



**Save the Children**  
UK

# A CHILD PROTECTION SYSTEM IN MONGOLIA

## Review Report

*Andy West,  
Child Protection Adviser,  
Save the Children (UK)*

**Ulaanbaatar  
2006**

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Part I looks at problems of vulnerability and protection in Mongolia, including the context of general change in childhood, and the problem of using categories of children, such as street children, as a basis for analysis and making a response. The final two sections summaries vulnerabilities for children in Mongolia and the shortcomings of existing services.

Part II looks at the problem of using the idea of `transition' rather than ongoing change as a context for the development of services. International frameworks and theory of childhood for policy are briefly surveyed, particularly the importance of children's rights, and the implications for practice discussed.

Part III provides suggestions for moving forward to an essential child protection service, including community based mechanisms, deinstitutionalisation, standards for quality care and practice, and children's participation.

## EXECUTIVE SUMMARY

*The beginnings of transition around 1990 in Mongolia coincided with a number of major global developments for children, alongside the onset of increasing change as a main condition of the lives of many children. The effects of these changes are interrelated. An increasing number of children are at vulnerable to and/or experiencing harm, abuse, violence and exploitation – and in need of protection. International frameworks for children’s rights, child protection and children’s participation have been ratified by the Government of Mongolia. The circumstances of children and existing provision, along with ongoing change and government duties, require the development of an integrated child protection system*

These international frameworks especially included the 1989 United Nations Convention on the Rights of the Child, ratified by Mongolia in 1990, and which is now a truly global benchmark for children. It obliges states to bring law into line with the Convention and make periodic reports to the UN Committee on the Rights of the Child. Around the same time, in 1990, the publication of the outcome of some years of research and new developments on understanding childhood reinforced the importance of principles of the Convention such as non-discrimination, meeting the best interests of a child and children’s participation.

Over the succeeding decade Mongolia ratified other UN Conventions that apply to children and are important for them, such as the ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ratified 2001) and the Convention Against Torture and other Cruel Inhuman or Degrading Treatment or Punishment (ratified January 2002). At the same time, as mostly non-government organisations made responses to new circumstances of children, practice combined with some research to understand the situation and causes of children’s problems.

At the heart of change, both the circumstances experienced by children, and the international frameworks for structuring a response, lie child protection and children’s participation. The conventions ratified by Mongolia also specify the role and responsibilities of the state, of government, as duty bearers for meeting children’s rights and dealing with breaches of rights. At this point in time, 2006, it is evident that the development of an integrated child protection system, with specific statutory responsibilities and an implementing and coordinating lead agency is urgently required. This is simply because the diversity, number and range of child protection issues and breaches is increasing, and beyond the scope of current services, while some existing institutions are in breach of international agreements such as the Convention Against Torture.

Following the onset of economic and political change in Mongolia in 1990, a number of new risks and vulnerabilities for children developed, resulting in public concern for children working and living on the street and in manholes, and children in conflict with the law. Responses to these problems were mainly undertaken by international and national non-government organisations and the problems and needs of child protection have been largely understood to focus on particular groups of children – street children, working children (in a variety of urban and rural circumstances) and children in conflict with the law. Services have been largely responsive and not proactive or preventative, and run by NGOs, who employ qualified social workers with responsibilities for working with marginalised and excluded children. The main frontline state service is the police, which has some links with NGOs but takes a legalistic approach, with powers to detain ‘unsupervised’ children under 16 years for up to 14 days (1994 Law on the Temporary Detention of Unsupervised Children).

This current understanding of child protection ignores widespread underlying problems that affect many more children and are a cause of some of the issues noted above. These problems include abuse and violence within the family, and within institutions, sexual abuse and exploitation and violence in communities, bullying abuse and violence in schools, and discrimination against disabled children: also, the extent of domestic and herding work, and exploitative work in rural and urban areas. Some children affected by these problems enter the realm of NGO service provision through coming onto the street, but there is no active statutory service responsible for child protection. Designated posts of social workers exist in various government settings, but are generally responsible for large populations and/ or have other administrative duties that prevent them focusing on case work and child protection. These state services seem to be structured and focused for the pre-1990 era and have and not changed to reflect and respond to the new circumstances.

There is a need to develop a child protection service that is accountable and networked, and focused on care, welfare, children's rights and their best interests. The training of individual social workers or local provision alone will be insufficient, partly because many children and families are on the move, which contributes to children's vulnerabilities and risk. Workers need to be trained and accredited, linked and supervised managerially and 'professionally' through a code of ethics and practice. Standards for quality of practice work need to be implemented. Existing provision needs to be coordinated and integrated. There are large institutions run by the state and smaller institutions run by non-government organisations. These need to be closed and replaced with community-based provision. While this process is underway, existing institutions need to be changed, becoming child friendly and involving children's participation. (The recently developed standards for child care institutions are inadequate, based on old institutional models of care, and not emphasising quality of care, especially children's well-being, development, and participation.) The law needs to be revised and processes of working with children in conflict with the law completely transformed, including the development of diversion and other alternatives to detention. A crucial need is for children's participation in development, management and implementation of services, including the development of children's organisations, and especially involving marginalised and excluded children – this is an urgent priority.

## Main points

### Children and childhood in Mongolia

Harm, abuse, violence and exploitation are experienced by many children and young people, as outlined in many reports and research from the 1990s on.

Change is ongoing and brings new vulnerabilities for children being abused and exploited, including migration, homelessness, work, dropping out of school, and particularly violence (corporal punishment) at home, in school and in institutions.

Harm, exploitation, abuse and vulnerability may arise wherever children are. For example:

- **living in the family** (corporal punishment, physical and emotional; violence and abuse because of drunkenness: rape);
- **at work** (but exploited long hours, poor pay, poor conditions, no access to education);
- **living separately from family but homeless and/or working** (bullied and exploited on the street; abused when working away from family and living separately; coming into conflict with the law);
- **living in institutions**, such as orphanages, residential care, detention centres, shelters (lack of care, problems with integration and independence, bullying and abuse; violence from staff; coming into conflict with the law);
- **at school** (bullying and violence from teachers and other students).

Change and harmful circumstances increase children's vulnerability to being trafficked, using solvents and alcohol, and sexually transmitted diseases, HIV/AIDS.

*Experiences of children vary by age, gender, disability, place. For example, in urban areas a focus on boys in conflict with the law seems to obscure the situation of girls who are fined for being sexually exploited. Disabled children are often hidden away but many are working. In rural areas working children paid less than adults for the same work and abused.*

### Child protection and legal requirements

The protection of children from harm, including physical, sexual, and emotional abuse, violence, exploitation, and neglect is specified in international law and conventions ratified by Mongolia, apart from considerations of child development, and practical benefits such as promotion of social harmony.

*The Government of Mongolia is a duty bearer and has responsibilities for child protection – to ensure that services exist and there are no gaps in the system, and that services meet quality standards for practice and provision.*

International conventions ratified by Mongolia, providing for protection of children include the:

- Convention on the Rights of the Child;
- ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;
- Convention Against Torture and other Cruel Inhuman or Degrading Treatment or Punishment.

**Child protection** - the protection of children from harmful acts and practices (including commercial or sexual exploitation, physical and emotional abuse, engagement in war, separation from parents, neglect). The State shall protect the child from all forms of maltreatment and establish appropriate social programmes for prevention of abuse and treatment of victims. The State is obliged to provide special protection for a child deprived of family environment.

## **Main recommendations**

**An integrated child protection system** that includes, as minimum:

- a legal framework to protect and prevent children from all forms of maltreatment;
- a lead, proactive child protection agency with statutory powers for coordination of multi-sectoral policy and multi-agency work (including coordination and activation of government departments duties in fulfillment of child protection rights) and ensuring community-based local provision is operating;
- a linked and coordinated service directed and statutorily empowered to act on and for violations of child protection rights including an implementing core child protection service, that is integrated and coordinated locally, operating in rural and urban areas; and specific rehabilitation services for abused children such as case management, intervention;
- a service competent and empowered to monitor, inspect and take appropriate action on quality of practice in child protection service and provision.

**The child protection system should include the following basic elements:**

### **protection, and rights-based prevention, planning and placement service and network**

*(develop a staffed service to respond and ensure response is made to children's circumstances that is integrated (using all provision) and holistic. The service will develop prevention work, casework, use community based alternative care and diversion, network services, coordinate provision at different local and regional levels.)*

### **community based protection mechanisms, rural and urban**

with responsive and preventive protection work, and children's participation

*(raise awareness and promote behaviour change in communities; develop local mechanisms to respond to children's circumstances, prevent problems; coordinate local services and provision for children; integrate services and provision through a lead agency; develop children's participation; develop community based alternative care and diversion from custody.)*

Community based protection mechanisms link all services and institutions for children in a locality, including school and other education and health services. A common ethos of protection from violence, abuse and exploitation correlates with child-friendly provision. Community based protection mechanisms must be preventative as well as responsive, and must include children's participation as a means of promoting children's resilience and providing psycho-social support. Community based mechanisms go beyond social casework to the facilitation of children's and young people's meaningful participation.

### **Children's participation**

*(ensure children's meaningful participation at all levels and forms, including children's decision making on personal planning, placement and care, children consulted on services and provision, children's involvement in decisions on operation and management of services and support for development of children's organisations.)*

### **Law and empowered services**

Revised legislation to take account of changes in children's vulnerability and protect children, and to eliminate violence towards children in all settings – family, school, care and detention facilities, places of work and employment; to establish and empower a child protection system and relevant agencies, including child protection services, and the coordination of multi-sectoral and multi-agency work and

provision; to empower a service investigate and take up violations of child protection rights. Inclusion of children in legislation and provision to prevent and respond to domestic violence.

### **Accountability**

The system will have:

- standards for practice (including children's participation);
- training and accreditation for staff;
- independent inspection and monitoring of services and provision.

### **Changes to existing provision**

provide alternatives to institutional care and detention

*deinstitutionalize existing welfare provision – provide alternatives to institutional care such as adoption, foster care, small group homes, develop diversion from custody, ensure elimination of corporal punishment and violence towards children in all care and detention facilities*

### **Government role**

Ensuring provision of an integrated system and service for child protection. This means: having an implementing lead service to act as coordinating agency for multi-sectoral and multi-agency cooperation; ensuring that provision exists, is integrated and coordinated, ensuring all ministries recognise and implement their roles in fulfilling children's rights and work together, including child protection and children's participation; ensuring there is no violence towards children or abuse of children in any state run service or provision; ensuring there are practice standards and inspection; ensuring staff are trained; ensure codes of ethics and responsibilities.

### **Networked provision**

A variety of services may be provided by local government and by non-government organisations, but must be coordinated and integrated to provide an holistic approach.

# A CHILD PROTECTION SYSTEM IN MONGOLIA

## INTRODUCTION

A range of problems experienced by children in Mongolia over the past decade have been the subject of several reports, the number increasing in recent years alongside debates about interventions by national and international non-government organisations, and by government. Generally reports have focussed on particular categories of children or of problems, such as trafficking, street children, juvenile justice, working children, and migrants. But while many of these groupings overlap, and in reality one child may fall into several such categories, little attempt seems to have been made to set out to look at the whole picture. Many reports have touched on more general problems and issues, implying broader concerns about child protection. But because the initial focus of these reports was of a particular group, these broader issues and concerns raised, and suggestions made towards more comprehensive responses, seem to have remained in the background.

