

## JOINT SUBMISSION OF THE NON-GOVERNMENTAL ORGANIZATIONS OF PROTECTING THE RIGHTS OF THE PERSONS WITH DISABILITIES, MONGOLIA TO THE UNIVERSAL PERIODIC REVIEW

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**Involved DPOs:** Unified Federation of Disabled People’s Organizations, “Aivuun” DPO, “Equal Society” DPO, Association of the Wheel-chair users, “New Messenger” association, and the City Council of Disabled People’s Organization

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### **Currency exchange rate**

1 USD = 1427 Tugriks (by March 10, 2010)

## 1. GENERAL SITUATION

According to the statistics of 2009, there are 80796 persons with disabilities registered. It occupies 3% of the total populations of Mongolia. Among them 37079 (45.8%) are female disabled people. 44.9% live in urban area and 50.1% live in rural area<sup>1</sup>. Only amount of persons with disabilities who got pension from the State were 93507 persons in 2009 by news of the Ministry of Social Welfare and Labor, Mongolia. However the identification of the people with disabilities is not satisfactory level that it is not matching to the world statistics of the persons with disabilities, which is 10% of the total populations according to the World Health Organization estimation. There is another number as unofficial data is going on among the public, which is 121.000 persons with disabilities in Mongolia.

The State Great Hural of Mongolia (Parliament) had ratified the United Nation’s Convention on the rights of the persons with disabilities and Optional Protocol on December 19, 2008 in order to

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<sup>1</sup> Statistics of Mongolia - 2009, National Statistics Office, Ulaanbaatar, 2009

protect the rights of the persons with disabilities of Mongolia. It is validated by United Nation on May 13, 2009. And the Convention became valid document as Mongolian laws and legislations.

It is approvingly encouraging that several legal documents of Mongolia reflect the rights of the persons with disabilities. However, some of the law articles are not clear that how to implement them and some of them is just symbol text. Mechanism of the responsibility to implement the laws and legislations related on the enjoying the rights is weak, and commitment of State to implement the laws and legislations is not enough to the required level. Even though State informs through press that the legal environment of the persons with disabilities is starting to be created and a step forward is started. But in the reality there is no obvious change is seen towards protecting the rights of the persons with disabilities. The laws and legislations of Mongolia consider the persons with disabilities as aid receiver or welfare beneficiaries, not as legal body. It is easily seen from the definition of a person with disability<sup>2</sup>. So it is necessary to interpret the Mongolian legislations according to the international norms, recommendations and other countries' experiences. In other words the Mongolian legislations must base on the human rights.

It is not enough that only one Ministry of Social Welfare and Labor is responsible for disability issue. The disability issue is not also accompanying issue for a clerk or officer of a Ministry. This matter itself is leading to violate the rights of the persons with disabilities and deny the multi-sectoral collaboration. It also effects badly to the interdependence of the laws and legislations and furthermore to the implementation. Whole Mongolian society considers that the disability issue is addendum job of an officer. The structure of the "National Committee to support the persons with disabilities" consists of authorities of the Ministries, for example deputy minister or State secretary or head of the departments. They are selected as member of the Committee, no matter they wanted to be member and they want to do something useful for the favor of the of persons with disabilities. Indeed such kind of structures, who solves the issues related to the persons with disabilities, has no official staff to be responsible for the activities. There are many cases that in some year this structure doesn't organize any meeting at all. In order to change the discrimination of the persons with disabilities by the State, we need to stop such kind of reaction of the State. According to our experience there is a need to have an independent legal body/ or organization, which combines the disability issue at the structure and which has sustainable operation towards disability issue. The Cabinet of Mongolia must create such independent body in nearest future.

