

INDICATORS OF
RIGHTS IMPLEMENTATION
OF PERSONS
WITH DISABILITIES

Summary Report





Mongolia

**PROJECT ON MON 09/102
“SUPPORT IN ACHIEVING MDG-9 ON HUMAN RIGHTS AND DEMOCRATIC
GOVERNANCE PHASE II”**

**NATIONAL ASSOCIATION OF MONGOLIAN ORGANIZATIONS
OF PERSONS WITH DISABILITIES**

INDICATORS OF RIGHTS IMPLEMENTATION OF PERSONS WITH DISABILITIES

Summary Report

Ulaanbaatar
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Evaluations, opinions and recommendations expressed in the survey are solely of the experts.

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Abbreviations

APCWD	Association of Parents of Children with Disabilities
CCMPD	Central Committee of Mongolian Persons with disabilities
CRPD	Convention on the Rights of Persons with Disabilities
GDP	Gross Domestic Product
ELM	Education Law of Mongolia
ILO	International Labor Organization
ICIDH	International Classification of Impairments, Disabilities, and Handicaps
GEC	General Election Committee
LSMS	Living Standard Measurement Survey
LSWIA	Labour and Social Welfare Inspection Agency
MADW	Mongolia Association for Disabled Women
MDGs	Millennium Development Goals
MNPTV	Mongolian National Public TV
MOECS	Ministry of Education, Culture and Science
MOH	Ministry of Health
MOJIA	Ministry of Justice and Internal Affairs
MSWL	Ministry of Social Welfare and Labour
MABP	Mongolian Association of Blind People
MSSLPWD	Mongolian Social Security Law for People with Disabilities
MLL	Mongolian Labor Law
MSSL	Mongolian Social Security Law
NAMOPWD	National Association of Mongolian Organizations of Persons with Disabilities
NCHR	National Center for Human Rights
NCRWWD	National Center for Rights of Women with Disabilities
NGO	Non-Governmental Organization
NCCR	National Center for Civil Registration
NHLCSP	National Household Livelihood Capacity Support Program
NRCDP	National Rehabilitation Center for Disabled Persons
NSO	National Statistical Office
OHCHR	Office of the High Commissioner for Human Rights
POM	Parliament of Mongolia
PWD	Person with Disabilities
SCPCS	State Committee for Physical Culture and Sports
SIF	Social Insurance Fund
SOTEBP	State Occupational Training Enterprise for Blind People
SCOD	State Center for Occupational Diseases
SSIGO	State Social Insurance General Office
SSWL	State Social Welfare Law of Mongolia
UDDP	Union of Dwarf and Disabled People
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific

VSO	Pacific
WHO	Voluntary Service Overseas
MLAC	World Health Organization
	Medical Labor Accreditation Commission

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INTRODUCTION

The amendments to the Law of Mongolia on Labor passed by the Parliament of Mongolia in 1997 were an important step forward in guaranteeing that persons with disabilities (PWDs) have equal rights to employment. The National Association of Mongolian Organizations of Persons with Disabilities (NAMOPWD) played a crucial role in the adoption of the amendments. The Government declared 2001 as the Year of Support to Persons with Disabilities. The resolution of the National Language Council of Mongolia replaced an old term of “invalidity” by “development disability” in 2004. These developments triggered positive changes in the social attitude towards PWDs. A National Forum on PWDs Rights was held in 2004 under the aegis of the President of Mongolia and was organized jointly by the Office of the President, National Center for Human Rights (NCHR) and NAMOPWD. The forum discussed PWDs rights in all their complexity for the first time. It acknowledged “the importance of creating legal, socio-political, economic as well as psychological environment favorable to specific needs of PWDs, to ensure that all enjoy equal rights and freedoms”. Forty-five recommendations were adopted at the Forum. These recommendations led to amending seven laws passed by the Parliament. The Parliament also ratified the UN Convention on the Rights of the Persons with Disabilities in 2008, together with the Optional Protocol. The Government and related agencies took actions to implement legal reforms. Mongolia needs to develop and use national indicators to evaluate PWDs rights. NAMOPWD conducted a survey on implementation of PWDs rights in 2009 with the aim of developing such indicators.

The report reflects the results of the survey as well as previous studies, reports and other sources located in the NAMOPWD database. The survey took into account PWDs special needs as well as environmental limitations, social attitudes and psychological difficulties while developing indicators of PWDs rights.

Hereby, I cordially thank on behalf of the Association the research team members, who worked hard to complete the assignment within the given time-frame, as well as Ms. H.Hulan, National Advisor, Ms. Ts.Tsetsenbileg, Project Manager, Mr. O.Khatanbold, Administrative and Finance Officer of the “Support in Achieving MDG-9 on Human Rights and Democratic Governance in Mongolia – Phase II” Project for their kind technical and financial assistance.

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Table 1. Indicators of Rights Implementation of Persons with Disabilities

Indicator	Methodology	Information collection	Indicator baseline	Changes in baseline
1. Expert evaluation of conformity of Mongolia's legislation with UDHR and Convention on the Rights of Persons with Disabilities	Expert evaluation	National Human Rights Commission	Score: 0.9 (2009)	
2. Level of PWD participation in political elections	Statistical data	General Election Committee	34.7 % (2008)	
3. Access to media information by PWD	Statistical data	National Public TV and Radio	13.2 % (2009)	
4. Average income of families with PWD	Annual Socio-economic Household Survey	National Statistical Office		
5. Access for PWD to state organizations	Statistical data	Council of Civil Service		
6. Availability of information for PWD at public service organizations	Statistical data	Ministry of Social Welfare and Labor		
7. Access to public transportation for PWD	Statistical data	Ministry of Social Welfare and Labor		

I. UNDERSTANDING DISABILITIES

What are Disabilities?

Development disability is a multifaceted complex phenomenon. No universal determination of it exists so far. The research team used two kinds of models to define development disabilities.

Medical Model of Development Disabilities

This model regards development disabilities as a medical problem to be resolved or as a disease to be treated. World Health Organization (WHO) developed an international classification of impairment, disabilities and handicaps in 1980. The International classification of impairments, disabilities and handicaps defines impairments, disabilities and handicaps as follows:

Impairment

Any temporary or permanent loss or abnormality of a body structure or function, whether physiological or psychological. An impairment is a disturbance affecting functions that are essentially mental (memory, consciousness) or sensory, internal organs (heart, kidney), the head, the trunk or the limbs.

Disabilities

A restriction or inability to perform an activity in the manner or within the range considered normal for a human being, mostly resulting from impairment. Development disabilities differ by permanent or temporary status, by coverage as well as the level of limitations caused or by physical, mental, intellectual, sensory activity impairments and its impact on working and other capacities. Proper identification of disabilities is essential for the choice of rehabilitation measures, and/or substitutes and therefore provides rational to alleviate barriers to the PWDs.

Handicaps

This is the result of an impairment or disability that limits or prevents the fulfilment of one or several roles regarded as normal, depending on age, sex and social and cultural factors.

Philanthropy Model of Development Disability

It is a concept that views PWDs as a subject of social welfare and care. PWDs are subject of social care because of their abilities' loss or limitations. The clinical and welfare models limit possibilities of PWDs to be masters of their lives and fully exercise their rights and freedoms as any other people.

Mongolia uses a mix of the two above-mentioned models. Appendices 2 and 3 of the Health and Social Welfare Minister Order No A/250 of 1997 determined

impairments of an individual, but erroneously defined those as a loss of labor capacities. A person may suffer some limitations caused by different types of disability, but the impact of those on his/her working abilities as well as inclusiveness varies greatly. The clause stated in the Mongolian MLAC Rules erroneously classified the loss of working ability as: "...70 and more percent or total loss of working abilities, partial or 50-69 percent loss of the said". This encourages a tendency of overstating their working disabilities in order to get a "70 or more percent working ability loss" status in order to enjoy addition social benefits. It also creates an artificial expansion of welfare distribution.