For example, the phenomenon of street children in Mongolia has become (comparatively) an internationally well-known issue. Reports on street children and on juvenile justice have linked these two categories of children, and looked at wider issues, causes and mechanisms for addressing problems. Many of these recommendations in essence revolve around child protection systems and the development of social work. Generally it seems to be agreed that most state child protection responses have been left with police, and that much of the existing provision called social work is concerned with administration, linked to other services (such as education) and is not providing linked or networked protection of children. Also, that what child protection provision exists is run by international and national non-government organisations, is poorly coordinated, and these organisations have no means to respond to children's disclosure of abuse in family, school or other environments, because no official service exists. This lack of core effective provision for children's protection is usually attributed to the 'transition', implying unusual and undeveloped circumstances. An implication is that once transition is complete and equilibrium restored, problems will decrease and disappear, and so existing services will be sufficient, perhaps with small additions. But this perspective on 'transition' is inadequate, failing to recognise ongoing processes of change and complexities of problems facing children.

Instead there is a need to look broadly at childhood, and to develop a comprehensive child protection system - the subject of this paper and present or implicit in many reports, although often understated. This system would not be developed in response to 'transition' problems, but rather look at underlying issues, and recognise that change and difference are the experience and reality of human societies. Child protection systems need to be flexible, responsive to changing conditions, differences in childhood, and especially newly emerging and transforming social problems. [1] Children have a right to protection and governments, having ratified the Convention on the Rights of the Child, are duty bearers and beholden to respond. The necessary provision, services, systems, and standards need to be designed to respond to local conditions and resources, but at the very least protect children from harm, abuse, exploitation.

To develop such provision, it is necessary to understand local (national) circumstances, the status of childhood, and vulnerabilities. Any response must take account of diversity of childhood and include

children's participation. Other basic principles for child protection include holistic approaches, coordination of responses, services, and staffing; community-based mechanisms; national law, standards for services and independent inspection; qualified and competent staff. This paper aims to provide an overview of some of these issues in regard to Mongolia, drawn from literature, interviews with government and non government organisations' personnel in October 2005 and previous visits in 2002 and 2000 to look at 'street children' work. Some material was added in May 2006, for example from research on corporal punishment in Mongolia. The complexities of current problems and services are not fully rehearsed here because in most cases they are laid out in existing reports: this short report is not intended to provide a comprehensive picture nor even analysis of existing material. A more detailed overall survey remains required.

## PART I

### ANALYSING PROTECTION PROBLEMS FOR CHILDREN IN MONGOLIA

It is now fifteen years since the inception of 'transition' in Mongolia, and this period has seen the development and acknowledgement of a number of child protection problems. The way in which these problems initially emerged and the means of initial response have led to a current situation of piecemeal services lacking in overall cohesion, which has resulted in gaps in provision and an inability to rapidly respond to changes in circumstances of children and new difficulties.

The sudden emergence and visibility of a large number of street children in urban areas in the mid-1990s led to an increasing number of services provided by international non-government organisations (INGOs) and local non-government organisations (NGOs), with the acquiescence of government. Other problems began to be identified and taken up, including working children, violence towards children and, more recently, trafficking. But an underlying conceptual framework for approaches to children's problems is lacking because of this piecemeal approach to categories and different groups of children that has developed over the past decade. These children who are the subject of responses are generally seen to be vulnerable or at risk in one of two ways. For some agencies, mainly in the non-government sector, the concern is for children's welfare, and keeping them away from harmful places and influences. To some extent, this concern parallels that of some state agencies. But the second perception of vulnerability is rooted in state-run agencies that seem to primarily see the children themselves as presenting a risk and causing a sort of social vulnerability. For both of these approaches, the aim has been to get children off the street and into some form of care. But partly because of being without a broader conceptual framework of child protection, the problems that arise from institutional care are not and have not been recognised, so that in practice some children are simply being shifted from one sort of vulnerability (on the street) into another (in a large institution). This is exemplified by recent research on corporal punishment of children (GCSD/SCUK 2005 a/b) which, when linked to other research, suggests that many children leave home and go to the street because of violence (corporal punishment) at home, and may end up in an institution where they experience corporal punishment to an extent that 'can be clearly identified as torture under the UN Convention against Torture' (Beazley et al 2006), a convention ratified by Mongolia in 2002. An understanding of child protection requires an understanding of children's vulnerabilities and risks of harm.

#### **Child protection and vulnerability**

Work to eradicate vulnerabilities and risks for children is complex because of the multiple strands that constitute vulnerability and which need to be understood. Furthermore, as the social and economic context changes over time, so new strands of vulnerability appear, or the emphasis shifts. Both vulnerability and child protection need to be understood: what do children need to be protected from, what is the goal of services, and why and how do children come to be in need of such services, what makes them vulnerable and places them at risk. Sometimes protection and vulnerability are confused, when a service is developed to deal with a 'presenting problem' only, such as being homeless, rather than underlying causes of homelessness, and the effect of being homeless on other areas of personal life including emotions, health, education.

Ultimately, vulnerability needs to be defined locally, because circumstances vary, as do local ideas of childhood (see below, part two and West 2005b, West, O'Kane, Hyder 2005). While some behaviours, for example, abuse of children, are never acceptable, the forms of abuse, how children become

vulnerable and what places them at risk, vary. Analysis of local circumstances and ideas of childhood, will present an understanding of what makes children vulnerable. How vulnerability and risk is understood locally will help define what local services are constructed in response, but this also means that there may be gaps when provision is analysed in reference to overarching principles of children's rights to be protected from harm, abuse, violence, exploitation and neglect. Local definitions provide a starting point, and children's rights a standard or measure.

Where it has been considered in Mongolia, the concept of child protection has been defined and analysed differently across government departments, INGOs and NGOs. For some, child protection is about the protection of children's rights, for others child protection relates to children out of family care, in particular 'street and unsupervised children' (which has become a stock phrase), while others have focussed on in-family violence, and look towards prevention of children's separation. The rise of child rights programming from the late 1990s (see below, part two) has brought increased emphasis on the notion that child protection means the protection of children's rights. But protection is part of the Convention on the Rights of the Child, in particular Articles 19 and 20. Children are entitled to protection from all forms of abuse and neglect within their families, and children without families ('deprived of their family environment') are entitled to special protection. Children need to be protected from 'all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse' (Article 19). This may also be expressed as the aim being to protect children from harm, including abuse (sexual, physical, emotional), exploitation, violence and neglect. The question for analysis of vulnerability then becomes which children are in need of protection, and what makes children vulnerable or at risk of harm in this locality.

A government definition of children in difficult circumstances in Mongolia suggests the following: 'children should be considered as those in difficult circumstances if they are full orphans, disabled, extremely poor, imprisoned, neglected by parents, affected by prostitution, violence or humiliation' (Gov CRC 2003). These groupings and the definition look at children's existing circumstances but not also at those who are vulnerable. Other children who are at risk of abuse, harm, exploitation might include those who are vulnerable to being trafficked and who have been trafficked, those working in exploitative conditions, children who have dropped out of school, children living in institutions (including residential care). The problem of institutions is important, although it is often not mentioned around the world, because residential care can be, like families, dangerous for children (see below).

This governmental definition is not picking up problems such as sexual abuse and violence, which link children 'affected by prostitution' and those who are sexually abused within family or by carer, relative or guardian. Also, the definition needs to move on a stage to take account of and explain why groups are included. For example, why disabled children are in difficult circumstances: is this because of discrimination in communities and in the provision of services? This definition needs also to take account of children's ideas as well as those of adults. Children themselves can define vulnerability [2], and experience shows that children often see issues, including protection problems, differently to adults. For example, children in one place have emphasised issues concerning education, and problems of violence by parents, and linked these to vulnerability (see West and Zhang 2005). Children's views provide an important perspective on problems, but have been only partially addressed in Mongolia through an 'adolescent needs survey' that included children living in a variety of circumstances but little focus on child protection issues. Research on children's experiences of corporal punishment reported in late 2005 has begun to redress this (GCSO/SCUK 2005 a/b).

## Childhood in Mongolia: change and difference

The local or national context in Mongolia is one of change: not only the impact of the transition or shift in economy from state controlled to market, but the consequent and ongoing social changes that began once transition was initiated. Thus, the emerging risks for children in Mongolia from the 1990s have occurred in the context not only of new vulnerabilities, but overall changes in the nature and experiences of childhood. This is not the place to discuss change in detail, and clearly more research is necessary on the sociology of childhood in Mongolia. However, a few points can be summarised from some materials available in English, mainly concerning the numbers and location of children, gender, education, and perhaps especially important, the apparent inability of many adults to support and empathise with children, because of change.

The birth rate has declined, which has some implications for family life and structure, and particularly for some children. For example, less children in the family may mean more pressure to do well at school, or conversely be needed more to undertake domestic and other work. The number of children fell by some 25,000 between 2002-2004 (Gov M 2005). But this fall disguises a shift in the population of children that has further implications. Population figures for Ulaan Baatar show significant change – for example the 15-19 year age range grew by over 30,000 between 1989 and 2000 (61,861 – 91,975), as did (almost) those aged 10-14 years (65,953 – 91,520). These increases are probably swelled by children migrating themselves or with families (see below), but perhaps also related to the broader demographic picture – of families having less children. The figures for 5 - 9 year olds in Ulaan Baatar over the same period show a growth of just 10,000 (64,082 – 75,892), while the 1 - 4 year olds show a fall of over 10,000 (59,216 – 45,724). The number of children aged under one year is much the same (15,732 – 15,241), but have been born to a greatly increased adult population (total population Ulaan Baatar increased from 548,393 – 760,077, between 1989 – 2000) (Figures from UB Stats 2004). This quantitative change is supplemented by shifts in livelihood, expectations and opportunities, all of which affect children.

As the figures begin to suggest, given the geographical population shifts, there is a major divide between rural and urban life which affects children. Girls and boys living in rural and urban areas have different experiences, opportunities and expectations.

There are stark differences in the quality of life of people in rural and urban areas. The extent of rural disadvantage in Mongolia is very striking even though a higher proportion of the poor live in urban areas. The urban sector generates 61.6 percent of the country's GDP and conversely the rural sector only 38.4 percent in 2002. However, in 1998, urban poverty (39.4 percent) exceeded rural poverty (32.6 percent). More than half of the extremely poor lived in urban areas – 26.0 percent of them living in the capital. Whereas, 43.0 percent of the poor lived in rural areas [sic] (UNDP 2003: 1).

The style of life in urban and rural areas is different: 'Sixty percent of urban residents have central heating and bathrooms with showers, compared to 32.0 percent in aimags, and virtually no one in soums and baghs' (ibid). The distribution of telephones is also different, with only 4 percent of ger dwellers in urban areas compared to 10 percent in aimags and 2 percent in soums and baghs. For rural areas another factor is distance, the spread of the population, and harsh climatic extremes that 'add to the vulnerability of rural residents who depend on livestock or the land for their livelihood' (ibid).

The differences in opportunity and expectation in rural and urban environments mean that different social skills are likely to be valued, as are different practical skills and capacities, a different set of knowledge (for example, in dealing with rural and urban environments and the different dangers,

threats and risks in each) and different experiences of material culture. This has impact on children's lives that might be especially visible and evident in differential access to the essentials of modern urban office life - telephones, computers and the internet – an issue which is linked to protection because of the many vulnerabilities that are structured around the nature of work opportunities.

### *Migration*

One consequence of geographical inequalities is migration. If rural and urban comprise two categories of childhood, a third would be of those children who experience migration and have to deal with changed relationships and environments. The early 1990s, and unemployment in cities, apparently led to migration to the countryside. But from 1992 – 1997 the rate of in-migration to Ulaan Baatar was around 10,000 a year. This rate then increased and reached 25,000 in 2002 (GV 2003). Now, 51 percent of the total population of Mongolia live in the nine districts of Ulaan Baatar. Within Ulaan Baatar, lifestyle is divided between (another) 51 percent living in apartment blocks and 49 percent living in gers (GV 2003: 14). How children cope with migration from the countryside to the city, and how this affects their lives and ideas may depend on what age they migrate. An important issue in the past was registration costs for migrants that would enable access to education and health care. On 1<sup>st</sup> July 2003 the Supreme Court ruled such costs a violation of constitutional rights.

