, which means persons with disabilities do not have equal and effective protection against discrimination based on disability.**

Related to this, even the awareness and attitudes of the persons with disabilities and their family members about discrimination and human rights are very low. In society there are many persons with disabilities facing discrimination in different ways, but they are not aware they are being discriminated against by other people or the society. For example, persons with disabilities do not have the possibility to use public transport in the rural and city areas on an equal base with other people and it is not accessible for them, nor safe for them. But the general public views this just as a normal thing. When DPOs demand to increase access of public transport for persons with disabilities, governmental organizations give same answer; no money.

**The law does not include an express prohibition of discrimination on the basis of disability. Further it does not include the obligation to provide reasonable accommodation nor the fact that the denial of reasonable accommodation amounts to disability based discrimination.**

Suggested questions for list of issues:

* What kind of actions are being taken to include participation of persons with disabilities and their representative organization including women and children in policy development and decision making, implementation, evaluation and the monitoring process of every law and regulation that address disability issues on state and local level?
* What measures are being taken to include the necessary financing from the state budget for action to implement the rights of persons with disabilities, including economic, social and cultural rights?
* Please indicate what steps are being taken to ensure the provision of reasonable accommodation to persons with disabilities and to include in the law that its denial constitutes disability-based discrimination.
* What steps are being taken to incorporate the prohibition of discrimination on the ground of disability in the Constitution and other laws and to guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds, including incorporation into the law of protection against multiple and intersectional discrimination, discrimination by association and discrimination against persons perceived to have a disability including effective remedies such as concrete dissuasive sanctions for perpetrators and redress and compensation for victims?
* What kind of action Mongolian government takes to increase awareness about the rights of persons with disabilities and discrimination such as to conduct awareness-raising and to provide training to public and private actors including state officials, judges, court personnel, lawyers, employers, as well as to persons with disabilities, DPOs and the general public, on the prohibition of disability based discrimination and reasonable accommodation? Does the government have any special policy or program related to this? If not what steps are being taken to actively involve and closely consult with DPOs about designing and implementing such policy and program?

# Right to just and favorable conditions of work (article 7)

According to the 2013 report of the Medical and Labor Examination Commission, there are 107.000 persons with disabilities in the labor age category. It is not clear how many of these people are employed.

An according to Population and Housing Census 2010, 19657 which is 19.9% of PWD of 15 years of age and above are employed. Out of these people, 41.7% run private businesses, 35.7% are workers with wages, and 20.1% work in family enterprises without receiving any pay. Only 7032 people receive salaries for the work they do. Although the majority of PWD run private businesses, the assortment of goods they produce is limited. They have a weak competitive edge in the marketplace because the handmade goods they produce are labor-intensive, manufactured in small quantities, and of insufficient quality. about women with disabilities’ employment rate, there is no specific statistics. In addition to this, there is no specific measures aimed at women with disabilities to ensure access to employment and vocational training both in policies concerning PWD and policies concerning women generally.

As stated in the Article 111 of the Law on Labor, “Enterprises with 25 or more employees are obliged to employ persons with disabilities equal to 4 percent of its total employees”, but the implementation of such provision is not satisfactory.

Although there is a fine paid by the enterprises which fail to implement this law which is used for providing support for persons with disabilities to obtain a specialization or run private businesses, it is not enough to generate sustainable workplaces. **Public entities usually fail to implement this law and they do not pay the fine for not employing persons with disabilities, by saying “there is not budget allocated for this purposes”.**

In addition there is a certain stipulation in the Law on Labor to **generate workplaces that meet standards for persons with disabilities, such standards are not developed yet and there are only a few workplaces that are inclusive of persons with disabilities and most of them are for persons with mobility disability. There is no requirement in the law nor training or awareness raising activities to public and private sectors to provide reasonable accommodation in employment.**

The instructors of vocational training organizations who work with disabled children do not know effective methods of engaging with the children, and the school premises and environment are inaccessible.