Table 2. From the List of Common Diseases, Injuries and Occupational Diseases

Name and stage of disease or injury	Level of loss of working ability
Have no arms; have no legs; have no arm or leg	100 %
Worst form of intellectual deficiency	90-100 %
Eyes visual accuracy equals 0.03 in distance 1.5m visual field in both sides limited to 10 degrees	70-100%
Deafness and muteness caused genetically or acquired due to a disease, combined with other diseases	70-100%
Cirrhosis caused by chronic virus-driven liver hepatitis	80-100%

Social Model of Development Disability

This model focuses on removing social and infrastructural barriers to e PWDs in exercising their rights and freedoms. It is a concept that takes into accounts any permanent disability as well as social attitudes towards it that limit or become an obstacle to the full exercise of a person's rights and to inclusiveness and participation in social life. The social model of development disability is based on the human rights approach. It recognizes the fundamental human rights of PWDs and advocates the following principles:

- PWDs property rights
- Development disability is part of personal diversity like sex, nationality, social origin, form of body, etc.
- The government and the society are responsible for creating a political, legal, social as well as infrastructural environment for a full exercise of human rights by PWDs.

In conclusion, we propose the following definition of development disability: It is a disability of a person's body, mental, psychic or sensory health either genetically inherited or acquired during life that in combination with other difficulties permanently impairs the person's development.

Who is a Person with Disabilities?

WHO, ILO, PWDs organizations as well as sovereign countries have defined PWDs in their own different ways. However, universal acknowledgement and

consensus were reached in the due process of ratifying the UN Convention on the Rights of PWDs that which has a following definition:

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others (Article 1 of the UN Convention on the Rights of Persons with Disabilities, adopted by 61st Meeting of UN General Assembly on 13 December 2006).

The Parliament of Mongolia provides its own definition. The Social Insurance Law for Persons with Disabilities (with amendments of 2008) states: *“Persons with disabilities* are those with limited physical or mental abilities, either genetically inherited or acquired during life, persons born with deformations or disability caused by illness or accident which limits full ability to work, mute persons or persons officially diagnosed with sight, hearing, or body or mental impairments as well as impaired permanently or up to 12 and more months from active participation in social relations”.

Table 3. Comparison of definitions of PWDs

Nº	UN Convention/Definition	MSIL Definition	Remarks
1	Physical Mental Intellectual Sensory	Physical Mental Intellectual Sensory	Same concept or understanding of disability
2	long-term impairments... and	...because of impairments	National legislation does not provide a clear distinction between permanent and temporary impairments
3	the impairments combined with other barriers	----	National legislation does not provide concept of 'other barriers'. The Convention includes an idea that a person's impairments could create other types of barriers.
4	on an equal basis with others	as others	
5	Social life	Social relations	The Convention provides an idea of self-service in addition to participation in the social relations
6	may hinder their full and effective participation in society	as impaired permanently or up to 12 and more months	The person's ability to participate in social relations cannot be impaired permanently as stated in the national law. Only specific or partial impairment may take place.

If national legislation contradicts with the UN Convention, the Convention definition should prevail as per the Constitution of Mongolia given the fact that Mongolia has ratified the Convention.

Who Defines PWDs?

International organizations as well as governments collect data using different definitions of PWDs. For example, the Americans with Disabilities Act (USA) give the following definition. The term "disability" means, with respect to an individual (A) a physical or mental impairment that substantially limits one or more major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment. Therefore, organizations like National Disease Center, National Center for Health Statistics, Washington Group on Disability use this definition for their activities.

The ILO Convention No 159 states that members should consider the term-disabled **person** as meaning an individual whose prospects of securing, retaining and advancing in suitable employment are substantially reduced because of a duly recognised physical or mental impairment. Mongolia's Law on Social Insurance states that the Medical Labor Accreditation Commission (MLAC) determines the percentage and length of the loss of working capacity of an insured person resulting from a conventional disease and injury, or employment injury and occupational disease and that the list of diseases to determine the handicap status is approved by state central administrative body in charge of health issues. In 1997, the MLAC determined the percentage of loss of ability to work according to the "*Guidelines to determine percentage of disability and employment regulation*". Loss of ability to work has been classified as common disease, an injury and/or occupational disease and a related list was approved and implemented. The Guidelines were amended in 2008.

The MLAC Rules, approved by an Appendix to the Government Resolution No 304 on 29 July 2008 state that the goal of the Medical Labor Accreditation Commission is to determine and certify causes, level and terms of total or partial loss of working ability of the insurer due to common diseases, household injuries or industrial accidents, occupational diseases, poignant intoxication as well as issues related to change of work conditions. Also, an aimag/ district level MLAC comprises 9-11 persons, including qualified physician, neurologist, operating surgeon, chief physician of a clinic, medical inspector from social insurance division, secretary as well as representatives of the social welfare agency, employers, insurers and PWDs organizations. While the MLAC expanded, there was no mention about methodology and handbooks to help determine and certify development disabilities. Therefore, there is a strong need to develop and approve methodology and standards of determination and

certification of development disabilities, improve organizational structures and create a better legal environment.

How Disabilities Should Be Defined?

The definition of the Convention on the Rights of Persons with Disabilities does not provide universal methodology to determine the status of disability. Every type of impairment creates operational limitations, each of which develops a specific form of disabilities. Every form of disability has its own needs; for example, a person with hearing difficulties needs to wear a hearing aid. Preconditions to alleviate the disability and exercise PWDs rights will be in place if specific needs are satisfied effectively.

Respondents of the 2006 sociological survey conducted among PWDs, their guardians and respective officials within the framework of “Developing legal environment for PWDs” project expressed the following views on the disabilities or barriers faced by PWDs to full and active participation in social life (See Graph 1).

Graph 1. Types of Barriers Faced by PWDs that Restrict Their Full and Active Participation in Social Life

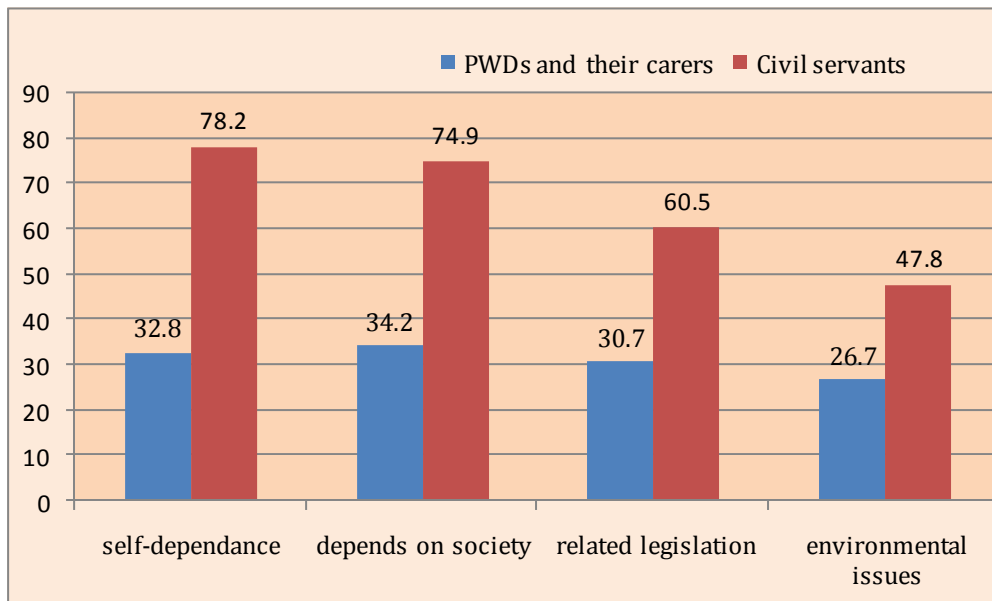


Table 4. Development Disability Model

Name and stage of disease or injury	Disability	PI	Ea	Ec	Ee	Development disability \% \
Have no arms; have no legs; have no arm or leg	Mobility disability, etc.	100 %				
Worst form of intellectual deficiency-anioa	Thinking, motion management, etc.	90-100 %				
Eyes visual accuracy equal to 0.03 in distance 1.5m visual field in both sides limited to 10 degrees	Seeing, walking, reading, working, etc.	70-100%				
Deafness and muteness caused generically or acquired due to a disease, combined with other diseases	Hearing and talking	70-100% 70-100%				
Cirrhosis caused by	Blood cell	80-100%				

II. HUMAN RIGHTS CONCEPT

Human Rights Concept

Article 1 of the Universal Declaration of Human Rights states: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”. Article 2 postulates: “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. Development disability is part of human diversity; therefore, a person should exercise her or his human rights and freedoms irrespective of any development disability.