But registration is not the only barrier for access to education for migrant children – so too are costs of schooling, distance as well as issues of local integration and acceptance in the cities. In recent research, school-aged migrant children were more than three times more likely to be out of school than long-term resident children, and four times more likely to drop out of school. The costs of attending school are a major cause especially when coupled with family poverty. Another factor was family size 'children who dropped out of school were more likely to come from households with six or more members' (NUM/CHIP/ SCUKM 2005s). But education is also seen as a positive factor in rural-urban migration, because children and families in most places felt that the 'quality of education was better than before moving, particularly the quality of the teaching' (ibid).

Another category is known as 'left behind children', that is children left behind by out-migrants. Recent research on education pointed to 'falling numbers and declining services in out-migration areas', with poor quality school environments, lesser availability of equipment and materials, and declining teaching standards (NUM/CHIP/ SCUKM 2005s). These problems exacerbated the push to move to the city. But the division of families, with some children left behind while parents migrate 'can have negative impacts on children's well-being' (ibid). Research elsewhere in Asia (pers.comm., unpublished as yet) has indicated that children left-behind are more vulnerable to abuse, even when left in the care of close relatives.

### *Education*

As these migration research results indicate, rural urban differences include school attendance: 'more children are out of school in rural areas than in urban areas' (NUM/CHIP/ SCUKM 2005s). This is associated with costs and poverty, and children 'also dropped out due to a lack of interest in studying – in part a reflection of education quality and, perhaps, a lack of relevance to rural life' (ibid). But poverty and local opportunities may combine, for example, in children dropping out of school to contribute to the household economy: 'involvement in livestock herding is still a key reason for boys' non-attendance' (ibid).

This aspect of the rural-urban education divide may be linked to a broad and apparently entrenched gender divide in school. Unlike many countries with concerns about access to school for girls, it is boys who are heavily under-represented in education. Students at high school are 61.5 per cent female and 38.5 per cent male. At tertiary level, some 70 per cent of students are female (GV 2003). This must be seen against overall low attendance at school, where in 1999-2000 some 56 per cent of adolescents did not participate in any kind of academic training (JJ 2002: 5). Completion rates for basic education were falling in the 1990s (ibid) but appear to be rising again close to what they were since then. In 1999 64% of children completed basic education (Gov CRC 2003).

Recent research on corporal punishment of children in Mongolia has indicated the extent and forms of violence toward children in settings including school. The common reasons for being punished were reported as 'disobeying, not doing homework and/ or no reason at all (when nothing was wrong)' (GCSD/ SCUK 2005a). At school, children reported being punished by teachers most, 'but also cooks, guards and other school employees subject children to punishment' (GCSD/SCUK 2005b: 5). Children noted not only physical violence but 'teachers often abuse children verbally' (ibid: 3). They also reported 'we cannot protect ourselves, if we say something, the teachers will lower our grades and will say that we lack discipline and proper upbringing' (ibid). A boy described how a teacher hit him for not buying a book as instructed – but a book that his grandmother told him he didn't need to buy. Given children's report of violence and punishment at home in their family (and in 'care' and detention institutions), children seem to be potentially caught between punishment at home or at school, as also in the threat of lowering grades. Such corporal punishment (physical and emotional violence) at school is unlikely to make education or staying at school an attractive option, but also to increase children's vulnerability. It is also causing harm to children.

The issue of education is of particular relevance to children's vulnerability for two reasons. Education, including regular attendance at classes, is suggested to help promote children's resilience (Nicolai and Triplehorn 2003), and lack of education is seen as increasing chances of growing up in poverty. Second, in many places, being out of school increases risks of being trafficked, or coming into conflict with the law. Being out of school because of poverty and a need to work also makes children vulnerable to exploitation.

However, it has been found that teachers and adolescents have 'very different perceptions of the main issues and problems of access to quality education' (Adolescents nd: 32), including the degree to which poverty affects education. The main problems of education are seen by adolescents as lying in the school environment: bullying; a lack of interesting classroom content; illness; the lack of adequate dormitory provision; the attitude of teachers. (The issue of the attitude of teachers in this survey done around 2000, is probably explained by the incidence of corporal punishment noted above.) Teachers suggest problems are mainly to do with the household, with nearly two-thirds (65.7%) believing that unemployment and poverty are the main issues, while less than 13% of adolescents seeing poverty as an obstacle to studying (ibid: 32). This is important, because it suggests potential differences in what might be the way to provide education: following the children's and young people's views suggests reform of school is priority: and they probably know their home and school situation best. Yet, if not directly affected by poverty, education is affected, especially for some boys, by expectations that they will work: but this is an obstacle that is also attributed by some people to family attitudes.

### *Work and change*

Children appear to have been involved in domestic production to an extent, for some time. Many families, nearly three-quarters (72.5%) think it is good for children to work (Herdsman 2000): 'there is a

dominating view of adults that they grew in such a way and there is not harm for children growing like this' (ibid). This is probably further reflected in over half of the adolescents responding to a survey (54%) approving of 'child labour', with a further 23% who had not made up their minds, and 23% who opposed it. (Adolescents nd: 43). However, there are apparently shifts occurring in the nature of children's work.

Adolescent boys are (and probably were for some time in the past) taken out of schools 'because the families do not have enough herdsmen to work with the animals' (ibid: 32). But there are changes, which may be more recent and due to new inequalities: 'in recent years a new practice has developed, of rich families giving food and shelter to an adolescent from a poorer family in exchange for long hours of work with the herds. In some cases payments are made to the parents' (ibid). These shifts may be due to a combination of factors. While it is suggested that 'there are not enough adults in the family to handle all the animals' (ibid), the cause and circumstances of this are probably complex. For example, it is suggested that urban unemployment on transition caused a drift to the countryside and herding, while the more recent increase in rural-urban migration may have split families, leaving too few adults behind to herd. Also, the effect of a reduced birth rate, resulting in less children being available, and then less young people (and ultimately less adults). Economic change brings a new social context for analysing child labour, affecting many dimensions in this case, including perceptions and definitions of children's work. While some children's work may not have been seen or experienced as harmful in the past, this may have changed, for example because of the reduced work opportunities available, or later occupational mobility, to those without education. The problems of children's work and education are a central focus in child protection, because of the increase in child domestic labour in other families, as well as other forms of work that are potentially harmful.

The changes in childhood evident through shifts in population size and location, are probably superseded by the social and economic shifts, as suggested in 'they are approaching adulthood in a world that is very different from the one their parents experienced, and no longer enjoy the certainty of education and guaranteed employment' (JJ 2002: 5). Thus, children's expectations of the future have changed, along with their own experiences of childhood being so different to that of their parents. 'With increased poverty, a growing number of divorces, and a sharp fall in the birth rate, younger children are often alone while their parents are engaged in income-generating activities and the result is often depression and loneliness' (Adolescents nd: 46). The development of changing children's and young people's cultures, locally expressed but linked to consumerism and global themes, will not only provide different experiences for children, but also contribute to generational gaps in understanding. This is borne out by the adolescents needs survey and the experience of change, with more than a third feeling that their parents do not understand them and a fifth that their parents do not care for them (GV 2003: 8). The issue is how much some adults are able to help children understand and make sense of a world that they, as parents and adults, are experiencing as different and bewildering.

### *Diversity and vulnerability*

Apart from poverty and associated increasing inequalities, the rural-urban divide, education and gender differences, there are other significant social categories that contribute to diversity and have an effect on children and childhood. These include disability and ethnicity. The impact of change in these other dimensions of difference is not discussed here but requires investigation, in particular attitudes towards disability in childhood and provision both at school and elsewhere. Shifts from monolithic economic and welfare models to market and social insurance type provision will have impact, and potentially in particular on the visibility of disabled children. A 2000 survey found that almost half of disabled children aged 10-18 years are working: over a third in the private sector, a quarter in the state sector and

others in households. Most of these children found working were 'mentally ill, visual, speech and hearing impaired children' (Disabilities 2001: 22-25). More understanding on work done, but also on opportunities available for disabled children is needed, and especially promoting their rights to education. Recognition of diversity in childhood is required, and especially how some children experience stigma and discrimination and the effect of this on their lives and opportunities. Such discrimination in service provision ultimately arises from the processes of categorising children into groups.

## **Categories of vulnerable children**

Some understanding of vulnerability and risk for children in Mongolia emerges from reports issues in recent years, and will not be rehearsed here. Most of these have been commissioned to look at what are identified as particular problems or seen as categories of children presenting problems. The interlinks between categories (such as 'street children', 'working children', 'commercial sexual exploitation', 'juvenile justice') are less discussed and identified, so that in effect reports seem to reflect changing understandings of children's circumstances, as different groups come to the attention of the public, government or non-government organisations. It is clear that the process of change has created new risks and conditions for vulnerability, as a recent note points out on conducive conditions for trafficking: 'high poverty, unemployment, increased prostitution, drug abuse, increasing emigration to foreign countries, widespread perception that working abroad means becoming wealthy, illegal attempts at using passports and visas, increasing interest in marriage with foreigners, increasing illegal working abroad and street children' (Training 2005). This list points to social change, but also to the need to understand vulnerability in the local context: not poverty, but the outcomes of inequalities and opportunities, misinformation, perceptions of elsewhere, and so on.

A cursory reading of the government of Mongolia's recent report to the CRC raises the following problems, categories and potential locations of risk for children: increased crime, domestic violence, children fleeing from home, orphans, orphanages and care centres, school drop-outs (especially boys), birth registration, prison conditions, rural children living in dormitories, working children. This list is incomplete but even so, sorting out such a plethora of problems has meant that an approach from a particular focus, generally that of a single presenting problem, has been adopted as easiest although it is not the most useful and fails to take account of an holistic perspective on children's rights and lives. Connected with this approach seems to be an underlying perception that these problems have emerged during transition and will be resolved when transition is complete (see below, Part II).

### *Street children*

In terms of national and international awareness, it seems that it is the issue of 'street children' which is best known and of most concern to government and public, perhaps also the most visible (and probably one of the most controversial). The attention provided to street children is evident through the number of foreign and domestic organisations involved, and international publicity. Images in words and pictures of children living in manholes have touched on a variety of iconic images around the world. The development of the profile of this problem is relevant here, because it appears to be publicly seen as the central child protection issue, and the response has generated non-government provision that appears to be taken as the main child protection provision.

Following the crisis of the appearance and sudden increase in numbers of street children in the mid-1990s, a number of international organisations and then domestic NGOs were established to make

provision, particularly shelters. More recent government responses have called into question the premise on which provision is based: that there are a large number of street children. Instead, there is some controversy over definitions of street children, whether there are any 'real' street children left, and different attitudes towards methods of responding. The NGO approaches have been largely based on provision for homeless children through shelters and drop-in centres, and increasingly some consideration of prevention of children coming onto the street. The government view is that this provision has cleared the problem, with only a few children perhaps left, who are anti-social, in conflict with the law (involved in theft), controlling other children, and who require a military type regime. (See GV 2003.)

