

# EVALUATION REPORT

## Evaluation of the Implementation of the Law on Child Protection (LCP) in Mongolia



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<b>Title:</b>	Evaluation of the implementation of the Law on Child Protection in Mongolia
<b>Object of the evaluation:</b>	The Implementation of the Law on Child Protection in Mongolia
<b>Timeframe of the evaluation:</b>	January 2020 – January 2021
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<b>Location of evaluation:</b>	Mongolia
<b>Evaluators:</b>	Kara Apland, Professor Dame Carolyn Hamilton, Catherine Burke and Jorun Arndt from Coram International
<b>Name of the Organization Commissioning the Evaluation:</b>	UNICEF Mongolia

## EXECUTIVE SUMMARY

In 2020 Coram International undertook an evaluation of the implementation of Mongolia's Law on Child Protection (LCP). The LCP was passed in 2016 and, together with the Law on the Rights of the Child and the Domestic Violence Law, seeks to provide comprehensive protection to children in Mongolia. It sets out the roles and responsibilities of duty bearers across sectors in preventing and responding to violations of the rights of the child. The evaluation was commissioned by UNICEF Mongolia in partnership with the Government of Mongolia, in line with the Government's obligations under the Law on Legislation<sup>1</sup> and the LCP<sup>2</sup>.

**Purpose, objectives and scope of the evaluation:** The overarching purpose of the evaluation is to produce knowledge, findings and recommendations and to identify lessons learnt and good practices in order to strengthen laws, policies and programmes relating to the child protection system, including any necessary amendments to the LCP itself. The evaluation is also intended to provide evidence to inform the new UNSDCF and Country Programme between UNICEF and the Government for the period post-2021. The primary audience/users for the evaluation are the Government of Mongolia, UNICEF and NGO partners including at subnational level. Secondary beneficiaries include local communities, individual professionals and practitioners who work with children, international organisations and donors.

The evaluation examines the efforts and commitments of duty bearers at national, sub-national and community levels from 2016 until mid-2020, and covers national, sub-national and community-level interventions. Geographically, the evaluation covers national, sub-national and community level (soum and bag) interventions, targeting Ulaanbaatar and three other provinces for primary data collection.

**Methodology:** The evaluation was designed to generate evidence in relation to Organisation for Economic Co-operation and Development/Development Assistance Committee (OECD/DAC) criteria, namely: relevance, effectiveness, efficiency and sustainability and equity and gender quality.<sup>3</sup> It applied a mixed-methods approach in order to draw on the strengths of both quantitative and qualitative data, but was primarily a qualitative study. The evaluation employed a range of data sources to ensure the reliability of results, promote impartiality, and ensure that the evaluation was based on the most comprehensive and relevant information. These included:

- A desk review of relevant documents, policies, legislation and existing studies;
- Key informant interviews with stakeholders at national and sub-national levels. A total of 133 KIIs were completed for the evaluation. Of these 35 were conducted at the national level;
- In depth interviews with children and parents/caregivers of children whose cases had been subject to a child protection intervention. A total of 21 such interviews were conducted across research sites;
- Focus group discussions with adult community members in target communities where interventions had been delivered. A total of 10 focus groups were undertaken across the five locations;
- A purposive sample of case files kept by the local government were reviewed using a structured tool in order to gather basic information about child protection cases. A total of 10 cases were reviewed.

After completing data collection, the evaluation team conducted a systematic review and analysis of all data gathered, identifying key themes, patterns, relationship and explanations relevant to the evaluation questions. A virtual validation workshop was held, attended by UNICEF, the Reference Group and other key stakeholders, in order to gather feedback on the validity of the evaluation findings, the analysis and the actionability of recommendations. Inputs and feedback were incorporated into a final evaluation report.

### Evaluation findings:

**Relevance of the implementation of the LCP:** The passage of the LCP established a legal framework for the Mongolian child protection system at national, provincial and community levels for the first time. The

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<sup>1</sup> Law on Legislation (2017). Article 51.

<sup>2</sup> Law of Mongolia on Child Protection (2016). Article 22.1.7.

<sup>3</sup> The sixth criteria, impact, was not be considered given the formative nature of the evaluation and the early stages of the implementation of the LCP.

importance of the LCP was recognised by stakeholders, who emphasised the importance of enshrining a coordinated system for child protection service delivery in law and instituting a multi-sectoral approach to child protection work. The LCP has not, however, been met with universal acclaim. For some stakeholders, the law contains insufficient detail and lacks clear definitions relating to child protection case management, as well as failing to specify the services that must be made available to children in need of protection, or the degree of support and monitoring that should take place.

Respondents expressed particular concern about amendments which repealed the article on the establishment and role of the multi-disciplinary teams (MDT) contained within the LCP and provided instead for MDTs under the Law on Domestic Violence. The amendment changed the role of the MDT from one that had focused exclusively on child protection to include domestic violence between adults. Responsibility for the MDT was also transferred from the Ministry of Labour and Social Protection (MLSP) to the Ministry of Justice and Home Affairs (MOJHA). The overall view is that this has weakened the implementation of the LCP by undermining leadership, management support, budget allocation and accountability for a social work response to child protection, and creating the perception that MDTs work should focus on domestic violence cases, at the expense of child protection.

Stakeholders were also of the view that the design of the LCP does not meet the needs of several particularly vulnerable groups of children. The LCP is primarily implemented through local government authorities based in urban centres, and as a result, the child protection system is not well suited for protecting nomadic children in rural areas. Children of internal migrants also face particular barriers in accessing government child protection as well as other basic social and welfare services due to residency registration requirements. In effect, it appears that children of internal migrants are 'missing' from the framework of support and prevention services set out in the LCP, making them particularly vulnerable to abuse and exploitation.

***Effectiveness of the implementation of the LCP:*** Evaluation findings demonstrate that the implementation of the LCP has contributed to positive changes in child protection approaches in Mongolia. Respondents consistently emphasised that the Law has galvanised increased recognition and prioritisation of child protection concerns in Mongolia by government officials, frontline service providers across relevant sectors and within communities. Respondents viewed this as a significant shift from the past, when issues of violence against children, particularly within the family, were considered to be a private matter and were often not taken seriously, including by professionals and service providers. The growing recognition of child protection concerns appears to have contributed to an increase in the reporting and identification of cases of child abuse:

- Child protection related calls to the 108 Child Helpline rose dramatically from 14,623 to 26,149 in 2017, the year after the LCP was passed, and the number of cases which required a child protection response rose from 2,437 to 3,407. Of these, the majority were cases of physical violence, neglect and, to a lesser degree, emotional violence. This is in line with more developed child protection systems, in which neglect is the most common reason for a child protection intervention.<sup>4</sup>
- Data on the number of child protection cases addressed by multi-disciplinary teams also paints a positive picture, suggesting that since the LCP came into force, there has been a steady increase in the ability of sub-national authorities to recognise abuse and identify child protection risk. According to figures provided by the AFCYD, multi-disciplinary teams responded to 4,537 cases involving a child protection concern in 2017, 5,278 in 2018 and 7,213 in 2019.

These figures indicate that in the wake of the LCP the Mongolian child protection system has increasingly fulfilled its core function, by identifying and responding to cases where children are at risk of harm. And yet despite these gains, qualitative data on the identification of child protection cases at sub-national level suggest that the Law is not being fully implemented across the country. In several of the soums and bags/khoroos included in the study, MDT members insisted that they had zero or very few child protection cases in their locality. Respondents

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<sup>4</sup> See Gonzalez D, Bethencourt Mirabal A, McCall JD. Child Abuse and Neglect. [Updated 2020 Nov 21]. In: StatPearls [Internet]. Treasure Island (FL): StatPearls Publishing; 2020 Jan-. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK459146/>

attributed this to persistent stigma around and reluctance to acknowledge violence against children, as well as pressure from local government authorities to maintain their reputation as being 'crime free'. It may also be due to a lack of effective coordination between reporting channels. Furthermore, qualitative data indicates that many MDT caseloads are dominated by domestic violence cases, and tend to be focussed on resolving disputes between couples and 'keeping families together', rather than dealing with child protection issues.

**Equity and the LCP:** Evaluation findings suggest that in practice children from different backgrounds and geographic locations have different experiences of the implementation of the law. Many participants felt that children with specific needs and vulnerabilities, such as children with disabilities, ethnic minority children, non-citizen children and those who do not speak Mongolian as well as children living in remote areas, remain excluded from the scope of the child protection system.

Where child protection cases are identified by the system the response itself is often limited. In particular, the effectiveness of MDTs in responding to child protection cases in line with national guidelines was found to be inconsistent and generally weak. Whilst a number of localities demonstrated some good practice in child protection response, such approaches are relatively rare. Effective case management response was found to be virtually non-existent in practice, with social workers conducting a basic assessment and either closing the case or referring it to another service provider.

The inconsistent application of case management procedures, guidelines and forms partly relates to the fact that the majority of these are relatively new and have taken some time to be distributed, incorporated into working approaches and implemented. It is also a result of insufficient capacity. Respondents at national, aimag, soum and khoroo/bag level repeatedly emphasised that social work personnel in local government are overstretched and overloaded, due to their wide range of responsibilities. Lack of sufficient time is compounded by a lack of skilled social workers in the MDTs, and by limited management support and professional supervision.

Child protection response is also limited due to lack of sufficient child protection response services. The LCP has led to an expansion of shelter based services, including both short-term and emergency accommodation and longer term residential care for children. Findings suggest that the Mongolian child protection system is capable of removing children from dangerous circumstances and placing them in temporary accommodation, yet other services, particularly support services delivered in a family context (including effective case management), and long term family-based alternative care solutions such as foster care, are lacking.

Another challenging area has been achieving effective cross sectoral working in practice. Many respondents attributed weak collaboration to the fact that MDT members are overworked, or emphasised that there is little accountability for officials who fail to fulfil their legal duties. Others expressed hope that coordination would improve as sector-specific guidelines developed since the LCP was passed are increasingly applied.

A final barrier to the effective implementation of the LCP is limited data. Notably, an integrated child protection database designed to collect standardised administrative data on child protection cases throughout Mongolia has not yet been successfully established. This gap was observed by several stakeholders, who emphasised the need for the government to establish an integrated child protection information management system.

**Efficiency of the implementation of the LCP:** The Mongolian Government's allocation of increased resources to child protection work is an important result of the CPL, and one which was consistently recognised and celebrated by respondents. Yet despite the increase in budget, findings from the evaluation demonstrate that local level child protection services remain underfunded, resulting in significant disruptions to the delivery of child protection services provided for in the LCP. Across soums and bags/khoroos included in the evaluation, MDT members reported that a lack of resources for their daily activities, including basics such as transportation and meeting rooms, prevented them from responding to cases effectively or within the necessary time frame.

Insufficient funds are compounded by limited human resources. Respondents explained that social workers are significantly understaffed at khoroo/bag and soum levels with a single social worker responsible for addressing the needs of a population of over 20,000 in some cases. Notably, none of the multi-disciplinary teams included in the evaluation were found to have a social worker who was able to focus his or her work exclusively on responding to child protection cases. Given the vast range of responsibilities for which social workers are responsible, they are rarely able to deliver a comprehensive case management response.

The lack of sufficient resourcing of MDTs is perhaps not surprising. Evaluation findings suggest that very few provincial and district child protection budgets have allocated support for the delivery of services at the soum or khoroo/bag level where MDTs operate, and local government resources for child protection work are often limited and inconsistent. Whilst it may be the case that MDTs are under-resourced because Soum and Khoroo governors don't consider spending on child protection to be a priority, this also reflects a lack of budgeting and planning for service delivery by MDTs. A further issue is that where the local administration allocates funds to child protection services to alleviate the lack of budget allocation, this funding is rarely used efficiently.

**Sustainability:** The implementation of the LCP is still in its early stages; it is perhaps too soon to assess the sustainability of the benefits achieved under the law in a conclusive manner. Yet evidence from the evaluation indicates that the Mongolian Government is committed to investing in the implementation of the LCP going forward, suggesting that the implementation of the Law is likely to improve in the coming years. Several upcoming government initiatives create opportunities to strengthen the child protection system and ensure its sustainability. Provisions in the draft Family Law of Mongolia, which would transfer responsibility for the employment of social workers from local government authorities to local level Child and Family Development Authorities have the potential to support the establishment of a cadre of child and family social workers, and considerably strengthen and professionalise the Mongolian child protection system. The move would ensure that social work professionals are more directly accountable to the Government's child protection authority and facilitate the provision of supervision and management support.

Evaluation findings clearly indicate that the development of services is critical to sustaining an effective child protection system, in line with the LCP: targeted prevention services, such as parenting programmes, would improve sustainability by addressing potential child protection risks before they develop; comprehensive social work case management and the provision of specialised response services such as family-based counselling and psychological support would improve sustainability by more effectively resolving child protection issues and their underlying drivers; and family-based care services such as foster care, adoption and (potentially) supported kinship care would reduce reliance on institutions and provide longer term, good practice solutions for children who cannot remain in their families. The government's efforts to develop child protection services should be informed by a service mapping and strategy to ensure services are based on need and are effectively targeted.

#### **Conclusions and Lessons learned:**

This evaluation revealed that whilst significant progress has been made towards the implementation of the LCP over the past four years, significant gaps remain. The lessons set out below emerge from the evaluation findings and have implications for improving the implementation of the LCP in Mongolia as well as in different contexts and sectors:

- **The development of a fully functioning child protection system requires a sustained political and financial commitment from government.** Reforms which entail systemic change and involve many different actors across government departments often take years to become fully established.
- **A comprehensive, coherent law covering child protection is a powerful tool in ensuring an effective child protection system.** Where the law relevant to child protection is spread across a number of different pieces of legislation as well as guidelines, procedures and manuals this makes it more difficult for duty bearers to establish a clear understanding of the steps to be taken where a child is in need of a child protection intervention.
- **Strong social work capacity is essential for effective child protection case management.** Child protection case management is a time intensive service, which requires sufficient human resources and skilled and experienced personnel. Wherever possible, designated social workers should focus wholly or mainly on delivering case management in children's cases.
- **It is important that one key worker leads the child protection response from the initial assessment through to case closure.** Whilst case management is meant to facilitate coordination between diverse agencies, it requires meaningful leadership in order to be effective. A lead professional, or case manager, should always be responsible for each case,.
- **Progressive development of services is necessary for a child protection law to be implemented effectively.** Available services must extend beyond the provision of residential care facilities and include more innovative preventive services, including family group counselling services, parenting

programmes and substance abuse services, in order to address underlying risk in a sustainable way and prevent family separation.

- **Children in need of protection must be treated equitably.** It is essential that services are not closely linked to residential status and can be delivered flexibly to accommodate the lifestyles of nomadic and migrant children and families.

### **Recommendations:**

Recommendations for improving the implementation of the LCP are set out below, based on the key findings, conclusions and lessons learned which emerged from the evaluation. A more detailed set of recommendations, setting out the prioritisation, recommended timeframe and responsible authority is contained in the main body of the report.

**Legal and institutional reform:** It is recommended that the LCP be amended to ensure that (in accordance with the CRC) it applies to *all* children present in Mongolia, regardless of their citizenship. In addition, it is recommended that the LCP, the Law on Combatting Domestic Violence and the Law on Family should be amended in order to: clarify which authority is responsible for the delivery of child protection services at sub-national level, the MLSP or the MOJHA; establish a uniform referral system for all child protection cases; ensure that the role of social workers and the MDTs remains the same in all child protection cases, regardless of the setting in which the harm occurred. Finally, it is recommended that the proposal in the Law on Family which shifts the employment of social workers from the local government authority to the AFCYD should be expedited and, if necessary to prevent delay, introduced through an amendment to the LCP.

**Delivery of child protection case management:** Implementation of the Law requires effective, efficient and sustainable case management. In order to ensure this, it is recommended that:

- All social workers handling child protection cases be required to have a social work qualification and to have received child protection training;
- All child protection cases referred to MDTs should be assigned a 'case manager' who is responsible for overseeing all stages of the case management process in coordination with other MDT members;
- The AFCYD should put in place clear structures for the provision of supervision and management support from provincial FCYD authorities to social workers at soum and bag/khoroos level (in accordance with Article 18 of the LCP). The AFCYD should ensure that appropriate training and guidance is provided to front line social workers and maintain regular oversight of service delivery to maintain quality.

**Development of child protection services:** It is recommended that AFCYD undertake a service mapping / gap analysis of current service provision and identify unmet needs for child protection services in different geographical areas. The mapping would enable more effective and targeted child protection service provision and in turn, a greater level of implementation of the LCP. Based on the mapping it is recommended that AFCYD, UNICEF and child protection (I)NGOs should collaborate to formulate a strategy for the development and delivery of targeted prevention services, and to establish family-based alternative care services such as foster care, adoption and (potentially) formalised and supported kinship care to provide long term solutions for children who cannot return to their families.

**Establishment of data systems:** It is recommended that AFCYD work in collaboration with UNICEF and other members of the working group dedicated to the implementation of the LCP to establish an integrated, digital child protection information management system.

**Strengthening leadership, coordination, monitoring and oversight:** It is recommended that a detailed plan be developed setting out the role of the Council for Children at both national and local levels. The Council should take responsibility for promoting inter-ministerial and inter-sectoral cooperation in child protection, monitor the functioning of the child protection system as a whole and act as a 'critical friend' to the MLSP and the AFCYD.

It is recommended that the Ministry through its implementing body, the AFCYP and the local FCYPs set out a strategy and costed plan for full implementation of Article 18 LCP. This will include, at Ministry level, reporting on implementation of the LCP, selecting bodies to provide response services, approving training programmes, conducting research on child protection and supporting the participation and cooperation of all levels of government. For local bodies, it will involve providing guidance to child protection actors, and analysing data to discern trends and determine the direction of future measures.