Suggested questions for list of issues:

* According to Article 111 of Law on Labor, “Enterprises with 25 or more employees are obliged to have persons with disabilities equal to 4 percent of its total employees”. What kind of actions are being taken by the government to enforce this article for public entities, its applicability to public entities and the enforcement of dissuasive sanctions for the violation of quota requirements?
* What steps are being taken to incorporate into the law the obligation to provide reasonable accommodation in the workplace and for the promotion of accessible and inclusive workplaces and for training and awareness-raising to the public and private sectors in this respect??
* What supports are provided for education and training institutions, which give rehabilitation, job guidance and vocational trainings to prepare persons with disabilities for the job-market, to run their activities sustainably?
* What kinds of measures are being taken in the area of granting incentives to the organizations which provide employment for persons with disabilities, like tax measures and other incentives to ensure sustainable inclusive employment? What activities have been developed and implemented to maintain sustainable workplaces for persons with disabilities?
* What activities are implemented to generate workplaces with legal labor standards, for example with the minimum wage and possibility to provision and legal working hours, for groups of persons with disabilities that meet their specific needs to increase employment?
* What measures has the government taken to specifically promote the employment and vocational training of women with disabilities, including specific actions in policies targeting persons with disabilities and specific actions in policies targeting women ?

# Protection of family (article 10)

# Violence

In Mongolia the percentage of women with disabilities is 45.9% out of all persons with disabilities. The Law against domestic violence was enacted in 2004 and the Law on Gender Equality in 2011. Yet, **neither laws specifically address women and girls with disabilities; Mongolia does not have a special policy, regulations, programs and services for women with disabilities. The existing policies and general programs as well as the women specific policies and programs do not include disabled women issues because of lack of knowledge and understanding; and general activities aimed at persons with disabilities apply to women and men in the same way.**

There are 4 shelters in Ulaanbaatar and the organization is taking activities to extend their work in other areas of Mongolia and just are extending their activities at the moment to rural areas, for example opened a new shelter in Huvskul province. These measures do not include specific activities to address the victims of violence who are women with disabilities. The shelters may welcome persons with disabilities, but they do not have a reasonable and accessible environment and the staff is not trained specifically on working with victims of violence who are women with disabilities.

**There is no policy developed or guidelines given for training and awareness raising for police, judiciary, medical and health professionals, social workers, teachers, staff of institutions, etc., on preventing violence against women with disabilities, in consultation with representative organisations of persons with disabilitie**s.

Because persons with disabilities and their families, living in remote or isolated areas have low access to information and their education level is low, they lack knowledge and understanding about exploitation, violence and abuse and how to protect themselves from such exploitation, violence and abuse and how to get legal assistance regarding to this.

Due to this lack of information, there are many incidents, where deaf women and women with intellectual disabilities and women with psychosocial disabilities are subjected to sexual exploitation and labor exploitation working without any salary.

There is no information available about other forms of exploitation, nor about domestic violence or abuse towards persons with disabilities, in the home, institutions and community, which might be related to the lack of information and their dependency on people in their social environment.

In addition, although there is public awareness raising on exploitation, violence and abuse and prevention from these in general, public awareness raising activities on exploitation, domestic violence and abuse and prevention from these related to persons with disabilities are not being conducted.

**Sexual and reproductive health rights**

Trainings on reproduction and family planning, designed for the PWDs do not exist. For example, there are **no policy, programs, activities and services focusing on sexual and reproductive health rights of women with disabilities at all.**

**The law permits the forced abortion and forced contraception of women with intellectual disabilities or psychosocial disabilities**: Article 37 of the Law on Health authorizes measures on prevention of conception or performing an abortion may be taken in following cases:

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

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

**Support to families**

There are no services for parents with children with disabilities to provide counseling, conduct trainings or to give information about their children’s rights, how to communicate with their children, how to deal with health issues, and how to nurture and raise their children. Due to lack of proper information and advice, parents cannot get support and help in time when their children need it. This influences in a negative way their children’s health in the future and their age appropriate development in general. Also when there is a child born with disabilities in a family there are many negative consequences due to lack of understanding and stigma such as parents’ divorce, or parents hiding the child from society or parents violating these children’s rights by not taking care of them on an equal basis as their non-disabled children. Moreover, parents need to stop working in order to take care of their child with disability because lack of support. This situation influences to family’s income, therefore most of family with disabled child live below poverty line.

Also there is no program to support families who have a person with a disability among their members. Children with disabilities from the country side cannot execute their equal rights with respect to family life when they have to leave their family at young age to access education which is only located in Ulaanbaatar.