It appears commonly agreed that there is a broad category of street children which includes those who are working 'on the street', in markets and so on, but that this is separate from a 'hard core' or group of older children living on the street and homeless. This core group is the subject of controversy over responses, but also concern because of their apparent alienation. Agencies do not seem to be in contact with them. However, other perspectives suggest that children are still coming onto the street, are moving between shelters, and their problems are not properly provided for. The problem of definition means that 'street children' can be a large amorphous group with a range of problems, including being bullied and controlled, having to beg, needing to work to survive, children who are homeless or who have some sort of shelter, those living by themselves and those with families. The term might equally well be defined as only those completely homeless and destitute. The issue of numbers, which is what this often boils down to in practice in Mongolia, is not discussed here, except to note that from the figures of 3,000 – 4,000 quoted in the late 1990s and even 2002, the number (counting the 'hard core only) in UB is now down to less than 70, or even to zero according to police (see GV 2003 pages 3, 6, 7 for discussions of numbers: other material from research done in 2002). Further, 'it appears that the police department counts the newly admitted children as the current cohort of street children' (ibid: 7).

There are two issues. First that there is clearly an ongoing problem of children coming onto the street, requiring some services, but that the number is not really known because of different methods of counting and lack of coordination of provision (see below). The reason why children are coming onto the street will constitute some of the range of vulnerabilities for children, because being on the street, however defined, is placing a child at risk of violence, exploitation and other harm. Reasons for coming onto the street include violence at home: a 1999 survey found nearly 30 percent of children having left home because their parents beat them, and a further 15 per cent because their parents became aggressive and abusive when drunk (Adolescents nd: 98). These reasons highlight the importance of the recent research on corporal punishment (GCSD/SCUK 2005 a/b), and the importance of taking action for its elimination.

Second, while the number of the 'hard core' might be contested, it has been much discussed and its reduction suggested as a success. The Address Identification Centre stated that 'in their estimation the numbers of street children are decreasing due to police efficiency (GV 2003: 13). But the focus on these children, mostly boys, raises issues about perceptions of problems and priorities. For example, there is another group of vulnerable children identified, whose numbers are apparently larger than the core group of street children, but who are not in receipt of such widespread attention by police. These are girl children experiencing regular sexual abuse and exploitation, and who are officially then penalised further for being abused (fined) because they are identified as prostitutes. This second issue concerns how defining groups of children such as 'street children' and 'girl' or 'child prostitutes', and controlling them (as with the hard core street children) rather than looking at vulnerabilities and risks such as abuse, exploitation and violence, creates further problems and fails to respond to violations of children's rights.

Similar to 'street children', the number of girl sex workers is also not known, but the police suggest 130 girls regularly involved, and estimate the total as 200 (ibid 14). A 2001 survey indicated 200-250 (CHRD nd: 32) and a recent resolution of the Government of Mongolia notes estimates range between 400-1000 girls working in UB (NPA CSETC 2005). These 'child prostitutes' are 'generally fined and placed under police supervision' (GV 2003: 21). Perpetrators are apparently rarely prosecuted, with children often being interviewed in the same room, and who are often harassed. Also, if the child is still in school, the 'child prostitution' is made public - 'this practice serves to further alienate and stigmatise the children' (ibid: 21).

This comparison between groups is drawn not to suggest one group is more deserving or in need than another, or has greater breaches of rights than others. Indeed there are overlaps between the two groups, since many girls involved as sex workers could probably also be classified as street children, and the Address Identification Centre has links with some children in both groups. Rather this comparison is drawn to indicate some of the futility of using classifications of children as a basis for services, and the problems of associations, where street children, who are mainly boys, receive a great deal of public interest and concern, but girls systematically abused by adult men receive less attention and concern. This raises questions and issues about the way vulnerability is defined through classifications of groups, and responses that are apparently based on those categories. While some groups have high profile, others are ignored, partly because of complex discrimination or fear: for example, boy street children are probably seen as a threat, and girls sex workers seen as immoral. A key connection between the two is that they are both viewed as children in conflict with the law, and the police are a frontline in making a response.

Understanding vulnerability, risk and which children are in need of protection requires a broader approach. This may be illustrated through a rapid (and incomplete) survey of vulnerabilities and children in need of protection. The concern about vulnerability means children being vulnerable to or at risk of harm: the protection of children from harm, abuse (sexual, physical, emotional), violence, exploitation and neglect.

## **Children vulnerable and at risk in Mongolia**

The public profile of street children in Mongolia remains an important starting point for understanding vulnerability and risk. This issue is also important because of the implications and impact of the services created in response to street children, and the development of provision for child protection. Problems in defining street children have been indicated above: the category includes other classifications of children such as those who are homeless, children out of school or not receiving education, children who are working, children who are exploited for sex and abused, children who are separated from family, and children in conflict with the law. The content of this category already provides a list of important areas of vulnerability for children in Mongolia. But the interconnections between the 'subcategories' highlight underlying causes of vulnerability and suggest areas for response that might be more effective than dealing only with the presenting problem.

Being on street is a risk in itself: children on the street are vulnerable to being exploited for work, to being drawn into or compelled to undertake activities that bring them into conflict with the law, to being raped or coerced into sex work, to being trafficked, and not to mention the dangers to health both physical and emotional, and the problems now and in the future because of being out of school. In particular, children's alienation from mainstream society, their self-esteem, emotional well-being and

often the need to seek alternative values and validation, brings risks and harm. The example of street children suggests three sets of issues or vulnerabilities in all, with implications for protection services. First, that being on the street is harmful or potentially harmful. Second, that being on the street brings risks of passing into more harmful circumstances. A third set is to identify what makes children vulnerable to come onto the street.

These areas might alternatively be conceptualised as children's vulnerabilities in their home, children's vulnerabilities being homeless (with family), separated from family, working, and vulnerabilities in what happens to them moving on from the street, being trafficked or further exploited, moving into institutions, being sent home. These areas are evident in dimensions of vulnerability raised in recent reports. Apart from street children (GV 2003), these reports concern children in conflict with the law (Unicef 2002), children involved in domestic work and herding (PopTRC 2005, C Lab nd), children working in mines (PopTRC 2002b), children exploited for sex work (PopTRC 2001), children working in markets (PopTRC 2002a), domestic violence and abuse affecting children (Dom Viol 2005), reports of children committing suicide, and being bullied and experiencing other problems at school, and children's lives in institutional care, especially in the state run Labour, Education and Training (LET) Centre (GV 2003). In all of these circumstances, children's emotional lives need particular attention as well as their physical situation. These issues are briefly reviewed below, to draw out some main points only, rather than repeating the content of existing studies.

#### *Street children*

This topic has already been discussed above, and is referred to again below in considering the nature of child protection services available. Although there seems to be some agreement that the numbers of children living rough, homeless and separate from family are under one thousand, and possibly only a few hundred in Ulan Baatar, the issue extends beyond the question of numbers. There appears to be a continuous flow of children to the street, in addition to the 'hard core' of children living rough. There are overlaps of categories in that some children can be described as street children who are working in the markets and some who are living with parents, which would then increase the number. There are children living in shelters who might otherwise be counted as street children, which would also inflate the number. Part of the problem with shelters is that parents who cannot afford to send children to school may make them homeless because the shelters will ensure their education. Street children come into contact with the police a lot, which also places them in category of children in conflict with the law. Some children working as sex workers are also 'street children' and also come into contact with the police. The phenomenon of street children is not limited to Ulan Baatar but exists in other cities across the country.

#### *Children in conflict with the law*

Although there was a doubling of crimes committed by children between 1991 and 2001, this was consistent with the overall rise in crime rates, and in general the 'juvenile crime rate has remained relatively consistent at approximately 9% of total crime' (Unicef 2002: 9). By far the largest crime between 1998-2002 was theft, and overall 90-95% of juvenile offenders are male (ibid: 10-11). But most of the prison sentences were also for theft (ibid: 98) and an estimated 40-50% of those children sentenced to prison are orphans or 'unsupervised' children (ibid: 100). Although prison is widely regarded as no place for rehabilitation, alternatives to incarceration are not used. Indeed, the 2002 UNICEF report raises issues in each segment of the justice system, from the legal age of criminal responsibility, the lack of effective prevention strategies and diversion practice, through arrest, representation, trial, sentencing and prison. The report notes that conditions at the main pre-trial detention centre in Gants Hudag are 'cause for concern' and that all centres, but especially this 'have a well-known reputation for torture and abuse' (ibid: 55-56).

### *Children exploited for sex*

A 1996 survey recorded 46 girls nationally 'engaged in prostitution', with 90% in Ulan Baatar (cited in PopTRC 2001: 6), and a 2001 survey suggested 66 girls in 'prostitution and at risk of prostitution' aged 13-18 years (C Lab nd). But a 2001 survey noted that while 'the current police report says that there are about 100 teenage girls engaged in prostitution ... this data may be substantially underestimated because it covers only the girls who were caught and delivered to police stations. Prostitution has taken organised underground form...' [sic] (PopTRC 2001: 6). By 2005, the official estimated number was between 400-1000 (NPA CSETC 2005) indicating an exponential increase in less than a decade – perhaps over twenty times as many, albeit given the difficulties with figures because those cited seem to err on the side of caution.

However, the numbers alone are only part of the problem, as a 2001 survey indicates. Girls involved are often experiencing high levels of violence in their work, apart from being coerced into working, and one cited background is having been raped or sexually abused by a known person (relative, friend as opposed to stranger) (see PopTRC 2001). The mediators who got the girls involved in being sexually exploited were family members or organised groups (C Lab nd). In addition, as noted above, it is often the girls who are punished for being exploited for sex, rather than the perpetrators.

In addition to the affects on physical and emotional health, including sexually transmitted infections, there is also the potential risks of HIV/AIDS. Most girls in the 2001 survey reported having one to two clients a day, with most being aged 19-35 years. Although the number of registered HIV positive cases is twenty (May 2006, up from thirteen in October 2005), this has grown significantly in the past five years, and if the increase in the number of girls exploited for sex reflects an overall increase in sex work, then vulnerabilities to HIV/AIDS has also increased significantly. Girls under 18 who are sexually exploited, who are mostly controlled in this work anyway, are probably even less likely than others to negotiate or require condom use (as noted in research elsewhere).

### *Domestic violence*

According to a recent survey, domestic violence is understood to be 'very common in Mongolia' (80% of respondents) and caused by 'alcohol (39.2%), unemployment (28.8%), poor upbringing (24.3%), life of the streets (6.3%)' (DomViol 2005:27). The survey found that 28.9% of participants aged 7-24 years had been beaten (unfortunately the data was not disaggregated to children, but this does provide an indicator), with 18.8% abused verbally and 38.7% 'under some type of burden' (ibid: 31). Also that children were mostly abused by parents, step-parents, sisters and brothers and most of the violence happens at home. The extent of violence is horrific in many cases cited, with children being hospitalised and needing surgery. The affect on children's emotional health and well-being was not extensively discussed, but clearly there is a major problem of domestic violence affecting children, and which is probably at the root of many other problems such as street children, children in conflict with the law, children exploited sexually (as noted), and will also form a context for children's domestic and other work, and their general relationship with adults. Peer relationships and bullying are likely to be structured from this culture of violence.

### *Work*

Children working is not in itself a cause for concern, in that it has been recognised that some work is an aspect of children's development and membership of family and community. The question is rather how that work is defined and its nature. Exploitative work, involving long hours, harsh conditions, damage to physical and emotional health, is not work and not acceptable at all - neither is work that

prevents children gaining education. The question of work needs to be set in the context of children's rights holistically and in consideration of the best interests of the child.

There are several areas and issues of concern regarding children's work. These include children's domestic work and herding, children working in markets, children working in mines. Some might also include children involved in sex work, but this has been discussed above under sexual exploitation because that is what it is. It was noted above that almost half of disabled children are working.