## 2. ACCESSIBILITY

The term "Accessibility" is not mentioned in any of the legal documents of Mongolia, but some of the issues are mentioned<sup>3</sup>. Accessible to public services and buildings is not being implemented in Mongolia. Under the accessibility actions, up-to-date it is only considers that the accessibility to a public building entrance for the wheel-chair users. In 2009 with the support of the international

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<sup>2</sup> Social security law for the persons with disabilities, 2008, Ulaanbaatar

<sup>3</sup> "Social security law of the persons with disabilities": Article 6.3.3; Article 6.3.4; 2008, Ulaanbaatar; "City construction law": Article 20.1; Article 20.2; "Construction law": Article 9.1.3; Article 10.1.3; and "Auto transport law": Article 10.2.; Article 10.2.9

organizations first time following two standards have been developed: 1) “Guidelines to plan the side road for the persons with disabilities”<sup>4</sup> and 2) Accessibility standard to the public buildings and constructions for the persons with disabilities”<sup>5</sup>. However there is no unified standard for all the services. Except non-convenient ramp to the entrances of the few organizations in urban area, Mongolia did not do any specific activities on this field. Today for the persons with disabilities, it is impossible to go on the street and/or inside the building. Inside the building any blocks, stairs, barrier and narrow corridor come out every time and plenty of gaps, holes, steps, and fence in the street. Wheel-char users and blind people couldn’t go outside because of these barriers, so they had to stay at home. Public even thinks that they don’t need to go out. And state is not doing anything to change the situation, and it seems they prove the consideration of the public. State servants also didn’t get out from such a same understanding. These are blocking persons with disabilities to enjoy their rights.

It seems Mongolia has no understanding about the information and communication accessibility. They do not do anything towards disseminating the information through various communication ways. Except one sign-language book was developed; few minutes of the National Broadcasting Television (MNB) broadcasted the evening news with sign-language interpreter and “English-Mongolian and Mongolian-English speaking dictionary” for the blind people was developed, there is no other activity was taken place. There is a need to make a law and standard to use only one sign-language, Braille, Speaking and book in the Mongolia.

There is not so much to tell about the public transport for the persons with disabilities, as Mongolia ratified UN Convention on the rights of the persons with disabilities and Mongolia accepts that persons with disabilities have rights to use the public transport. There is a law article mentioning that persons with disabilities use the public transport free except taxi service. But the micro-buses, which occupy quite high percentage among the public transport in urban area, don’t serve to the persons with disabilities. There is no way for the wheel-chair users to use the public transport.

There is no legislation or regulation for the persons with disabilities to use train, airplane, and vehicle to go to countryside. Those organizations are not doing anything for the favor of the persons with disabilities. The most people with severe difficulties stay at home or motherland. In order to provide the right to transport for the persons with disabilities, it needs to develop the legal environment. Violating the rights of using transport, it become a condition that the rights of access to good quality of medical service, access to sanatorium, study in university or college and study in a vocational training center are violated.

In rural area there is almost nothing is done except few ramps, which were made by the financial support of some international organizations. So the people with severe difficulties, living in rural area, have no possibility to go out from home.

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<sup>4</sup> Financial support of “Mercy Corps” INGO and AIFO INGO

<sup>5</sup> Financial support of AIFO INGO

For the purpose of providing the rights to access to information and transport for the persons with disabilities, Mongolia needs to take strategic steps in the disability sector on the basis of modern achievements like DAISY standard to make speaking book and experience from abroad.

### 3. EDUCATION

There is informal and formal education system in Mongolia. Formal education consists of pre-school, primary, secondary and high education. The content and standard of the formal education will be defined according to the education law and informal education was legalized as free contents. Every child must study till 16 year-old and education in the state schools are free of charge.

Education rights of the children with disabilities and people with disabilities of Mongolia are coordinated in several laws. However the rights mentioned in the laws are violated. In the introduction of the Sub-program of supporting the participation of the children with disabilities mentioned that 50% of the children with disabilities enrolled to regular schools, but graduation level of the children is only 14%. So it is obvious that the right to education of the children with disabilities is violated<sup>6</sup>. Main cause of the right to education is being violated is that there is no condition for the children with disabilities to study in a regular school – teachers are not trained on; nursing and caring is impossible at the school; and public attitude is negative towards the children with disabilities that they think the children with disabilities are unable to do anything, they only need special education. There is still very strong consideration is going on among the specialists and public that the children with disabilities need only special education, not inclusive education.

There are only 2 schools in Ulaanbaatar including one special school, where there is a ramp for the children with wheel chair. No school is provided with Braille books and Speaking instruments. It needs high attention for the schools and kindergartens to provide accessibility for the favor of the children with disabilities. State didn't do anything about including the children with disabilities into regular schools, but now there is negative message among the public that it is impossible to let the children with disabilities study in a regular school. So some schools open a special class for the children with disabilities, not letting them study in different classes<sup>7</sup>. It is one of the discriminations of the children with disabilities. Bringing the children with multi-disabilities in one class, regardless their ages is just impossible to run normal lesson, which will fit for all the children. Such kind of lesson is not qualitative education.

