

MONGOLIAN CHILD AT UNICEF EXECUTIVE BOARD
Annual Session 2004: 7 – 11 June 2004, New York

Presentation by
Tumennasan MYAGMARTOGTOKH,
HEAD OF GOBI ALTAI AIMAG CHILDREN'S COUNCIL

I am very happy to be here, addressing you from this podium, on behalf of children of far-away Mongolia. I am 17 years old and I have completed my ninth grade.

To tell you honestly, I think I am very lucky to be here, standing before you to tell to you about the situation of children in conflict with law in Mongolia.

Let me tell you first of all where I have come from.

I come from a far off place – one of the remotest provinces in Mongolia – a place called Gobi Altai aimag in the south west of Mongolia. Aimag means a province in Mongolian and there are 21 aimags or provinces, just as there are 50 states in the United States of America.

My aimag covers a territory of 143 thousand square kilometers. My aimag's population is 72,000 and 37 per cent of whom are children.

Almost 15 years ago our country embarked on a peaceful transition to a democratic, capitalist state from a centrally planned system. Since the transition, there have also been many good changes in the rural aimags and soums. However, like everyone else in the country, we the children did experience the difficulties of transition.

We are experiencing poverty. Families are breaking up. Wives and husbands are quarrelling. There is lot of alcohol consumption in families. Children suffer due to of all this, and so the number of children committing crimes is growing. But these are minor property-related crimes but the punishment is harsh because we think many adults do not understand the young mind and the innocence of children.

We understand that it is not only children who are suffering because of the transition. Our government is working to solve the problems, which are new problems and which did not exist before. But children in Mongolia are confident that our Government will do much more for our good.

I know that my Government ratified the Convention on the Rights of the Child and other agreements to protect children.

Dear elder sisters and brothers

We were very happy when we first learnt that a group of children from different parts of the country were being invited to Ulaanbaatar for an "important" meeting with members of parliament to discuss juvenile justice.

Before going to Ulaanbaatar, I asked my father, who is a police officer, for help and for information. In my aimag I met with a boy from another local school, a 7th grade pupil. He told me that he was being questioned about a theft. The boy told me: "My parents are quite rich. They are so busy they have no time for me. They only tell me not to get into trouble but they never told me what would happen if I did. If they had cared for me and told me everything I wouldn't be what I am today. I am scared I might be sent to Ulaanbaatar to the children's prison."

About a dozen children from different aimags, including myself, arrived in Ulaanbaatar, three days before our meeting with parliament members. We were briefed by them and also by officials from the Ministry of Justice, the police and lawyers who told us about the juvenile justice system in the country, the different laws and legislation and what has been or is being done. We were also taken to visit the Children's prison and the pre-trial detention center.

We observed the following during our meetings and visits to these places.

At the pre-trial detention center we found that five and more children were being detained in one small room, which had a built-in toilet and the cell smelled foul. There was no proper ventilation. Prison wards told us that children were allowed to walk out in fresh air in a barbed wire fence two times a week for only 30 minutes each. I think the condition in the center needs improvement.

There is no system of rehabilitating a child after being released from the center. For example, a boy named G from Dornogobi aimag was released after more than three months but he was never told if he was guilty of any offence or not.

We also visited the children's prison where we met a boy B by name, who was serving a 6 month term. He was from Gobi Altai aimag – my home province. He told me that he was there for gang stealing. He said he was not allowed to meet with anyone and go out. His room was locked all the time. We were sorry to hear when he said that he was really afraid how he would spend the next six months all alone in a locked room.

We were happy to find that children at the prison were being given some kind of vocational training. They were being taught hand carpet weaving, painting and wood carving. However, we realized that they may not be able to find a job after they are released because as I already said there is high unemployment.

The librarian at the prison informed us quite proudly that the children were allowed to visit the library for 2 hours every week. But the library had many books on classical literature and in English. No wonder most of the books were brand new. I think this library should have more child-friendly and simple books in Mongolian as most of children in conflict with law are either poorly educated or even illiterate.

In order to appropriately protect the rights of children in conflict with law we need qualified and trained lawyers, defense lawyers, judges and prosecutors. In the rural areas there are very few children's investigators. In Mongolia we have roughly 10,000 police and only 41 of them are children's investigators. One child investigator, for example, handles 15 to 20 cases in one day and in many cases children are not treated as minors, which is a serious violation of child rights.

We strongly feel that legal officials working with children should be able to understand and feel the mentality, thinking and most importantly, the feelings of children.

Dear elder sisters and brothers

Finally it was 17 December, the day for our encounter with members of parliament. We had had an open discussion on *Children in Conflict with Law* with the members of two parliamentary standing committees – the committees on social and legal policies. This was the first such hearing involving children.

G. Amarjargal, a boy from Darkhan literally shocked the MPs by producing some alarming figures. He said that almost 95 per cent of children in conflict with law are school drop outs, while 98 per cent of such children are from poor families. He wronged the adults for this state of affairs, underlining that domestic violence, alcohol abuse in the family are pushing children to the brink.

And a girl, Tumenjargal, from Khentii aimag pointed to the need of setting up special court for minors, and called on the MPs to amend the criminal code and the criminal procedure law as minors are convicted just like adults. She told the MPs that under the Convention of the Rights of the Child anyone under 18 is considered a child, but in Mongolia children who have reached the age of 16 are treated like adults.

I can still recall what Mr. S. Tumur-Ochir, the Speaker of the Parliament said. He said that issues related to children were far from being solved from the legal standpoint. He promised that the Parliament would continue to work to improve the legal framework in juvenile justice and asked the standing committee members to find specific time to discuss issues raised by the children.

Ms. T. Gandi, who is the chair of the Standing Committee on Social Policy underlined that there was an imperative need to amend laws and legislation dealing with children in conflict with law. And Mr. Ts. Sharavdorj, the chair of the Standing Committee on Legal Policy closed the session noting that a “precedent has been set for the Parliament to meet with and listen to children on issues concerning them”. He also promised to include children in parliamentary affairs in the future.

The meeting with parliament members in December 2003 was good. Recently we were informed about a working group at the Ministry of Justice and Home Affairs which has drafted changes and amendments to the Criminal Code and the Criminal Procedure Law. We hope they would be considered and approved by the new Parliament before the end of 2004.

Dear elder sisters and brothers

I am happy to say that a children’s forum and a national summit on children was held some 10 days ago in Ulaanbaatar. Children suggested many interesting initiatives which were included in the final summit recommendations. One of them was the amendment to the Criminal Code and the Criminal Procedure Law. We shall be monitoring the follow up of the summit and we hope that the next session of the new Parliament will approve the amendments to these two very important laws to make them compliant with the Convention.

In conclusion I would like to read out to you the statement that the participants in the children’s forum in Mongolia had adopted:

Participation of every child is important
In a world fit for children

Children plus adults
Together they mean progress

Children are not a source of problems
They are a resource for overcoming challenges

We can accomplish a lot if we are many in number
This is possible only through participation

We, the children and young people:
Are the masters of future and the citizens of this society
And so wish to be a part of decision-making

Thank you.