Suggested questions for list of issues

* What steps have been taken to address the heightened risk for girls and women with disabilities of becoming victims of violence, abuse, exploitation and harmful practices in the home, institutions and the community, including in laws and policies concerning women generally and those concerning persons with disabilities? What measures are being adopted to ensure that both services (including shelters) and information for victims are made accessible to women and girls with disabilities?
* What steps are being taken to include in the law the abolition of forced abortion and forced sterilization of persons with disabilities in the absence of their prior, fully informed and free consent, including abolishing the practice on the basis of consent of a third party?
* What measures have been adopted to ensure that all education, information, healthcare and services relating to sexual and reproductive health, HIV and STIs, are made accessible to children and adults with disabilities, including women and girls with disabilities, in age-appropriate formats?
* What actions are implemented to educate persons with disabilities on reproduction and family planning?
* What actions are implemented to provide necessary support for parents with children with disabilities to take care of them? Please provide recent data on the number of state-supported community-based services to support families with children with disabilities. Please provide information about the number of multidisciplinary specialists trained to work with families with disabled children, and the steps taken to ensure that high-quality multidisciplinary services are available throughout the country, including in rural areas.
* What measures are being adopted to raise the amount of benefits to ensure that children with disabilities can live with their families and to provide support and assistance services to parents with disabilities to care for their children at home?

# Right to an adequate standard of living (article 11)

Most people in Mongolia, including policy and decision makers and even family members of persons with disabilities do not have knowledge and understanding that it is possible for the persons with disabilities to live independently and be included in the community. With regards to this, there is no legal environment, rules and regulations that provide access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community

Because of the above there is **no policy development and implementation of activities to improve the possibilities for persons with disabilities to live independently and be included in the community**, the government is only providing some special equipment such as the white cane, wheelchairs and other small devices, which are not sufficient to live independently.

There are for example no trainings organized by the government for persons with a vision impairment how to use the white cane or trainings how to use other equipments for persons with disabilities that are needed to live independently in-home, neither the provision of those equipments.

**There is no governmental support to adjust the residential environment to disabilities, for example access to apartment buildings and shops, and the community environment is mostly not accessible**. For instance, premises for the family clinics that are located in the districts of Ulaanbaatar city are 2-3 storey buildings and their infrastructure is not accessible and safe not only for the persons with disabilities but also elderly, pregnant women and young children. Also, easy access to and inclusion in the public and social services in the living community for the persons with disabilities is not sufficient.

All trainings and support services to increase independency of persons with disabilities are provided by their Disabled Persons Organizations with support of donor organizations and therefore are very limited and not sustainable.

**The comparison of social welfare services provided to persons with a disability with international human rights treaties and international agreements and conventions approved by Mongolia reveals a stark difference between them. The services are based on the “hospital” model, which treats persons with disabilities as sick people who receive benefits and services offered by the state. There is a need to change this perception to ensure that social welfare services are based on human rights, are respectful of the human person, and serve the needs of persons with disabilities.***For instance****,*** The Social Insurance Law, provision 8.1, states that a person is considered as disabled if he/she fully, 70% - 100%, or partially, 50% - 69% lost his or her working capacity, defined by the decisions of Medical and Labor Examination Commission. **This approach is not in line with the social model and human rights based approach as inscribed in the CRPD which focuses on the barriers posed in society which hinders the individual’s participation on an equal basis with others, and does not focus on the purported inability of the individual.**

In other words, if a person has lost his/her capacity to work for 50% or more, then he/she is regarded as a person with a disability and depending on the years of his/her work history, he/she is included in concessions and benefits from social welfare or social insurance fund based on his/her percentage of labor incapacity**. Among people with various impairments classified in the same category in terms of the loss of their working ability, there are people who maintain the ability to work and those who cannot even attend to themselves. In other words, persons with disabilities who find themselves in drastically different conditions receive the same social welfare services. Due to this discrepancy, persons with disabilities who suffer from severe conditions live in extremely difficult circumstances. Furthermore, establishing a disability range based on the “loss of the working ability” creates the social perception that persons with disabilities are incapable of working**. There is a need to accurately delineate categories of persons with disabilities and to provide social welfare services which meet special requirements of a given category of persons with disabilities.