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## ACRONYMS

<b>AFCYD</b>	Authority for Family, Child and Youth Development
<b>CITA</b>	The Communication, Information and Technology Authority
<b>CPIMS</b>	Child protection information management system
<b>CRC</b>	Convention on the Rights of the Child
<b>DHS</b>	Demographic health surveys
<b>FGDs</b>	Focus group discussions
<b>GDP</b>	Gross Domestic Product
<b>GEROS</b>	Global Evaluation Reports Oversight System
<b>HDI</b>	Human Development Index
<b>ILO</b>	International Labour Organisation
<b>IOM</b>	International Organisation for Migration
<b>INGO</b>	International non-governmental organisation
<b>IRIM</b>	International Institute for Migration
<b>J4C</b>	Justice for Children
<b>JJC</b>	Juvenile Justice Committee
<b>KII</b>	Key Informant Interview
<b>LCP</b>	Law on Child Protection
<b>MDT</b>	Multi-Disciplinary Teams
<b>MEL</b>	Monitoring, evaluation and learning
<b>MICS</b>	Multiple indicator cluster survey
<b>MOJHA</b>	Ministry of Justice and Home Affairs
<b>MOECSS</b>	The Ministry of Education, Culture, Science and Sports
<b>MOH</b>	Ministry of Health
<b>MNT</b>	Mongolian Tögrög
<b>MLSP</b>	Ministry of Labour and Social Protection
<b>NER</b>	Net Enrolment Rates
<b>NGOs</b>	Non-governmental Organisation
<b>OECD/DAC</b>	Organisation for Economic Co-operation and Development/Development Assistance Committee
<b>OSSC</b>	One-stop Service Centres
<b>RFP</b>	Request for Proposal
<b>SDGs</b>	Sustainable Development Goals
<b>SDV</b>	Sustainable Development Vision of Mongolia 2030
<b>ToC</b>	Theory of change
<b>ToR</b>	Terms of Reference
<b>UNSDCF</b>	United Nations Sustainable Development Cooperation Framework
<b>UNEG</b>	United Nations Evaluation Group
<b>UNICEF MCO</b>	UNICEF Mongolia Country Office
<b>UNICEF</b>	United Nations Children's Fund
<b>UNFPA</b>	United Nations Population Fund
<b>WHO</b>	The World Health Organization

# 1. INTRODUCTION

In line with its obligations under the Law on Legislation<sup>5</sup> and the Law on Child Protection (LCP),<sup>6</sup> the Government of Mongolia committed to evaluating the implementation of the LCP in 2016. To this end, UNICEF Mongolia, in partnership with the Government of Mongolia, commissioned Coram International to undertake such an evaluation. After discussion with UNICEF it was decided that the evaluation should take a formative approach.

The purpose of a formative evaluation is to identify lessons learnt; identify areas for improvements; record achievements reached by the key stakeholders and duty bearers with regard to implementation and enforcement of the LCP; and to suggest recommendations to improve the efficiency and effectiveness of its implementation in accordance with the United Nations Convention on the Rights of the Child (CRC) and other relevant international instruments. In addition, this evaluation is intended to provide evidence to inform the new United Nations Sustainable Development Cooperation Framework (UNSDCF) and Country Programme between UNICEF and the Government for the period post-2021.

The evaluation covers the progress made in implementing the LCP by duty bearers from the beginning of 2016 until mid-2020. The field work and writing up of the Evaluation took place between January 2020 and December 2020, with primary data collection carried out in October and November 2020. Geographically, the evaluation covered national, sub-national and community level (aimags, soums and bag/khoroo) interventions in Ulaanbaatar and four other provinces. A Reference Group was established, led by Deputy Minister for Labour and Social Protection.

The budget for this evaluation was \$102,503.52 covering the preparation of an inception report, data collection, data analysis, validation and report writing.

The primary audience/users for the evaluation are the Government of Mongolia, particularly the Ministry of Labour and Social Protection (MLSP), the Ministry of Justice and Home Affairs (MOJHA), the Ministry of Education, Culture, Science and Sports (MOECSS), the Ministry of Health (MOH), the Authority for Family, Child and Youth and Development (AFCYD), the Communications Regulatory Committee, the Communication, Information and Technology Authority (CITA), the National Police Agency, and the permanent inter-agency working group; the UNICEF Mongolia Country Office (MCO); and NGO partners including Save the Children (Japan), the National Centre Against Violence, NGO and the National Network of Child Protection NGOs. Government, State agencies, and NGO partners at the sub-national levels are also primary beneficiaries of the evaluation. The secondary beneficiaries of the evaluation are local communities, individual professionals and practitioners who work with children, the Global Partnership to Ending Violence against Children, UNFPA, WHO, ILO, World Vision, other UNICEF offices and donors. Children and young people, and their parents and carers are, of course, the ultimate beneficiaries of the evaluation, even though the recommendations are addressed to the primary audience above.

This evaluation is of particular significance to UNICEF. UNICEF has played an important role in the development of the LCP and in the first steps of its implementation, including leveraging a budget increase for child protection through its evidence based reports<sup>7</sup>; continued advocacy, which has resulted in increased human capacity

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<sup>5</sup> Law on Legislation (2017). Article 51.

<sup>6</sup> Law of Mongolia on Child Protection (2016). Article 22.1.7.

<sup>7</sup> UNICEF Mongolia Country Programme 2012-2016, Page 9.

dedicated to child protection; the raising of awareness of the LCP; and supporting training programmes for those working in the child protection system. Implementation of the LCP is seen by UNICEF as a cornerstone in meeting Sustainable Development Goal 16.2 and in child protection system strengthening. Assisting in the development of an effective, well-functioning child protection system is a priority for UNICEF Mongolia at present, demonstrated by their technical and financial assistance provided by their office in order to ensure implementation of the LCP by the Government of Mongolia.<sup>8</sup>

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<sup>8</sup> UNICEF Mongolia Country Programme 2016-2021, Page 8.

## 2. CONTEXT

Mongolia is a land locked country in Central Asia, located between the Russian Federation and the People's Republic of China. It has a population of 3.4 million, of which 50.8 per cent are women.<sup>9</sup> It is a lower middle-income country with uneven development progress and marked disparities between rural and urban areas.<sup>10</sup> In 2018, the national poverty rate in Mongolia stood at 28.4 per cent,<sup>11</sup> with a human development index (HDI) ranking in 2019 placing it 92<sup>nd</sup> among 189 countries in the global HDI.<sup>12</sup>

The population is spread across 1,565 thousand square kilometres, making it one of the world's lowest population density countries. The population in Mongolia is relatively young. 30.4 per cent of the total population are aged 0-14 years old and 65.7 per cent are aged from 15-64 years old. The median age of the population is 29.8 years old.<sup>13</sup>

Mongolia has an ethnically mixed population<sup>14</sup> and a long tradition of religious diversity. The majority of the population (53 per cent) are Buddhist, with a further 30 per cent following traditional shamanic beliefs.<sup>15</sup> Mongolia has traditionally been a nomadic society, with an estimated 25 per cent of the Mongolian population continuing to live a nomadic lifestyle.<sup>16</sup> The population is concentrated in the north-central region of the country which is the centre for agriculture and industry. 68.4 per cent of the population lives in urban communities, whilst 31.65 per cent lives in rural areas.<sup>17</sup> Since 1990 Mongolia has seen a rapid rural to urban migration. The capital city of Ulaanbaatar has grown dramatically in recent decades into a city of more than one million people—some two-fifths of the population of Mongolia.

Mongolia has an extreme climate, with the average summer and winter temperatures ranging from +30° to -30° degrees Celsius. Due to its geographic location and fragile ecosystem, Mongolia is highly vulnerable to climate change; ranking 17<sup>th</sup> of over 130 countries in the Climate Risk Index.<sup>18</sup> It is subject to extreme drought, desertification, land and water deterioration, decreased yield in grazing pasture and other environmental and climate issues.<sup>19</sup> Distress migration from rural areas has been caused by the difficulty of sustaining a rural herding livelihood.

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<sup>9</sup> General Authority for State Registration website: <http://eng.burtgel.gov.mn/home> (Accessed 7 December 2020).

<sup>10</sup> In 2018 Mongolia's Gini coefficient, which acts as a global measure for income inequality, was 32.7.

<sup>11</sup> The 2018 figure represents a decrease of 1.2 percentage points from the 2016 estimate Mongolia Economic update. Fiscal Space for Growth The Role of Public Investment Spending Efficiency July 2018.

<sup>12</sup> United Nations Development Programme Human Development Report 2019.

<sup>13</sup> Index Mundi, available at [https://www.indexmundi.com/mongolia/age\\_structure.html](https://www.indexmundi.com/mongolia/age_structure.html).

<sup>14</sup> The majority (85 per cent) of the Mongolian population is ethnically Khalkh Mongol. Other Mongolian groups—including Dörvöd, Buryat, Bayad, and Dariganga as well as Turkic-speaking peoples from Western Mongolia, including Kazakhs (7 per cent), some Tuvans, and Tsaatans. See Evaluation of Inclusive Basic Education in The UNICEF Country Programmes 2012-2016 and 2017-2021.

<sup>15</sup> 2010 Population and Housing Census of Mongolia. Data recorded in Brian J. Grim et al. *Yearbook of International Religious Demography 2014*. BRILL, 2014. Page 152.

<sup>16</sup> World Bank. (2020) Counting the uncounted – How the Mongolian nomadic survey is leaving no one behind.

<sup>17</sup> Encyclopaedia Britannica - Mongolia. Settlement Patterns. 2020. <https://www.britannica.com/place/Mongolia>

<sup>18</sup> Global Climate Risk Index 2020. German Watch. <https://germanwatch.org/en/crri>

<sup>19</sup> National Agency for Meteorology and Environmental Monitoring, 2018.

Figure 1: Map of Mongolia



Access to education is high in Mongolia, with a net primary and secondary school attendance rate of 95 per cent for boys and 97 per cent of girls, though enrolment for Kazakh ethnicity boys is noticeably lower, at 91 per cent.<sup>20</sup> Transition to secondary level at age 11 is also high, at 97.3 per cent overall.<sup>21</sup> However, completion rates for lower secondary school differs considerably depending upon the economic circumstances of the child, with only 75 per cent in the poorest quintile completing lower secondary school compared with 98.7 per cent of those in the richest quintile.<sup>22</sup> Differences are equally stark for upper secondary school, with only 51.3 per cent of boys in the poorest quintile attending as against 91.4 per cent in the richest quintile. Girls fare rather better with an 83.7 per cent attendance at upper secondary for the poorest quintile as against 90 per cent in the richest quintile.<sup>23</sup> In addition, evidence indicates that access is not equal across the country and across all groups of

<sup>20</sup> National Statistical Office, UNFPA, UNICEF, Social Indicator Sample Survey (Multiple Cluster Survey) 2018, Table LN.2.2 at p.206, [https://mics-surveys-prod.s3.amazonaws.com/MICS6/East%20Asia%20and%20the%20Pacific/Mongolia/2018/Survey%20findings/SISS2018-MICS6%20SFR\\_English.pdf](https://mics-surveys-prod.s3.amazonaws.com/MICS6/East%20Asia%20and%20the%20Pacific/Mongolia/2018/Survey%20findings/SISS2018-MICS6%20SFR_English.pdf).

<sup>21</sup> National Statistical Office, UNFPA, UNICEF, Social Indicator Sample Survey (Multiple Cluster Survey) 2018, Table LN.2.7 at p.211, [https://mics-surveys-prod.s3.amazonaws.com/MICS6/East%20Asia%20and%20the%20Pacific/Mongolia/2018/Survey%20findings/SISS2018-MICS6%20SFR\\_English.pdf](https://mics-surveys-prod.s3.amazonaws.com/MICS6/East%20Asia%20and%20the%20Pacific/Mongolia/2018/Survey%20findings/SISS2018-MICS6%20SFR_English.pdf)

<sup>22</sup> National Statistical Office, UNFPA, UNICEF, Social Indicator Sample Survey (Multiple Cluster Survey) 2018, Table LN.2.8 at p.212, [https://mics-surveys-prod.s3.amazonaws.com/MICS6/East%20Asia%20and%20the%20Pacific/Mongolia/2018/Survey%20findings/SISS2018-MICS6%20SFR\\_English.pdf](https://mics-surveys-prod.s3.amazonaws.com/MICS6/East%20Asia%20and%20the%20Pacific/Mongolia/2018/Survey%20findings/SISS2018-MICS6%20SFR_English.pdf)

<sup>23</sup> National Statistical Office, UNFPA, UNICEF, Social Indicator Sample Survey (Multiple Cluster Survey) 2018, Table LN.2.8 at p.212, [https://mics-surveys-prod.s3.amazonaws.com/MICS6/East%20Asia%20and%20the%20Pacific/Mongolia/2018/Survey%20findings/SISS2018-MICS6%20SFR\\_English.pdf](https://mics-surveys-prod.s3.amazonaws.com/MICS6/East%20Asia%20and%20the%20Pacific/Mongolia/2018/Survey%20findings/SISS2018-MICS6%20SFR_English.pdf)

children, with those living in geographically isolated areas, children with disabilities and those from minority groups not able to fully enjoy their right to education in terms of access (enrolment), attendance, attainment and achievement.<sup>24</sup> There is a particular issue for children from nomadic families in rural areas who struggle to access education.<sup>25</sup>

While there is gender equality in access to education in Mongolia, gender inequality remains a problem, with only 54 per cent of women taking part in the most recent national elections and few women holding senior positions in public life.<sup>26</sup> Despite a large number of Mongolian women completing university, 46 per cent of working-age women are economically inactive and female labour force participation has remained stagnant over the last decade.<sup>27</sup> Traditional attitudes remain about the place of women in society and domestic violence remains widespread.<sup>28</sup> People with disabilities continue to face discrimination in employment and education.<sup>29</sup> Although the Criminal Code prohibits any act of discrimination based on nationality, occupation, religious belief, opinion, education, sexual orientation, gender identity or health conditions, LGBTQIA+ people face discrimination in Mongolia.<sup>30</sup>

Mongolia has a multi-party, Parliamentary, democratic political system, headed by a President, with a legislature headed by a Prime Minister from the dominant political party. The judiciary are appointed by a Judicial General Council, with specialised civil, criminal and administrative courts at all levels and a Supreme Court as the highest judicial body. Administratively, the country is divided into the capital city of Ulaanbaatar Municipality and 21 provinces (aimags). The provinces are divided into 330 districts (soums) which comprise 1613 rural sub-districts (bags/khoroos).

Mongolia ratified the United Nations Convention on the Rights of the Child (CRC) in 1990, its Optional Protocol on the involvement of children in armed conflict in 2004, the Optional Protocol on the sale of children, child prostitution and child pornography in 2003, and the Optional Protocol on Communications Procedure in 2015.<sup>31</sup>

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prod.s3.amazonaws.com/MICS6/East%20Asia%20and%20the%20Pacific/Mongolia/2018/Survey%20findings/SISS2018-MICS6%20SFR\_English.pdf

<sup>24</sup> Development Progress. (2014) From Decline to recovery: Post-primary Education in Mongolia. See also, Kameyama, Y., (2019) *Who are out-of-school children? Children with disabilities in Mongolia*. Compare: A Journal of Comparative and International Education. DOI: [10.1080/03057925.2019.1664894](https://doi.org/10.1080/03057925.2019.1664894)

<sup>25</sup> World Bank, Mongolia: A Good Start in Life Begins with Quality Education, July 28, 2017, <https://www.worldbank.org/en/results/2017/07/28/a-good-start-in-life-begins-with-quality-primary-education>. Children from low-income families are often sent to 'dormitories' during the school year, however living conditions in boarding schools are often inadequate. Many wealthier families choose to rent apartments near to schools, and mothers stay with their children during the school year, whilst fathers continue herding.

<sup>26</sup> Tumurbaatar, E. 12 March 2020. Reviewing Gender Equality in Mongolia. The UB Post. <https://theubposts.com/reviewing-gender-equality-in-mongolia/>

<sup>27</sup> The World Bank. Mongolia Poverty Update. 26 March 2020. <https://www.worldbank.org/en/country/mongolia/publication/mongolia-poverty-update>

<sup>28</sup> Human Rights Committee, Concluding Observations, CCPR/C/MNG/CO/6, 22 August, 2017 Para. 17.

<sup>29</sup> Human Rights Committee, Concluding Observations, CCPR/C/MNG/CO/6, 22 August, 2017. Paras. 13 and 14.

<sup>30</sup> Human Rights Committee, Concluding Observations, CCPR/C/MNG/CO/6, 22 August, 2017 Paras. 9 and 11.

<sup>31</sup> Office of the High Commissioner for Human Rights. Mongolia webpage. <https://www.ohchr.org/en/countries/asiaregion/pages/mnindex.aspx>

## 2.1 The object of the evaluation: The (implementation) of the Law on Child Protection

Following the onset of economic and political change in 1990, a number of new risks and vulnerabilities developed in Mongolia. Social problems, including increasing levels of alcoholism amongst the population and drug addiction, poverty and migration, left-behind children, non-attendance / school dropouts and the impact of change on disabled and ethnic minority children all contributed to a growth in the numbers of street children, working children, trafficked children and children in conflict with the law, which led in turn to marginalisation and exclusion. Many of these vulnerabilities were attributed to the country's 'transition' from a single party, communist political system to a multi-party democracy, which have been addressed over time. However, a number of more structural problems also contributed, including the lack of an integrated child protection system that provided prevention and response services to those at risk of abuse, neglect and exploitation and a lack of human capacity, especially trained social workers. There was, at that time, no lead service for child protection and no multi-sectoral and multi-agency cooperation.<sup>32</sup>

The lack of a comprehensive law on child protection and the lack of an efficient coordination mechanism in government to promote the rights of the child was noted in all of the CRC Committee's concluding observations, including in the initial report in 1995 and right up to the fourth periodic report in 2010.<sup>33</sup> By the time of the concluding observations to the fifth periodic report in 2017, the situation had changed, with the CRC Committee welcoming the revised Law on the Rights of the Child and the Law on Child Protection (LCP).<sup>34</sup>

The Law on the Rights of the Child and the LCP were both passed in 2016, and together with the Constitution, the Civil Code and the Law on the Family, constitute the main instruments through which the CRC is incorporated and implemented in Mongolian law. The provisions are supported by an amended Domestic Violence Law, which was also passed in 2016. This triumvirate of Laws seek to provide comprehensive protection to women and children.

The Child Rights Law 2016 focuses on a broad remit of rights and primarily addresses the legal obligations of duty bearers, while the LCP focuses more narrowly on the protection of children from any form of child neglect, abuse, exploitation and violence, with international treaties forming the guiding principle of the Law.<sup>35</sup>

The LCP has been amended three times since it was passed in 2016. The first amendment in December 2016 made substantive amendments to the provisions relating to the multi-disciplinary teams (MDTs). Provisions relating to the role of the multi-disciplinary teams were moved from the LCP (led by the Ministry of Labour and Social Protection) to the Law on Combatting Domestic Violence (led by the Ministry of Justice and Home Affairs). A subsequent amendment on 27 June 2018 clarified the leading role of the Authority for Family, Child and Youth Development, and made it clear that the head of that department shall be treated as the State administrative body in charge of children and family matters.<sup>36</sup>

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<sup>32</sup> West A., A Child Protection System in Mongolia, Review Report, Save the Children, 2006. p12.

<sup>33</sup> See CRC/C/15/Add.48 13 February 1996, paras. 9-18 and 24; CRC/C/15/Add.264, 21 September 2005, Para. 9; Concluding Observations, CRC/C/MNG/3-4,4 March 2010, Para. 41.

<sup>34</sup> CRC/C/MNG/CO/5, 12 July 2017 paras. 3 and 5.

<sup>35</sup> Law of Mongolia on Child Protection (2016) Article 1.1 and Article 2.1.

<sup>36</sup> See LCP, Article 18.4, which entered into force on January 1<sup>st</sup> 2019. An additional amendment to the LCP on 6<sup>th</sup> June 2019 amended the words 'Law on Crime Prevention' to 'Law on Crime and Violence Prevention' in line with the new Law on the Prevention of Crimes and Violations.