Human Rights Classification

- Political rights and freedoms
- Economic rights
- Socio-cultural rights
- The right to privacy
- Citizen equality

The Convention on the Rights of Persons with Disabilities

The Convention on the Rights of Persons with Disabilities was adopted by the 61st meeting of the UN General Assembly in 2006. Mongolia ratified the document in 2008. The Convention’s purpose is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

General principles of the Convention are:

- Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;
- Non-discrimination;
- Full and effective participation and inclusion in society;
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- Equality of opportunity;
- Accessibility;
- Equality between men and women;
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Discrimination on Grounds of Development Disabilities means prejudice, bias or contraction with the purpose of denial of recognition or leading to such results of the full exercise of political, economic, socio-cultural and other rights of

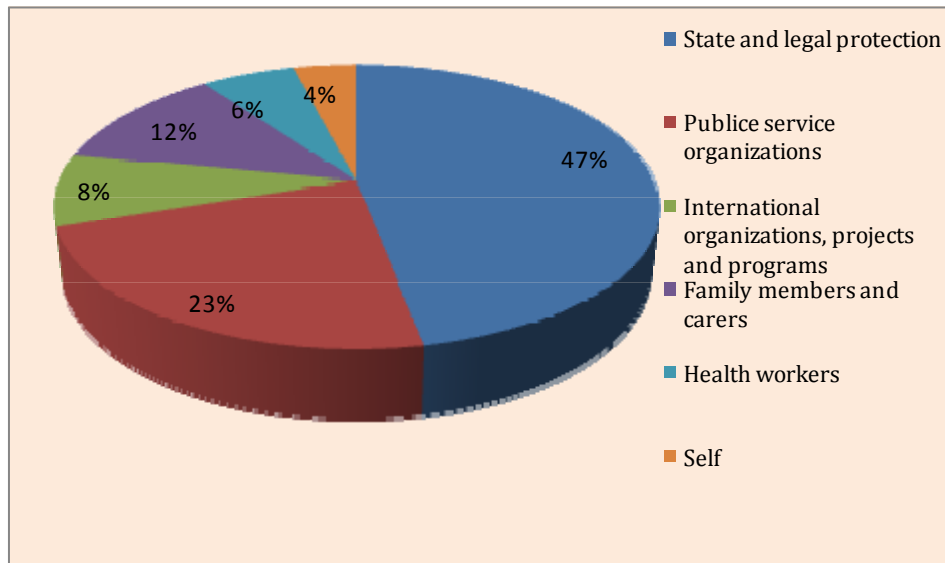
human beings on the grounds of development disability. Therefore, governments shall create all guarantees and ensure rights of all PWDs in their full exercise of their rights without any discrimination.

III. IMPLEMENTATION OF RIGHTS OF PERSONS WITH DISABILITIES IN MONGOLIA

There are many issues related to PWDs rights in Mongolia. Are there legal, economic, social and other guarantees in place to ensure full and non-discriminatory rights and freedoms for every PWD as stated in the Universal Declaration on Human Rights and the Constitution of Mongolia? Are PWDs rights protected and promoted?

The following study attempts to answer some of the abovementioned questions. Around 70 per cent of respondents believed that PWDs could fully participate in social life only with a strong support from the state.

Graph 2. Subjects that Support to PWDs Full Participation in Social Life¹



3.1. Political Rights and Freedoms

3.1.1 Participation in political life or the right to elect and be elected to state bodies

PWDs have the following rights with regard to state affairs:

- Participate in all national and local elections,

¹ NAMOPWD. Sociological Survey of PWDs. UB., 2008

- Be elected,
- Participate in referenda,
- Hold public service positions at all levels,
- Right to individual civil petition,
- Join civil society and monitor state affairs
- Enjoy fair trial.

Legal Guarantees

Article 29 of the Convention on the Rights of the Persons with Disabilities provides that: “States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

- a. Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:
 - i. Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
 - ii. Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
 - iii. Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

- b. Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:
 - i. Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
 - ii. Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.”

The national legislation ensures that all citizens have the right to elect and be elected apart from the mentally ill persons. The court considers such persons as legally unaccountable for their actions.

Implementation Status

Persons with disabilities have limited chances to be elected for office. In 2008, Mongolia used a multi-seat plurality system for parliamentary and local elections. There were 1.542.617-registered voters with 76.46 percent or 1.179.448 people casting their ballots at the parliamentary elections in 2008. PWDs constituted 2.54 percent or 39265 of all voters in the country. NAMOPWD report showed that 34.7 percent or 13625 persons with disabilities cast their ballots in the 2008 parliamentary elections. This was 1.15 percent of all voters. The conclusion is that PWDs were not able to exercise fully their electoral rights in 2008.

Table 5. Number and Geographical Distribution of Voters-PWDs

Aimags, District Name	Number of voters-PWD	Aimags, District Name	Number of voters-PWD	Aimags, District Name	Number of voters-PWD
Arkhangai	2586	Umnugobi	549	Gobi-	267
Bayan-Ulgii	1735	Sukhbaatar	1100	Chingeltei	4373
Bayankhongor	1763	Selenge	1919	Sukhbaata	995
Bulgan	1613	Tuv	1536	Khan-Uul	884
Gobi-Altai	1401	Uvs	852	Bayanzurk	2477
Dorno-Gobi	903	Khovd	1392	Songinokh	1572
Dornod	1131	Khuvsgul	2278	Nalaikh	735
Dund-Gobi	981	Khentii	1218	Baganuur	341
Zavkhan	1409	Darkhan-	1015	Bagakhan	52
Uvurkhangai	1495	Orkhon	2213	Bayangol	1480

Extremely high campaign costs prohibit PWDs participation in election campaigns. In order to resolve issues of PWDs rights, in 2004-2008, a NAMOPWD “Lobby Group” was set up at the Parliament to reflect the interests of PWDs. The Parliament made amendments to nine laws covering 23 critical issues to meet the priority needs of the disabled. In 2004-2008, the PWDs were included in five different working groups on amending legislation, program development, allocation of funds and monitoring. However, special needs of the disabled were not incorporated in the Election Law. For example, there was no allocation of expenses for such costs as printing Braille templates, management of election stations to meet PWDs needs to cast their ballots, organization of sign language training courses for people with hearing

difficulties to introduce and explain election laws and other legislation, and creation of special ballot boxes for dwarfs, etc.

There are 6962 people with sight loss, 7967 people with hearing and speaking disability, 9836 people with physical/muscular and locomotive organs' impairment, 157 dwarfs and nearly 6330 people with intellectual deficiency syndrome in Mongolia.

Table 6. Persons with disabilities who were unable to cast ballots²

Reason	Number of PWDs who did not visit the station: 25640
The election station wasn't adequately equipped and furnished	48% or 4721 people with physical/muscular and locomotive organs impairment
Absence of Braille template	40% or 2785 people with sight loss or impairment
Absence of sign language	7% or 557 people with hearing difficulties
Other reasons	

3.1.2. Formation of Community Organizations and Parties

Legal Guarantees

The citizens of Mongolia are guaranteed to enjoy the right to form a party or other mass organization and freedom of association to these organizations based on social and personal interests and opinion (Article 16 of the Constitution of Mongolia).

The Convention on the Rights of Persons with Disabilities also stresses the need to promote actively an environment in where persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others and encourage their participation in public affairs including:

- i. Participation in non-governmental organizations and associations concerned with public and political life of the country, and in activities and administration of political parties;
- ii. Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

² NAMOPWD. Survey conducted during 2008 Parliamentary elections.

The Law on Political Party and the Law on Non-Government Organization require at least 801 founding members to apply for a party registration and 5 members to form an NGO. These apply for PWDs as well.

Implementation Status

There is no information regarding the number of political activists with disability who belong to political parties. None of the parties has specific program articles concerning the interests of PWDs.

