



Global Initiative to
**End All Corporal Punishment
of Children**

MONGOLIA

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 9th session, 2010

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Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.

The Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.

Summary

This briefing describes the legality of corporal punishment of children in Mongolia despite the repeated concerns and recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibition of corporal punishment of children, including within the family home, and strongly recommend that the government enact and implement legislation to ensure complete prohibition.

1 Legality of corporal punishment in Mongolia

1.1 Corporal punishment is lawful in the **home**. Provisions against violence and abuse in the Family Law (1999), the Law on the Protection of the Rights of the Child (1996, amended 2003), the Domestic Violence Act (2004), the Law on Crime Prevention (1997) and the Criminal Code (amended 2002), are not interpreted as prohibiting all corporal punishment in childrearing. The Family Law is under review, with revisions due for consideration in Parliament by 2010. Proposals have been made to include prohibition of corporal punishment. The Criminal Code was also being revised in 2009, and there are plans to revise the Law on the Protection of the Rights of the Child.

1.2 Corporal punishment is prohibited in **schools** by amendments to the Education Law passed in December 2006. In the **penal system**, corporal punishment is unlawful as a sentence for crime but it is not explicitly prohibited as a disciplinary measure in penal institutions. It is lawful in **alternative care settings**; proposals have been made to prohibit corporal punishment in care institutions in the revised Family Law.

1.3 Research studies have found high levels of corporal punishment of children. For example, in a 2005 study of nearly 600 children on corporal punishment in schools, only 12 had not been subjected to any form of punishment: 71% reported being beaten at school and 42% verbally abused; in children's institutions 85% were beaten, 39% verbally abused, 39% slapped and 26% hit with rubber batons and subjected to harsh physical experiences and labour; in the family home, 42% of 10-11 and 14-15 year olds reported being regularly punished, with 67% of rural children being constantly beaten.¹ The UNICEF/MICS survey in 2005 found that 79% of children aged 2-14 had experienced at least one form of physical or psychological punishment in the home.²

2 Recommendations by human rights treaty monitoring bodies

2.1 The **Committee on the Rights of the Child** has twice recommended that legislation be enacted in Mongolia to explicitly prohibit corporal punishment in all settings, including the family home, and to fully implement existing legal protections – in its concluding observations on the state party's second periodic report in 2005 (CRC/C/15/Add.263, paras. 29 and 30) and on the third/fourth report in January 2010 (CRC/C/MNG/CO/3-4 Advance Unedited Version, paras. 37, 38, 41, 59 and 60).

¹ Save the Children UK/Gender Center for Sustainable Development (2005), *Corporal Punishment of Children: Views of children in some schools, kindergartens and institutions: Summary report*

² National Statistical Office/UNICEF (2007), *Mongolia "Child and Development 2005" survey (MICS-3), Final Report*, Ulaanbaatar, Mongolia