The LCP applies to children under the age of 18 but, notably, and in violation of the CRC, the Law only applies to those children who are citizens of Mongolia.<sup>37</sup> On the face of it, this means that non-citizen children present in Mongolia, whether lawfully or unlawfully present, are left without protection.

The LCP sets out the roles and responsibilities of duty bearers within families, the education sector, the health sector, media and the digital environment and in public settings. The responsibilities detailed in the LCP cover the preventive role of the family, government bodies and private individuals and addresses the need for referral when prevention activities are not sufficient to prevent violations of the rights of the child.

Chapter three of the Law addresses response services for children who are ‘at risk’ or who have been victims of a crime, or children who have convicted or sanctioned for commission of a criminal offence or released from special training facilities. A child is deemed to be at risk when his or her *“life, health, security and normal development environment is broken, or a child who does not have a guardian, custodian or an authorised representative, or a child who is in catastrophic or emergency condition”*.<sup>38</sup> The Law sets out the actions that are to be taken when a child is referred under Article 4.1.1, including investigation and assessment of the child and the family.

Once an assessment is completed, children may be offered referral services (Article 14) or alternative care services (Article 13). If the child requires a referral service (eg psychological, legal, educational, health, social welfare or other necessary services), a social worker shall make a referral and a child’s rights worker shall supervise the implementation of that referral. If a referral for services is not sufficient, and additional measures are needed to safeguard the child, the MDT together with the social worker shall decide whether the child should be placed in alternative care.<sup>39</sup>

Responsibility for implementation of the law at national and local level falls on the State and local administrative bodies ‘in charge of children and family matters’. At national level, this is the Ministry of Labour and Social Protection and the AFCYD as an implementing agency of the Government. At sub-national level, it is the provincial and district Departments and Divisions for Family Child and Youth Development. Article 18 of the LCP sets out the activities that the Authority is expected to undertake, which includes annual reporting on implementation of child protection to the Government and the National Council for Children; selecting legal entities to conduct assessments and provide response services; child protection training programmes and awareness raising; setting of quality standards, the formulation and implementation of annual child protection plans; supporting participation amongst government and non-governmental bodies and the public; prevention activities for children at risk and establishing a database on children in conflict with the law, and children who are victims and witnesses of crime.<sup>40</sup>

At local level the AFCYD is given the role of data collection on child protection; training child protection stakeholders and personnel; providing guidance to social workers and the multi-disciplinary team and the juvenile justice committee; providing training to parents and registering and profiling children who run away from home (and reunifying them with their family).<sup>41</sup>

The LCP provides for social workers to be employed by ‘a local body in charge of children and family matters’ at soum, khoroo and bag levels.<sup>42</sup> At present, however, despite this provision, social workers are employed by local

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<sup>37</sup> Law of Mongolia on Child Protection (2016), Article 3.3.

<sup>38</sup> Law of Mongolia on Child Protection (2016) Article 4.1.

<sup>39</sup> Law of Mongolia on Child Protection (2016) Article 13.4.

<sup>40</sup> Law of Mongolia on Child Protection (2016) Article 18.1.

<sup>41</sup> Law of Mongolia on Child Protection (2016) Article 18.2.

<sup>42</sup> Law of Mongolia on Child Protection (2016) Article 20.1.

government authorities and not by the AFCYD. The draft Family Law of Mongolia may cause this to change once more, as it provides specifically for social workers to be employed by the Child and Family Development Authority at khoroo/bag (subdistrict) and soum (rural district) levels. However, the draft Family Law has yet to be approved by parliament.

In addition to the AFCYD at local level, each aimag and district governor, in consultation with local citizen's representative khurals are required to establish a juvenile justice committee (JJC). The juvenile justice committee, not surprisingly, deals with children who have been convicted or sanctioned for committing crimes or offences, with the overall aim of minimising the adverse effect of criminal proceedings and providing reintegration and rehabilitative services. The multi-disciplinary team on the other hand, has responsibility for children at risk. Initially provided for in the LCP, following an amendment to that Law at end of 2016, its membership and functions are now to be found in Article 20 of the Law on Combatting Domestic Violence. Its role is to organise awareness raising activities; to plan and implement activities to identify families at risk of domestic violence and to take action to end the domestic violence; to plan and implement victim services; coordinate activities under the Law and facilitate the rehabilitation services, though not specifically to children. The role of the multi-disciplinary team is less child specific than that previously contained in Article 15.4 of the LCP and no longer includes the function of situation assessments in relation to children at risk, which now falls to AFCYD and social workers.<sup>43</sup>

At central government level, the Law provides for a National Council for Children and councils for children at sub-national level. The task of these bodies is to supervise the implementation of the policy on child protection at national and local level.<sup>44</sup> The Councils are permitted to engage international specialised organisation and accredited NGOs and legal entities to conduct independent monitoring and analysis on child rights and child protection if they so wish.<sup>45</sup> Overall, the Authority in charge of children and family development matters (AFCYD) retains responsibility for undertaking comprehensive analysis of data on child protection and children in conflict with the law; assessing and reviewing the services provided to children at risk; evaluating the participation of government bodies in child protection; planning and implementing human resource policies on child protection and evaluating the implementation of the LCP.<sup>46</sup>

As can be seen from this description of the LCP, responsibility for child protection remains split between a number of different bodies at local level. Responsibility has been further diluted, and arguably fragmented, as a result of amendments to the Law on Combatting Domestic Violence, which came into effect in February 2017. The Law on Combatting Domestic Violence is far reaching with a wide definition of domestic violence in relation to children. It covers violence against children in a family setting but also in educational and health settings. Article 28 strictly prohibits persons falling under the scope of the law from treating children in an inhuman or aggressive manner, from discriminating, intimidating or threatening the use of force against them, physically punishing them, forcing them to be involved in worst forms of labour, neglecting them or 'from demonstrating alcohol abuse, addiction and committing acts of violence'.<sup>47</sup> The persons falling within 'scope' include wife, husband, other family members, de facto partners, guardians, custodians, care takers, persons who are under

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<sup>43</sup> See Law on Combatting Domestic Violence (2016) Articles 21 and 26.

<sup>44</sup> Law of Mongolia on Child Protection (2016) Article 21.1.

<sup>45</sup> Law of Mongolia on Child Protection (2016) Article 21.4.

<sup>46</sup> Law of Mongolia on Child Protection (2016) Article 22.1.

<sup>47</sup> Law on Combatting Domestic Violence (2016) Article 28.3.

custody or care and other persons residing within a family. In addition, it applies to any child related by blood or adoption living separately.

In essence, the Law on Combatting Domestic Violence covers the use of violence, abuse (physical, sexual, psychological), neglect and exploitation of a child in a family setting or involving family members, and duplicates and extends the provisions of the LCP. Unlike the LCP, the Law on Combatting Domestic Violence, appears to apply to *all* children present in the jurisdiction and not just to citizen children. As with the LCP, the Law on Combatting Domestic Violence, also provides for a referral system. It requires all teachers at all levels of education, schools, social workers and other employees, officers in charge of health, social, child and family issues, officials of aimags, soums and bags/ khorooos to report 'domestic violence' to the police or, in the absence of a police officer, to the Governor or the telephone Helpline service, but not directly to the AFCYD.<sup>48</sup> Where the report is made to the telephone Helpline, it is the responsibility of the AFCYD to report it to the police.<sup>49</sup> However, if the referral is not to the Helpline, the governor needs the consent of the child before the domestic violence can be reported to a social worker.<sup>50</sup> Only if the soum or bag/khoroo governor consider that the child victim is at risk of serious harm or is exposed to or at risk of violence, must they report to the soum or bag/khoroo social worker or the school social worker regardless of whether or not the victim consents.<sup>51</sup> As can be seen, the referral process is convoluted and it is likely many persons making referrals will be confused by the process of referral.

Article 25.2 of the Law on Combatting Domestic Violence, provides that the police *may* establish a unit with specialized police officers, and may involve psychologists, social workers and children's rights officers in the work of the unit. The police are given responsibility for undertaking an assessment of the risk to life, health and security of a domestic abuse victim, while social workers remain responsible for conducting a situational analysis (ie the risk of domestic violence or violence, likely negative consequences incurred or expected for a victim and victim services).<sup>52</sup> In order to protect the child from violence, the police or the governor of the soum or bag/khoroo may 'deliver' a child to a relative, a one stop service centre or a temporary shelter<sup>53</sup> or, if that is not feasible, they may hand the child over to a parent, relatives or a 'different family'<sup>54</sup> or to a residential centre run by the government or a NGO and simply notify the AFCYD that they have taken such a step.<sup>55</sup> However, under Articles 26 and 29, a social worker is also given the role of identifying the immediate needs of victims, including children and for providing necessary services.

As with the LCP, the Law on Combatting Domestic Violence provides for multi-disciplinary teams led by the soum or bag/khoroo governor. Article 20 of the Law provides that the multi-disciplinary team is to consist of a family doctor, social workers of the soum or bag/khoroo or school, social welfare, child and family development, police and representatives from non-governmental organizations that run in these areas. The soum/bag/khoroo Governor is the leader of the multidisciplinary team. Under the Law on Combatting Domestic Violence, the multi-

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<sup>48</sup> Law on Combatting Domestic Violence (2016) Article 29.1 and 29.2.

<sup>49</sup> Law on Combatting Domestic Violence (2016) Article 29.4.

<sup>50</sup> Law on Combatting Domestic Violence (2016) Article 24.1.4.

<sup>51</sup> Law on Combatting Domestic Violence (2016) Article 24.2.

<sup>52</sup> Law on Combatting Domestic Violence (2016) Articles 26.1, 31 and 32.

<sup>53</sup> Law on Combatting Domestic Violence (2016) Article 30.1.1.

<sup>54</sup> Law on Combatting Domestic Violence (2016) Article 30.1.2.

<sup>55</sup> Law on Combatting Domestic Violence (2016), Article 30.1.4.

disciplinary teams now deal with adults as well as children. Social workers are responsible for coordinating the actions of a MDT<sup>56</sup> whose major role with respect to children is to determine which services are needed.<sup>57</sup>

The Law on Combatting Domestic Violence, rather than the LCP, stipulates the services that are to be made available to victims of domestic violence. These include child protection services, health and social welfare services, legal services, the provision of temporary shelters and one-stop centres. Protection measures are also to be provided to victims and witnesses.

Responsibility for implementation of the Law on Combatting Domestic Violence falls on the Ministry of Justice and Home Affairs.<sup>58</sup>

### 2.1.1 Procedures relevant to the implementation of the LCP

The LCP lacks details about the process for identifying and responding to child protection concerns. In particular, it does not establish how situation assessments will be conducted and how decisions about the services to be provided will be made and implemented to in the best interests of the child. The different Laws covering child protection also leave the potential for an overlap and duplication in the responsibilities of various authorities.

Since the LCP was passed copious amounts of secondary materials have been developed. These include standard operating procedures and manuals to implement the LCP in different settings.<sup>59</sup> The three key procedures used at local level include a Manual for MDT Members, a General Methodology of Case Management (2020) and a Procedure on Situation Assessments (2017). In addition, a number of 'procedures' have been adopted under the Child Protection Law, including a Procedure on Counselling; a Procedure on Service Referral and Manuals for different professionals handling child protection cases, including Governors, MDT members, citizen representative khurals, police, social workers, psychologists, family health doctors and NGOs. The LCP requires the Minister for Labour and Social Protection and other relevant Ministers to develop, approve and supervise the implementation of the 'procedures'.<sup>60</sup> More information on the specific procedures and a full list can be found in Annex 9.

### 2.1.2 Other Laws and policies relevant to child protection

#### *The Law on Family*

The *Law on Family* was passed in 1999 and is currently being reviewed with a view to amendment. The main purpose of the Law is to regulate family relationships, and particularly marriage, divorce and property settlements on divorce. However, Chapter V also regulates relations between parents and children, including adoption and the custody of children. It provides that children born outside of marriage shall have the same rights as those born within a marriage<sup>61</sup> and prohibits discrimination against stepchildren and children born

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<sup>56</sup> Law on Combatting Domestic Violence (2016) Article 26.1.

<sup>57</sup> Law on Combatting Domestic Violence (2016) Article 33.2.

<sup>58</sup> It is not clear in the Law on Combatting Domestic Violence, Article 45, who is responsible for implementation of the Law, but interviewees consistently named the Ministry of Justice and Home Affairs.

<sup>59</sup> Child Rights Situation in Mongolia 2018, Save the Children.

<sup>60</sup> Law of Mongolia on Child Protection (2016) Article 10.4, 12.5, 12.6, 15.3 and 15.5.

<sup>61</sup> Law on Family (1999), Article 21.5.

outside of marriage.<sup>62</sup> It also provides for ‘children in difficult circumstances’ who were defined in the Child Rights Protection Law which has now been overtaken by the LCP and the Law on Child Rights. The Law on Family gives the Governor of a Soum the power to appoint a representative for a child if the parents, custodian or guardian are not acting in the best interests of a child and places a duty on the Governor to protect the interests of orphans and children where parents are legally incapable, for instance where the parents are serving a term of imprisonment, whose parental rights have been limited or excluded or who have failed to maintain their children.<sup>63</sup> As with the Law on Domestic Violence, employees of kindergartens, schools and medical organisations are under a duty to gather and submit information on children, but in this case, to the Governor of the Soum, who in turn is under a duty to examine the circumstances of the child within three days and to determine whether the parents or guardian are able to protect the child. If the decision is that they are not able to protect the child, it falls to the Governor to protect the child’s rights and interests.<sup>64</sup> The Governor is also given the power to register ‘children in difficult circumstances,’ to transfer them to families who wish to bring them up, or in the absence of such families, the child may be given to a custodian, for adoption or placed in a residential care institution.<sup>65</sup> These powers overlap with powers under the LCP and the Law on Domestic Violence. In addition, the Law on Family gives power to the Court to limit the exercise of parental rights or, in certain circumstances, to ‘exclude parental rights’ which will result in the parents losing parental rights. In both cases, the Law provides that children of such parents shall be transferred to a childcare institution.<sup>66</sup>

### *The Law on the Rights of the Child*

The *Law on the Rights of the Child* was passed in 2016. Its purpose is to regulate matters relating to the powers of the various government bodies, individuals and legal entities in charge of protecting the rights of the child; to create a system for ensuring and implementing the rights of the child. It sets out fundamental principles and the basic rights owed to each child, reflecting and expanding on a number of the rights contained in the CRC. The Law also sets out the obligations, powers and duties of State bodies at national and sub-national levels. Articles 19 – 21 provide implementation mechanism, providing that a complaint or claim may be made by a parent, guardian, custodian or other persons or organisations if the child considers his or her rights have been infringed. A parent, custodial, guardian, an organisation for child and family development or an officer or social worker of a bag, soum or khoroo may also submit a claim to the government body involved in the infringement of the child’s rights or to the Court.<sup>67</sup> While much of the focus of Article 20 is on monitoring the implementation of children’s rights, Article 20.4 provides for the appointment of child rights state inspectors as children’s ambassadors who can then put forward petitions and complaints on behalf of the children’s assembly to relevant bodies in soums and districts. Finally the Law on Child Rights deals with national monitoring of the implementation of child rights in accordance with the obligations imposed on the Government by the CRC and other international treaties.

### *The Criminal Code*

The *Criminal Code* was amended in 2017 to include a separate chapter on crimes committed against children. Chapter 17 of the code contains a number of articles which set out penalties for involving children in criminal

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<sup>62</sup> Law on Family (1999), Article 25.2.

<sup>63</sup> Law on Family (1999), Article 25.5.

<sup>64</sup> Law on Family (1999), Article 25.8.

<sup>65</sup> Law on Family (1999) Article 25.9 and 10.

<sup>66</sup> Law on Family (1999) Articles 27-31.

<sup>67</sup> The Law on Child Rights (2016), Articles 19.1 and 19.2.

activities. These include: involving persons under legal age into criminal activities by using force.<sup>68</sup> Notably, the penalty is higher if the crime is committed by a parent, guardian or pedagogue.<sup>69</sup> The law also sets out penalties for a number of crimes against children, including: abandonment of a child;<sup>70</sup> abuse of the guardian's duties by parents, custodians or guardians for lucrative purposes or leaving the person under guardianship without supervision or necessary help;<sup>71</sup> neglect of the duty of custody of a child under the school age;<sup>72</sup> persistent evasion of maintenance of parents, spouse or born or adopted children<sup>73</sup> and forcing a child to labour.<sup>74</sup> These provisions are necessary for the protection of children, and are in line with the standards established in the Convention on the Rights of the Child (CRC), but provisions to protect children from sexual exploitation on line have yet to be developed and included within the Code.

The Criminal Code places the minimum age of criminal responsibility at 16 years of age, except for some crimes such as homicide, deliberate infliction of a severe bodily injury, rape and theft in aggravating circumstances, for which the minimum age of criminal responsibility is 14 years old.<sup>75</sup> Specific provisions for imprisonment and other penalties of persons under-age are provided for in the Code.<sup>76</sup> Finally, the law establishes the age of consent at 16 years old.<sup>77</sup>

### *Law on Infringement*

The New Law on Infringement came into effect on 2 September 2016, replacing the 1992 Law on Administrative Liability. The new law consolidates approximately 1200 violations formerly specified in over 200 different laws, which were previously not unified under a consolidated legal policy.<sup>78</sup> All administrative breaches and violations are now punished according to the Law on Infringement.<sup>79</sup>

Administrative liability aims to punish business entities or individuals who have breached public order, but whose violations do not rise to the level of a criminal offence. According to the new Law, the main sanctions for infringements are fines and the deprivation or restriction of a right. The Law on Infringement is one of the main mechanisms for enforcement of violations of children's rights.

### *Budget Law*

The Budget Law was passed on 23 December 2011, integrating the Budget Law of 2002 and the Public Sector Management and Finance Law. The Budget Law aimed to ensure fiscal stability, enhance the efficiency and predictability of resource allocation (and thus improve sustainability), and to increase citizens' participation in

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<sup>68</sup> Criminal Code of Mongolia (2002) (Revised) Article 114.

<sup>69</sup> Criminal Code of Mongolia (2002) (Revised) Article 115.2.

<sup>70</sup> Criminal Code of Mongolia (2002) (Revised) Article 117.

<sup>71</sup> Criminal Code of Mongolia (2002) (Revised) Article 118.

<sup>72</sup> Criminal Code of Mongolia (2002) (Revised) Article 119.

<sup>73</sup> Criminal Code of Mongolia (2002) (Revised) Article 120.

<sup>74</sup> Criminal Code of Mongolia (2002) (Revised) Article 121.

<sup>75</sup> Criminal Code of Mongolia (2002) (Revised) Article 21.

<sup>76</sup> Criminal Code of Mongolia (2002) (Revised) Article 51.2, 52.3, 53.4, 55.1.7, 62, 67.

<sup>77</sup> Criminal Code of Mongolia (2002) (Revised) Article 122.

<sup>78</sup> Amartuvshin, A. 23 May 2016. The New Law on Infringement Explained. Mongolia Law Blog.