Table 7. PWDs NGO Evaluation Report³

Nº	Name of NGO	Paid staff	Office	Source of funding	Book keeping
1	NAMOPWD	15	Rented	Government contract, project	Good
2	MABP	12	Own office	Government contract, project, member fees	Good
3	FTUPWD	3	Rented	Government	Good
4	NCRWWD	2	Rented	Government	Good
5	APCwD	5	Rented	Project	Good
6	Association for Promotion of Rights of Children with Medullar	2	Rented	Project	Good

99 NGOs of PWDs are in the registry of the Civil Registration Center. There are 15 NGOs of people with hearing loss, 5 NGOs of people with vision impairment, 5 NGOs of citizens in wheelchairs, 6 NGOs of people with mental pathologies, a trade union of PWD, 17 NGOs of children with disability and others. There is no information available on their activities to monitor government policies from the standpoint of PWDs. The survey involved 44 organizations with an office and a staff of six and more. NGOs are institutionally weak, their capacity, knowledge and skills are low, with scarce financial resources and no permanent office.

3.1.3. The right to submit petition and the right to fair trial

The Constitution of Mongolia states a citizen's right to submit a petition and the right to fair trial as "12) the right to submit a petition or a complaint to State bodies and officials. State bodies and officials shall be obliged to respond to petitions or complaints of citizens in conformity with law", "14) the right to

³ NAMOPWD. Survey report. UB. 2007

appeal to the court to protect his/her rights if he/she considers that the rights or freedoms as spelt out by Mongolia's law or an international treaty have been violated".

The Convention of the Rights of PWDs reads that States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others. There is no statistical data on petitions and complaints with regard to PWDs rights.

3.1.4. Other Political Freedoms

Legal Guarantees

The Constitution of Mongolia incorporates freedom of thought, opinion and expression, speech, press, peaceful assembly and the right to seek and receive information except that which the state and its bodies are legally bound to protect as secret.

The Convention of the Rights of PWDs also states that States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice.

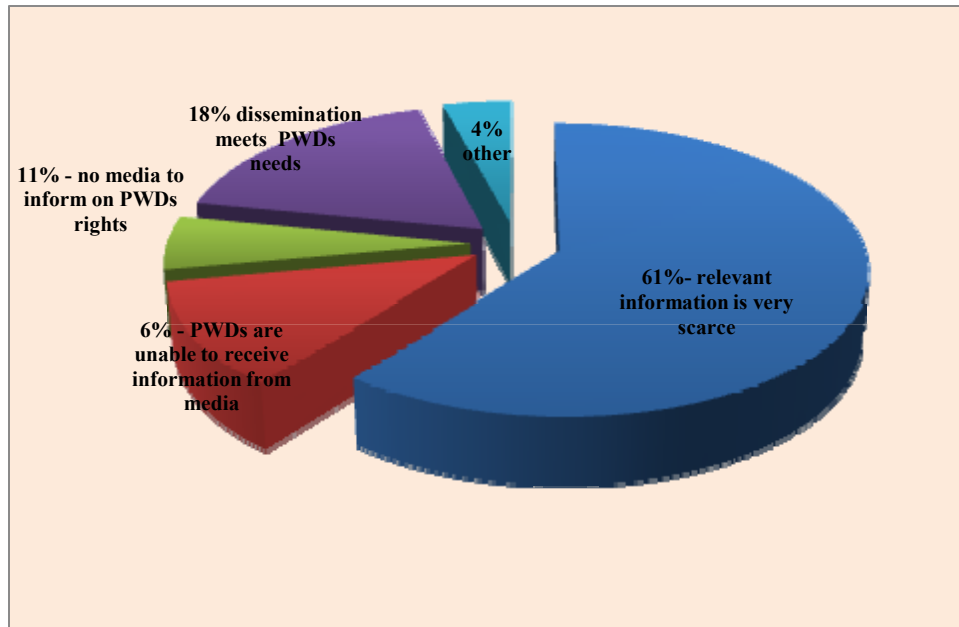
Implementation Status

Because of three large scaled demonstrations and a hunger strike organized by NAMOPWD and MMABP, there was a change for more action to protect the rights of PWDs. For instance, there was an increase in pension allowances. In accordance with the National Program on Persons with Disabilities and the Subprogram to Support Participation of Children with Disabilities, 13.2% of public radio and TV programs or 2 hours 10 minutes of TV news broadcasts now use sign language. The Government approved General Standards for Sign Language in 2007, but implementation is far from adequate. Forty percent of people with hearing loss say they do not understand the TV sign language. There is no opportunity for people with hearing loss to express their opinion through TV programs. Even though 20 minutes are allotted for PWDs programming every month, they are not utilized adequately in the interests of PWDs. Sign language, Braille letters, additional hearing appliances and other classic forms are not used for formal communication purposes.

Although the Government disseminates information, it is not delivered to the target population effectively. For example, the Government has provided tape recorders to people with sight impairment, but there are no target programs produced and recorded on the tapes. Although books written using Braille letters were printed and delivered to the public, Braille papers are rare, prices are high and only a limited number of people possess the scripture. "MABP"

NGO obtained USD 22000 funding from the Asian Development Bank for information dissemination for people with vision loss through BEST-FM radio station. A Braille library for people with sight impairments opened at the Natsagdorj Central Library; however, it was soon closed.

Graph 3. Availability of Information on PWDs Rights



3.2. Economic Rights

Legal Guarantees

Article 16 of the Constitution of Mongolia states the right to fair acquisition, possession, ownership and inheritance of movable and immovable property. The Convention on the Rights of Persons with Disabilities mentions the obligation to ensure access by persons with disabilities to public housing programs.

There are no discriminative clauses in the Law on Land Ownership and the Law on Intellectual Property; therefore, it is assumed that PWDs can own land and other property.

Implementation Status

There is no data on how many PWDs own land or private housing, how many are engaged in business activities. There are only six PWDs with academic degrees. There is no NGO engaged in protection of PWDs property rights.

3.3. Socio-Cultural Rights

3.3.1. The Right to Education

Legal Guarantees

The Law on Preschool, Secondary, Vocational and Higher Education and the Law on Social Protection of Rights of Persons with Disabilities contain no specific clauses on protection of education rights of PWDs. In addition, there is no state institution responsible for education rights and special education needs of PWDs.

Implementation Status

There are 32516 children with disabilities in Mongolia. However, there is neither special commission to determine status of their disability, nor early screening and appropriate diagnosis of children with disabilities. There are no special programs activities to develop talents and skills of children with disabilities. Due to these and many other reasons, children with disabilities miss their enrollment into kindergartens or schools. Out of six special schools in the country, four are schools for children with intellectual impairment, one school for children with vision difficulties, and a school for children with hearing loss. Twenty two hundred children attend these schools, while only 12000 kids study at general secondary schools.

Table 8. Evaluation of opportunities to develop talents and skills of children with disabilities

Description	PWDs	Guardian
Opportunity or favorable condition to study like other children	48%	36.3%
Opportunity to develop talents and skills	29.5%	26.9%
To present talents and skills publicly	16.3%	25.1%
Accept reward, grant or any fee for outstanding knowledge and skills	8.3%	20%
Opportunity to study in schools of interest and choose a profession of interest	21.7%	15%

Forty eight percent of children involved in the survey and 36.3% of guardians believe that they had an opportunity to study like other children. 26.5% of the surveyed said “yes”, 36% said “no”, 4% said “impossible” and the rest said, “don’t know” to the question on the guarantees of the right to education. Although there are 52 vocational technical schools, there are numerous problems related to a favorable study environment, teacher qualifications,

special skills programs, and better quality special curricula. Although the National Rehabilitation Center for Disabled Persons (NRVTCD) provides vocational training in eight different professions for children with disability, trainings are short-termed, few professional teachers, insufficient equipment for training, and poor quality of education.

The Center needs to conduct training on teaching special techniques to work with children with disability and develop special curricula. The Ministry of Social Welfare and Labor operates more than 40 training organizations, none has training environment or special programs for PWD. According to the survey, 21.75% of PWD, 35.1% of their guardians, 49.7 % of staff working with PWD expressed the need for special training. 78.3% of PWD surveyed mentioned the lack of training opportunities. More than 250 students with disabilities study at colleges and universities in Mongolia. According to Article 7.4 of the Law on Social Protection of Rights of Persons with Disabilities, the state allocates 300 000 tugrugs for tuition fee per student annually. College tuition fees create additional financial burden to students with disabilities.