*Child urban domestic workers.* A recent survey has estimated 6148 children employed as domestic workers in six districts of Ulan Baatar. Over 50% work for grandparents, brothers, sisters, nearly 30% for non-relatives and friends, and the remainder for relatives. They are aged 13-14 years and comparatively equal gender, with more boys (56.7%) than girls. One third have dropped out of school and one tenth are homeless. 65.6% work seven days a week (PopTRC 2005).

*Children herding and doing domestic work in rural areas.* A survey in 2000 of 255 herding families included nearly half that were hiring children. Some 87.6% began working because of needing to help their family, and 72.8% had left school or never attended school. The survey found children paid less than adults although half worked 8-10 hours a day and did the same job as adults. 77% of those working started because their parents asked them to. Most children were not paid cash – 81% paid in some in-kind form. They described the work as difficult and stressful, getting hungry when looking for lost animals, but also with conflicts and abuse arising when moving around. Nearly a quarter lived separately beside the family that hired them. Many felt lonely. (C Lab nd)

The 2005 survey report (PopTRC 2005) estimated that 30,427 children are herding livestock in rural aimags. Over two-thirds (71.9%) are working for relatives such as grandparents, siblings and others. Around one quarter (one in four) of children herding livestock for other families is an orphan [this appears to be defined as loss of one parent and both parents]. 'Less than 50 percent of children study at school' and one quarter aged 12 years and over are illiterate. 'Boys herding livestock for other families work without any supervision or guidance of parents' while 'girls herding livestock for other families carryout duties of a domestic worker'. In general it seems that over half of children herding livestock for other families carryout everyday household chores that a domestic worker does. The study also found that the duration of a girl's work day is longer than that of a boy's by one hour. As above, 'children are paid wages mostly in non-cash form'.

*Children working in mines.* A survey in 2002 was conducted of 122 households working in gold mining. All had children involved. In the areas studied it was found that 4461 adults and 1871 children permanently working there. One third of the children had dropped out of school although over 80% wished to continue their studies. All the children were working illegally, some nine hours in summer (eleven hours for older children), six in autumn and four in winter. Parents push their children into the work, although some two-thirds started by their own initiative: gold mining is the main source of livelihood in most households. The work involves handling mercury. Children's health is badly affected by mining, with half being sick and over 90% injured during their work. Just over a third of those children in the study were aged under 13 years, and over another third 16-18 years. 26.2% were aged 13-15 years. Some girls become involved in prostitution, are exploited for sex, at the sites. (PopTRC 2002b; C Lab nd)

*Children working in markets.* A survey in 2002 of 300 children working in markets in Ulan Baatar included around two-thirds male and one-third female. Nearly 60% did not attend school, for reasons of contributing to household income, lack of interest, lack of money to buy textbooks and clothes, and

lack of citizenship registration. They work on average nine hours a day with some 59% having a break although only 29.7% (of total) ate something during their break. The majority of children find a job for themselves mostly transporting goods, loading and unloading, engaging in petty trade (selling food, newspapers, bags) washing cars, looking after cars. They 'buy essential products and take them home or give their parent the money'. The children reported bad treatment by clients, police, market inspectors and other adults, accidents. They also reported use of vodka and tobacco among themselves, and noted that there were 'girl prostitutes' at the market. Pressures included exhaustion, cold, hunger, abuse, beatings, robbing (PopTRC 2002a).

### *Child trafficking*

There is increased concern about the trafficking of women and children. Cases reported so far have been of young women (over 18 years it seems) trafficked to Macau, but also three cases that went to court were reported in research in 2005 (CHRD 2005) covering trafficking to China, to Yugoslavia and one case dismissed, concerning women taken to Macau. From anecdotes it seems probable that older girl children are at least vulnerable to being trafficked, particularly to China. A training handout on 'combating children and women trafficking, 2005' (Training 2005) mentions cases of street children taken abroad and used in theft, burglary by adults, but does not give a source. However, trafficking of women and children across Asia is of international concern, linked to global trafficking, increasing and requires steps to be taken to protect children and women and to understand and prevent vulnerability to and trafficking itself (see UNODC 2006 for global patterns of trafficking).

The range of vulnerabilities contained in these reports largely focus on children who are not in school. The problem of domestic violence and the even more hidden problem of domestic sexual abuse (evident to a limited extent from surveys of children exploited for sex) cut across all children, but the problem of emotional abuse, and of emotional well-being in view of physical and sexual abuse has not been discussed to any great extent in reports. Although poverty is often cited as a reason for vulnerability, in children working, the possibilities of non-exploitative, properly managed work, combined with access to school and time to study, are constrained by attitudes towards children as much as, or even more than poverty itself. These problems are demonstrated and compounded by life at school – 'schools have often been described as unhealthy and unwelcoming environments' (Unicef 2002: 27) – as evidenced by the research on corporal punishment (CGSD/SCUK 2005). 'Authoritarian teaching practices, discrimination against migrant or disadvantaged children, poor physical conditions and teacher abuse and alcoholism all impact children's learning experience' (ibid, citing Adolescents nd and Peri-Urban 2002). Bullying at school is perhaps therefore, not unexpected, but is also reported as a major problem (Adolescents nd).

### *Disability*

'The general practice is to keep mentally and physically handicapped children and adults out of sight and to minister to all their physical needs rather than concentrate on developing their capacity to do these things for themselves, and to have a measure of independence and self-sufficiency (Adolescents nd: 81). This approach is placing children in risky situations, as well as increasing vulnerability by reducing resilience. Where children are kept 'out of sight' they are particularly vulnerable to abuse, quite apart from failure to fulfil their rights to development. Their lack of inclusion exacerbates this, and fails to promote resilience (apart from failing to meet rights to participation), which could increase resistance to abuse. In contrast to, for example, street and working children, there are apparently few organisations working with/for disabled children, especially intellectually disabled children.

### *Other issues*

There are a range of other issues that contribute to children's vulnerabilities, some partly due to changing social conditions. For example, new and apparently increasing use of alcohol (54.7% of children under 16 years have begun to use alcohol – Adolescents nd: 75). A 1997 survey reported 2.2 % of their sample used solvents (cited Adolescents nd: 75), and while the later survey on adolescents appeared to indicate a reduction, it was acknowledged that this may be due to survey methodologies and the 1997 data being more accurate.

Not all dimensions of vulnerability can be discussed or noted here. For example, the failure to ensure comprehensive birth registration still presents problems for many children and places them in vulnerable or difficult circumstances. There are also reports of an increase in suicide among children and young people, which is an indicator of levels of stress and mental health problems that require a more comprehensive approach to protection.

### *Vulnerability*

Vulnerabilities may thus arise in a number of situations:

- **living in the family** (corporal punishment, physical and emotional; violence and abuse because of drunkenness: rape);
- **at work** (but exploited long hours, poor pay, poor conditions, no access to education);
- **living separately from family but homeless and/or working** (bullied and exploited on the street; abused when working away from family and living separately; coming into conflict with the law);
- **living in institutions**, such as orphanages, residential care, detention centres, shelters (lack of care, problems with integration and independence, bullying and abuse; violence from staff; coming into conflict with the law);
- **at school** (bullying and violence from teachers and other students).

These vulnerabilities suggest how child protection work needs to be developed to go beyond the use of categories of children and presenting problems and issues, and instead look to children's protection from harm, abuse, violence, exploitation and neglect. The problems noted above are not that children are on the street or working, but that they are vulnerable to or are being abused and exploited in those situations. The cause of many children coming onto the street or into dangerous situations such as being exploited for sex or work, is abuse and violence at home, and at schools that are unwelcoming and unfriendly.

## **Services: shortcomings and problems**

Many of the reports noted above include recommendations that involve a social work service and social workers. However, such a service does not exist as envisaged by these reports. In Mongolia the term 'social work' is used loosely and needs proper identification and definition. There are posts designated as social workers in both government and non-government organisations, but these appear to be vastly different in remit and intent. Government social workers seem to primarily have an administrative function, making referrals as necessary but conducting activities on behalf of local government for 'society'. They are not caseworkers, with a main responsibility of working with children and families, older people, people with mental health problems or others. Similarly, juvenile inspectors in the police are said to spend too much time law lecturing rather than working with children (Unicef 2002: 28-29). The duties of school social workers include organising short term training for teachers, being a liaison between the school and outside resources, doing research, in addition to providing counselling to

parents and a range of other activities (Min Ed 2000). There is not a focus on casework, and it is easy to see how school social workers can be diverted away from a focus on problems faced by children. Khoroo social workers exist, but only one per district, thus covering a large population, and again it is easy to see how the focus cannot be on casework, for there would simply be too much. This situation has led to comment that the 'social service exists but is not animated' (pers.comm.). Thus, on paper a service exists, but cannot and does not deal with the problems that require responses.

In contrast, social workers employed by NGOs and INGOs are taken on to work directly with vulnerable, excluded, marginalised children who are living on the street, working, in conflict with the law, albeit working primarily in institutions. There are also some four associations of social workers, but all are NGOs and appear to focus on social work graduates – which tends to exclude those working for government.

The shelters established by NGOs and INGOs have become the principal site of child care, for especially vulnerable children, and inadvertently masquerades as a child protection mechanism. But these shelters and centres only focus on particular groups of children. This creates a large gap in provision, with no statutory frontline service responding to child abuse, exploitation and neglect, which has a function of protection, care and welfare for children. Although children's hotlines have been established, these will not function properly without an available, accessible and active protection service.

Because of the classification of children into problem categories, and the profile of certain groups, the main frontline response service is actually the police for many vulnerable children. The difficulties faced by and presented by children are frequently seen in terms of law and law-breaking, and answers in regulation and legislation – for example, in dealing with children mining, the need for new laws to regulate this. Furthermore, the law permits the detention of unsupervised children for several days, rather than specifying care and protection services and investigation of causes of problems and supporting children's well-being.

The law in practice is only as good as its implementation: it is people that protect children not legislation. This raises another issue, of the nature of people and provision required. Police services deal with law breaking, investigation and detaining offenders, but children who are vulnerable and at risk require different services. In addition, many of the problems are in areas where the police are not used to venturing or dealing – in the family (and victims of domestic violence have reported the futility of this, with the perpetrator being fined, the fine being paid by the victims, and the perpetrator taking it out on them for calling in the police – see example in Dom Viol 2005). Also there are issues of discrimination, for example against disabled children, or against those children working as sex workers, (and street children) that will often include the police as well as the public, and so need a concerted and conscious effort to be overcome.

Thus, state services are or appear to be largely left over from the previous system and are not able to cope with the results of social change. Apart from social workers (as noted above, who are attached to schools etc., and have 'social' responsibilities which include administration in the communities or other educational work), and the police, the other main provision is of large institutions, which are problems (see below).

International and national non-government organisations have become the agencies that responded to changes, by providing initially for street children and then expanding to other areas. They have also provided social work staff and supplementary provision in some statutory services such as the Address

Identification Centre (AIC), and detention centres etc. But the coverage is piecemeal, incomplete and there is no coordination, nor assessment of the extent of service provision and gaps.

The lack of coordination and integration of services is not only because of the way in which services have developed and the government/ non-government divide. It is also linked to the training of staff and a common language across all. The problem of the definition of social work is but one example. Although INGOs have supported the development of training courses for social workers at universities, these have mainly gone on to work in INGOs. There appears to be a lack of linked in-service training, following a similar and/or agreed national curriculum and standards. Also, a lack of social work positions in government agencies that are defined and work using the values, knowledge and skills that should be developed through these courses. This means that there is no coordination of social work itself, nor of the role of child protection within this, and no accreditation of workers.