In accordance with the effective Law on “Social Protection of the Persons with Disabilities”, Law on “Social insurance” and Law on “Social welfare”, persons who became disabled in the course of their employment, will get pensions, welfare and compensations from the Social Insurance fund and persons who do not have rights to get pension and welfare from the Social Insurance fund, will get these from the Social Welfare fund. **The minimum wage in Mongolia is set at 192.000 MNT ( round 104 USD) per month; while the social insurance pension depends on the amount of years the person worked and paid social insurance up till a maximum of 207.000 MNT (USD 112) per month. Persons that do not have work receive 105.000 MNT (USD 62) per month from the Welfare fund and caretakers of children with disabilities receive 115.000 MNT (USD 62) per month when they are not able to work due to their caregiver’s obligations.**

**The pensions from these funds are not enough for meeting the needs of persons with disabilities** due to inflation rate, which already mounted to 14.5 percent.

In addition, **PWDs are not able to get services that meet their needs and requirements due to such reasons as the regulations which are adopted in order to implement the related laws are not in conformity with these laws, concepts reflected in the laws are diverted and necessary standards are not developed accordingly. The views of the person with a disability who is the beneficiary of social services are not taken into account in their design and delivery.**

**The Law on Social welfare is implemented differently in rural and urban areas and persons with disabilities in isolated areas have less opportunity to get social welfare services. This is related to such reasons as the lack of information about social welfare services for persons with disabilities and the attitude of welfare staff, intentional or unintentional, misinterpretation of the concepts of the laws and unwillingness to provide services for persons with disabilities.**

A consolidated program for providing persons with disabilities with accommodations does not exist and although there are some provisions reflected in Law on Social welfare or the Government Action plans, the related regulations on implementation of them are usually not affordable by persons with disabilities.

**For instance, today persons with disabilities can get an accommodation only by buying one and therefore they need to get a mortgage from a bank**. In order to get this mortgage there are requirements such as: has worked for at least 2 years and social insurance tax is paid, be able to pay the down-payment of no less than 20 percent of the total accommodation price and income of the person with a disability must be sufficient to pay the loan etc. Therefore, it can be said that persons with disabilities are almost never able to get an accommodation.

According to the Law on Health, persons with disabilities access health services free of charge. **However, health centers and hospital premises and diagnosis equipment are not sufficient and accessible for persons with disabilities and health service providers lack knowledge and understanding about communication methods, ensuring accommodations for persons with disabilities. Therefore, not all of the persons with disabilities are able to access health services and assistance or face difficulties in accessing these services.**

Suggested questions for list of issues:

* What actions are being taken to create a legal environment and service system that are necessary to ensure independent living and inclusion of persons with disabilities in the community?
* What measures are being taken in order to implement conditions for the persons with disabilities to get easy access to public and social services in the community in which they live?
* What measures are being taken to cooperate with Disabled Persons Organizations and support them to provide for independent living necessary equipments and related trainings to create a more sustainable process towards independency for persons with disabilities? Please indicate how the government supports DPOs that provide support to persons with disabilities in the community.
* Do persons with disabilities, who so require, have access to personal assistance? What are the to ensure the autonomy of persons with disabilities?
* What steps are being taken to revise the system of disability classification and pension system to ensure that it is based on a social and human rights based approach which ensures the provision of support to participate in society and live in the community on an equal basis with others?
* What appropriate measures are being taken to increase the income of persons with disabilities? In addition, please provide information on how persons with disabilities, including families with disabled children, women with disabilities and persons with disabilities living in rural areas are included in the general anti-poverty programmes.
* Did Mongolia take any measures to develop specific policy and programs, with an allocated budget for the participation of persons with disabilities to take part in the monitoring and evaluation on whether social welfare services for them are meeting their needs and in formulating new policies and programs with this regard? Please inform the Committee how the views of the person with a disability who is the beneficiary of social services are taken into account in their design and delivery.
* What actions are taken to provide social welfare services to the target group, especially to every person with a disability, living in the isolated or remote areas?
* Are there any research or studies conducted on the access to housing of persons with disabilities?
* What measures are taken to enable persons with disabilities to buy a house or apartment to increase their independency?
* Please indicate measures adopted to ensure access to accessible mainstream health services, including sexual and reproductive health services, maternal and child health centers in particular in rural and remote areas?
* Do the national health programs at all levels provide accommodations for persons with disabilities to provide health care with the same range, quality and standard of free or affordable health care as provided to other persons, including in the area of sexual and reproductive health and population-based public health? What kinds of measures are planned for the provision of services and the dissemination of information, including on sexual and reproductive health, in languages (including sign language) and formats accessible by the persons of disabilities?
* What steps are being taken to train all health professionals on the rights of persons with disabilities, including on requiring informed consent and on communication with the persons of disabilities (i.e. sign language)? How are the activities to provide knowledge directed the staff of health centers and hospitals with regard to the special needs and requirements of the persons with disabilities and communication methods with them provided?
* Do the universities and schools for preparing doctors and other health service providers have specific mandatory programs on methodology to communicate with persons with disabilities and dealing with their special needs?