3.3.2. Employment and Labor

Legal Guarantees

In 1997, 2007 and 2008, the Parliament introduced amendments to the Law on Labor to support employment opportunities for PWDs. Moreover, amendments were made to give certain privileges to businesses employing PWDs. In 1998, Mongolia joined the ILO Convention 159 on Vocational Rehabilitation and Employment of Disabled Persons.

Implementation Status

According to NAMOPWD survey, more than 48489 out of 81005 PWDs are of labor age. There are 97201 PWDs of labor age in 2008 as reported by MLAC. 1400 PWDs work individually on the market, 700 have their own business and others assist 68 in their work.

Article 111 of the Law on Labor states: "If an employer has more than 50 employees, at least 3 percent of such employees must be disabled persons or dwarfs". Companies pay a penalty in the case of non-compliance. Penalties are deposited in a special account with the State Treasury to be used as social benefits for disabled persons and dwarfs. The account accumulated more than 140-220 million tugrugs in the last three years. The account money is still insufficient to resolve issue of creating jobs and additional vacancies for PWDs and their training.

The national legislation requires development of employment standards for PWDs. The standards have not yet been approved. 8.3% of the surveyed said "yes" and 57.7% said "no" to the following question: Are you provided with

favorable employment conditions? Knowledge on adequate employment rights and job opportunities is inadequate and access to information is low among PWDs. Many PWDs leave their jobs because of discriminatory wage differences, unfair and neglecting attitude from colleagues, transport difficulties and inadequate working conditions. The above requires a special study.

3.3.3. Health

Legal Guarantees

Clause 1, Article 28 of the Health Law mentions free medical care and service for PWDs. Clause 12, Article 8 of the Medical Insurance Law states: "If the insurer procures discount medicine indicated on emergency list of medications from the drug store and prescribed by a family physician, then half of the costs can be covered by the (Medical Insurance) Fund".

Implementation Status

According to Order 65 by the Minister of Health issued in 2003, PWDs are subject to medical check or hospitalization at the first request. However, there is no data on medical assistance for PWDs. Practice shows that there are problems for PWDs in receiving modern screenings or tests. Transportation difficulties limit PWDs access to medical institutions. 40.8% of the surveyed PWD said "yes", 38 % said "no", and the rest replied "don't know" to the question: "Are you provided with adequate medical service and care to protect your health?". The survey covered the capital city only. The data have no national representation.

3.3.4. Social Protection

Legal Guarantees

The Social Insurance Law and the Law on Social Protection of Rights of Persons with Disabilities cover the issues of social protection. The Social Protection Law objectives were modified in 2008 at the request of PWDs NGOs. The new objectives are "to create equal and favorable conditions for the people with special needs for participation in any social relationship, to provide special service to meet their needs and regulate issues of their status". It was an important step forward in the overall policy on PWDs.

Implementation Status

There are 97201 PWDs older than 16 years of age as reported by MLAC. According to the NAMOPWD survey, 48489 out of 81005 PWDs were 18 years and older and 32516 were children under the age of 18. The differences in data stem from different definitions of the status of the disabled used by the two organizations. PWDs with no legal right to pensions and allowances from the Social Insurance Fund are covered by pension/allowance from the Social Welfare Fund.

On the average, a PWD receives annually 970.741.62 tugrugs (80,895.1 tugrugs monthly) as pensions. According to the NAMOPWD survey, 29287 out of 48489 PWDs receive their pensions from the SIF and 19202 from the SWF respectively.

Table 9. Disbursements from the Social Insurance Fund (SIF) and the Social Welfare Fund (SWF) (during the last 5 fiscal years)

#	Year	Number of persons	Number of Disabled Pensioners		Budget spent for pensions /billion/	
			SIF	SWF	SIF ac	SWF
1	2004	81966	52319	29647	17817.0	4899.8
2	2005	87104	54515	32589	20746.4	5297.8
3	2006	89338	55290	34048	22134.9	8083.9
4	2007	92617	57914	22466; (34703)	39825.2	7611.3
5	2008	97201	58749	36789; (38452 MLAC)	57030.1	16092.7

In 2007, 14.2 billion tugrugs were used as conditional cash allowance for 97909 PWDs. There is no accurate figure for the total number of disabled pensioners that received a pension or an allowance. Allowances of 24 000 tugrugs for disabled children younger than 16 years old are given to their parents or guardians. The average monthly income for sixty percent of families with PWDs varies between 30 000 -50 000 tugrugs in 2008.⁴

Allowances and Benefits

As indicated in the Social Protection Law, PWDs are entitled to receive the following allowances:

- 140 000 tugrugs per year are provided to PWDs for rent payments if PWDs live in an apartment, or for fuel cost to heat a gher for those with complete loss of sight, complete loss of hearing ability, Lilliputians and citizen who have fully lost physical ability and are in need of constant care and service.
- A full compensation for a locally produced prosthesis provided once every three years for children with disabilities younger than 18 years of age.
- A full compensation for locally produced prosthesis provided once every five years for PWDs with no legal rights to services from the Industrial Accident Fund and/or the Professional Illness Fund with regard to procurement of prosthesis or service cost for rehabilitation.

⁴ NAMOPWD. Survey report.

- A full compensation for a locally implanted and procured invalid wheelchair every five years for children with disabilities younger than 18 years of age with no legal rights to services from the Industrial Accident Fund and/or the Professional Illness Fund with regard to procurement of prosthesis or service cost for rehabilitation.
- The Government also reimburses a transportation cost for disabled children for a round trip visit to a special school once a year.
- A compensation equal to fifty percent of one way trip to a sanatorium as well as permit documents once a year are provided to the following persons:
 - children with disabilities younger than 18 years of age who are in need of medical or rehabilitation treatment,
 - PWD with complete loss of employment capacity with no legal rights for services from the Industrial Accident Fund and/or the Professional Illness Fund and in need of prosthesis or rehabilitation at mineral resorts.
- Allowance for disabled children or for food cost at a kindergarten for one child whose parent has fully lost employment ability.
- Postal and phone allowance for an adult with a complete loss of vision.
- Full compensation of one way trip cost for the person with disability who permanently resides in an isolated rural area at a distance of 1000 km from the city upon decision of a provincial general hospital special commission on the need for in emergency treatment or screening at the central capital hospital in Ulaanbaatar once a year.
- The letter written in Braille letters, postal mail, Braille press or domestic postage of 10 kg in weight can be delivered free of charge at the state expense and special equipment, devices and related instruments must be distributed freely to a person with a complete loss of vision.
- 75 percent compensation of round trip cost from a province to the capital city for a person with a complete loss of vision who by a decision of a medical institution needs treatment or rehabilitation once a year.
- 50 percent compensation of cost of permit documents for a summer camp for children with disabilities once a year.
- If a single disabled person has no legal rights to funeral allowances as per the Social Insurance Law, 75 percent compensation is provided from the Social Insurance Fund.
- According to the Social Insurance Law, a PWD will not pay a ticket fee on public transportation.
- Trade, transportation, telecommunication, health, and other public service organizations are to provide services for PWDs as privileged customers. At the 2007 initiative of NAMOPWD, the Auto Traffic Law includes a clause to improve transportation service for PWDs in public transportation.
- The Government allocates funds to the State Budget to improve housing or provide gers for homeless disabled persons with a complete loss of sight,

complete loss of hearing ability, Lilliputians and citizens with a full loss of physical ability and in need of constant care. In 2007, 1.2 billion tugrugs were used for PWDs (LWSA report).

There is criticism of low quality products provided to PWDs such as wheelchairs, walking sticks and hearing devices. As the result of amendments to the Social Protection Law in 2007, PWDs receive cash allowance instead of the products.

There are four factories producing artificial limbs and orthopedic tools in Mongolia. The state prosthesis factory was established under the MLSW. It manufactures cheap products with low quality that do not fully meet modern requirements. Private factories, on the other hand, produce high quality expensive orthopedic tools. Clearly, this dilemma needs to be resolved in the interests of PWDs. In addition, PWDs are in need of training courses to learn how to use modern special devices.