<http://lehmanlaw.mn/blog/the-new-law-on-infringement-explained/#:~:text=On%20Dec%204%2C%202015%2C%20the,passed%20the%20Law%20on%20Infringement.&text=Administrative%20liability%20aims%20to%20punish,re%20occurrence%20of%20such%20breach.>

<sup>79</sup> Law on Infringement (2016).

the budgeting process.<sup>80</sup> This includes reforming the process by which the child protection budget is allocated from the national level to aimags and soums as Special Purpose Transfers.

Although the Budget Law introduces a degree of decentralization, this does not apply to the Special Purpose Transfers which retains a vertical nature with very limited involvement or control from local government. The AFCYD plans the budget for child protection and development and sets the budget for each province when it submits its budget proposal to the MLSP for review and approval by the Parliament. Following budget approval by Parliament, the agreed amounts for each province are then included as part of the local budget of each province for approval by their respective khurals.

### 2.1.3 Other policies and frameworks

National policies and programmes related to children in Mongolia include the Sustainable Development Vision of Mongolia 2030, the State Policy on Population Development, the National Programme on Maternal, Child and Reproductive Health, the National Programme of Action on Child Development and Protection and the National Nutrition Programme.<sup>81</sup> The most relevant, however, from the perspective of the LCP is the National Programme of Action on Child Development and Protection for 2017 – 2021. The goals of the programme are: to ensure the rights of children to access a safe and healthy environment, education, development, protection and participation; to create a child-friendly environment; and, crucially, to develop the national child protection system with support from accompanying institutions.

The most relevant objective contained in the National Programme of Action is Objective 2.2.4: to protect children from all forms of neglect, abuse, violence and exploitation as well as at-risk situations.

### 2.1.4 Progress towards implementation

In the years following the approval of the LCP, the Government of Mongolia has taken a number of steps to promote the implementation of the Law, with the support of UNICEF, and other child rights organisations working in the country.

In 2017, a multi-stakeholder permanent working group, led by the Deputy Minister for Labour and Social Protection was established to ensure cross-sectoral coordination for implementation of the LCP, the National Programme on Child Development and Protection for 2017 – 2021 and the CRC Committee’s concluding observations. The working group meets quarterly to review the implementation status and agree on further steps.

The National Council for Children (the oversight body for supervising the implementation of child protection policy and children’s rights),<sup>82</sup> met for the first time since the passage of the Law on the Rights of the Child in May 2018. Twenty-seven participants from relevant ministries and national agencies met to discuss actions to be taken to prevent and respond to violence against children and ensure the protection of children’s rights. The National Council is expected to report regularly on progress.<sup>83</sup>

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<sup>80</sup> Lkhagvadorj, A. (2015). An Analysis of the New Budget Law of Mongolia of 2011. 10.13140/RG.2.1.5045.3604. Page 1.

<sup>81</sup> Social Indicator Sample Survey 2018 Survey Findings Report.

<sup>82</sup> Established under the Law on Child Rights (2016), Article 16.

<sup>83</sup> Global Partnership End Violence Against Children Fact Sheet 2019. <https://www.end-violence.org/sites/default/files/paragraphs/download/Country%20Progress%20Fact%20Sheet%20Mongolia.pdf>

As noted above, a wide range of secondary legislation issued under the Law, guides and manuals have been developed to permit implementation of the Law, though the health and justice sectors are yet to develop procedures and policies relating to the LCP.

The Government has been strengthening mechanisms for identification, referral and follow-up for children who are at risk and/or who experience violence in the form of procedures and guidelines with support from UNICEF, Save the Children and 23 accredited and other national NGOs.

Since the LCP came into force in 2016, the Government of Mongolia has increased its allocation of resources for the implementation of the Law. Due to a severe economic crisis, the estimated budget for the implementation of the LCP was not planned in the state budget of 2017. However, continuing advocacy by UNICEF and INGOs resulted in a state budget allocation of 5.0 billion MNT for 2018, which was increased to 8.0 billion MNT in 2019 and 2020 respectively. In addition to the allocation from the State budget, local governments have also allocated funds for child protection interventions (i.e. social worker salaries) from their local development budgets, which is expected to improve the operational capacities of child protection services.

Since the approval of the Child Protection Law and the Law on Combatting Domestic Violence, 678 MDTs have been established across the country and have become increasingly active. 600 of the MDTs have received capacity building training supported by UNICEF.

The government has established a number of child protection services, including the 108 Child Helpline to receive reports of violence against children (and domestic violence). The government has established a further fifteen one-stop service centres in addition to the six one-stop service centres that existed previously. However, other child protection services set out in the law are limited. Child protection services that do exist, such as counselling and psychological support services, are largely provided by a small number of national NGOs with limited resources.

The implementation of the LCP is intended to benefit all Mongolian children who are 'at-risk' or in need of protection under the law. Whilst it is of course impossible to know the exact numbers of children who will require child protection response services each year, one estimate projected that 9,348 children per year would access child protection services under the law in its initial years of implementation.<sup>84</sup> The projection (which was used to guide a costing of the implementation of the law, discussed in further detail below) assumes that as referral systems are strengthened the child protection case load would increase to around 14,021 children per year. In the past year, local level AFCYD branches registered a total of 22,754 children as at-risk, or potentially in need of child protection services. Whilst data on the number of children who have accessed services under the LCP is limited, this is discussed in further detail in the effectiveness section of the report.

### 2.1.5 Contributions of UNICEF Mongolia Country Programme

In addition to working closely with the Government of Mongolia to draft and develop the Child Protection Law<sup>85</sup>, UNICEF Mongolia has worked closely with government counterparts and INGOs to promote the implementation of the child protection law as a significant part of its current country programme. It is helpful to understand UNICEF's particular strategy and approach to supporting the implementation of the law in order to reflect on

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<sup>84</sup> Barberton, C. and Gunchinsuren, E., 'Budget analysis and costing of the child protection services in Mongolia', February 2016.

<sup>85</sup> UNICEF Mongolia Country Programme Annual Report. UNICEF. 2016. p 29.

whether contributions have (or haven't) led to particular outcomes, where gaps remain, and how UNICEF can contribute to the implementation of the law going forward.

UNICEF's child protection work falls under programme component 'C' of its 2017 to 2021 country programme: equitable social policies and protective systems, which aims to "ensure that child-related policies, budgets and systems, including the child protection system, are inclusive, gender and equity focused".<sup>86</sup> The Country Programme Document emphasises that this component will address the need for implementation of the newly approved Child Protection Law, as its main area of focus:

*"With the approval of the new Child Protection Law, creating a performing system to deliver services with monitoring and enforcement mechanisms is now a priority. UNICEF and the Ministry of Population Development and Social Protection will support capacity development of social welfare and justice sectors at both national and subnational levels. The programme will strengthen capacity for budgeting, monitoring and tracking to ensure that child protection services are adequately financed. Developing information management systems, together with improved local administrative data and analyses, will help to prevent and process cases of violence, exploitation and abuse."<sup>87</sup>*

The results framework for the Country Programme states that the priority for child protection work is to create a performing system to deliver services with monitoring and enforcement mechanisms. Output 3.2 is of specific relevance: that the Government's capacity to legislate, plan, budget and to provide child protection services has increased to protect children from violence, abuse and exploitation at central level and in targeted areas.<sup>88</sup> Examples of specific programming supported and delivered by UNICEF to contribute to the implementation of the Child Protection Law include:

- **Budgeting** - In anticipation of the approval of the LCP, UNICEF commissioned a Budget Analysis and Costing of the child protection services in Mongolia, to help policy makers make informed decisions on budgeting for the implementation of the law.<sup>89</sup> The analysis revealed that Government agencies were severely under-funded. Based on the Budget Analysis and Costing, UNICEF advocated with the government for an increased budget to enable the implementation of the LCP. Continuing advocacy by UNICEF resulted in a child protection budget allocation of 5.0 billion MNT for 2018, which was increased to 8.0 billion MNT in 2019 and 2020 respectively.
- **Technical Assistance** - UNICEF provided technical and financial support to develop the National Programme on Child Development and Protection and the development of secondary legislation to support the implementation of the law.<sup>90</sup> Of more than 30 standards and guidelines developed by the Government of Mongolia to implement the LCP, eight were supported directly by UNICEF in 2017.<sup>91</sup> In addition, UNICEF provided technical assistance for the development of tools for monitoring child protection services provided by the MDTs and Juvenile Justice Committees. UNICEF also assisted the Ministry of Education, Culture, Sciences and Sports (MECSS) in developing a national and school-level

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<sup>86</sup> Country Programme Document Mongolia E/ICEF/2016/P/L.17 p7.

<sup>87</sup> Country Programme Document Mongolia E/ICEF/2016/P/L.17 p 8.

<sup>88</sup> Country Programme Document Mongolia E/ICEF/2016/P/L.17 p14.

<sup>89</sup> Budget analysis and costing of the child protection services in Mongolia. 2016/004. UNICEF Mongolia.

<sup>90</sup> UNICEF Mongolia Country Programme Annual Report. UNICEF. 2016. p28.

<sup>91</sup> UNICEF Mongolia Country Programme Annual Report. UNICEF. 2017 p23.

child protection policy, and comprehensive reporting and referral procedures and sample child protection self-audit tool.<sup>92</sup>

- **Training and Capacity Building** - UNICEF has provided a wide range of training and capacity building to stakeholders. This has included training the AFCYD, J4C Committees and MDTs in select provinces; the development of a training module on child protection with the University of Mongolia.<sup>93</sup> As a result, 1,253 professionals were trained on how to implement the Criminal Code, LCP and Law on Combatting Domestic Violence, and 97 MDTs became operational.<sup>94</sup> UNICEF also helped to organize national training for 60 trainers on a multi-disciplinary approach to child protection who, in turn, went on to train a further 600 multi-disciplinary teams.<sup>109</sup>
- **Awareness Raising** - Between 2016 and 2018 UNICEF worked closely with the World Vision, the Government of Mongolia, local governments and private businesses to increase awareness of the LCP through audio-visual content, online content, posters, guidelines and workshops.<sup>95</sup> These activities were designed to build awareness of the new law, and raise awareness of child protection issues and reporting methods.
- **International Collaboration** - As a result of advocacy from UNICEF, the Government of Mongolia has taken increased steps to engage internationally on child protection issues, including through making global commitments. In 2018 the Government of Mongolia joined the Global Partnership to End Violence Against Children, and committed to achieving all associated Sustainable Development Goal (SDG) targets that address violence against children.<sup>96</sup> The Government also joined the WePROTECT Global Alliance to End Online Child Sexual Exploitation in January 2018.
- **Monitoring** - The Government has also established a multi-stakeholder permanent working group, led by the Deputy Minister for Labour and Social Protection, which meets quarterly to ensure implementation of the national programme of action and the implementation of the CRC Committee's concluding observations.

### 2.1.6 Theory of change for the implementation of the LCP

Although a theory of change for the implementation of the LCP has not been developed, it is useful to articulate the theory behind UNICEF and the Government of Mongolia's approach to promoting the implementation of the law, in order to inform the evaluation.

Based on an analysis of the work undertaken by both UNICEF and Government counterparts to promote the implementation of the law (including the activities set out in the National Programme of Action for Child and Youth Development), the theory of change (ToC) for the implementation of the LCP is as follows:

*If* inter-ministerial coordination bodies are established and engaged;

*and* procedures, manuals, standards and guidelines for the implementation of the Child Protection Law are developed and applied;

*and* the Government of Mongolia allocates sufficient funds to the Child Protection Laws implementation;

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<sup>92</sup> UNICEF Mongolia Country Programme Annual Report. UNICEF. 2017. p23.

<sup>93</sup> UNICEF Mongolia Country Programme Annual Report. UNICEF. 2016. p24.

<sup>94</sup> UNICEF Mongolia Country Programme Annual Report. UNICEF. 2017. p21.

<sup>95</sup> UNICEF Mongolia Country Programme Annual Report. UNICEF. 2018. p6.

<sup>96</sup> UNICEF Mongolia Country Programme Annual Report. UNICEF. 2018. p6.

*and* sufficient numbers of skilled human resources are dedicated to child protection work;

*and* relevant national and sub-national authorities have improved capacities to plan, monitor, implement and budget for preventive and responsive child protection interventions;

*and* public awareness is raised on child protection issues, the child protection system and how to report a child protection concern;

*then* national and sub-national stakeholders will have sufficient capacity to implement the Child Protection Law and deliver child protection services in line with the law;<sup>97</sup>

*and ultimately* children shall be protected from all forms of child neglect, abuse, exploitation, violence.<sup>98</sup>

A visual representation of the ToC is contained in Annex 2.

### 3. PURPOSE AND SCOPE

#### 3.1 Purpose of the evaluation

According to the Terms of Reference (ToR, Annex 1), the overarching purpose of this evaluation is to produce knowledge, findings and recommendations, and identify lessons learnt and good practices to inform decision-making by the Mongolian Government and other key national and sub-national stakeholders to strengthen laws, policies and programmes relating to the child protection system, including any necessary amendments to the LCP itself. An additional purpose is to provide evidence to inform the new UNSDCF and Country Programme between UNICEF and the Government for the period post-2021.

The primary audience/users for the evaluation are the Government of Mongolia, UNICEF and NGO partners including at subnational level. Secondary beneficiaries include local communities, individual professionals and practitioners who work with children, international organisations and donors.

#### 3.2 Objective and scope

The primary objective of this formative evaluation is to assess the steps taken and the progress made towards achieving the overall purpose of the LCP. In doing so, the evaluation considers the key links and synergies between the efforts made to implement the LCP and other child protection laws<sup>99</sup> where relevant.

The evaluation is intended to highlight lessons learned, identify areas for improvement, record the achievements of key stakeholders and duty bearers, and make recommendations to improve the efficiency and effectiveness of the implementation of the LCP.

The sub-objectives of the evaluation are:

1. To assess the extent to which the LCP (and the (non)-implementation of the LCP) is addressing the protection needs of children in all settings covered by the LCP, considering aspects of both prevention and response;

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<sup>97</sup> In line with UNICEF CPD Output 3.2.

<sup>98</sup> In line with the overall purpose of the LCP.

<sup>99</sup> E.g. the law on Child Rights, the Law on Combating Domestic Violence, the Law on Family, etc.

2. To examine the extent to which the LCP (and the (non)-implementation of the LCP) has contributed to the effective distribution of roles and responsibilities among duty bearers at various levels, and to the effective coordination of their policy and practice efforts for prevention and response;
3. To assess the Government's leadership and ability to leverage resources and partnerships towards strengthening the child protection system at national, sub-national and community level, and to develop the capacity of government officials, service providers, and civil society partners at various levels in order to implement the LCP;
4. To examine the integration of child protection services with other related sector services including, but not limited to, education, health, and information, communication and technology (ICT); and
5. To identify and document substantive lessons learned and good practices in order to inform recommendations for strengthening the legal framework governing the child protection system and its implementation.

The evaluation scope covered the efforts and commitments made by the duty bearers at national, sub-national and community levels and covered the period from the beginning of 2016 until mid-2019, and covers national, sub-national and community-level interventions. Geographically, the evaluation covered national, sub-national and community level (soums and bags) interventions, targeting Ulaanbaatar and four other provinces: Bayan-Ulgii, Khuvsgul and Umnu-Gobi.<sup>100</sup>

## 4. METHODOLOGY

### 4.1 Overall methodological approach

The evaluation applied a mixed-methods approach, in order to draw on the strengths of both quantitative and qualitative methods; gathering data that is rich, accurate and measurable while ensuring validity of the results through triangulation.

Quantitative data was used to provide an overall description and numerical measure of the context in which the LCP operates, the degree of implementation of different components of the LCP – including the 108 Child Helpline and multi-disciplinary teams – as well as duty bearer's achievements under the law. Qualitative data provided a more in depth understanding of the evaluation results, assisting in interpreting and explaining the quantitative findings. In particular, qualitative data was used to explore subjective and contextual issues and to explain *why* particular aspects of the LCP implementation were found to be more or less effective.

The evaluation further employed a non-experimental and theory-based design, applying participatory and human-rights based approaches.

To enable a theory-based approach evaluators constructed a ToC for the implementation of the LCP (this is set out in section 2.1.6 of the evaluation). Drawing on an analysis of UNICEF and the Government's efforts, the ToC sets out a "logic model" for how particular interventions and strategies were expected to achieve the desired

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<sup>100</sup> Further detail on the research sites selected for primary data collection is included in the methodology section of the report.

outcomes: that national and sub-national stakeholders have capacity to implement the LCP and deliver child protection services in line with the law<sup>101</sup> and ultimately that children are protected from all forms of child neglect, abuse, exploitation and violence.<sup>102</sup> The ToC allowed the evaluation team to gather evidence on whether, how and why UNICEF and Government efforts are (or are not) on track to achieve the implementation of the LCP in line with expected change pathways.

The evaluation also employed a participatory approach which engaged key stakeholders and intended beneficiaries in consultations and validation sessions throughout the process. This approach was adopted to ensure the relevance and context-appropriateness of findings and recommendations and to promote ownership, buy-in and sustainability after the completion of the evaluation.

Finally, the evaluation applied a human rights lens to data analysis, considering all research findings from a conceptual framework which is normatively based on human rights standards and laws. The evaluation takes account of inequalities and structural forms of discrimination and the power dynamics that drive these, when analysing people's ideas and experiences of the child protection system. As far as possible, data has been disaggregated by sex, age and disability, and a gender and equity sensitive analytical lens has been applied to all evidence.

## 4.2 Evaluation framework

The evaluation was designed to generate evidence in relation to Organisation for Economic Co-operation and Development/Development Assistance Committee (OECD/DAC), namely: relevance, effectiveness, efficiency and sustainability and equity and gender quality. The sixth criteria, impact, was not be considered given the formative nature of the evaluation and the early stages of the implementation of the LCP. In addition to these criteria, the evaluation methodology has also incorporated UNICEF's guiding principles of gender, human rights and equity.

A set of evaluation questions were developed to collect data in relation to each criterion. The evaluation questions were developed in line with those outlined in the in the TOR but were further adjusted, refined and reordered during the inception phase of the study, in agreement with UNICEF.

### 4.2.1 Evaluation questions

#### *Relevance*

*To what extent has the implementation of the LCP been relevant to strengthening the Mongolian child protection system at national, provincial and community levels, in line with government priorities?*

*To what extent has the implementation of the LCP been relevant to the protection needs of the most vulnerable girls and boys in Mongolia, across ethnicity and other social identities?*

*To what extent has the implementation of the LCP ensured that children's voices are heard and reflected, both in daily activities and in advocacy interaction with governments and other stakeholders?*

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<sup>101</sup> In line with UNICEF CPD Output 3.2.

<sup>102</sup> In line with the overall purpose of the LCP.