The main provision run by the state consists of institutions such as the Labour, Education and Training (LET) centre (a large residential care home, heavily criticised) along with the AIC centre, detention centres. Regarding the LET Centre 'There has been on-going concern from international and national organisations about the regime, management and practices of this centre, as well as from the children themselves. These concerns revolve around the poor quality of care, the poor environment and the repressive practices of dealing with children' (GV 2003: 27).

There are also some community centres but these do not focus on marginalised children, nor have staff that will respond to cases of abuse, or work proactively on protection. The creation of a large number of shelters in Ulan Baatar and elsewhere by various INGOs has considerably increased the quantity of institutional provision for vulnerable children. Although most of these shelters may house less than 20 residents they are still institutions (small group homes, an alternative model, would have less than five children). There is also an older orphanage and the SOS village that has larger numbers (SOS villages house large numbers of children on one site, albeit in smaller group units, and so are community based provision only as implied by the term 'village' with a number of different households).

Recent attempts to develop standards for some of these services instead appear to be inadequate and not focused on practice. The standards for shelters recently developed are based on old institutional models of care, requiring particular staffing such as teacher, psychologist, doctor, nurse, and building size and functions etc., rather than emphasising the quality of care and especially children's emotional well-being, development and participation. This development raises the importance of understanding the international framework for children that Mongolia ratified in 1990 and the best policies and practice that have emerged since then. An important aspect of contemporary international frameworks is the move toward setting standards for the quality of service delivery, in particular looking at practice, involving children in their establishment, implementation and monitoring, and so ensuring standards are child-focused.

## PART II

### PRINCIPLES FOR DEVELOPING A CHILD PROTECTION SYSTEM

Principles for developing a system for the protection of children require an understanding of change, set alongside knowledge of existing and potential vulnerabilities and risks, experiences of harm and exploitation. Principles for action, policy and practice can be drawn from international experience, in particular the development of child rights programming over the past fifteen years, and evidence from practice in a range of settings and countries (see also West 2005c for a rough overview/survey). This section looks at the problem of using transition as an explanatory or analytical device in understanding current social issues for children. It moves on to look at principles for policy drawn from children's rights and childhood theory, and then the implications for practice. Part III then looks at these principles as a basis for moving forward with child protection work in Mongolia.

#### The problem of transition

The context for current issues of childhood in Mongolia is often rehearsed as, and linked to, the idea and process of transition. For example, 'since the 1990s, Mongolia has largely been defined by the transition' (GV 2003: 6). The transition is usually described and explained in economic terms, such as 'Mongolia is undergoing a transition from a centralised planned economic system to a market oriented economy' (MoSWL 2003: 9). It is also described in political and social terms: 'a peaceful transition to a democratic, capitalist state' ... 'although political and economic changes have brought many benefits, it has been a difficult period of transition' (Unicef 2002: 4). The underlying implication is of a social transition, but often this social explanation is offered because of social problems associated with the economic and political change: 'the last ten years have seen a transition in Mongolia that has brought new challenges – increasing international integration, democracy and new freedoms have come hand in hand with rising poverty, inequality, unemployment, and uncertainty about the future' (Adolescents nd: 7). However, for some agencies, the transition is long over: 'having overcome the initial turbulence of transition experienced between 1990 and 1994 when real incomes collapsed, unemployment rose sharply and human conditions deteriorated, Mongolia is now poised to take advantage of the opening up of markets ...' (UNDP 2003: ix). Yet this report did go on to note a 'recent phenomenon' of inequality between rural and urban areas.

The use of the term 'transition' is not helpful in explaining and analysing the social context for childhood and child protection in Mongolia (as it may not be useful in general analysis). Transition implies a shift from one fixed state to another. Social problems can then be explained as due to a transition period with the implication they will disappear once transition is complete. Generally, the implication is that this stage is not yet here in Mongolia. But this paradigm belies the broader picture, and the past and contemporary reality, of change. Societies and cultures are not fixed, static entities, but changing over time. Processes of globalisation have speeded up change in some areas, and enhanced awareness of change. However, many people continued to perceive change as being infrequent because in reality they are accommodating changes on a daily basis and not seeing the shifts.

Rather than seeing social problems as the temporary outcome of a transition phase, and which will eventually disappear, another lens is needed. It seems unlikely that these social problems will go away, but rather that they will change and become transformed, given that the nature of the 'market' is change, and that developed market economies generally experience new social issues which demand a response in terms of child protection. (For example, the internet has brought many social benefits, but

also new forms of child abuse.) Another lens, or viewpoint is to see issues and context in terms of change and difference and to recognise that social life is not static, so that a continual process of reflection, analysis and action is necessary in order to develop services and other responses to changed circumstances.

This is not to say the 'transition' in Mongolia has not been a period of or contributed to particular and significant change in the lives of its citizens. There have been dramatic shifts, as one example alone illustrates, 'income poverty is a new phenomenon in Mongolia. It was virtually non-existent before 1990. However, following the transition wages have, in general, remained low' (UNDP 2003: 12). But a reverse, an end of transition, will not produce the same relationships. A sudden cessation of social problems is unlikely, because as some are resolved (even partially) others will appear. This is already happening with recent reports of trafficking and the increase in HIV/AIDS cases, both of which potentially have significant impact on the lives of children.

### **Principles: transition, rights and theory**

For children the onset of 'transition' in Mongolia was coterminous with two other major developments. First, the inception of the Convention on the Rights of the Child (CRC) in 1989, which was ratified by Mongolia in 1990 and now by (nearly) all countries of the world. Second, an important shift in theorisation of childhood (promulgated as 'the new sociology of childhood'), which has led to an enormous growth in anthropological, sociological and other research since 1990. The CRC and the new sociology of childhood have much in common, relevant to the current circumstances of children in Mongolia. In terms of change and difference, the new sociological paradigm highlighted diversity of childhood and children as social actors, while the CRC highlighted principles of non-discrimination, best interests and participation (in addition to development and protection). These factors are directly related to policy and its implementation.

For sociology the three main findings were first, that childhood is not the same around the world, it is a social construct and varies from culture to culture: that is, ideas of what is a child, what constitutes childhood, expectations of children's behaviour, and so on vary. Second, childhood is not an homogenous state and varies within cultures, for example by age, gender, ethnicity, disability, religion, language, income and wealth, and so on. The experiences of a 12 year old rich urban boy are different to those of a 16 year old poor rural girl, just as they are to a disabled poor urban boy of 6 years – and expectations of these children vary. Third, the finding and realisation that children have an impact on the world around them from birth and, as they grown in competence, have their own social lives, and direct influence on others and on their surroundings.

The CRC links to this sociological paradigm in several ways. For example, in identifying difference and that groups of children should not experience discrimination. Also, in recognising that individual children's identity, past experience and current circumstances are different to those of others, which means that it is impossible to generalise completely about childhood. Action must be taken in the best interests of the particular children under review, because best interests will vary between groups and between children. Finally, in order that the best interests of children are identified, given that children are social actors and understand their circumstances best, children should participate in decisions affect them, be consulted and involved in decisions on their surroundings including participation in decision-making in services devised for children.

These components of difference identified through sociology and in the CRC need to be analysed by particular locations before developing and altering services. But these differences are also time-bound: they change as attitudes and social contexts change. Ideals and expectations of children's behaviour and their future changes over time, and is further complicated by external factors. In addition, the use of the international definition of children, of humans up to the age of 18 years, must be taken into account. Many cultures have definitions of childhood that are shorter, and many have additional terms that do not correspond, including an equivalent of 'young people' that extends beyond this age. But the CRC provides a set of rights and corresponding duties on government for those aged up to 18 years. This means circumstances and expectations of older and younger children may vary considerably, but this is also part of the diversity of childhood that requires flexible and comprehensive responses. In addition to the CRC, there are other human rights instruments that also affect children, but which continue to protect and govern them beyond the age of 18 years.

While the CRC and new sociology place great emphasis on children's participation, the other important factor is that, if children have rights then there is an obligation to see those rights are fulfilled. The main duty bearers for fulfilling rights are governments. All children and adults have responsibilities to respect and protect the rights of others, but the main duties fall on government. This has some implications for the development, quality and monitoring of services for child protection. Rights bring accountability, especially for the most marginalised and vulnerable. A key accountability and duty is for the protection of children, a responsibility of all duty-bearers but especially of government. Rights based programming, a method of animating the CRC and other international rights conventions, drawing on the findings of sociology and evidence-based practice, and especially children's participation, offers a set of principles and methods for policy and a basis for the development of practice. Rights based programming is useful in providing goals, standards, identifying responsibilities and reflecting on practice – starting from analysis of local circumstances and rights fulfilment.

These principles require three areas of action. First, practical action on violations of rights and gaps in provision. Second, strengthening structures and mechanisms that should exist to protect children, including law, policy, practice, children's participation. Third, building constituencies, that is raising public awareness and commitment. The main themes are accountability (especially for government), participation (especially of children) and equity (working for all children with particular attention to those marginalised and excluded).

Children's participation is emphasised throughout. Participation means children being consulted, being involved in decision-making, and taking action (for example forming their own organisations, as practised by street children and working children in India, and disabled children in China). Children's participation has practical benefits. Apart from self- and mutual support through children's organisations, participation has also been found to promote resilience and so benefit children's protection, and to provide psycho-social support through the process of involvement. As understanding of children's participation has grown and methodologies developed over the past decade, realisation of the importance of children's participation has increased, not just in terms of children's citizenship and future, but also the significant benefits to their lives now, as children. Participation is an essential component for developing protection services. Protection should not be seen only as being adults working for children, but should recognise children's contributions in a positive way, their rights to be involved, as well as the importance of participation in promoting resilience.

## Implications for practice

Services for children need to be holistic, that is to take account of how problems such as abuse or homelessness or bullying affect different aspects of children's lives. This not only requires an holistic response but also a process of assessment. The steps involved will need to consider not only dealing with what has happened (for example, domestic violence) but also where children should live, their integration or reintegration into local society and so on. The assessment, planning and decision making needs to involve children's participation. Those working with children need to have skills, knowledge and work to a set of ethical values. Children need emotional replenishment, including psycho-social support, which requires competent, trained staff who are able to refer to a range of services as necessary. All of these also have implications for the ways in which services are provided.

### *Duty bearers and coordination*

The government as main duty bearer is accountable for protection of children and so has a number of responsibilities for children's rights and child protection. These include recognising and ensuring that all ministries have a role in fulfilling children's rights; that provision and services are integrated and coordinated; practice standards and inspection.

The actions of all ministries impact on children's lives, not just those ministries with an obvious responsibility for children such as the Ministries of Education, Health and Welfare. (In Mongolia this would mean looking beyond the Ministry of Education, the Ministry of Health and the Ministry of Social Welfare and Labour. For example the Ministry of Justice with roles in dealing with children in conflict with the law, but also the investigation of child abuse; the Ministry of Foreign Affairs will have some input into trafficking and the repatriation of trafficked children and women; the Ministry of Roads, Transport and Tourism responsible for road safety, have input into trafficking, and issues around sex tourism; the Ministry of Fuel and Energy will have some links to the mining industry, as will the Ministry of Industry and Commerce and overlooking employment conditions and opportunities.

In addition to analysing responsibilities, in order for child protection provision to work, there needs to be an integrated approach: that is, to respond to children's whole circumstances (the emotional as well as physical effects of risk, vulnerability and exploitation), then approaches might need to involve, for example, education, welfare, health, justice and industry services working together. As duty bearer government has responsibility for ensuring that services exist and there are no gaps. Government is also responsible for ensuring that services meet quality standards, which are standards for practice and not for buildings. Practice standards concern the quality of care (the quality of the way staff work with children) and children's participation. Standards also mean that an independent inspection service is needed to ensure they are maintained and that children have access to protection and welfare.