3.3.5. Participation in Cultural Events, Sports and Leisure

Legal Guarantees

Article 30 of the Convention on Rights of PWDs states that participating countries shall carry out activities to meet and satisfy all rights for PWDs: a) deliver cultural products in adequate number, b) disseminate TV programs, movies, theaters and other cultural events in adequate number, c) theater, museum, cinema, library, travel and tourist and other cultural services providing places should be approachable for PWD and monuments and historical memorials, national parks, culturally important sites also should be available for visit and shall create opportunity for PWDs to reach sports, leisure time recreation places and travel tourist sites. Children with disability should be also be provided by equal rights to participate at plays, games, sport activities, in particularly, take place in the sports competitions organized at schools like other pupils. The Social Protection Law for PWDs, the National Program to Support PWDs, the Subprogram to Encourage Participation of Children with Disabilities and other relevant programs cover this area of the current report. The President of Mongolia, at an initiative of NAPOPWD, submitted draft amendments to the Law on Physical Culture and Sports to the Parliament in August 2007.

Implementation Status

There are no adequate places for PWDs to spend their leisure time. However, as for sports, the 2007 amendments to the Law on Physical Culture and Sports led to positive changes. A PWDs sports teams were set up and receive training and benefits under the aegis of the State Committee for Physical Culture and Sports (SCPCS). As a result, Mr. D.Baatarjav won a Gold Medal from the 2008 Beijing Para-Olympic Games. Mongolian sportsmen-PWDs have the same status as

healthy sportsmen as stipulated by the Government Order 208 (2007). This served as a positive encouragement to youth and children with physical disabilities to go in for sports. A Mongolian sportsman with hearing impairment became Champion of Surdo-Olympics in 2009.

3.4.1. The Right to Privacy

Legal Guarantees

Article 14 of the Convention on the Rights of PWDs provides that States Parties shall ensure that persons with disabilities, on an equal basis with others enjoy the right to liberty and security of person and are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty. In addition, States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of this Convention, including by provision of reasonable accommodation.

Implementation Status

There is no data.

3.4.2. The Right to Equality

Legal Guarantees

Article 12 of the Convention on the Rights of PWDs postulates:

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall respond appropriately to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

Article 16 of the Constitution of Mongolia states that men and women enjoy equal rights in political, economic, social, cultural fields and in family relationship.

IV. INDICATORS

Methodology for Developing Indicators of Rights Implementation of Persons with Disabilities

There are 600 million PWDs around the globe. The majority of them live in developing countries. The United Nations approved the Convention on the Rights of Persons with Disabilities with the Optional Protocol in 2006 at the 61th meeting of its General Assembly. The Convention is based on the UN international experience and evaluation of the situation of PWDs around the world. It is an important contribution to promotion of PWDs right to full and active participation in civil, political, economic, and social life whether in a developing or a developed country. It is an also an obligation to alleviate the negative social impact that PWDs face in their lives.

The document's purpose is to promote, protect and ensure full and equal enjoyment of all human rights and fundamental freedoms by all PWDs, and to promote respect for their inherent dignity. Altogether 143 countries have signed the document and 74 nations have joined the Convention. Mongolia has ratified the Convention with the Optional Protocol in 2008.

Article 10 of the Constitution of Mongolia states "2. Mongolia shall fulfill in good faith its obligations under international treaties to which it is a Party. 3. The international treaties to which Mongolia is a Party shall become effective as domestic legislation upon the entry into force of the laws on their ratification or accession". The Parliament of Mongolia approved the National Millennium Development Goals in 2005 together with the MDG-9 on human rights and democratic governance.

Developing a legal environment to implement PWDs rights as stipulated in the Convention of the Rights of PWDs is a fundamental task. It can only be accomplished with an active and full participation of PWDs themselves. In other words, PWDs can exercise their rights in a full and active manner only through democratic governance based on human rights, integrity, and the rule of law, civil society participation, transparency and accountability. This closely interrelates with the MDG-9 on human rights and democratic governance. "Support to Achieving MDG-9 on Human Rights and Democratic Governance" Project initiated the development of indicators of PWDs rights in Mongolia as a pilot exercise.

Concept and Principles of Developing Indicators of PWDs Rights

The normative base for PWDs rights includes human rights as reflected in the following fundamental documents:

- Universal Declaration of Human Rights

- International Covenant on Economic, Social and Cultural Rights
- International Covenant on Civil and Political Rights
- Convention on the Rights of the Child
- Convention on the Elimination of All Forms of Discrimination against Women
- ILO Convention 159 on Vocational Rehabilitation and Employment of Disabled Persons
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- International Convention on the Elimination of All Forms of Racial Discrimination

We used the following concept in developing indicators of PWDs rights:

- Development disability is a changing and developing concept, derived from barriers and difficulties caused by physical impairment, social attitude and environmental limitations preventing PWDs from full and active participation in the society.
- Recognition of development disability as a part of human diversity is fundamental.
- PWDs have the same rights as others.

The principles are:

- a. Respect for inherent dignity, individual autonomy including the freedom to make one's own choices;
- b. Non-discrimination;
- c. Full and effective participation and inclusion in the society;
- d. Respect for differences and acceptance of PWDs as part of human diversity and humanity;
- e. Equality of opportunity;
- f. Accessibility;
- g. Equality between men and women;
- h. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

PWDs rights indicators should meet the following requirements:

- To be in conformity with the task of monitoring the implementation of PWDs rights
- They should be simple and easy to understand.
- To be based on international standards, recommendations and best practices.
- To be based on reliable statistical and other data sources.
- To be implemented repeatedly with a certain time interval.
- It should have gender and poverty focus.
- They should be easy to institutionalize.

Each indicator has the following description:

- Indicator Definition
- Related Rights
- Application Justification
- Calculation
- Data Sources
- Implementation Period
- Gender and Poverty Focus
- Indicator Weakness
- References where needed
- National Agencies in Charge of Data/Information Collection and Compilation

Innovative aspect

Indicators of PWDs rights in Mongolia are the first ever effort to begin measuring the implementation of PWDs rights using the experience of MDG-9 indicators in a new pilot sector, and taking into account as many factors as possible that affect the full and active exercise of PWDs rights and also their capacity to participate.

The research team has taken into account the methodology for Human Development Index, Gender Development Index, MDG-9 indicators and other experiences. The preliminary drafts of the methodology were discussed and approved by stakeholders (relevant NGOs, experts, businesses and citizens) on 23 October and 9 December 2009.

INDICATOR DEFINITION

1. Expert Evaluation of Conformity of Mongolia's Legislation with Universal Declaration of Human Rights and the Convention on the Rights of Persons with Disabilities

Indicator Definition

The indicator is an expert evaluation expressed as percentage of conformity of the Mongolia's national legislation with the Universal Declaration of Human Rights and the Convention on the Rights of Persons with Disabilities to which Mongolia is a Party.

Related Rights

All human rights and freedoms

Application Justification

National legislation should reflect the concepts of international treaties and conventions to which the nation is a party and thus should be in conformity with international norms and standards. Article 10 of the Constitution of Mongolia states: "2. Mongolia shall fulfill in good faith its obligations under international treaties to which it is a Party. 3. The international treaties to which Mongolia is a Party shall become effective as domestic legislation upon the entry into force of the laws on their ratification or accession."

Calculation Method

Experts evaluate in percentage the conformity of the national legislation with international treaties and conventions to which Mongolia is a Party.

Data Sources and Compilation Method

- Mongolian national legislation in force
- International treaties and conventions on PWDs rights to which Mongolia is a Party

Implementation Period

Biannually as stated in the Convention on the Rights of PWDs

Gender and Poverty Focus

Disaggregation with regard to women's and child's rights is possible.

Indicator Weakness

There is no comprehensive research on the degree of conformity of national legislation with international treaties and conventions to which Mongolia is a Party. Practical application of international treaties in the court is extremely

limited, as well as there are practically no guidelines, user guides, or relevant trainings.

References

- Laws and international treaties
- Court rulings
- Supreme Court resolutions

National Agencies in charge of Information Collection and Compilation

Ministry of Justice and Internal Affairs

2. Level of PWDs Participation in Political Elections

Indicator Definition

This is an indicator of participation of PWDs in elections and an indirect expression of whether specific needs of PWDs have been met to allow for a full exercise of their rights.