## *Effectiveness*

*To what degree has the implementation of the LCP contributed to positive changes in child protection approaches and to the provision of quality services for boys and girls, particularly the most vulnerable and marginalised, needing protection?*

*To what extent is the child protection response consistently applying inter-agency standard operating procedures, guidelines, standardised forms, protocols on information sharing and protection, and information management systems?*

*To what extent has the implementation of the LCP facilitated cross-sectoral/multisectoral work (legal, police, health, social services strengthening, and education and IT sectors)? To what extent has the child protection case management response addressed the child protection needs and priorities of children in a coordinated matter?*

*How satisfied have children and adolescents been with the quality of prevention and response services they have received?*

*How effective have information campaigns been at strengthening public awareness on child protection and the LCP within communities and particularly with parents?*

*Has sufficient attention been given to measuring, monitoring and reporting results? How effectively has evidence been used to inform changes and adjustments of policies and programmes?*

## *Efficiency*

*To what extent are the resources allocated to the implementation of the child protection law (funds, expertise, time, administrative support, professional guidance/supervision etc) used effectively and efficiently?*

*To what extent are allocated resources adequate to support the law's effective implementation?*

## *Equity and Gender Equality*

*Have interventions to promote the implementation of the LCP (including decision making, planning and monitoring) been carried out in a gender sensitive way?*

*Have child protection services effectively responded to the different needs of boys and girls, particularly for the most vulnerable and marginalised including children with disabilities, victims of gender based violence and children living in remote areas?*

## *Sustainability*

*To what extent are the benefits from the implementation and enforcement of the LCP likely to be sustainable?*

*To what extent has the implementation of the LCP contributed to the generation of sustainable capacities and leadership at national, sub-national and community levels?*

*Are there any mechanisms including budget support at the national and provincial levels currently in place aimed at sustaining the interventions?*

An evaluation matrix, appended as Annex 8, links the evaluation criteria to the research questions and methods employed. The matrix sets out the indicators, data sources, and data collection methods used in order to answer each question including possible limitations.

## 4.3 Methods for data collection and analysis

The evaluation employed a range of data sources to ensure the reliability of results, promote impartiality, reduce bias, and ensure that the evaluation was based on the most comprehensive and relevant information possible.

Methods were selected to facilitate the inclusion of all individuals and organisations identified as part of a stakeholder mapping exercise undertaken during the inception phase of the evaluation.

### 4.3.1 Data collection methods

#### *Desk review*

During the inception phase the evaluation team conducted a desk review of relevant documents, policies, legislation and existing studies relating to the LCP and child protection system. These documents are collated in Annex 6. This included the LCP and its procedures and manuals, other relevant legislation, national programmes and policies, national surveys and studies, as well as monitoring reports, studies and documents relating to key activities and progress made in implementing the LCP. In particular, this early desk review informed the development of the evaluation framework and the overall methodology. However, throughout the evaluation process the team continued to gather secondary evidence, identifying, collating and reviewing relevant documentation, including administrative data and statistics from government agencies and services providers. The desk review provided the evaluation team with valuable contextual information and informed the data analysis and development of recommendations.

#### *Key informant interviews (KII)*

Key informant interviews made up the most significant part of the primary data collection for the evaluation. Key informant interviews were held with stakeholders at national and sub-national levels who hold in depth and expert knowledge in an area relevant to the evaluation.

Key stakeholders at both national, provincial, and community level who played a role in the implementation of the LCP and child protection more broadly were selected. The purpose of this selection was to obtain particular knowledge, expertise and accurate information in relation to the evaluation questions from stakeholders with in-depth knowledge of child protection. This included stakeholders from relevant government agencies at national, provincial, and local levels, medical professionals, police, education experts and NGO and community-based organisation partners.

Key informant interviews explored questions related to the distribution of roles and responsibilities among duty bearers; the case management response; resources invested for the implementation of the LCP and their adequacy; the role and sustainability of partnerships; and coordination within and across sectors. Semi-standardised interviews were conducted guided by a structured tool (data collection tools are included in Annex 4) but allowing for a participant and response directed interaction.

A total of 133 KIIs were completed for the evaluation. Of these 35 were conducted at the national level. A full list of all stakeholders involved disaggregated by national vs. sub-national level is provided in Annex 3.

#### *In-depth interviews (IDIs)*

In depth interviews were undertaken with children and parents/caregivers of children whose cases had been subject to a child protection intervention e.g. by MDTs, JJs, NGOs, etc. A breakdown of IDI participant demographics can be found in Annex 3.

The aim of these interviews was to learn about children and parent/caregiver’s experiences of child protection interventions; to gain insight into the types of cases handled and establish an understanding of the degree to which the cases were addressed in line with the LCP; and to allow beneficiaries to express their views on the services provided. These interviews provided the evaluation team with concrete cases around which to form their understanding of the quality of prevention and response services from the perspective of children and their families, the inclusion of children’s voices and perspectives in child protection services, the experiences of children as their cases move through the child protection system, and the extent to which their protection needs are met.

A total of 21 IDIs were conducted across the research sites. Informants were selected with a view to achieving diversity in terms of both gender and age. Approximately two cases were selected in each khoroo/bag. The minimum age of children interviewed was 10 years old.

### *Focus group discussions*

Focus group discussions were held with adult community members in target communities where interventions had been delivered. Focus group discussions focused on exploring prevalent attitudes and norms around child protection and violence against children, and participants’ awareness of and views around the LCP and other relevant laws and the behaviour change campaigns that accompanied their introduction. Discussions also explored views on the extent to which current norms were expected to change or persist.

A total of 10 focus groups were undertaken across the five locations. A breakdown of focus group participants can be found in Annex 3.

### *Case file reviews*

A purposive sample of case files kept by the local government were reviewed using a structured tool in order to gather basic information about child protection cases. Information collected included the child protection concern, referral pathways used, the nature of the response, the status and/or outcomes of the case and also whether case management processes were followed. This allowed the evaluation team to gain an understanding of how a child protection case was handled from referral to completion and provided insight into how LCP guidelines and procedures are practically applied by service providers.

A total of 10 cases were reviewed. The number of case files reviewed was lower than planned because several local government authorities were found not to maintain case files in practice.

## **4.3.2 Sampling**

### *Selection of research sites*

Although the evaluation is national in scope, primary data collection for the evaluation was based on a sample targeting Ulaanbaatar municipality and Khövsgöl, Umnu-Gobii and Bayan-Ulgii provinces. The selection of sub-national research sites was informed by the service/intervention mapping undertaken during the inception phase and included sites for all relevant mechanisms and services included in the child protection system and governed by the LCP. Sampling criteria aimed to represent diversity in intervention environments (socio-economic, geographic, cultural, etc.) in order to ensure that data reflects all aspects of the implementation of the LCP and represents a diversity of experiences and viewpoints.

*Figure 2: Sampling Frame*

Selected sites	Ulaanbaatar	Bayan-Ulgii	Khuvsgul	Umnu-Gobi
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National level	KIIs at national level			
Provincial level (aimag)	Ulaanbaatar Municipality	Bayan-Ulgii	Khuvsugul	Umnu-Gobi
District level (suum)	Baganuur district, Khan-Uul district	Tsengel suum, Ulgii suum	Murun suum, Tarialan suum*	Dalanzadgad suum, Tsogttsetsii suum
Subdistrict level (khoroo/bag)	Baganuur district - 1 <sup>st</sup> khoroo - 5 <sup>th</sup> khoroo  Khan-Uul district - 9 <sup>th</sup> khoroo - 18 <sup>th</sup> khoroo	Ulgii suum - 1 <sup>st</sup> bag - 2 <sup>nd</sup> bag	Murun suum - 4 <sup>th</sup> bag - 13 <sup>th</sup> bag	Dalanzadgad suum - 1 <sup>st</sup> bag - 2 <sup>nd</sup> bag

In addition to the research locations set out above, data collection tools were piloted in Songinokhairkhan district, Ulaanbaatar Municipality. The piloting data was of sufficient quality to be used in the study.

### *Selection of respondents*

Given the primarily qualitative nature of the data collection methods, the strategies for selecting participants were purposive and non-random. Participants for key-informant interviews were selected based on the position/role that they played in the implementation of the LCP at national, aimag, suum or khoroo/bag level. Additionally, participants were selected from a variety of Government departments, agencies and key stakeholders involved with child protection to ensure the sample reflected the multisectoral nature of the child protection system. A detailed list of participants can be found in Annex 3. Participants for in-depth interviews were selected based on 'typical case' sampling, with a view to achieving diversity in terms of both gender and age. Similarly, focus group participants were selected purposively to ensure the representation of diverse perspectives across demographic perspectives and life histories.

### **4.3.3 Data analysis**

After completing data collection, the evaluation team conducted a systematic review and analysis of all data gathered, identifying key themes, patterns, relationship and explanations relevant to the evaluation questions and indicators in the evaluation matrix. The evaluation matrix was used as a framework to organise data and guide the analysis.

#### *Analysis of qualitative data*

Qualitative data was uploaded into NVivo software and coded to identify key themes, patterns and relationships relevant to the evaluation questions. For key stakeholder interviews, in-depth interviews, and focus group discussions (FGDs) a thematic analysis was deployed.<sup>103</sup> Evaluators sought to identify good practices, challenges and areas where improvements can be made in implementing the LCP.

#### *Analysis of quantitative data and triangulation*

Quantitative data was analysed numerically using Microsoft Excel to create a basic descriptive profile of results. Where relevant, qualitative and quantitative data was triangulated in light of one another in order to identify

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<sup>103</sup> Informed by the six-stage process outlined by Braun and Clarke: 'Become familiar with the data; generate initial codes; search for themes; review themes; define themes; write up'.

any inconsistencies in information. Triangulation was used to ensure the accuracy of findings, analysis and interpretation, assisting evaluators to overcome any biases or weaknesses associated with a particular method.

#### 4.4 Consultation and validation

As described above, the evaluation employed a consultative and participatory approach. This included an initial presentation to the evaluation Reference Group at the inception stage, which provided an opportunity for feedback and discussion. Further, the Reference Group provided comments and feedback on the inception report, which shaped the final methodology of the study.

A draft of the report, including a full set of findings, conclusions and recommendations, was shared with the reference group for review in both English and Mongolian, providing an opportunity for comments and feedback.

In addition, a virtual validation workshop will be held, attended by UNICEF, the Reference Group and members of the evaluation team. The validation workshop will provide a further opportunity to discuss the findings and recommendations of the evaluation, and to ensure that stakeholders understand the report to be an accurate reflection of the situation and that recommendations are relevant and implementable.

Inputs and feedback will be incorporated into a final version of the report.

#### 4.5 Ethical issues and considerations

Strict ethical guidelines were followed by the evaluation team at all times, guided by the principles of independence, impartiality, credibility, avoiding conflicts of interest and accountability, as well as the 'do no harm' principle (ensuring the safety and security of partners, participants and researchers at all times).

Tailored ethical guidelines were developed (see Annex 5) covering (amongst others) procedures around obtaining free and informed consent, protecting anonymity and privacy of participants and responding to child protection concerns. The ethical protocol was developed in accordance with UNEG Ethical Guidelines, UNICEF Procedures for Ethical Standards in Research, Evaluation, Data Collection and Analysis, UNICEF procedures for Ethical Research Involving Children, and Coram International's Ethical Guidelines for Research.

All team members had expertise in carry out research with a range of stakeholders, including children and other vulnerable groups. The orientation of national evaluators included training on and discussions around the practical implementation of the ethical protocol and child-friendly interviewing to ensure a common understanding and adherence to these guidelines and protocols.

#### 4.6 Limitations, constraints and mitigation strategies

Limitations encountered by the evaluation team are set out below, along with the mitigation strategies implemented to overcome these.

The Covid-19 pandemic had a major impact on this evaluation, and resulted in several changes to the methodology. Due to the prohibition on international travel to Mongolia from 27 January 2020 the international evaluation team was unable to travel to Mongolia to conduct the inception mission or data collection. As such the Mongolian research agency, the Independent Research Institute of Mongolia (IRIM), played a larger role

than anticipated in conducting sub-national in-country data collection<sup>104</sup>. National level KIIs were conducted remotely by the international evaluators using Zoom. In order to prevent this limitation having a major impact on the evaluation the international evaluators took additional time to learn about the Mongolian context and worked alongside UNICEF, the national evaluators and the Reference Group to ensure a comprehensive understanding of the national context, and to coordinate interviews remotely.

On 15 October 2020 local elections took place across Mongolia. This coincided with the sub-national data collection by the national evaluators. Given this, key stakeholders from the local Government and MDT members in Renchinlkhumbé soum, Khuvsgul province were unavailable to meet with the evaluation team. Some stakeholders were themselves standing for election, whilst others were involved with the administration of the election. In order to ensure interviews took place the decision was made in consultation with UNICEF to change the data collection site to Tarialan soum, which has similar demography to Renchinlkhumbé soum.

As mentioned previously, administrative data related to child protection was very limited at the time that the evaluation was conducted. In particular, disaggregated data on the numbers of children in contact with MDTs, the 108 Child Helpline, shelters and alternative care, the police, school social workers and other relevant services was largely unavailable. The evaluation team worked with UNICEF, key informants and NGOs to gather all as much existing data as possible, and drew on qualitative data to supplement available quantitative data where necessary.

Given that the evaluation dealt with sensitive issues, and also involved evaluating professionals' work, it is likely that the evidence gathered was affected by a degree of reporting bias. Respondents may have been reluctant or unwilling to share sensitive and personal information either about traumatic events in their lives or about aspects of their professional experience which they feared might negatively reflect on themselves or their colleagues. In order to mitigate against reporting bias, evaluators carefully explained to all respondents that the evaluation is first and foremost a learning oriented exercise, and further emphasised that their anonymity would be protected, and that no negative personal or professional consequences would result from the information shared. Questions were asked sensitively, and interactions were flexible and participatory to allow for the most authentic, spontaneous and participant-led exchange.

In order to access children and caregivers for the in-depth interviews and case file reviews, social workers in each location were requested to identify possible participants and case files. This process likely introduced some sampling bias, particularly where social workers were reluctant to present cases where the outcomes were not thought to be very positive or where beneficiaries may not have been happy with the case or its outcome. In order to mitigate this challenge, researchers were careful to explain to social workers that they were interested in seeing cases with diverse outcomes and that all data would be anonymized to protect the identities of both social workers and beneficiaries.

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<sup>104</sup> When data collection took place in October 2020 there were no restrictions for Mongolian nationals on travel within Mongolia.

## 5. FINDINGS

### 5.1 Relevance of the implementation of the Child Protection Law

#### 5.1.1 Child protection systems strengthening and the LCP

*To what extent has the LCP been relevant to strengthening the Mongolian child protection system at national, provincial and community levels, in line with government priorities?*

The passage of the LCP established a legal framework for the Mongolian child protection system at national, provincial and community levels, filling a significant gap in Mongolian legislation, and laying the groundwork necessary for child protection system strengthening to take place. Government stakeholders interviewed for this evaluation identified the development of this law as priority. As one government representative noted: *“we have had the Law on Child Rights Protection since 1996, but that law mostly consisted of declarations. It incorporated the Child Rights Convention into Mongolian law but it didn’t establish processes for how to protect children. So there was a need for another law. During the process of amending the Law on Child Rights Protection, we decided we needed a standalone law on Child Protection.”*<sup>105</sup>

A strong legal and regulatory framework is a fundamental component of an effective child protection system; and one that UNICEF considers to be an essential element of child protection system strengthening.<sup>106</sup> This perspective was recognised in the Mongolian context, where stakeholders emphasised the importance of establishing a separate legal framework for the child protection system; *“the adoption of the laws on Child Rights and on Child Protection enabled the creation of the legislative environment that separated basic social protections from child protection processes...That’s a very good achievement of this Law on Child Protection”*.<sup>107</sup> Indeed, a diverse group of respondents highlighted the importance of enshrining a coordinated system for child protection service delivery in law, and of instituting a multi-sectoral approach to child protection work.

However, the LCP has not been met with universal approbation by all stakeholders. For some, the law is insufficiently detailed. For instance, several respondents explained that the law lacks clear definitions pertaining to child protection case management, failing to assign case management responsibility or to set out step by step procedures for responding to a child protection case with sufficient clarity. A further issue is the lack of specificity in the Law as to the services that must be made available to those in need of protection, and the degree of support and monitoring of the child and family that should take place.<sup>108</sup>

This is not necessarily a fault in the LCP. As with most laws, it is necessary to develop secondary legislation to provide further detail on the provisions and to provide guidance on its implementation. In the case of the LCP, this has taken the form of a vast array of manuals, guidelines and procedures that have been developed in the years since the law was passed. However, as the effectiveness section of the evaluation will reveal, these have not yet been absorbed and applied by all the relevant actors, and they do not appear to be implemented consistently in practice. For instance, child protection response services were generally not found to follow case management procedures or to be delivered in a consistent manner.

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<sup>105</sup> Individual interview, national government representative, virtual interview (zoom), 6 November 2020.

<sup>106</sup> United Nations Children’s Fund, “Child Protection Strategy”, E/ICEF/2008/5/Rev.1, ECOSOC, New York, 2008.

<sup>107</sup> Individual interview, NGO representative, virtual interview (zoom), 18 September 2020.

<sup>108</sup> For example, raised in individual interview, National government representative, virtual interview (zoom), 8 October 2020.

Finally, and perhaps most significantly, since the passing of the Law in 2016 there have been several amendments, that have had an impact on the relevance of the LCP. A number of respondents expressed particular concern about an amendment to the LCP undertaken on 22 December 2016.

***The December 2016 amendment to the LCP:***

Paragraph 15.4 of Article 15, prior to amendment: “A multi-disciplinary team shall be established by a resolution of governors of soums and khoros and it shall have the functions of making situation assessments in relation to children at risk, issuing conclusions and recommendations on the services necessary for the children, and providing emergency services and assistance as well as advice. The multi-disciplinary team shall consist of social workers in charge of children, family and schools, general medical practitioners, police workers, and other professionals.”

Paragraph 15.4 of Article 15 after amendment: “The joint team specified in Article 20.1. of the Law on Combating 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.”

Furthermore, the amendment invalidated article 4.1.5 and 15.5 of the LCP:

Article 4.1.5 set out the definition of the multi-disciplinary team: “‘multi-disciplinary team’ shall mean an elementary unit that provides response services to children at-risk, and deals with crimes and offences against children in family and other settings.”

Article 15.5: “Procedures on the activities of the multi-disciplinary team and remuneration to the members of such shall be approved by the minister in charge of children and family matters.”