Services can be provided by government or non-government organisations (or even the private sector, but this is usually too expensive if quality standards are to be met), but services must be coordinated if provision is to meet the needs and rights of children. While government does not need to provide services it will need to pay. Developments in the market economies of many countries now mean that non-government organisations provide services, contracted out by government which provides overall supervision, law, policy, standards and inspection. (Some countries do continue to provide all services themselves.)

### *A protection and welfare service*

A staffed service or set of provision is required, in order these duties are fulfilled. The service needs to have an ethos and competent staff able to respond to vulnerable children and children who have experienced alienation, violence, abuse, exploitation and been harmed. The frontline service needs to be based on rights and protection – the best interests of the child – and not on control and restraint. Some children who are in need of protection may not be easy to work with initially, but are entitled to an approach based on their best interests and protection. The main and frontline service should not be led by the police. In many countries the police have a very poor reputation, are feared by children, and are shown to abuse children. Police services are generally not designed first and foremost to provide care for children a protection and welfare service is necessary to provide and coordinate a number of functions, including work with vulnerable and at risk children, supporting community based care and alternative care, working on prevention and integration.

### *Institutions and community based care*

A first stage in providing services and working in the best interests of children is to recognise the problems of using institutions, either for permanent residential care (such as large orphanages), temporary care (large shelters and homes), or for dealing with children in conflict with the law. But even when institutions are established and provided with the best intentions, children do not thrive in institutions and their self-development and social skills are impoverished. They receive little personal attention, they are more at risk of abuse and violence, and bullying, they find it harder to achieve independence and receive little or no support after leaving. Children's self-esteem and confidence is diminished. Institutions are expensive, more so than other forms of care. Children in detention are not being rehabilitated, find it difficult to return to community life, are also likely to be abused or bullied. Institutions should be closed and replaced, especially the large 'homes'.

Alternatives are the provision of community based care, including foster care, adoption, support for child and peer headed households and, as a last resort, small group homes (homes for just three or four children with houseparents). Support centres and services are important. Support is needed for working with children to reintegrate into local communities and alternative care, and for children going back to families.

### *Prevention – working where children are*

One of the principles supporting community-based care for children is that children are best cared for within a family environment. However, it must also be recognised that some families are dangerous for children – for example with violence, abuse and exploitation. The best interests of some children are served by their temporary or permanent removal, and this is one reason why children themselves run away from home. But children often experience conflicting emotions, not wanting to leave. Some families can be supported in order to prevent separation, to prevent physical or emotional or sexual abuse. This requires having a service or provision that is open to children, understands children's current circumstances and works with children where they are. Similarly, a protection service needs to address the lives of street children where they are, and not force them to move. (Some of the best and most effective practice with street children does not involve the use of buildings at all, as centres or accommodation.) The first aim is to prevent street and other working children's further exploitation. Children are entitled to participate in all decisions about their placement and accommodation, and support services.

### *Staff, training, standards and accountability*

The development of child protection requires competent staff working to standards across agencies. This, in turn, requires the development of training facilities, often associated with a method of accrediting staff and linked to inspection of practice.

These elements contribute to a necessary process of accountability, from the abused child or child at risk, through the local public and staff, to government – and back to the child. It is vital that staff are capable of working with children individually, and of facilitating children's participation.

### *Children's participation*

The increasing importance attached to children's participation, and recognition of the role it plays in developing resilience, requires that participation is a central theme throughout practice and policy. Children need to be consulted in the development of policy and in designing and monitoring services. On an individual level, children who need protection need also to be involved in decisions made about their placements, plans for their care and their future. Participation is also an important method of working at community level, involving children and taking them seriously, where it has benefits of providing psycho-social support and developing resilience. The multi-dimensional roles and uses of participation need to be consciously taken up in planning protection work, for policy and practice.

## PART III

### MOVING FORWARD

One of the major issues for Mongolia is simply a lack of attention to children's protection. Services depend on the police and non-government organisations, and these are poorly, if at all, coordinated. In order to reverse this, child protection needs to be taken up as an essential service for children in parallel to education and health services. This shift involves recognition that the process of change initiated by transition has brought and exacerbated a range of social problems that have a complex effect on children's lives and require a focused service and attention.

The main problems for children go beyond children being on the street, and must be considered in terms of children's vulnerability to, risk of, and rights to protection from harm: abuse (physical, sexual, emotional), violence, exploitation, neglect. Problems for children are manifested in five areas: in families, at work, living separately, in institutions, at school. In these places children may be vulnerable or at risk of harm: not all children will experience these problems and will be protected when living in a family, attending school, even working (and still receiving an education), and even living in an institution (although the long term effects and risks of institutionalisation mean these places are not acceptable). Vulnerabilities may arise, as noted above:

- **living in the family** (corporal punishment, physical and emotional; violence and abuse because of drunkenness: rape);
- **at work** (but exploited long hours, poor pay, poor conditions, no access to education);
- **living separately from family but homeless and/or working** (bullied and exploited on the street; abused when working away from family and living separately; coming into conflict with the law);
- **living in institutions**, such as orphanages, residential care, detention centres, shelters (lack of care, problems with integration and independence, bullying and abuse; violence from staff; coming into conflict with the law);
- **at school** (bullying and violence from teachers and other students).

All these areas are interconnected: violence at home may lead to children leaving and having to survive on the street, exploited for work, then coming into conflict with the law and/or being placed in an institution. A service is required that places children's protection and best interests first, and that looks at and operates in all situations where children are working, studying and living. The basis for this service is that it is essential provision, and not residual (a service that operates only when all else has failed). Although called here a 'service' it is not a monolithic administrative service, but a network of a range of provision across government and non-government sectors. The important element of it as a service is a chain of accountability. It is also not a service working for others, but needs to involve children throughout as well as adult members of the community. A core characteristic is a sense of partnership. Some other characteristics of this service are explored below.

One crucial aspect of the service is that it must make another link – between rural and urban areas. The nature of life in these areas is already significantly different, for example materially, and in terms of the use of time, opportunities available, and so on. These differences are likely to increase, and more children and young people will move either from the countryside to the city, or to the homes of other people from domestic and/ or herding work. Change away from the familiar makes children and young people vulnerable and part of the service needs to look to protection of children in new situations and link to the provision of information and skills to build up resilience for those who will move.

## **An Essential service**

Child protection needs to be developed as an essential service, prioritised alongside education, health, welfare and justice, but with an ethos of working in the best interests of the child according to rights-based principles, policy and practice.

This essential service needs to be able to respond to all circumstances of children where they are in need of protection, as noted above, but also to include children's participation throughout. That is to be able to respond to issues of domestic violence and abuse, provide refuge, work on prevention, work with children where they are, provide community based care, support and integration services, and promote children's participation. The involvement of children in the service is essential: not only as 'clients', but consulted on protection issues and provision. In addition the service needs to be community-based and so work with children and young people in other ways (not always on individual case-work basis), for example in prevention, and they may also be volunteers.

The form that the service takes will be a series of partnerships of government and non-government organisations. There needs to be a central core where a statutory service responds to reports of abuse, exploitation, neglect: but the importance of this core is accountability and supervision, and it may comprise government and non-government organisations, provided that the structures and responsibilities are clear and linked. This core service needs to be monitored and inspected. The core will need to be part of a strong network of provision, including specialist services (such as rehabilitation, counselling), community based alternative care, support and prevention, and children's organisations. The exact form will need to be decided, and may involve an action research basis of testing different models, especially given the geography of Mongolia and dispersed population in rural areas. Urban and rural provision will need to be linked, and may have different characteristics, but will need to follow similar principles.

Thus the service will need to have a range of staff. The core staff would spend most of their time on case-work with children and families, with clear supervision, management and accountability lines. There will also be staff in community based support, prevention and integration provision, who will spend time working with individual children and group work, including the development of social and life skills (and so on) through recreational and other activities. There will also be people who provide foster care and perhaps small group care, and a need for work with parents and other adults on parenting skills, dealing with conflict and ways of resolving problems without violence or 'corporal punishment'. All of these staff engaged in different aspects of protection work and developing children's participation need to be trained. Some consideration should be given to an accreditation system, for staff to be accredited to be able to undertake particular types of work. They and the service needs to be managed and accountable. Volunteers also need training, and the development of their skills should be a part of the benefits and enjoyment of being a volunteer.

A plan for development of this service can be designed as staged development: providing legal authority, job descriptions and networking existing staff resources; developing standards for practice; providing training; developing inspection and monitoring; raising awareness in communities; closing institutions; developing community based provision (initially from existing provision); and so on. This list is not in a sequence that would necessarily be followed in a plan. Some work would need to be undertaken at the same time, and it is important to identify and engage community resources from the outset. The network might begin with partnerships between local community provision. The network

would have to operate on several levels. Clearly it would be important to make use of existing services and provision: the development of a child protection service is not starting from a blank sheet. Partnerships between government and non-government organisations are essential. But the work needs clear leadership, authority, enthusiasm and coordination, which must come from government as the principal duty bearer.

In order to develop such a service, the following actions might be considered as minimum. These are not listed in planning sequence, as noted above. The first stage would be a vocal commitment and acknowledgement of change affecting all sectors and levels of government, identification and commissioning of a strong coordinating and lead body, the forging of key partnerships with non-government organisations, and the promotion and involvement of community based organisations, and children's participation.

## **Protection service components**

A list of ideas for components of the service follows. All points are essential, but the form they take would depend on analysis and decisions in Mongolia.

### ***All government decisions and all ministries***

All government proposals and decisions should include consideration of the implications for children. All ministries identify their roles in regard to children's rights.

All ministries have a role in regard to children's rights because the ministries work for the people of Mongolia – some possible examples are noted above in Part II. Every policy proposed and decision made, from all departments and ministries should provide in writing a note considering the implications of it for children. This can be coordinated through the Prime Minister's office.

The links between ministries are important because the child protection service needs to be multi-disciplinary and multi-sectoral. Partnerships will be necessary not only between government and non-government organisations, but across government ministries and departments.

### ***Law - Revision of law***

Existing laws need to be reviewed. A consolidated child protection law can be developed, with methodologies and funds for implementation. Provisions for implementation need to emphasise protection, participation and children's best interests, rather than investigative strategies for dealing with offences that may have been believed or perceived to have been committed by children or adults. This is particularly important in dealing with physical and sexual abuse.

Laws and regulations on prostitution should be revised so that children and young people who are sex workers are not criminalised but protected: they should not be subject to fines or other punishment.

A number of detailed recommendations for revision of law and regulations are made in recent reports: these all need to be consolidated and addressed in revising law and developing a new child protection law and procedures.

The law needs to establish a statutory response to reports and cases of child abuse, exploitation, neglect and violence, which will include looking at children's working conditions.

### ***Coordination***

Child protection is not simple, and provisions in law and regulations alone will not make for protection. There needs to be implementing bodies and accountability, and a process of continual reflection on change and newly emerging issues.

Protection and other children's services should be coordinated at all levels of government. The National Authority on Children may coordinate at national government level, and requires authority and supervision to do this. At lower levels of government similar coordinating mechanisms should exist. Accountability for the service/network is essential and should be at highest level: because the service needs to involve all ministries the coordinating body should be separate and needs to have authority to investigate, inspect, monitor, require changes and implementation. Accountability to Prime Minister's office might be the most appropriate process, but should also involve a means of accountability to poor and marginalised children. The coordinating body needs to be proactive and provide leadership.