As there are no lesson books for the children with hearing difficulties and it is also difficult to use other printed materials, the children use any available materials in their lesson. While the non-disabled children have many choices of the lessons books, the children with disabilities have no books at all to study. We consider that it is also one of the discriminations because of their disability

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<sup>6</sup> Sub-program supporting the participation of the children with disabilities, Government resolution 283, 2008

<sup>7</sup> "Rights to education and labor of the people with disabilities" Research report by project on "Capacity building of the local people with disabilities", Mercy Corps INGO, Ulaanbaatar, 2009

type. Up-to-date there is regulations or legislations to teach Braille letter, Speaking Book, or sign language. It is another sample that the State is not fulfilling their duties to the front of the Constitution of Mongolia.

From the other side, there is a lack of budget to publish lesson books or books for the people with disabilities or purchase some necessary equipment. So only with the support of the international donors and projects or external aid, the books are published with few copies or the equipment is bought with fewer amounts. These are not enough in nationwide, especially the local people are still lacking of the books and materials.

The teachers deal with the children with disabilities is not trained sufficiently, and few of them are working now. But the skills of the teachers are not meeting today's requirement. As skills and communication ability of the teachers are not satisfactory, they are against of the inclusive education and they recommend to the children that better they study in a special school. There is no specific action is taken towards creating experiences of enrolling the children with disabilities and improving the teaching methodology of the teachers. As there is no curriculum in the Education University and College, that specifying the special needs of the children with disabilities and communication skills to deal with the children with disabilities in the standard of education, the future teachers graduate their schools with no understanding to work with the children with disabilities. So the teachers had to refuse to work with the children with disabilities in the practice, because of no understanding on disability issues<sup>8</sup>. To implement the law article to promote professional and methodological support, it needs to organize series of training courses on methodology, develop training materials, teaching to the student about the disability issue and teaching sign language.

The children with severe disabilities are out of inclusive education. The most of the children with disabilities spend their childhood at home in a limited environment. So they mainly face shy, fear, frighten and some other difficulties. Accepting human diversity and respecting the dignity by the teachers and scholastic stakeholders is not set on. 46.6% of the children with disabilities studying regular schools, who are involved to the survey on "Rights of the children with disabilities of Mongolia", answered that difficulty comes out from other children's laugh at them<sup>9</sup>. It is also observed that such kind of discrimination is common among the parents of the non-disabled children of the kindergarten<sup>10</sup>.

In generally the statistics of the children with disabilities study in regular schools is still arguable in Mongolia. According to the official statistics it says that 6897<sup>11</sup> children with disabilities registered in Mongolia, but the Ministry of Education, Culture and Science inform that there are over 35899 children with disabilities in Mongolia. Wrong or incorrect data of the children with disabilities says

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<sup>8</sup> "Rights to education and labor of the people with disabilities" Research report by project on "Capacity building of the local people with disabilities", Mercy Corps INGO, Ulaanbaatar, 2009

<sup>9</sup> Survey report "Rights of the children with disabilities of Mongolia", side 37

<sup>10</sup> "Rights to education and labor of the people with disabilities" Research report by project on "Capacity building of the local people with disabilities", Mercy Corps INGO, Ulaanbaatar, 2009, side 30

<sup>11</sup> Yearly Statistics Book - 2008, National Statistics Office, 2008, side 38

that the State is not doing decisive action towards them and at the end it the violating the rights of the children.

It is encourageable that the State pays the tuition fee of the disabled student of University or College. But it is still impossible for the person with severe difficulty to study in University or College, where there is no accessibility including training materials, ramps and construction. There are quite high numbers of people, who want to study in University and College, but owing to the lacking of accessibility they couldn't study<sup>12</sup>.

Almost all the buildings of the Universities, Colleges and Vocational Training Centers of Mongolia are inaccessible for the persons with disabilities. Public toilets and libraries are not designed for persons with disabilities to use them or they are too small for them.