The practical implications of this change will be discussed in greater depth in the Effectiveness Section of the evaluation report. Yet it is important to note that the change undermined the relevance of the LCP to Mongolia’s child protection system strengthening project. Whilst the amendment maintains the role of MDTs in responding to child protection cases, it effectively removes overall authority for the work of MDTs from the Ministry of Labour and Social Protection, and places this instead with the Ministry of Justice and Home Affairs. This has served to undermine leadership, management support, budget allocation and overall accountability for a social work response to child protection. These challenges were identified by a number of stakeholders, who argued that the amendment has weakened the implementation of the LCP and created a perception that the MDTs should focus their work on domestic violence cases, at the expense of child protection response:

*My view is that the LCP should be amended to regain this MDT chapter. The current practice of assigning responsibility to the Ministry of Justice and including the provision in the Law on Combatting Domestic Violence makes the implementation of the LCP challenging. Because all the resources are under the Ministry of Justice, the AFCYD has no power and resources to work with them. Given this change, the MDT is only able to respond to cases of child abuse in the family environment. But lots of child abuse happens outside of families. In those cases they can’t provide services to children. I really think the law should set out that the MDT is solely responsible for child protection.<sup>109</sup>*

In addition to lacking legal authority for funding and oversight of a national child protection system, AFCYD lacks responsibility for the social workers who deliver these services. At present, social workers are employed by local

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<sup>109</sup> Individual interview, NGO representative, virtual interview (zoom), 12 October 2020.

government authorities. The draft Family Law of Mongolia asserts that they should be employed by Child and Family Development Authorities at khoroo (urban subdistrict) and soum (rural district) levels but, at the time of writing, it has not yet been approved by Parliament. As the 'Budget Analysis and Costing of the LCP' aptly concluded, "...delivery of some of the services to be provided under the LCP relies on institutional structure, human and financial resources to be made available by either the Law on Combatting Domestic Violence, or, the Family Law"<sup>110</sup>. The lack of authority within the LCP for the delivery of child protection services from the government departments responsible for child protection, namely the MLSP and AFCYD, remains a significant barrier to child protection system strengthening in Mongolia.

### 5.1.2 The LCP and the most vulnerable children

*To what extent has the implementation of the LCP been relevant to the protection needs of the most vulnerable girls and boys in Mongolia, across ethnicity and other social identities?*

The legal framework set out in the LCP applies to all children with Mongolian nationality, regardless of their gender, ethnicity and other social identities.<sup>111</sup> However, evaluation findings suggest that in practice children from different backgrounds and geographic locations have different experiences of the implementation of the law. Many participants felt that children with specific needs remain excluded from the scope of the child protection system. At every stage of the child protection process children with specific needs, such as children with disabilities or those who do not speak Mongolian, were found to be less able to access the child protection system. These findings are set out in detail in the Gender and Equity Section of the evaluation report.

In addition to failing to meet the needs of many vulnerable groups adequately, several stakeholders explained that the LCP is not well suited to the Mongolian cultural context. For instance, the child protection system faces significant challenges in protecting nomadic children in rural areas of Mongolia. The LCP is primarily implemented through local Governors and local government authorities based in urban centres. However, 25 per cent of Mongolians are nomadic herders, who frequently travel long distances with their families in search of new pasturelands to graze their animals.<sup>112</sup> Nomadic children who do not attend school or have not reached school age are often isolated from community services and few have regular contact with adults outside of their family. This migratory lifestyle is not conducive to the identification, referral and follow up procedures under the LCP, which rely on families remaining stationary and being able to access local services for sustained periods of time. In the words of one respondent:

*The Law on Child Protection says neighbourhood cooperation is encouraged to protect children... This will work in urban settings, but Mongolians have been nomadic people for many centuries. The distance between houses may be 3-4km at least, so neighbourhood reporting won't work universally. The new revisions [of the LCP] should include more relevant ways of reporting abuse in the Mongolian cultural context...best practice from Western countries may not meet our local needs, that should be considered.<sup>113</sup>*

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<sup>110</sup> Budget analysis and costing of the child protection services in Mongolia. 2016/004. UNICEF Mongolia

<sup>111</sup> It should be noted that Article 3.3 states that the Law applies to all 'citizen' children of Mongolia, thus it would seem that non-citizen children are not covered by the LCP.

<sup>112</sup> In pastureland areas nomadic families can travel between six to eight times per year in line with traditional and seasonal migratory routes, over distances between 14.5 to 19 km. In the Gobi Desert the distance travelled can be far greater.

<sup>113</sup> Individual Interview, lawyer, virtual interview (zoom), 24 November 2020.

Indeed, none of the case studies included in the evaluation or discussed with MDT members at the local level involved children from nomadic families.

Children of internal migrants also face particular barriers in accessing child protection services provided by government. Many nomadic families have recently made the decision to migrate from rural to urban areas due to social, environmental and economic problems, establishing informal 'ger districts' on the outskirts of major urban centres such as Ulaanbaatar. In Mongolia residency registration is essential for access to basic social and welfare services, as well as the ability to receive employment and access other legal rights and unregistered families face significant challenges. Research conducted in 2018 by the International Organisation for Migration found that despite residency registration being mandatory, only a third of ger district households surveyed had registered inside the legal timeframe.<sup>114</sup>

As part of efforts to curb overpopulation in urban areas the Mayor of Ulaanbaatar banned migration to the city from 2017-2020.<sup>115</sup> Despite this, a number of key informants took the view that internal migration continues, and prohibitions on residency registration have simply reinforced existing barriers to accessing basic services for migrants, including services provided under the LCP. The following excerpt from an interview with an NGO reveals the extent of the problem:

*The Government introduced restrictions a few years ago but there is no enforcement. From my experience working with 40-50 children per year, most are internal migrants. They came to Ulaanbaatar with their parents and have no addresses... they won't get any school, health or welfare services. This makes them very vulnerable. NGO services are sometimes the only support they can get from somebody. I think the most vulnerable children and families are those that are outside the reach of our Governments services, control and support...Mongolian people live in tents called 'gers', but if they have no permission to live in these areas, they are called the 'open space people'... by this we mean that they don't belong to the administration units their homes are in and as such they don't have access to any services. The Government people know about this, but they don't care about it. There are lots of child protection violations in these open space places because they have no electricity, information, or education. Maybe they are alcoholics... drinking is a big problem. Domestic violence is a problem. They have lots of abuse, but they don't get any services.<sup>116</sup>*

In effect, it would seem that children of internal migrants are 'missing' from the framework of support and prevention services set out in the LCP, making them additionally vulnerable to abuse and exploitation. It is notable that there is little available research relating to internal migrant children, leaving the AFCYD and other bodies with a lack of reliable data on these administratively 'invisible' children.

### 5.1.3 Children's participation in the implementation of the LCP

*To what extent has the implementation of the LCP ensured that children's voices are heard and reflected, both in daily activities and in advocacy interaction with governments and other stakeholders?*

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<sup>114</sup> Mongolia: Internal Migration Study (2018), International Institute of Migration, [https://publications.iom.int/system/files/pdf/mongolia\\_internal\\_migration\\_study.pdf](https://publications.iom.int/system/files/pdf/mongolia_internal_migration_study.pdf), p36.

<sup>115</sup> Mongolia: Urban Migrant Vulnerability Assessment (August 2018), International Institute of Migration, [https://publications.iom.int/system/files/pdf/urban\\_migrant\\_vulnerability\\_assessment\\_en.pdf](https://publications.iom.int/system/files/pdf/urban_migrant_vulnerability_assessment_en.pdf), p19. In addition, the issuing of 'temporary residence status' was prohibited from January 2016 onwards.

<sup>116</sup> Individual Interview, NGO, virtual interview (zoom), 2 November 2020.

Mongolia has a strong culture of youth participation, with formalised structures existing for children to have their voices heard at local and national level assemblies, including the appointment of Children’s Ambassadors under the Law on Child Rights.<sup>117</sup> For instance, at sub-national level, aimag and soum governors hold monthly meetings for children as part of ‘child friendly initiatives’ in line with Article 12 of the CRC. At the national level the Mongolian Youth Council is an elected body which supports children to get involved in democracy locally, nationally and internationally. Stakeholders interviewed for the evaluation demonstrated a strong understanding of the importance of promoting children’s right to be heard, and gave examples of children’s input into decision making:

*Our organisation exists to represent children, so we ensure that children’s voices are heard. In line with the Governor’s approval, we meet every month to hear children’s voices. There are children’s clubs organized next to the Citizen’s Representative Khural and Governor’s office and for the most part their voices are taken into consideration. The authorities relay the children’s words to us constantly....<sup>118</sup>*

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*The Provincial Children’s Council organizes open hearing events for children each year to hear their voices, and to learn about issues being faced by children and reflect them in decision making. Children demanded that we provide street lighting in all areas of Murun soum. As a result, streetlights were installed in all area of Murun soum. All types of children participate [at] these hearing events.<sup>119</sup>*

Respondents explained that during the development of the LCP children were consulted and encouraged to express their views and opinions on the future of the child protection system. For instance, a stakeholder involved in the development of the law gave examples of how nationwide consultations on the law sought to include children: “to ensure child participation and get their feedback, in-depth interviews and focus group discussions were conducted in districts and local areas...More than 30 per cent of the 24,500 pieces of feedback received were children’s opinions”.<sup>120</sup>

Importantly, work was done to educate and inform a number of children about child protection issues in advance of them sharing their views. This ensured that they were able to give an informed opinion. For example, an NGO recalled how children were engaged in national consultations on the LCP:

*I met teenagers aged 14-17 years old. There were more than 150 children who came from Ulaanbaatar. All of these children were members of children’s self-governing bodies... I introduced the reason why the Child Protection Law is needed, whether or not the statistics and issues mentioned are being faced by children in real life... I exchanged views with the children about how it might be resolved. They stated that violence against children occurs constantly in families, schools and public areas. Also, children talked about real cases and about their close friends’ exposure violence.<sup>121</sup>*

In addition, national children’s NGOs were included in the working group tasked with drafting the LCP. However, it is not clear to what extent children were satisfied with the final draft of the LCP. According to one NGO leader who was involved with the drafting of the LCP, some children expressed that they wanted more time to discuss

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<sup>117</sup> Individual Interview, INGO, virtual interview (zoom), 20 October 2020. See also Article 20.6 Law on Child Rights.

<sup>118</sup> Individual Interview, provincial government representative, 12 October 2020.

<sup>119</sup> Individual Interview, provincial government representative, 10 October 2020.

<sup>120</sup> NGO response, Email, 7 December 2020.

<sup>121</sup> NGO response, Email, 7 December 2020.

the law and its potential impact before it was finalised.<sup>122</sup> Additionally, members of the working group reported that constraints on time and financial resources limited the extent of outreach to children.

While the Law on Children’s Rights provides that children’s opinions and ideas shall be respected,<sup>123</sup> and that children shall have the right to express opinions directly or through parties and to seek and receive information,<sup>124</sup> the LCP does not contain provisions relating directly to participation. As a result, since the Law was approved, efforts to include young people in the implementation of the law appear to have been limited. The Manual for MDT Members states that Children’s Ambassadors may be involved in the work of the MDT “depending on the specific circumstances of the case”<sup>125</sup>, and one stakeholder did recall children taking part in MDTs: “I have met MDTs and have seen adolescent representatives in the 2-3 provinces I was in”<sup>126</sup>. However, this was the only example of children and young people’s direct involvement in MDT work which came up in the evaluation, suggesting that in practice youth participation in MDTs is limited. In addition, evidence suggests that existing youth participation structures do not regularly discuss child protection issues.

Problematically, marginalised and vulnerable children were found to be significantly less likely to be included in existing youth participation structures than other groups of children. As one Child Rights Inspector explained, “practically, socially active children relay their voices more often. The children from vulnerable groups, or other focused groups may not be able to make their voices heard...”<sup>127</sup> For instance, children who are outside of the school system may have limited access to formal youth participation bodies. Additionally, participation is more difficult for children who do not speak Mongolian as their first language: “in our soum, progress has been made in listening to children’s voices. But I can’t say it’s good enough. Some children may not be able to listen or understand because of language problems.”<sup>128</sup> Finally, children who have themselves experienced abuse or neglect are likely to face barriers to voicing their views on the services they have received, and may require extra support in order to participate. As one service provider observed, “children who have been abused are less likely to make their voices heard because they are afraid.”<sup>129</sup> It appears that more work is required to ensure that all children in Mongolia are able to have their voice heard on the implementation of the LCP.

## 5.2 Effectiveness of the implementation of the Child Protection Law

### 5.2.1 Increased recognition, identification and reporting

*To what degree has the implementation of the LCP contributed to positive changes in child protection approaches and to the provision of quality services for boys and girls, particularly the most vulnerable and marginalised, needing protection?*

Evaluation findings demonstrate that the implementation of the LCP has contributed to a number of positive changes in child protection approaches in Mongolia. Respondents consistently emphasised that the LCP has galvanised increased recognition and prioritisation of child protection concerns in Mongolia by government

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<sup>122</sup> NGO response, Email, 7 December 2020.

<sup>123</sup> Law on the Rights of the Child (2016) Article 4.1.3.

<sup>124</sup> Law on the Rights of the Child (2016) Article 6.1.5.

<sup>125</sup> Manual for MDT Members. p12.

<sup>126</sup> Individual Interview, INGO, virtual interview (zoom), 20 October 2020.

<sup>127</sup> Individual Interview, State Inspector for Children’s Rights provincial level, 12 October 2020.

<sup>128</sup> Individual Interview, Provincial government representative, 6 October 2020.

<sup>129</sup> Individual Interview, government lawyer, 5 October 2020.

officials, frontline service providers across relevant sectors, and, as will be discussed further in the following section on public awareness, within communities. As one respondent explained: *“the Child Protection Law has been very good for increasing awareness on child abuse at the policy level and amongst the public. The law defined child protection responsibilities in different areas, such as the health sector, community leadership and even online. These provisions have helped to increase awareness amongst community members broadly”*.<sup>130</sup> Respondents viewed this as a significant shift from the past, when issues of violence against children, particularly within the family, were considered to be a private matter and were often not taken seriously, including by professionals and service providers. The following exchange, with a representative of the One Stop Service at a hospital which provides nationwide health services, is particularly illustrative of the change in approach:

*I started working here in 2009. When I came to train doctors, some of them took child protection issues as a joke. Our hospital has 600-700 doctors and staff. Most of them only considered a rape case to be violence. Now it's different. It is commendable that doctors and staff are no longer silent when they come across violence. Recently, people's attitudes have changed. Of course, this has to do with the implementation of the Law on Child Protection... Now, every year, our social workers, who work around the clock, receive new patients and visit all wards to provide information on how to prevent violence, how to raise children in a positive way, and how to prevent injuries.*<sup>131</sup>

The growing recognition of child protection concerns appears, in turn, to have contributed to an increase in the reporting and identification of cases of child abuse. As a representative of the AFCYD told evaluators: *“since the Law was implemented we have been very busy. There are lots of reports and lots of demands on our time because of the Law.”*<sup>132</sup> This trend was observed by service providers as well, several of whom explained that since the law was passed they have expanded their target group considerably; *“before 2016 our target group was orphans (both half and full orphans), children of prisoners, or children of the terminally sick or disabled. Since 2016, because of the Law on Child Protection, we now also get children who have suffered abuse and who are long term homeless or who are neglected in their families.”*<sup>133</sup> This expanded case load reflects an increased understanding amongst community members, service providers and child protection authorities of the types of cases which require a child protection intervention.

The rise in the disclosure and reporting of child protection cases is demonstrated by data from the 108 Child Helpline. As is set out in the first chart below, the numbers of child protection related calls rose dramatically from 14,623 to 26,149 in 2017, the year after the LCP was passed. While the increase in the number of cases which required a child protection response was somewhat lower (3,407 in 2017 compared to 2,437 in 2016), as the second chart reveals, these figures have also steadily increased since the law came into effect. The increase in case load is a strong indicator of the effectiveness of the LCP as is the range of calls received (see figures 1, 2 and 3 below).

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<sup>130</sup> Individual interview, INGO representative, virtual interview (zoom), 12 October 2020.

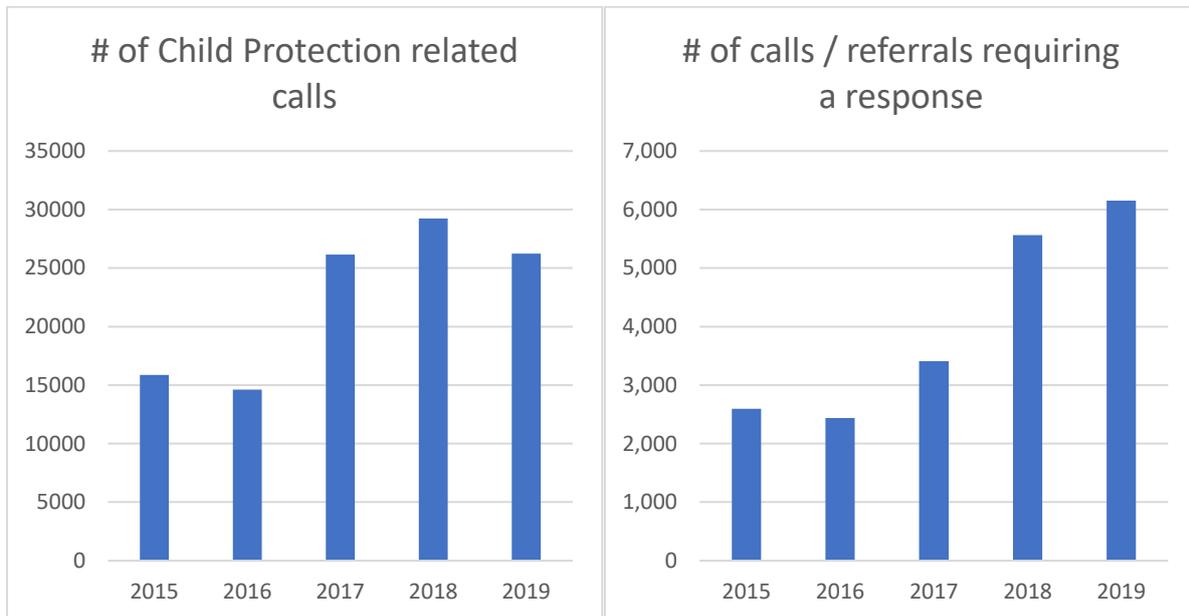
<sup>131</sup> Individual interview, a representative of One-Stop Centre at the national hospital, 12 October 2020.

<sup>132</sup> Individual interview, national government representative, virtual interview (zoom), 5 October 2020.

<sup>133</sup> Individual interview, representative of residential care institution, virtual interview (zoom), 9 November 2020.