Related Rights

To elect and to be elected

Application Justification:

- PWDs active participation in elections either directly or through their representatives is essential for incorporating their specific interests and needs into public policy-making.
- The Convention on the Rights of PWDs postulates: “Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected”.
- There are many limitations for a full participation of PWDs in elections in Mongolia. Braille templates are not used in the voting practice for blind people, and there is no infrastructure to allow PWDs access to election stations, and electoral legislation is not available in the sign language for PWDs with hearing difficulties, etc.
- The total number of PWDs who participated in the 2008 parliamentary elections was 13625 or 34.7 per cent of the total number of PWDs (or 1.15 per cent of all the voters) according to NAMOPWD survey.

Calculation Method

Percentage of PWDs who participated in parliamentary elections in the total number of PWDs of electoral age.

Data Sources and Compilation Method

General Election Committee reports and other survey data.

Implementation Period

Once in four years

Gender and Poverty Focus

Voter data can be disaggregated by gender.

Indicator Weakness

The indicator can express tangible barriers to participation with no consideration of social attitudes towards PWDs.

References

- General Election Committee report
- Voter turnout of presidential, parliamentary and local elections

National Agencies in charge of Information Collection and Compilation

General Election Committee (GEC)

3. Access to Media Information by PWDs

Indicator Definition

The indicator reflects access of PWDs to information and is measured by percentage of information delivered for PWDs by publicly owned media. The indicator compares the ratio of information disseminated with specific devices and tools for PWDs and general information for all.

Related Rights

Freedom of expression and the right to information

Application Justification:

- This is a fundamental right recognized by international conventions and national legislation.
- It is important for PWDs to have access to information through specific devices to implement the above right on an equal basis with other citizens.
- Usage of sign language, Braille letters, and additional specific methods during official communications provides an opportunity to inform PWDs of government policies.
- Media that use specific devices thus increase their customer/client base and implement their social responsibility.

Calculation Method

Percentage of information hours where the National Public TV and Radio Agency use specific tools and devices for PWDs in the total hours of broadcasting.

Data Sources and Compilation Method

Information is collected from reports by the above agency and monitoring by PWDs NGOs.

Implementation Period

Annually

Gender and Poverty Focus

The number of low income PWDs with no access to radio, TV and newspapers can be disaggregated.

Weakness

The majority of PWDs is poor, has a low level of education, and may not have access to media.

National Agencies in charge of Information Collection and Compilation

National Public TV and Radio Agency

4. Average Income of Families with PWDs

Indicator Definition

The indicator reflects economic status and opportunities of PWDs.

Related Rights

Economic rights

Application Justification

- To have a regular income, to own property and to participate in economic relations are a guarantee of equal participation and opportunity in socio-economic relations for PWDs.
- PWDs have the right to own property on equal terms with other citizens.

Data Sources and Compilation Method

There will be an additional question in the Annual Socio-Economic Survey Household Survey by The NSO.

Implementation Period

Annually

Gender and Poverty Focus

Data on PWDs can be disaggregated by gender and economic status.

Weakness

No information whether a PWD is a legally capable person.

National Agencies in charge of Information Collection and Compilation

National Statistic Office

Ministry of Social Welfare and Labour

5. Access for PWDs to State Organizations

Indicator Definition

The indicator reflects the degree of access of PWDs to state organizations responsible for delivery of public services such as hospitals, schools, labor and social protection departments, sports facilities, and local administrations.

Related Rights

Political, social and economic rights

Application Justification

To exercise their rights, PWDs need to have at least physical access to state organizations in charge of delivery of social services.

Calculation Method

The indicator will be the number of state organizations that have provided physical access to PWDs.

Data Sources and Compilation Method

Reports by relevant ministries and the Committee on Physical Culture and Sports.

Implementation Period

Annually

Gender and Poverty Focus

Disaggregation is not available.

Weakness

No information on the number of customers who are PWDs.

National Agencies in charge of Information Collection and Compilation

Relevant Ministries and the Government Secretariat

6. Availability of Information for PWDs at Public Service Organizations

Indicator Definition

The indicator reflects the access of PWDs to information at public service organizations responsible for delivery of public services such as education, labor, health and rehabilitation, social protection, and local administrations.

Related Rights

The right to information

Application Justification

The right to information is incorporated in international and national instruments on human rights. In order to exercise their rights and fully enjoy the benefits of social services, PWDs need to seek and receive information by using specific tools and equipment in line with their respective disabilities. The degree of the use of specific tools and equipment to provide information to PWDs reflects the degree of state attention to implementation of the rights of PWDs.

Calculation Method

The indicator will be the number of public service organizations that provide information to PWDs using specific tools and equipment to suit their disability needs.

Data Sources and Compilation Method

Reports by public service organizations such as social insurance, social care organizations and local administrations.

Implementation Period

Annually

Gender and Poverty Focus

Disaggregation is not available.

Weakness

No information on the number of customers who are PWDs.

National Agencies in charge of Information Collection and Compilation

Ministry of Social Welfare and Labor

7. Access to Public Transportation for PWDs

Indicator Definition

The indicator reflects the degree of access to public transportation for PWDs.

Related Rights

Support to implementation of political, social and economic rights of PWDs.

Application Justification

Access to public transportation for PWDs is a practical necessity facilitating the implementation of all rights that PWDs are entitled. This also contributes to better independence of PWDs and a more active participation in social life. The degree of access to public transportation for PWDs reflects the degree of state attention to implementation of the rights of PWDs.

Calculation Method

The indicator will be the number of public transportation units (public buses) that have been made accessible for PWDs compared to the total number of such public transportation units. The indicator is expressed as percentage.

Data Sources and Compilation Method

Reports by Ministry of Social Welfare and Labor and Ministry of Roads, Transport, Construction and Urban Development.

Implementation Period

Annually

Gender and Poverty Focus

Disaggregation is not available.

Weakness

No information on the number of customers who are PWDs.

National Agencies in charge of Information Collection and Compilation

Ulaanbaatar Mayor's Office

V. EXPERT EVALUATION RESULT

METHODOLOGY

Countries may begin to use indicators of PWDs rights to measure their social progress and the societal care given to PWDs. Indicators should reflect political, socio-economical, cultural and traditional factors as well as internationally accepted standards of PWDs rights. The Convention on the Rights of Persons with Disabilities is an important yardstick in this respect.

- A. In conducting an expert evaluation, countries may engage a team of 5-7 national experts to study national reports on implementation of PWDs rights and then assess the current situation using a questionnaire with a score of 1-4.
- B. If there is no national reports on rights' implementation; a national team should have a wider representation with at least three experts for each section of the questionnaire. For a general assessment for any case A or B, the following formula applies:

1. For each parameter, there will be an average evaluation:

$$EA = E1 + E2 + E3 + \dots + En / n$$

EA -Experts evaluation
(En)-individual expert evaluation
N-Number of experts

2. All experts' (As) average evaluations are added and then divided by the number of parameters used to assess the PWDs situation.

$$Bgv = Ea1 + Ea2 + Ea3 + \dots + Ean / m$$

Bgv- general value for a problematic issue
Ea1-n- experts' evaluation by each parameter
m - Number of parameters

The evaluation uses the scores of 1-4 where

- 1 score – no adequate conditions available for PWDs participation in social life (70-100 percent)
- 2 scores – some favorable conditions have been created to allow PWDs participation in social life (50-70 percent)
- 3 scores – there is a substantive improvement in PWDs participation in social life (25-50 percent)

- 4 scores – Equal opportunity conditions have been created for PWDs participation in social life with relatively minor difficulties still present (1-25 percent).

Implementation of PWDs rights is dependent on many factors including disability type, social attitudes and psychological influences. It is important to use various types of assessments such as quantitative and qualitative parameters and experts evaluations. The indicators of PWDs rights have the following specific features:

- Combination of quantitative, qualitative assessments and experts' evaluation
- Surveys provide realistic data on PWDs status in the society.
- It is a pilot experience allowing for corrections and modifications in the future.
- As the result of this exercise, policy-makers and PWDs NGOs are able to identify the causes of PWDs problems and formulate solutions to resolve them. The exercise also serves as a planning tool for all stakeholders.
- Regular evaluations produce time series crucial data for analysis and planning.
- The data can be used to create a PWDs database and statistics software;
- There is an opportunity to conduct assessments at national and international levels for comparative purposes.