People with disabilities, living in rural area, have no accommodation design for them to study in a College or University. So the condition is blocking persons with disabilities to study in urban area, coming from rural area. It is violating their rights to education, where they want.

#### 4. EMPLOYMENT

The number of persons with disabilities, who are doing job, is arguable like the number of the persons with disabilities in Mongolia. By 2008 there are 57182 unemployed persons with disabilities<sup>13</sup>. There is no other survey on needs assessment on job placement, which was done in 2004 by the National Statistics Office "Selective survey of the persons with disabilities". According to the survey 26.4% of the persons with disabilities are employed. Among the employed people with disabilities, 56.9% are doing private business, 16.4% are attending to the family business voluntarily, and 12.8% are working at home. And 14% of them are working in State and private enterprises according to the law.

During the last few years the State is paying attention for the employment of the persons with disabilities and the legal environment is improved in the certain level, however we don't see any obvious change on the matter. It shows there is a need to make survey on disability issues and needs assessment. Implementing process of the law is unclear, responsibility mechanism is weak, the job environment for the persons with disabilities is not satisfactory, support to the entrepreneur is bureaucratic and attitude of the entrepreneurs is negative towards the persons with disabilities. All these led to blocking to enjoy the rights to labor of the persons with disabilities. Also bank and financing organizations refuse to the people with disabilities to give loan because of their disabilities.

According to the law, parents or relatives are care takers of the persons with disabilities. After death of the parents slightly disabled people (people with low vision, and/or people with hearing and

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<sup>12</sup> "Rights to education and labor of the people with disabilities" Research report by project on "Capacity building of the local people with disabilities", Mercy Corps INGO, Ulaanbaatar, 2009, side 24

<sup>13</sup> Website of Ministry of Social Welfare and Labor: <http://mswl.gov.mn/index.php/mn/the-news>

speaking difficulties) generally work for the family business like breeding cattle and household job. Such kinds of jobs have no payment for the persons with disabilities, which leads to the job exploitation. In the above-mentioned survey there are 16.4% of the people with disabilities work for the family for free. To solve this problem there is a need to have legislation or regulation for care takers, pension, and employment.

The State is promoting job placement for the persons with disabilities, however the types of the jobs are very few, and it is just limited with handicrafts. Producing handicrafts needs time and force, but productivity is little. When the few names of products made by the persons with disabilities are sold at the market, public consider that they are the products that only people with disabilities make. Those products are not meeting to the high quality products, which are made using the modern technology. So it is obvious that competition between such kinds of products is almost impossible. It is one of the discriminations for the persons with disabilities that let them make products with poor quality. Looking to the experience of Mongolia, it needs to improve the condition of self employment of the persons with disabilities. To do that it needs to use the trends to promote to produce products using modern technologies, which will be competitive at the market.

## 5. LEVEL OF LIVELIHOOD

In 2009 the poverty line of the populations are described newly. Depending on the regions, the poverty line varies between 86300 tugriks (60.48 USD) and 101100 tugriks (70.85 USD)/ monthly<sup>14</sup>. And the minimum salary is 108000 tugriks (75.68 USD)/ monthly.

People with disabilities of Mongolia can be involved in two types of pensions. If the person paid social insurance tax more than 3 years continuously before he/she becomes disabled, and who lost his/her ability with more than 50 %, that person will be able to get a pension from the Social Insurance Fund. If the duration of the paid social insurance tax is over 20 years, the person will get the pension in full. Minimum amount of the full pension is 81400 tugriks (57.04 USD) / monthly. If the duration of the paid insurance tax is less than 20 years, the pension is calculated according to the percentage. Minimum amount of the pension calculated with percentage is 54000 tugriks (37.84 USD)/ monthly. The most of the persons with disabilities, who receive pension from Social Insurance Fund, get 54000 tugriks (37.84 USD)/ monthly. In 2008 55507 persons with disabilities got pension and average pension of them was 67075 tugriks (47 USD)<sup>15</sup>.

People, who became disabled before he/she didn't pay the social insurance tax at least 3 years and/or if young adults, children or people with disabilities with congenital cause lost their abilities more than 50%, they can get a pension from Social Welfare organization. Amount of the social welfare pension is 41400 tugriks (29.01 USD). 38000 persons with disabilities got social welfare pension in 2009<sup>16</sup>.