Figure 3: Number of child protection related calls received by 108 child helpline

Figure 4: Number of child protection calls requiring a response

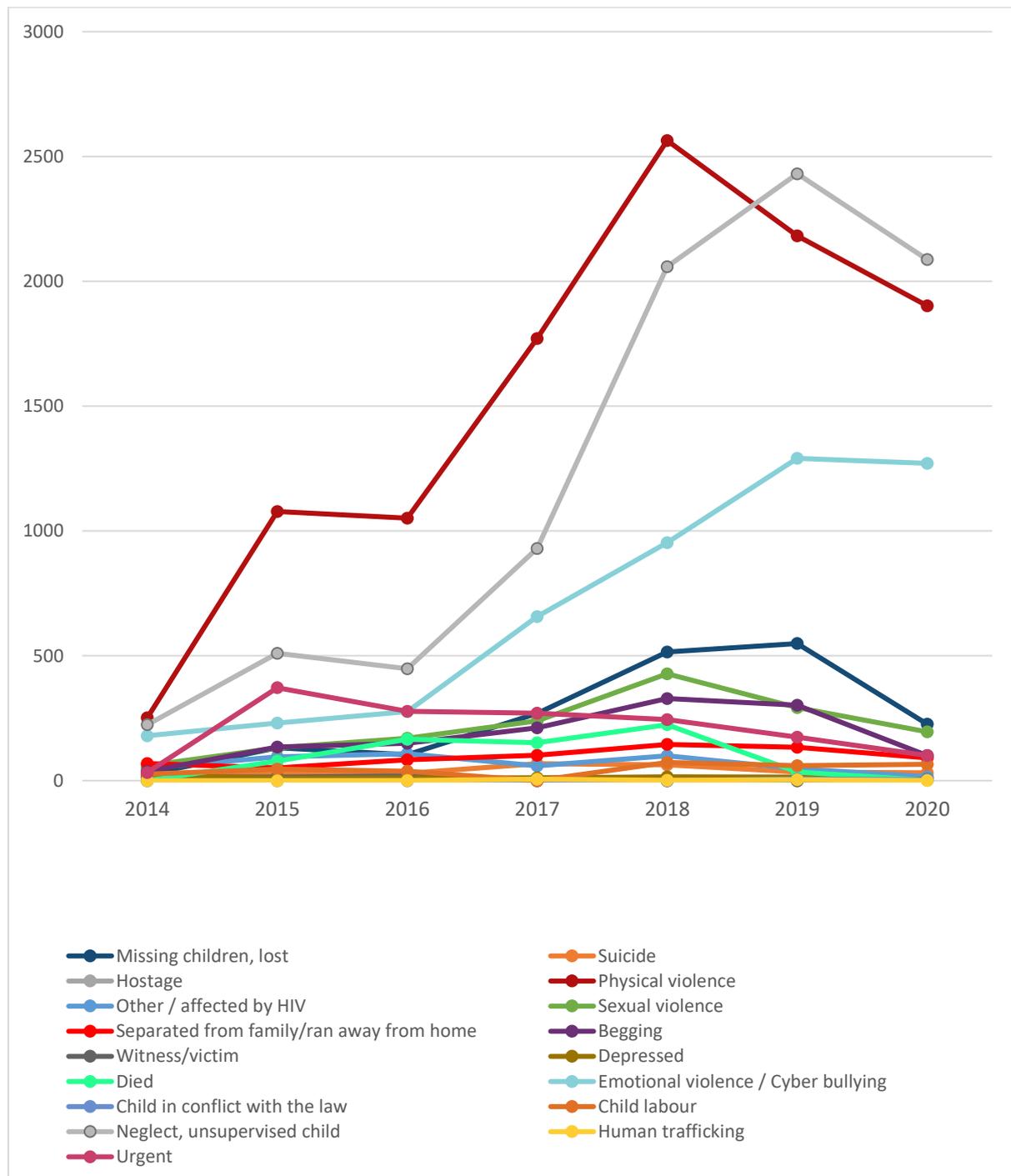


The majority of helpline calls which were determined to require a child protection response were cases of physical violence, neglect and, to a lesser degree, emotional violence. The chart below presents trends in the number of different types of cases requiring a response, with cases of neglect and lack of supervision overtaking cases of physical violence as the most common type of case in 2019. This again, indicates the effectiveness of the Law and its implementation, with the findings in line with more developed child protection systems, in which neglect is the most common reason for a child protection intervention.<sup>134</sup>

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<sup>134</sup> See Gonzalez D, Bethencourt Mirabal A, McCall JD. Child Abuse and Neglect. [Updated 2020 Nov 21]. In: StatPearls [Internet]. Treasure Island (FL): StatPearls Publishing; 2020 Jan-. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK459146/>

Figure 5: Number of child protection calls requiring a response by year and type of violence



Unfortunately, data disaggregated by the child’s age, gender and geographic location was not available at the time of writing. However the existing data does indicate that in the wake of the LCP the Mongolian child protection system has increasingly fulfilled its core function, by identifying and responding to cases where children are at risk of harm.

Data on the number of child protection cases addressed by multi-disciplinary teams<sup>135</sup> also paints a positive picture, suggesting that since the LCP came into force, there has been a steady increase in the ability of sub-national authorities to recognise abuse and identify child protection risk. According to figures provided by the AFCYD, multi-disciplinary teams responded to 4,537 cases involving a child protection concern in 2017, 5,278 in 2018 and 7,213 in 2019.

Despite these gains from the introduction of the LCP, qualitative data on the identification of child protection cases at sub-national level suggest that significant gaps remain. In several of the soums and bags/khoroos included in the study, MDT members insisted that they had very few child protection cases in their locality or, in a number of locations, that they hadn't had any child protection cases at all. Several respondents attributed this tendency to persistent stigma around and reluctance to acknowledge violence against children. It also appears to be reinforced by pressure from local government authorities to maintain their reputation as being 'crime free' and a view that the MDT should be controlling violence against children in their communities, which may be an unintended consequence of the implementation of the law.

*If the number of reported cases is increasing people at the management level won't be interested in investigating and encouraging reporting. Rather, they just ask why those communities are reporting an increase in child protection and violence against children cases. This is what is happening in the countryside level and the capital city too. It is really challenging...*<sup>136</sup>

In practice, MDT caseloads were found to be heavily dominated by domestic violence cases, and, in particular, focussed on resolving disputes between couples and 'keeping families together', rather than dealing with child protection cases. 28.61 per cent of the MDT's child protection case load in 2017 were classified as domestic violence cases by AFCYD, and this figure increased to 56.04 per cent in 2018. While it is a positive finding that cases in which children are subjected to (or witness) violence in the home are receiving a MDT response (though as will be discussed further in the following section, this response was often found to be limited or inappropriate), this may also indicate that other forms of child protection cases are being missed.

A further issue of concern is that qualitative evidence from MDT workers suggests that, with some notable exceptions, their child protection case load tends to be dominated by cases involving older children (such as school age children and teenagers), suggesting that cases involving young children who are victims of abuse and neglect may be being overlooked or missed, and only identified when they reach crisis point, or the child's mother is herself a victim of violence.

The limited child protection case load of some MDTs may also be due to a lack of effective coordination between reporting channels for child protection cases. Evaluation findings indicate that 108 Child Helpline workers receive referrals directly from the Helpline's central office in Ulaanbaatar, but that they do not always coordinate with the relevant MDT. Similarly, several school social workers and police officers interviewed for the study described addressing cases unilaterally, without informing or involving local MDTs. This lack of effective coordination and the failure to comply with procedures established under the LCP is explored further in the following section on cross sectoral work and case management coordination. However, the existence of multiple Laws and parallel approaches to child protection response, together with a lack of clarity around the division of

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<sup>135</sup> As is discussed in the following section on monitoring, measuring and reporting results, data on child protection response services, and particularly the work of the multi-disciplinary teams, is limited; data disaggregated by the type of case or the age of the child involved was not available.

<sup>136</sup> Individual interview, INGO representative, virtual interview (zoom), 18 September 2020.

responsibilities between agencies, emerged from the evaluation as a significant challenge to the implementation of the Law.

### 5.2.2 The LCP and the most vulnerable children

The LCP, together with the Law on Child Rights, the Law on Combatting Domestic Violence and the Law on Family together provide for a child protection system, the evaluation shows that the level of implementation leaves some groups of vulnerable and marginalised children with a lesser degree or inadequate level of protection. This issue is addressed partially in Section 5.4 (Equity and Gender Equality in the implementation of the CPL), but two particular issues are picked up in this section as the evaluation indicates that they are predominantly due to ineffective implementation of the existing Law.

#### *Children subject to sexual abuse*

Although sexual abuse occurs with respect to both boys and girls, it is girls who mostly present as victims. Despite the reporting requirements imposed by the LCP, the Law on Combatting Domestic Violence and the Law on Family, the number of reported sexual abuse cases remains small, even though it is believed by interviewees that sexual abuse of children remains a widespread phenomenon. One of the main reasons for so few children reporting sexual abuse or seeking support for such abuse appears to be the lack of available services. Healthcare staff interviewed explained that most sexual abuse victims first approach doctors treating adolescents to receive treatment.<sup>137</sup> However, these doctors receive limited training both on sexual abuse of children and the requirement to report under the LCP, especially in the rural areas. As one Government representative explained:

*If a child comes to certain doctors maybe they don't have the ability to provide specialised services to abused children.... medical doctors at one stop service centers can provide appropriate support but outside of those centers we need to improve all medical doctors' awareness of child protection issues.<sup>138</sup>*

A further barrier to reporting and seeking support or treatment at the bag and soum level relates to the ability of those approached to maintain confidentiality, despite the right to privacy contained in Article 7 of the Law on Child Rights, Article 7 of the Law on Combatting Domestic Violence and the duty on health officials to protect privacy in Article 7.2 of the LCP. The failure to maintain confidentiality and protect the child's right to privacy applies to both the police and to medical and social work staff. Qualitative evidence suggests that breaches of privacy have had negative consequences for children and families, though it was not possible to find evidence on the number of complaints made in relation to the release of confidential information. Further training on confidentiality is needed together with a clearly advertised, confidential complaints process where privacy has been broken.

Implementing support for sexually abused children is complex and requires high levels of training. The failure to provide these services and the lack of sufficient specialised staff to offer these services has resulted in a lower level of implementation of the LCP than might otherwise have occurred. This is exacerbated by the unwillingness of children, families and professionals to report sexual abuse. It may be unrealistic at the present time to provide specialist services within every soum or bag, but the Government should be encouraged to provide a specialised and confidential service in every province, with outreach to ensure that the most vulnerable and marginalised are reached.

#### *Children in the juvenile justice system*

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<sup>137</sup> This includes sexual assault forensic exams, where necessary.

<sup>138</sup> Individual interview, Government representative, virtual interview (zoom), 25 November 2020.

Children who come into the juvenile justice system are overwhelmingly boys. Article 15 LCP provides for support services for children who have either been convicted or sanctioned for committing crimes of offences. These services, which form part of the child protection system, include educational programmes, advice, meetings and the provision of rehabilitation services, vocational training and reintegration into school. These services are to be provided not through the MDT, but through the juvenile justice committees established under Article 15 LCP.<sup>139</sup> The juvenile justice committee is also mandated to provide services to child victims and witnesses. However, the evaluation found that these committees do not function in practice. As one lawyer explained:

*The Child Protection Law has provisions on Juvenile Justice Committees but it is not clear what they do... For example, the police are meant to report children who commit a crime to the juvenile justice committees. But in my experience, there is no link between the police and the juvenile justice committees... because of that juveniles don't get the support they need.*<sup>140</sup>

Without a budget, clear coordination or implementing mechanisms set out in the Law, juvenile justice committees lack the required scope, membership and procedures to operate, leaving children without the support services to which they are entitled under the Law. While the Law supports the reintegration of juvenile offenders back into society, in practice these provisions have not, as yet, been implemented. In order to implement the Law specialised services that address the causes of offending, whether that is family dysfunction, substance abuse, mental health or learning disabilities are required. The lack of implementation of the legal provisions relating to a functioning juvenile justice committee, has major equity implications for boys and leaves marginalised children at risk.

### 5.2.3 The provision of quality services

*To what degree has the implementation of the CPL contributed to positive changes in child protection approaches and to the provision of quality services for boys and girls, particularly the most vulnerable and marginalised, needing protection?*

*To what extent is the child protection response consistently applying inter-agency standard operating procedures, guidelines, standardised forms, protocols on information sharing and protection, and information management systems?*

*"I would say that the policy and legal environment is very good – we have a law and procedures. But the service part is weak because there aren't many social welfare and psychological services at the grass roots level. There is no case management and there are lots of changes in human resources at the local level. Social workers at the local level don't know how they can provide support."*<sup>141</sup>

The Child Protection Law was innovative in instituting a comprehensive, national approach to child protection response services. As one stakeholder recalled, this marked an important change from the past when child protection services were far more limited and tended to be issue based, *"before the law...most services were designed for youth development rather than child protection, though we did have institutional care for homeless children and some ad hoc services to meet the needs of the children who were homeless or involved in the worst forms of child labour."*<sup>142</sup> The LCP's significant contribution was to replace fragmented and diffuse child protection service delivery with what is intended to be a coordinated and systematic approach.

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<sup>139</sup> Child Protection Law (2016). Articles 15.1, 15.2. and 15.3.

<sup>140</sup> Individual interview, Lawyer, virtual interview (zoom), 28 October 2020.

<sup>141</sup> Individual interview, NGO representative, virtual interview (zoom), 5 November 2020.

<sup>142</sup> Individual interview, national government representative, virtual interview (zoom), 6 November 2020.

Evaluation findings, however, reveal that this approach has yet to translate into effective service provision in practice. In particular, the effectiveness of multi-disciplinary teams in responding to child protection cases in line with national guidelines was found to be inconsistent, and generally weak. The following exchange, with a social worker from a provincial bag, is particularly troubling:

Can you take me on a journey, starting with the referral and taking me step by step through the procedures you follow and the actions you take until the case is closed?

*I don't know the procedures well.*

When handling cases are you guided by certain operating procedures, guidelines and protocols?

*I don't know about this.*

Your organization doesn't use these procedures often, does it?

*That's right...<sup>143</sup>*

Interestingly, the Governor of the same locality reported that the MDT does not meet regularly and had never opened a case. When pressed, he acknowledged that when a domestic violence case had been brought to his attention he visited the family in question, accompanied by a police officer and psychologist, who delivered a formal reprimand to the family. This was the end of the intervention. No follow up was conducted and a case file wasn't opened. When asked about the outcome of the case, the Governor simply explained: *"I don't know why and how, but that family is living happily now. The husband still drinks occasionally but neither the police nor I have been contacted."*<sup>144</sup> In addition to failing to comply with LCP guidance and procedures, this case study demonstrates a complete failure to properly assess and identify the extent of any protection risks, to identify underlying causes and address these through appropriate interventions, or to monitor protection risks through follow up visits.

Qualitative data collection also revealed more positive examples, where MDT members demonstrated familiarity with their responsibilities under the LCP, and described delivering a more meaningful response:

*The child protection issues are reported to us through relevant authorities. First off the governor reviews the case and transfers the case to the social worker. The social worker is responsible for case management. The social worker conducts interviews, makes case notes and introduces the confidentiality agreement with the client. Since we have a confidentiality agreement, the client is fully confident to discuss all the issues. In addition, the interviews are held in safe environment. We carry out the individual interviews in separate rooms at the Khoroo governor's office to ensure that there is no intrusion. After having the case meetings, we discuss the case with the social worker. The social worker expresses her opinion on what needs to be done, and based on that the Khoroo governor discusses possible solutions that can be presented to the multidisciplinary teams. We conclude confidentiality agreements with all of the parties and make decisions.*

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<sup>143</sup> Individual interview, Social Worker (bag level), 6 October 2020.

<sup>144</sup> Individual interview, Bag Governor, 8 October 2020.

*Cases with lots of information needed will have 3-4 hour meetings, while simple cases can be resolved during 1-2 hour meetings. We discuss appropriate solutions for the child, such as whether to send the child to institutional care or to resolve the issue between the parents. For example if the child lives with his father and the mother lives in the countryside. In order to resolve the case, we need to conduct interviews with both parents and make case notes. Therefore, most cases require minimum 14 days to address.<sup>145</sup>*

This case study demonstrates several examples of good practice in child protection response. According to the respondent, cases are assigned to one key worker, who is responsible for leading the delivery of case management services; the MDT format is used meaningfully to determine appropriate solutions to address the case; family members are interviewed as part of the assessment process; and important principles such as confidentiality are observed. Yet qualitative data at sub national level suggests that such approaches are relatively rare. Effective case management response was found to be virtually non-existent in practice, with social workers conducting a basic assessment and either closing the case or referring it to another service provider. One stakeholder aptly summarised the situation:

*From my view as an NGO worker I have seen that there are no services at all. Child abuse is reported to the 108 helpline, who receive nationwide calls and they report back to their local agency. Then maybe the local social worker will go to that child's family and conduct a risk assessment, but after that they don't provide services or take many case management steps. After some time they may report back that the case is closed, but the social problems still exist and children suffer repeated abuse and violence. Because there aren't consistent case management services provided until their case is solved then the response is not adequate. Service for children should be strengthened.<sup>146</sup>*

The inconsistent application of case management procedures, guidelines and forms partly relates to the fact that the majority of these are relatively new and have taken some time to be distributed, incorporated into working approaches and implemented. As a respondent involved in the development of these materials explained: *"all of the case management forms and templates needed to be approved by the government. Not all of the MDTs have been informed about this template... they are using different types of forms and models for case management... The case management response template should be the common mandatory standard for child protection response services. This is something we need to improve in the next stage".<sup>147</sup>*

Furthermore, the evaluation revealed several fundamental challenges which are likely to continue to undermine the delivery of effective case management services, even once standardised procedures and forms have been effectively rolled out. This explains why, despite the fact that UNICEF and partner organisations have invested significantly in providing training and support to a number of MDTs in the implementation of the LCP and relevant procedures and guidelines, this work has not translated into an effective case management response.

Firstly, respondents at national, aimag, soum and khoroo/bag level repeatedly emphasised that social work personnel in local government are overstretched and overloaded, due to their wide range of responsibilities. Given this resource gap, which is further discussed in the efficiency section of the report, it is perhaps unsurprising that the social work response to a child protection case at local level tends to be limited to a basic

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<sup>145</sup> Individual interview, Khoroo Governor, 9 October 2020.

<sup>146</sup> Individual interview, NGO representative, virtual interview (zoom), 5 November 2020.

<sup>147</sup> Individual interview, INGO representative, virtual interview (zoom), 18 September 2020.

assessment and referral, rather than the delivery of comprehensive case management response, including counselling and other family-based services. Lack of sufficient time is compounded by a lack of skilled social workers working in the MDTs. Although Mongolian Universities offer social work degrees at both the bachelor and masters levels, the majority of social workers in local government organisations remain unqualified:

*Many people who have no skills in child protection are employed as child protection workers at the community level. For example, in our department at local level we should hire social workers or psychologists. But there are many engineers and doctors, who don't understand, and because they don't understand child protection.*<sup>148</sup>

*At the decision-making level human resources issues are very political, in many areas, especially at primary and secondary levels of administration. Many social worker positions are filled by non-professionals. Decision makers think social work can be done by anyone. They don't understand that you need your brain and your heart to be a social worker, you need to meet people, to hear people and to work with them...*<sup>149</sup>

Numerous respondents made recommendations for improving this aspect of implementation, such as developing licensing requirements for social workers, or amending the LCP to add requirements that services be delivered by professional social workers. Others emphasised the need for improved working conditions for social workers, arguing that higher pay, reduced hours and increased professional support would help incentivise qualified individuals to take social work positions and reduce turnover, whilst creating the conditions for quality work to take place. Stakeholders explained that turnover also results from political transitions, which often involve the replacement of local government staff, including social workers.