# Right to education (article 13 and article 14)

In Mongolia, there is no inclusive education law/strategy/policy for children with disabilities, i.e. children with disabilities rarely attend mainstream schools where they learn with all other children. According the effective laws and regulations, all citizens of Mongolia have a right to get free primary and secondary education. Article 13.3 of the Law on Primary and Secondary Education reads that, “Other general education schools have a responsibility to create conditions for providing primary, basic and secondary education to children with disabilities,” which seems to approve of the concept of inclusive education. However, these laws and regulations do not have specific provisions therein with regard to ensuring the inclusion of children with disabilities and accountability and monitoring mechanisms in terms of breaching the rights of persons with disabilities to get education and different forms, contents, curricula and evaluation systems that are appropriate for children with disabilities.

According to statistic information from 2013 there are 32.516 children with disabilities in Mongolia and 6 special schools in Ulaanbaatar city, where only 2.200 children are enrolled, out of which 4 are for psychosocial or intellectually disabled children, 1 is for children with a visual impairment and 1 for children with hearing disabilities.

As identified by the Ministry of Education, between the year of 2013 and 2014 there were about 12.000 children with disabilities in inclusive education. However, 47% of these children were registered as having a vision impairment, which led Association of Parents with Disabled Children to claim that children with eyeglasses were counted as children with vision impairment. In other words, the statistics showing a high level of inclusiveness, in reality, only indicates that many children counted as “children with disabilities” simply wore eyeglasses or had very minor forms of disabilities. Otherwise children with totally blind and hearing impaired, are not able to go to public school at all.

The legal framework for determining disabilities in children has not been fully established.

In addition to the fact that very few children with disabilities have access to inclusive education, schoolbooks and methods used by teachers to educate these few children are highly inadequate. Despite steps being taken to entitle teachers to provide inclusive education in general education schools and provide teachers with extra salary, no visible results have been so far achieved. Actions have not been taken for the obligatory training of all teachers (beyond special education teachers-, and creation of conditions in schools that would meet the needs of children with disabilities (individual education plans for all students, availability of assistive devices and support in classrooms, accessibility of educational materials and curricula, accessibility of physical school environments, encouragement of the teaching of sign language and deaf culture, with the allocation of budget for all of the above.

In the law there is no any denial of the right to vocational education for persons with disabilities in integrated settings, only due to lack of reasonable accommodations children and young adults with disabilities do not receive vocational training based on their choices. The National Rehabilitation Development Center promotes vocational trainings for children and young adults with disabilities in only 7 different vocational fields, (Website technician, cook, baker, carpenter, sewer, domestic assistant and designer for publications) which means that children and young adults with disabilities do not exercise full choice in what area they want to receive training and to work in. There is no law or policy which sets out these 7 areas and restricts choice for vocational training for persons with disabilities. The duration of these trainings is from one to two years but they are not prepared through these trainings for the competitive job market.

Although it is necessary to conduct trainings for teachers of professional pedagogical institutions on how to work with persons with disabilities and how to develop special programs, this is not being done.

University and college facilities are not accessible and do not provide a sufficient study environment for the students with disabilities.

Suggested questions for list of issues:

* What steps are being taken to recognize and incorporate into the law the obligation to provide inclusive education to children with disabilities and the need to implement it widely (covering the regions and rural areas)?
* Did Mongolia take any measures to develop specific policy and programs, with an allocated budget to implement inclusive education in order to enable children with disabilities to get education in their residing areas and enroll in the public educational system?
* What steps has the government taken to ensure obligatory training of all teachers (beyond special education teachers) on teaching children with disabilities, and to include inclusive education as an integral part of core teacher training curricula in universities to ensure that the values and principles of inclusive education are infused at the outset of teacher training and teaching careers? Are individual education plans required for all students?
* Is there a program for providing special materials and assistive devices for children with disabilities, based on their needs?How is the availability of assistive devices and support in classrooms, educational materials ensured?
* What steps has the government taken to ensure the accessibility of physical school environments, to encourage the teaching of sign language and deaf culture, including by reinforcing the level of professional training of sign language teachers for both mainstream and special schools?
* Please indicate the steps being taken to repeal policies and guidelines and eliminate practices which prevent persons with disabilities from exercising their freedom of choice with respect to vocational and secondary education and training and that individuals have an enforceable legal right to non-discrimination with respect to education and vocational training.

