



SOS CHILDREN'S  
VILLAGES  
MONGOLIA

## STATEMENT

**UPR Pre-session of Mongolia  
Geneva, 1 April 2020**

### **Alternative care for children**

First of all, I thank you for the opportunity to speak in the UPR Info's pre-session of Mongolia on behalf of SOS Children's Villages Mongolia.

SOS Children's Villages Mongolia is one of the member associations of SOS Children's Villages International. Our main area of work is to support children who have lost their parental care by welcoming them in the SOS Family Care, providing quality care and nurturing them in a family-like care environment. At the same time, SOS Mongolia works to reunify children with their biological families and has reached out to 425 children and reunified 238 children with their families. SOS Mongolia also supports 500 children who are at risk of losing their parental care and whose rights are being violated.

My statement will focus on the situation of children in alternative care in Mongolia.

In 2009, coinciding with the 20<sup>th</sup> anniversary of the Convention on the Rights of the child (CRC), the UN General Assembly approved the Guidelines for the Alternative Care of Children. The Guidelines intend to guide States in their efforts for the effective implementation of the CRC and other relevant human rights instruments regarding the protection of children who have lost, or are at risk of losing, their parental care. Another step forward in this direction is the adoption of the 2019 UNGA Resolution on the Rights of the Child with a focus on children without parental care (A/RES/74/133).

The basic idea of the Guidelines for the Alternative Care of Children **is supporting** children to grow up with their **biological family** as much as possible, and if it is absolutely not possible, then to bring up children to **family-like care** or **family-based care**, including kinship care, foster family care for a certain period of time and then reunify with their family, once the family is able to take care for their children. If there are not sufficient/qualified conditions to reunify the children with their family, children can be adopted to an appropriate family.

In June 2017, Mongolia received recommendations from the UN Committee on the Rights of the Child. The Committee expressed concern about the number of children who continue to be accommodated in residential care institutions. Referring the Committee's concluding observation, Mongolia has approved the "National Program for Child development and safeguarding"

(Government resolution 270, of 20 September 2017) and in the framework of this program has put in place legal committees on child rights, one stop centers, joint teams for situation assessment of child rights, and a regulatory committee for prevention from crime in districts and provinces.

The implementation status of the general activity on alternative care of children in Mongolia:

Mongolian State did **amendments** to the Law against Domestic Violence (2016), Law on Child Rights (2016), and Criminal Code (2015). The Law against Domestic Violence (Article 26.1.4.) to include victims in alternative care and welfare services and benefits, and to organize mediation services in connection with other necessary services. In the Criminal Code changes were made in (Article 16.7.) on Cruel treatment of children. In the Child Protection Law (2016) changes were brought to the (article 15.4) regarding The joint team specified in (Article 20.1) of the Law on Against Domestic Violence shall assess the situation of children at risk, make conclusions and recommendations on the services required for the child, and provide care and services in accordance with the law."

The Alternative Care of Children MNS 5852:2017 Standards were adopted referring to those laws and to implement qualified alternative care for children the relevant laws and regulations should cohere with each other.

1. At the moment, there is no information about the number of children who are in kinship care as no researches about **kinship care** have been done.
2. Legal regulations related with **foster care** are in undertake process by Ministries and agencies.
3. There are 1034<sup>1</sup> children who live in 31 centers of 21 child care organizations and receive **different kinds of alternative care services** on residential base.
4. Even though after implementing different kinds of **activities towards families, the number of children who cannot enjoy their rights** given by the law increased significantly. In 2017, the number of these children was 344,060, but in 2018 increased on 432,206<sup>2</sup>.

The Mongolian Governments over the past 28 years have lasted an average of 1.5 years. In this regard, the government authority is instable and due to this the succession of policies is always affected by the **lack of expert's knowledge**. Even now and further the family-like care is expected to **prevail**. To build a **real family-like environment** is substantial for parental care needed children. Therefore, the need to define the family-like care environment considerably. It is also vital to adopt and implement **preventive measures** to avoid family separation and violation of rights of children who have lost, or are at risk of losing their parental care.

---

<sup>1</sup> Source taken from Family, Child and Youths Development Department of City.

<sup>2</sup> Ibid.

## **Recommendations**

In light of the above, we would encourage UN Member States to address the following recommendations to the Government of Mongolia:

- We recommend, in line with the UN Guidelines and the 2019 UNGA Resolution, that the Government make the necessary revisions to national law to ensure a suitable range of quality care options in kinship, foster, family-like and small group care settings and reduce reliance on large-scale institutional care.
- We recommend, in line with the UN Guidelines and the 2019 UNGA resolution, that the Government put in place necessary legislation and deliver a range of family support/strengthening services, and ensure a suitably trained social workforce is in place, to prevent unnecessary separation of children from their families and to collaborate with civil society and other providers in achieving that objective.

Thank you for your attention!