### ***Integration***

The purpose of coordination is not merely linking disparate services. In order to respond holistically, an integrated approach is required. Government services need to work together, for example, education, justice, welfare and other ministries at national level and departments at local level. A mechanism is needed to establish and implement this, which will require local and national leadership linked to the coordinating body. Integrated provision will also include non-government organisations, community based organisations, and children's organisations.

### ***Coordination and Integration***

A coordination group would oversee services and ensure comprehensive provision, protocols for working together, referrals and so on. This would include representatives from all sectors at local and national levels, including children – particularly children who have used services or who are part of poorer and marginalised groups. The purpose of integration is to ensure collaboration in casework as necessary: children who are the subject of casework will be involved in all decisions.

### ***Core service and networks***

The strands of a service need to be a core service that responds to cases of abuse, exploitation and neglect, along with a network of provision for rehabilitation, integration, prevention, including children's organisations. There will be referral and involvement of a range of services in addition to care, welfare and protection, since the police may be linked in investigating cases where prosecution is intended, for example for sexual or labour exploitation of children. The strands of a core service and networking are identified here, as examples, and working to a set of standards.

### ***Core service***

A core statutory service of designated staff working full-time on child protection casework and service development across all issues. These staff will work to standards and be trained, operating in the best interests of the child to a set of values including non-discrimination, respect for children, children's participation. This core service might include existing staff redesignated with new job descriptions and accountability: all will need training (see below). The core service would just be a part of the networked overall service.

### ***Networking of staff***

While a service is developed existing staff with capacity and potential can be designated and networked to provide child protection: these may be in government or non-government organisations and will

involve a range of provision, including community based support and prevention. These staff and their agencies will need to be networked and guidelines and protocol for the overall linking 'service' will need to be developed and implemented. For example, relationships with police, the method of links of existing provision.

### ***Standards***

Standards for quality of practice should be developed and a plan for implementation.

### ***Inspection***

An independent inspection service should be developed, to monitor services regularly, propose actions and report.

### ***Child protection policy***

A national child protection policy to be developed, with protocols on working with children.

### ***Training and accreditation of staff***

A designated and essential service for child protection will require staff who are trained and accredited. The training and accreditation will include practice supervision. They may need to be designated as Child Protection or Children's Rights Workers in order to distinguish them from social workers who have other responsibilities.

An ongoing training programme needs to be established for all staff and volunteers who will interact with children. This training must be provided at basic level, and not only at undergraduate level.

### ***Children's participation***

The promotion of a variety of strands of children's participation is essential. The service must ensure that children in care are involved in all decisions about their care. Children should be involved in designing and monitoring services. Children should be involved in management and/ or decisions about community based services. Mechanisms for children to be consulted on policy need to be developed. It is particularly important that mechanisms for the participation of marginalised, poor and excluded children are developed. Mechanisms for children's participation should be developed across sectors and linked, including children being consulted and participating in school management.

### ***Awareness raising***

In order for a service to operate there needs to be an environment in communities, organisations, the private sector and government departments, about child protection, the circumstances of some children, and children's rights. Campaigns on child protection and rights would need to be supplemented by communications on the developing service, and how the service can be accessed by children and by concerned adults.

### ***Rural-urban and networked support***

Equal priority must be given to the development of protection services in rural and urban areas, while taking account of their different nature. Particular attention must be paid to children and young people who will move, for example from the countryside to the city, or from home to another place for domestic/ herding work, which will also increase vulnerability. The service must be linked or include awareness raising, information and skills provision, to build up resilience. The service should also provide a network of local support, involving children in planning and delivery, that children can access if/ when they do move.

## **Other urgent issues**

There are a number of other issues that require attention as part of the development of child protection, and which could be addressed at the same time as a service is developed. In any case they need to be addressed as a matter of urgency.

### ***Deinstitutionalisation***

All institutions to close and be replaced by community based provision. A plan needs to be developed to phase out large government institutions first and then non-government provision. The large institutions are not acceptable at all.

### ***Justice and police***

Alongside the phasing out of institutions there needs to be a move away from control and repression of children perceived as problems towards protection and best interests. No child should be detained in police or detention centre: this will involve repealing measures implemented before giving powers for 14 day detention. Diversion from the system will need to be adopted. The recommendations of the 2002 report on Juvenile Justice in Mongolia need to be addressed.

### ***Working children***

There are a large range of issues to be taken up involving children who are working. Many of these have been covered in reports, and recommendations need to be addressed. In particular, regulations and protection need to be developed for children involved in domestic work and working as herdsmen in other families; children working in mines; children involved in sex work; children working in markets; disabled children working. Specific points would include, for sex work, that girls (or boys if found to be involved) are not to be fined. Perpetrators are to be punished.

### ***Trafficking***

This appears to be an emerging problem and requires early attention. Prevention work would include greater awareness, and the provision of life skills for migration, also the building of resilience through participation work.

### ***HIV/AIDS***

The increase in registered cases of HIV/AIDS in Mongolia has been rapid, even though the number is seen as small (13 cases in October 2005 and 20 cases by early May 2006). Prevention work needs to be developed among children and young people, particularly among vulnerable groups.

### ***Disability***

This is noted above, in terms of understanding working conditions of the apparently large number of disabled children working. These children should have access to education and school, policy and practice should be reformed to facilitate this, for example inclusive education, and if necessary schools with natural sign language for deaf children.

### ***Education/schools***

The links between education and vulnerability are noted above. Some reform of schools or provision of other facilities is necessary to improve access to education, for example for working children, disabled children and especially boys. Also to ensure and provide protection in schools from violence and bullying, and to develop children's participation.

### ***Violence***

Although noted as a final point, the significance of violence towards children cannot be overestimated. It forms an underlying component in many situations of vulnerability and causes of vulnerability and demands urgent attention. A survey has recently been published on violence towards children and women and its health consequences (DomViol 2005). However, some of the data is not disaggregated for children, and the broader social impact on children's vulnerabilities could be considered further. Other studies are needed, as is, urgently, a strategy to combat violence, alcohol abuse and provide protection for women and children.

## MAIN RECOMMENDATIONS

**An integrated child protection system** that includes, as minimum:

- a legal framework to protect and prevent children from all forms of maltreatment;
- a lead, proactive child protection agency with statutory powers for coordination of multi-sectoral policy and multi-agency work (including coordination and activation of government departments duties in fulfillment of child protection rights) and ensuring community-based local provision is operating;
- a linked and coordinated service directed and statutorily empowered to act on and for violations of child protection rights including an implementing core child protection service, that is integrated and coordinated locally, operating in rural and urban areas; and specific rehabilitation services for abused children such as case management, intervention;
- a service competent and empowered to monitor, inspect and take appropriate action on quality of practice in child protection service and provision.

**The child protection system should include the following basic elements:**

### **protection, and rights-based prevention, planning and placement service and network**

*(develop a staffed service to respond and ensure response is made to children's circumstances that is integrated (using all provision) and holistic. The service will develop prevention work, casework, use community based alternative care and diversion, network services, coordinate provision at different local and regional levels.)*

### **community based protection mechanisms, rural and urban**

with responsive and preventive protection work, and children's participation

*(raise awareness and promote behaviour change in communities; develop local mechanisms to respond to children's circumstances, prevent problems; coordinate local services and provision for children; integrate services and provision through a lead agency; develop children's participation; develop community based alternative care and diversion from custody.)*

Community based protection mechanisms link all services and institutions for children in a locality, including school and other education and health services. A common ethos of protection from violence, abuse and exploitation correlates with child-friendly provision. Community based protection mechanisms must be preventative as well as responsive, and must include children's participation as a means of promoting children's resilience and providing psycho-social support. Community based mechanisms go beyond social casework to the facilitation of children's and young people's meaningful participation.

### **Children's participation**

*(ensure children's meaningful participation at all levels and forms, including children's decision making on personal planning, placement and care, children consulted on services and provision, children's involvement in decisions on operation and management of services and support for development of children's organisations.)*

### **Law and empowered services**

Revised legislation to take account of changes in children's vulnerability and protect children, and to eliminate violence towards children in all settings – family, school, care and detention facilities, places of work and employment; to establish and empower a child protection system and relevant agencies, including child protection services, and the coordination of multi-sectoral and multi-agency work and provision; to empower a service investigate and take up violations of child protection rights. Inclusion of children in legislation and provision to prevent and respond to domestic violence.

## **Accountability**

The system will have:

- standards for practice (including children's participation);
- training and accreditation for staff;
- independent inspection and monitoring of services and provision.

## **Changes to existing provision**

provide alternatives to institutional care and detention

*deinstitutionalize existing welfare provision – provide alternatives to institutional care such as adoption, foster care, small group homes, develop diversion from custody, ensure elimination of corporal punishment and violence towards children in all care and detention facilities*

## **Government role**

Ensuring provision of an integrated system and service for child protection. This means: having an implementing lead service to act as coordinating agency for multi-sectoral and multi-agency cooperation; ensuring that provision exists, is integrated and coordinated, ensuring all ministries recognise and implement their roles in fulfilling children's rights and work together, including child protection and children's participation; ensuring there is no violence towards children or abuse of children in any state run service or provision; ensuring there are practice standards and inspection; ensuring staff are trained; ensure codes of ethics and responsibilities.

## **Networked provision**

A variety of services may be provided by local government and by non-government organisations, but must be coordinated and integrated to provide an holistic approach.

## NOTES

1. Some explanation may be needed of terms and intention. The use of terms such as 'child protection system' and 'social work' may call to mind the complex systems developed in western Europe, North America and Australia, which rely on a degree of national prosperity and expenditure, qualified social workers and inspection. This is not what is intended, and even though such levels of expenditure may be aspired to, these systems are not all the same (with funding and implementation varying), nor are they infallible: there are continual reports of children falling through the safety nets provided. But a system for child protection can be developed based in the local community, and much of child is about values and attitudes, rather than buildings and paid professionals. Also, 'social work/ social workers' is also best characterised around values and skills, and can include volunteers as well as paid staff: the important element is understanding and working to a code of ethics and practice. Some staff who are identified and named as 'social workers' may not be within the definition of codes of practice and intentions of service, for example, that involve work with vulnerable and disadvantaged people: the term seems also to be used in Mongolia for tasks of social administration.

2. For example, in 2004 during workshops leading to research undertaken by children themselves, children listed their perceptions of vulnerability under twelve headings: 1. having no father and mother; and 2. orphan (meaning loss of one or two parents); 3. being unable to pay tuition fee for school; 4. children with difficulties in mind (this phrase was essentially defined as children who had been emotionally hurt, and those with low self-esteem and self-confidence. It was said to include children being hurt in mind, a sense of being hurt, a sense of failure: children who have been frustrated.); 5. with no friends; 6. no food no clothes; 7. are beaten by other people (including parents); 8. not good at study; 9. no one cares or is concerned for them; 10. broken family (father and mother separated); 11. no family, no home, no relatives; 12. don't have a good teacher. (see West and Zhang 2005). This list suggests other additions that can be made, but is itself not comprehensive: the children were all affected by HIV/AIDS but did not include this because of the stigma attached to it.

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Andy West  
Ulan Baatar, Mongolia  
October – November 2005, May 2006  
[andywest@savethechildren.org.cn](mailto:andywest@savethechildren.org.cn)  
[andywes@gmail.com](mailto:andywes@gmail.com)

Save the Children UK  
Mongolia Programme  
Box 1023, Central Post Office  
Ulaanbaatar 13, Mongolia  
Tel: 976-11-329365, 329371  
Fax: 976-11-329361  
E-mail: [monscf@magicnet.mn](mailto:monscf@magicnet.mn)  
Website: [www.savethechildren.mn](http://www.savethechildren.mn)