What kind of measures will be taken with regard to persons with disabilities in order to provide access to career and vocational training and guidance in all categories and in rural as well as in urban areas?

**Cultural rights and access to information (article 15)**

The majority of drama, movie, classic art, dance, song and general cultural centers as well as museums, libraries and tourist centers of Mongolia do not have accessible infrastructure for persons with disabilities, so it is difficult for them to go to these places.

Persons with disabilities scarcely participate in public sport activities. The development of sport activities for them, improving availability of sport facilities, trainer / coaches and judges is poor. There are almost no such activities organized especially for persons with disabilities living in rural areas.

Even though there are some contests organized for persons with disabilities it is very limited. For example, only judo, wrestling, goal ball and track and field athletics contests are organized for blind persons, but only 4 out of 21 provinces countrywide have goal ball and there are no goal ball trainer / coaches in rural area.

After an amendment to the Physical Training and Sport Law in 2007 however, the top teams of persons with disabilities started to be trained under the State Committee of Physical Training and Sport. Also the awards for athletes who successfully participated in Olympic and World competitions became the same as for non-disabled athletes. However it’s always difficult for persons with disabilities who cannot join the top teams to do sport.

Due to lack of accessible environment, rights of persons with disabilities to get access to information have been violated too. Persons with speaking and hearing disabilities face barriers in communicating with others and getting information. There are very few teachers and specialists for sign language education and there is no system for training sign language trainers. Mongolian sign language is not recognized as an official language. Although article 9.3 of the Law on Social Protection of Persons with Disabilities stipulates that TV programs shall have sign language interpretations or subtitles and written information shall be read aloud for the blind persons, due to the lack of accountability mechanisms for violating these regulations, only a 40 minute daily news program, run by the Mongolian National Public TV, is broadcasted with sign language interpretation out of the 50TV channels. Provision of and access to books and publications designed for blind persons is low and the TV and daily newspapers that are regarded as most accessible for information are still closed for the blind and deaf persons.

Persons with hearing and speaking disabilities are not able to get health, fire and police emergency services by calling the special numbers for these emergency services. The government has not taken necessary significant measures to increase the possibilities for persons with disabilities to get internet and new information- and communication technology systems. For instance, in order to enable blind persons to get information from the e-world, it is necessary for them to learn to work on computers and internet, but there is not even support provided to create and develop computer screen reading programs in the Mongolian language or for computer training.

Suggested questions for list of issues:

* What kind of measures are being taken to ensure that mainstream cultural centers, leisure, sports activities and facilities, such as museums, stadiums, parks, cultural centers, libraries, tourist centers, television programs, etc, are accessible to and inclusive of persons, adults and children, with disabilities as both spectators and performers?
* What steps are being taken to conduct training and disability awareness-raising to cultrula and recreational, sporting personnel, including training on sign language and alternative forms of communication?
* What kind of measures are being taken by the government to promote public physical training among persons with disabilities and developing new sport activities inclusive of persons with disabilities?
* What measures are envisaged to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled signed by Mongolia in June 2013, and what steps will be taken to implement its provisions?
* What is the level of cooperation of government with disability organizations in the process of monitoring and evaluation of accessibility of information and communications, and is there funds allocated by the government for the adaptation (alignment) activities?
* What kinds of measures are being taken to ensure the law enforcement of the current regulations on improvement of accessibility to information of for persons with disabilities?
* Did Mongolia take any measures to develop specific policy and programs, with an allocated budget to implement accessibility to information for persons with disabilities, like provision of all kinds of information and communication technology and the development of Mongolian sign language and Mongolian language text to speech development to be used for the information and communication, etc. and how are persons with disabilities participating in this?
* What kinds of measures have been taken by the government in order to develop and train professional sign language interpreters? What measures has the government taken to start training sign language interpreters in cooperation with deaf organizations and fund sign language interpreter service?