<sup>14</sup> [http://www.nso.mn/v3/files/HAADT\\_2009-03-25.pdf](http://www.nso.mn/v3/files/HAADT_2009-03-25.pdf)

<sup>15</sup> Website of Ministry of Social Welfare and Labor: <http://www.mswl.gov.mn/index.php/mn/the-news>

<sup>16</sup> [http://www.mswl.gov.mn/files/halamjiin\\_medee\\_2008.pdf](http://www.mswl.gov.mn/files/halamjiin_medee_2008.pdf)

The amount of the above-mentioned two types of the pensions is less than the minimum amount of the salary, which means people with disabilities couldn't provide their daily basic needs. It leads people with disabilities depend on and beg on somebody's help. We consider that the State letting the people with disabilities live poor and difficult condition is one of the examples of violating the human rights. According to the survey of 2003<sup>17</sup>, the average income of a family with person with disability is 2.5-3 times less than average income of a common family. Even though now this situation is not changed at all. In order to alleviate the poverty of the persons with disabilities, the pension must be different according to the level of the disability – from light to severe. In other words persons with severe difficulties must get a pension more than minimum amount of living condition and persons with light difficulties must be provided with job placement.

Persons with disabilities of Mongolia are suffering under poverty and they cannot improve their living condition with themselves. It is very common that when people become disabled they spend all the money selling their properties (house and apartment) for their treatment. Many people with disabilities live in the relatives' home or in traditional dwelling "Ger", where there is no provision of heating, pure water, hot water and toilet. For the persons with severe difficulties, it is really difficult to live in such a difficult condition. It is violating the rights to live in a healthy and safe environment. The State must include people with disabilities in Government program "Housing" to provide apartment, which meets to the hygienic requirement.

## 6. INDEPENDENT LIVING

One of the main challenges for the people with disabilities in order to participate in social life is they are dependent from someone and they also follow other people's decision. In order to let the persons with disabilities decide own problem, it needs an organization to help them to live independent. It is mentioned in the Social Welfare Law and related regulations and orders to implement it within the framework of "Community based welfare service", but in the reality it is not being implemented. In order to promote to the persons with disabilities to enjoy to the human basic rights and decide by themselves for their life, the State must promote and finance the independent living movement. Only in this case it is possible to talk about the rights of the persons with severe disabilities.

Care givers, who care the persons with severe disabilities, receive 25.000 tugriks (17.51 USD) from the State monthly. Parents, who care their children with severe disabilities, receive this pension as well. But only in case, care givers are unemployed and under the working age, they are able to receive the pension. It is common that the parents, receiving 25.000 tugriks (17.51 USD), care their children at home and whole family fall into the poverty. Because of it, family members discriminate the child or person with disability and get rid of them. In 2009 one family left their child with severe disability in desolate place, luckily the child was survived by others. And another father had frozen his child in winter. These examples are already known by the public. But there are many cases that not known us. There is no case study on this issue. This is one of the samples that rights to live in healthy and safe environment is violated.

<sup>17</sup> "Participation of the people with disabilities in the labor market" survey report, ME Consulting Co.Ltd, 2004



As it was above-mentioned that person with disability is adopted by the relatives after his/her parents died. Many people talk during the meeting of the persons with disabilities that those people, who are adopted by the relatives, are most of the time face pressure, derogation and hate by the family members. It is mainly related to the people with severe disabilities, who are dependent from others. Those people, in most of the time, have no income and unable to self care.

As the rights of the persons with disabilities are violated with different ways, the State must take immediate decision to operate Independent Living Center in Mongolia.

It is complimentary that health insurance of the persons with disabilities is paid the State. As most of the medical services are costly, and drugs and injections are expensive, persons with disabilities couldn't receive medical service with good quality. Hospitals, sanatorium and some medical facilities are not accessible for the persons with disabilities. It is also blocking to receive medical service with good quality. Even there is no survey, there are many cases that people die because of couldn't receive good quality medical service on time.

The rights to health of the persons with disabilities will be violated until the State provides promotion to the pay expensive drugs and injection and make accessible the hospitals, sanatorium and some medical facilities.

Up-to-date persons with severe disabilities of Mongolia are all isolated, not socially integrated and they can't receive any services as human being.