Average Score of Experts' Evaluation (2009)

Political Rights and Freedoms

Evaluation questions	Experts evaluation
1.Does Mongolia's legislation on PWDs conform to relevant international conventions?	3
2.Can PWDs participate in elections irrespective of disability type? (cast votes, receive information, etc)	3
3.Can PWDs be nominated and/or elected at all levels of electoral campaign?	1
4.Do PWDs NGOs have the capacity to protect their rights?	1
5.Do PWDs have access to government and other official premises?	1
6.Is there training on PWDs rights for staff of courts, police, and prisons?	1
7.Do media use PWDs special devices in disseminating their programs?	2
8.Is there any media programs designed for children with disability?	1
9.Are sign language, Braille letters, additional communication and other selective methods used during official communication?	1
10. Do service providers use sign language, Braille letters, additional communication and other means to reach PWDs clients?	1

Economic Rights

11.Can PWDs own land for private or business purposes?	1
12.Is there any planning to provide housing for PWDs?	2
13.Can PWDs receive bank loans and credits?	1
14.Are there necessary conditions for PWDs to engage in business?	3

Socio-cultural Rights

15.Can children with disability attend kindergartens? (conditions and social attitudes)	2
16.Can children with disability enroll in primary and secondary education (conditions and social attitudes)	3
17.Are PWDs provided with an opportunity to work?	2
18.Is there professional and labor rehabilitation available for PWDs?	1
19.Do PWDs have access to health services?	3
20.Can PWDs have access to medical organizations and pharmacies?	2
21.Does health insurance cover PWDs expenses on medical treatment and drugs?	1
22.Is PWDs pension enough to pay for the basic food basket?	1
23.Are PWDs provided with prosthesis and other related orthopedic instruments?	4
24.Is there training available for PWDs on the use of orthopedic instruments and other devices?	2
25.Are PWDs covered by local social protection and care agencies?	1
26.Does the Government Action Plan have a housing program for PWDs?	1
27.Is there access for PWDs to theaters, libraries, cinemas and tourist sites?	1
28.Are there sports facilities equipped for PWDs?	1
29.Are there opportunities for children with disability to attend various trainings and courses as extra-curricular activities?	1

The Right to Privacy

30.Are there legal guarantees of the PWDs right to privacy?	2
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Equality

31.Has Mongolia recognized PWDs legal capacity?	1
32.Can the indicators fully reflect the implementation of the abovementioned rights?	4

VI. RECOMMENDATIONS

Difficulties in implementing rights of PWDs

- Approve an uniformly accepted definition of PWDs to avoid duplication in numbers and statistical discrepancies;
- Introduce uniform methodology for screening and diagnosing PWDs;
- Identify effectively PWDs needs;
- Introduce planning for PWDs development based on effective determination of their needs;
- Create monitoring and evaluation system for implementation of the already existing legislation on protecting PWDs rights;
- Build and strengthen capacity of civil society for protection of PWDs rights;
- Introduce changes in social protection and social care policies to protect better the rights of PWDs;
- Introduce changes in the electoral management and organization to allow full access for PWDs to exercise their right to elect and to be elected;
- Improve infrastructure to meet international standards of PWDs needs;
- Establish mechanism for dissemination of information and news for PWDs;
- Create a national database on PWDs.

The experts' evaluation score is 1.64 that shows inadequate implementation of PWDs rights. The score reflects the fact that there are high barriers (70 percent) to implementing PWDs rights. Radical change in the policies is needed to improve the current state of implementation of PWDs rights in Mongolia.

VII. APPENDICES

APPENDIX 1. SURVEY METHODOLOGY

Goals of Developing Indicators of PWDs Rights:

- Develop methodology for indicators of PWDs rights
- Study reports of international and national significance, legal and policy documents and statistical data
- Produce a list of indicators of PWDs rights for further selection
- Hold consultations with relevant national stakeholders

Work Process:

1. A research team was set up including two experienced researchers with a strong knowledge of PWDs issues and a research assistant. They conducted the survey from 29 August until 1 September 2009.

2. The research team conducted the following activities:

- A comparative study of different concepts on development disability,
- A study of Institutional structures and responsibilities with regard to PWDs rights were assessed.
- An analysis of the concept of human rights and the goals and purposes of the UN Convention on the Rights of Persons with Disabilities,
- Development of a methodology for indicators of PWDs rights:
 - Concept and principles of indicator development
 - Justification of indicators of PWDs rights
 - Indicator selection principles
 - List of indicators
 - Description of indicators
- A case study was produced.
- A study of reports of international and national significance, legal and policy documents and statistical data in October 2009 resulting in the first draft list of indicators
- The final stage of the project was implemented in November-December 2009.
- Indicator definitions were written based on the comments and proposals derived from consultations with stakeholders.

Quantitative Data Compilation

Quantitative data were collected from a survey conducted by three experts. The team also used data from government organizations and NAMOPWD certified data.

Sampling for Survey

The survey was based on a questionnaire filled by 500 respondents selected by means of random sampling.

- NAMOPWD district Council survey data were used for PWDs and children with disabilities as well as their guardians in equal numbers from every form of development disability or types of impairment.
- If a selected PWD was, absent or not found at their primary address, the next PWD was selected to participate in the survey as replacement.

Qualitative Data Compilation

The research team held consultations with stakeholders (PWD, experts, NGOs, business community, government staff) on 13 October and 9 December 2009. The team presented the survey results for verification. The results of the consultations were used to polish the indicators.

Target Population Sampling

Civil servants from MSWL, MOECS, MOH as well as LWSA in charge of PWDs issues and officials of the General Department of Social Insurance, representatives of pro-PWDs business community, NGOs promoting PWDs rights as well as PWDs themselves were selected for interviews and group discussions.

Table 10. Workshop and Discussion Participants

Nº	Name of the Institution	Number of Participants
1.	MSWL	1
2.	MOECS	1
3.	MOH	1
4.	LWSA	2
5.	SSIGO	1
6.	representatives of pro-PWDs business community	6
7.	Representatives of pro-PWDs NGOs	25
8.	Representatives of PWDs	15

Quantitative Data Processing

Data of the survey conducted in September 2009 were processed.

Qualitative Data Processing

Indicator definitions were completed in November-December 2009 with inputs from stakeholders' consultations.

APPENDIX 2. 2009 SURVEY RESULTS

Table 1. Respondent Age

Age Group	Per cent
16-20	5.9
21-30	16.1
31-40	22.4
41-50	23.3
51-60	16
61 and older	1.3
No answer	15

Table 2. Distribution by Sex

Sex	Per cent
Male	55.63
Female	44.37
Total	100,0

Table 3. Distribution by Type of Impairment

Type of Impairment	Per cent
Vision disabilities	17.7
Talking and hearing difficulties	20.3
Difficulties related to legs	25.0
Dwarf	0.4
Guardians of mentally deficient PWDs	16.2
Other	20.4
Total	100,0

Table 4. Educational level of respondents

Educational level	Per cent
University	10.0
Secondary school	30.0
Primary school	40.0
No education	20.0
Total	100,0

Table 5. Household Income

Monthly household income	Per cent
Up to 41400	22.5
41401-59999	15
60000- 83000	17.5
Above 90000	45
Total	100,0

Table 6. Enrollment in education

Enrollment in education	Per cent
Yes	26.5
No	36.0
Not possible	4.0
Do not know	33.5
Total	100,0

Table 7. Possibility to Acquire Qualification

Is it possible to acquire a qualification?	Per cent
Yes	21.7
No	78.3
Total	100,0

Table 8. Labor conditions

Are your labor conditions favorable?	Per cent
Yes	8.3
No	57.7
It is not possible	6.9
Do not know	27.1
Total	100,0

Table 9. Access to Health Services

Do you have an access to health protection and health services?	Per cent
Yes	40.8
No	38
It is not possible	1.4
Do not know	19.8
Total	100,0

VIII. LIST OF SOURCES

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