Finally, and importantly, without strong management and professional supervision, case management is likely to be ineffective in the long term. A number of stakeholders noted that this is a gap in the current system, attributing lack of effective management to the fact that oversight for the MDT's work now lies with the MoJHA rather than MLSP. Indeed, a MLSP representative acknowledged that strengthening management and oversight should be the next priority in improving the implementation of the law; *"Since the law was approved we have developed different policy documents on how to implement services under the LCP. It was challenging to develop all these procedures because they were new, but UNICEF and other NGOs provided technical support and we also received support from academic social work departments. Now we have policy documents, now it is important for us to develop a supervision system. We have identified that it is important to provide supervision to social workers at every stage of the service."*<sup>150</sup>

### *The availability of (referral) services*

The LCP has led to an expansion of shelter based services, including both short-term and emergency accommodation and longer term residential care for children. For instance, in order to ensure the safety of

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<sup>148</sup> Individual interview, national government representative, 5 October 2020.

<sup>149</sup> Individual interview, INGO representative, virtual interview (zoom), 14 October 2020.

<sup>150</sup> Individual interview, national government representative, virtual interview (zoom), 8 October 2020.

victims identified under the LCP and the Law on Combatting Domestic Violence, the government established fifteen one-stop service centres in addition to the six existing centres.<sup>151</sup>

Evaluation findings suggest that the child protection response to violence cases is highly reliant on services provided within the context of a shelter, including one stop service centres and other shelter services. When asked to describe how the MDT responds to cases involving violence, an MLSP representative explained; *“the MDT would do a needs assessment and if they decide it’s a VAC case then the police do a safety assessment for the child. If the police see that it is dangerous the children can be removed to a One Stop Centre. If the child stays at home they will look at what services they can get. According to the Law on Combatting Domestic Violence there are seven services that can be provided to victims of domestic violence; health services, safety services and to remove abusers from the home. In some cases children are removed to residential care until the family situation is safe for the child.”*<sup>152</sup>

As the above quote reveals, it appears that whilst the Mongolian child protection system is capable of removing children from dangerous circumstances and placing them in temporary accommodation, other services, particularly support services delivered in a family context (including effective case management), and long term family-base alternative care solutions such as foster care, are lacking. A number of respondents suggested that the lack of available services has resulted in an overreliance on temporary shelters and residential care institutions:

*I think unnecessary placement is a big challenge for us. Some MDTs think it is easier to refer children than to work with families. In cases where both parents died, the MDTs don’t assess possibilities for kinship care but instead go the easy way and send the children to us. Sometimes it’s hard to find a referral or assessment reasons/letters. They should see us as the last resort and try to work with children in their communities.*<sup>153</sup>

Interestingly, several respondents mentioned that deinstitutionalisation has emerged as a priority in Mongolia, and that children from residential care facilities are being reintegrated into family-based care. This is consistent with national government commitments; *“The Government action plan from 2020 to 2024, it says that Mongolian government will ensure family-based child rights principals”*<sup>154</sup>. It also reflects global best practice, and approaches promoted by child protection organisations, including UNICEF. And yet, until family-based alternative care options exist and child protection services which are capable of identifying child protection risk early and intervening before it reaches crisis point are strengthened, such efforts may place a child at renewed risk and are not likely to be sustainable.

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<sup>151</sup> The project was co-funded by UNFPA and the Swiss Agency for Development Cooperation, see: <https://mongolia.unfpa.org/en/news/unfpa-launches-one-stop-service-center-survivors-domestic-violence-uvurkhangai-province>.

<sup>152</sup> Individual interview, national government representative, virtual interview (zoom), 6 November 2020.

<sup>153</sup> Individual interview, representative of residential care institution, virtual interview (zoom), 9 November 2020.

<sup>154</sup> Individual interview, national government representative, Department for Children’s Development and Protection, virtual interview (zoom), 8 October 2020.

## 5.2.4 Cross sectoral work and coordination of case management

*To what extent has the implementation of the LCP facilitated cross-sectoral/multisectoral work (legal, police, health, social services strengthening, and education and IT sectors)? To what extent has the child protection case management response addressed the child protection needs and priorities of children in a coordinated matter?*

One of the distinctive features of the LCP is its promotion of cross sectoral working. The law sets out responsibilities for a wide range of actors and authorities across the health, education, law enforcement and social welfare sectors, as well as within families and communities. As discussed in the relevance section above, the multi-disciplinary approach to child protection work contained in the law was highly valued by stakeholders, who identified this as one of the positive contributions of the LCP to improving the child protection system in Mongolia.

Achieving effective cross-sectoral working has been a significant practical challenge, however, and one which was raised by many participants in the evaluation. The Ministry of Labour and Social Protection is the coordinating body responsible for the implementation of the LCP at national level,<sup>155</sup> while the National Council for Children, on the other hand, is responsible for supervision of the implementation of the *policy* on child protection. When asked about the challenges that are faced in implementing the Law, a representative of the secretariat of the National Council stated succinctly *“I see the main challenge is improving the coordination of all agencies working to implement the Law... we have many challenges with that”*.<sup>156</sup> This sentiment was consistently echoed by research participants:

*Better cooperation is essential. Inter-sectoral coordination is poor.*<sup>157</sup>

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*The joint team does not meet regularly and there is poor cross-sectorial coordination... child protection may be overlooked because the members are busy with other work.*<sup>158</sup>

As one stakeholder observed, it is perhaps not surprising that making reference to a sector’s responsibilities within the text of the LCP hasn’t translated to effective coordination and collaboration: *“the law contains many chapters such as those on the health sector, education and communities. We have defined the roles, but we have a great need to include the responsibilities in other sectoral laws, and train those in other sectors to work with us on child protection issues”*<sup>159</sup>. Whilst the Ministry of Education did develop and approve a child protection policy with support from UNICEF, at the time of writing the Ministry of Health and Ministry of Justice still had not done so.<sup>160</sup> Furthermore, the lack of coordination has compromised efficiency, leading to a duplication of efforts; *“in reality, what we see are information flow gaps, and decisions that overlap and don’t match with each other. There is a high possibility, for example... that several different government agencies would ask UNICEF and World Vision for funding [for the same activity], but not talk to each other!”*<sup>161</sup>

At the local level, the strength of inter-sectoral coordination was found to vary significantly, often depending on individual personalities and relationships. Whilst in some soums and bags/khoroos cooperation between health and social workers was found to be particularly ineffective, in others cooperation between police and social

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<sup>155</sup> See Law on Child Protection, Article 18.1 and Law on Child Rights, Article 14.1.

<sup>156</sup> Individual interview, national government representative, 5 October 2020.

<sup>157</sup> Individual interview, State Inspector of Children’s Rights, provincial level, 5 October 2020.

<sup>158</sup> Individual interview, Governor (Bag level), 8 October 2020.

<sup>159</sup> Individual interview, national government representative, virtual interview (zoom), 8 October 2020.

<sup>160</sup> Individual interview, national government representative, virtual interview (zoom), 8 October 2020.

<sup>161</sup> Individual interview, INGO representative, virtual interview (zoom), 23 October 2020.

workers posed the greatest challenge. Many respondents attributed weak collaboration to the fact that MDT members are overworked, or emphasised that there is little accountability for officials who fail to fulfil their duties under the law. Others expressed hope that coordination would improve as the range of sector-specific guidelines developed and approved in the years since the LCP was passed are distributed and increasingly applied.

As previously discussed, a number of stakeholders emphasised that coordination, and ensuring greater involvement of MDT members, is important in order to relieve an unsustainable burden on social work staff. Whilst support from key sectors is essential, examples from other contexts demonstrate the importance of ensuring that a single authority is assigned responsibility for the effective delivery of child protection services. Whilst case management is meant to facilitate coordination, it nevertheless requires meaningful leadership in order to be effective, and to avoid a scenario where no one takes responsibility because that responsibility has been spread across so many actors. The lack of clear agency responsibility and the consequent lack of clarity as to leadership was a factor that emerged clearly from the evaluation as impacting on effective implementation of the Law.

### 5.2.5 Views and experiences of services users

*How satisfied have children and adolescents been with the quality of prevention and response services they have received?*

At present, as mentioned in the above section on services, child protection response services in Mongolia are dominated by shelter services delivered in a residential setting (either for the short or longer term), basic material support, or the delivery of ‘warnings’ and ‘education’ by the police. Despite these limitations and the fact that prevention and response services across the country were found to be limited, the majority of beneficiaries interviewed for the study expressed satisfaction with the support that they received. Many spoke positively about the social workers and other professionals who had handled their case, conveying their appreciation and, in some cases, describing establishing trust and rapport with case workers. As one young woman remembered:

*At first working with the social worker was awkward. I am an introvert so I felt like they were going to say what I said to other people. After a while I trusted them and started to talk openly. Now I talk very openly and have a close relationship like I am talking to one of my friends...<sup>162</sup>*

In another example, a 17 year old girl who had been sexually abused by her step-father, recalled her interactions with a psychologist and social worker:

*I talked with the social worker and a psychologist. Later I talked to another psychologist in the city... She really helped me. She told me what not to do, what is not good for me, to try to calm and to try to talk to someone about it... I also felt I could trust the Khoroo social worker. I think the case was resolved pretty well....<sup>163</sup>*

And yet when asked about the outcome of her case, the respondent shared that she wasn’t entirely satisfied; “I think the case was resolved pretty well. But I don’t like that this person is still connected to my life. I understand

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<sup>162</sup> Individual interview, 17-year old girl (khoroo level), 8 October 2020.

<sup>163</sup> Individual interview, 17-year-old girl (khoroo level), 19 October 2020.

*there isn't any other choice because of the welfare of my two younger siblings... But no one asked about my opinion. People think that everything is gone and it is safe for me now, but it is not. I have a small fear inside me. The worst thing is that my stepfather has so many relatives. I run into them a lot, so it is very uncomfortable...*<sup>164</sup>

The girl's description of her ongoing struggles reveals her difficulties overcoming psychological trauma, and doesn't necessarily negate her satisfaction with the services she received. However, it also indicates the importance of ensuring that appropriate follow-up is provided and that children are given the opportunity to express their own views about what they need to recover.

Examples in the data where beneficiaries expressed outright dissatisfaction with the services they received were comparatively rare. This may be partly due to a reluctance to share complaints with evaluators, who beneficiaries might assume have an association with the service provider, or due to the fact that they didn't hold particular expectations for the support to which they were entitled, and were therefore grateful to have received any support at all. One participant did report having a very negative experience when she reported her severe experience of domestic violence, asserting that local government authorities had violated her confidentiality and discriminated against her based on her experiences.<sup>165</sup> Troubling as her story may be it does not appear to be a unique experience; concerns about breaches of confidentiality were raised by several stakeholders, and were reported in a number of cases included in the evaluation.

Finally, it is important to note that a number of respondents expressed gratitude for the support they received, but explained that, for them, it had not sufficiently addressed the underlying risk factors that had led to their abuse.

## 5.2.6 Public awareness on child protection

*How effective have information campaigns been at strengthening public awareness on child protection and the LCP within communities and particularly with parents?*

Evaluation findings indicate a significant increase in awareness on child protection within communities and families, which stakeholders consistently attributed to the LCP and campaigns to raise awareness around the law. They emphasised changing attitudes on the acceptability of corporal punishment and domestic violence, in particular, and a greater awareness of children's rights by service providers and members of the public alike:

Do you think the changes that have occurred are due to efforts to raise public awareness on child protection issues?

*Yes, especially the police promote and campaign on child protection issues. The AFCYD organises lots of events and campaigns. INGOs like Save and World Vision and Good Neighbours are leading work on these issues and they also work with national NGOs...*<sup>166</sup>

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*In my opinion, [use of violence] in educational institution has changed 100 percent. And the parenting and family environment is changing. This is directly related to the enforcement of the Law... For*

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<sup>164</sup> Individual interview, 17-year-old girl (khoroo level), 19 October 2020.

<sup>165</sup> Individual interview, 45-year-old woman (bagh level), 9 October 2020.

<sup>166</sup> Individual interview, representative of academia, remote interview (zoom), 15 October 2020.

*Mongolia the current number of child beatings is relatively low. People used to beat their children, but now that they have a Law, they seem to think, 'beating is wrong and illegal'.<sup>167</sup>*

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*Due to the implementation of the Law, people's behaviour is changing, especially related to physical violence. However, there are still hidden cases. In my view, the cases are decreased. Children now know they can dial 108 to protect themselves. It shows that there is a change.<sup>168</sup>*

A number of respondents articulated a slightly more realistic view, however, explaining that increased awareness may not lead to changes in behaviour, at least not in the short term:

Has public opinion towards violence against children also changed since 2016?

*Not 100 per cent, but the younger generation of parents have taken it up and it is changing. For example, they don't use physical punishment. But realistically it will take 10 years to change attitudes. Especially for people over 30 or 40... they believe in physical discipline.<sup>169</sup>*

Indeed, several participants expressed sympathy with the perspective that violent forms of punishment may be acceptable, identifying a significant gap in generational perspectives. The following remarks from a family health centre worker in Ulaanbaatar Municipality illustrate this gap:

*"I think there are two sides to this. There is a difference between beating the kid out of hatred and abuse and also physical disciplining out of the love for the child and to protect them. The young generation thinks beating the child is wrong. But our generation, people who are 50 years old, believe that some sort of discipline should be in place. Sometimes, my husband hits our daughter for disciplining her. Our daughter reacts strongly in those actions and says why it can't be just resolved by words. I talk to her and discuss about what was the issue. For her older siblings, they always complied with what we said and followed our words. Therefore, there is changes in kids these days and parents should also change how to deal and discipline them as well"<sup>170</sup>.*

Interestingly, a number of respondents felt the need to emphasise the fact that children have responsibilities, as well as rights, and that Mongolia is different from (Western) contexts, such as the United States, where children are perceived as entitled and free to do as they please. In the words of one stakeholder; *"we must talk not only about rights but also about responsibilities. American and Mongolian children's rights are different. We don't have to be like America to honour and protect our children"*.<sup>171</sup> This association between 'child protection' and children's rights and entitlements was voiced by one mother, who, when asked what she understood about the child protection system, immediately replied: *"I understand the child protection system as letting children to be free and have freedom"*<sup>172</sup>.

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<sup>167</sup> Individual interview, representative of the local Governor's office, 6 October 2020.

<sup>168</sup> Individual interview, representative of the provincial government authority, 11 October 2020.

<sup>169</sup> Individual interview, representative of academia, 15 October 2020.

<sup>170</sup> Individual interview, health worker at community hospital, 7 October 2020.

<sup>171</sup> Individual interview, representative of local Governor's office, 6 October 2020.

<sup>172</sup> Individual interview, mother of four children, 13 October 2020.

Public awareness appears to have been fuelled in part by increased attention to child protection in the media in the wake of the LCP. Media stories were referenced in several focus group discussions as examples of different types of violence, or evidence that child protection concerns are on the rise; “child abuse is increasing. I heard it from social media”.<sup>173</sup> The role of media in influencing public perceptions was also raised by key informants, several of whom cautioned that public outrage was not always channelled in productive ways:

*The Mongolian people are very active on social media. There are lots of discussions on violence against children... they demand public workers and government agencies to take action if they see cases on social media*<sup>174</sup>.

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*In Mongolia if a serious CP case is reported social media will start blaming.... There is lots of talk but not much action* <sup>175</sup>.

Generally, focus group participants demonstrated an understanding of child protection issues; they tended to readily identify different forms of child abuse when presented with scenarios involving various forms of violence or neglect. When asked about how to report a child protection concern, results were somewhat mixed, however. Many participants were familiar with the 108 Hotline, but fewer were familiar with local child protection authorities, such as social workers, or the multi-disciplinary teams.

Finally, whilst identifying basic improvements in ‘public awareness’, many participants voiced a perception that contemporary challenges, including rural-urban migration, alcoholism, and a reduction in parental responsibility are contributing to greater child protection risks in their communities. Evaluation findings indicate a need for stronger prevention services and early intervention response services, including in-depth parenting programmes to ensure that public awareness and an increase in referrals results in a meaningful reduction in child protection risk.

## 5.2.7 Measuring, monitoring and reporting of results

*Has sufficient attention been given to measuring, monitoring and reporting results? How effectively has evidence been used to inform changes and adjustments of policies and programmes?*

As has been mentioned elsewhere, the availability of data relevant to the implementation of the LCP is limited. Notably, an integrated child protection database designed to collect standardised administrative data on child protection cases throughout Mongolia has not yet been successfully established. The Child Helpline maintains a basic database of calls which includes a detailed breakdown of the reasons for each call, but calls are not disaggregated by geographical location, age, gender or disability, and crucially, does not include information on the nature of the response to each case. Data from multi-disciplinary teams is similarly limited; whilst AFCYD compiles figures on the number of cases addressed by MDTs and the types of response services used, this data is also not disaggregated by key characteristics (age, gender, geographic location, etc). This gap was observed by several stakeholders, who emphasised the need for the government to prioritise establishing an integrated child protection information management system:

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<sup>173</sup> Focus group discussion, two men, four women (22 – 71), 17 October 2020.

<sup>174</sup> Individual interview, national human rights organisation, virtual interview (zoom), 13 October 2020.

<sup>175</sup> Individual interview, national government representative, 4 November 2020.

*It's really tricky... There isn't any database, which is around these child protection organizations.. We are trying to advocate for the Government to have a database system, but it's still not there.*<sup>176</sup>

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*We advocate for one information system for vulnerable children nationwide. Right now we can only see police agency data and the MLSP have two different information systems.... one is for child victims or child criminals, and the other one is for children who receive social welfare benefit and children in the child protection system. What we would like to see is most vulnerable children on single nationwide system.*<sup>177</sup>

Limited data has made monitoring and measuring the impact of the LCP a challenge. When asked how the implementation of the LCP is monitored, government representatives described relying on available data, but noted its limitations, emphasising the need for a stronger monitoring system. One government stakeholder told researchers, “you know there is not much monitoring and measuring of results”<sup>178</sup>. And an AFCYD representative readily acknowledged: “I admit there is great need to develop indicators to measure impact of the law. We still need to work on which indicators can measure the impact of the law.”<sup>179</sup>

In the absence of standardised monitoring data, individual ministries have relied on their own periodic reporting structures. For example, the AFCYD gathers basic data on the numbers of child protection cases opened by MDTs each year, and the proportion of these cases that have been closed. Whilst case closures is a useful indicator for monitoring the implementation of the LCP, as the preceding sections reveal, the fact that a case has been classified as ‘closed’ does not necessarily imply a positive outcome or mean that child protection risk has been effectively addressed.

The lack of sufficient monitoring data or other sources of meaningful evidence on the implementation of the law has hampered efforts to conduct evidence based reforms, although this evaluation is itself an opportunity to inform improvements to the Mongolian child protection system. In addition to this evaluation, a number of ad hoc initiatives have been undertaken, including an analysis of interventions in response to child sexual abuse by AFCYD.<sup>180</sup>

The lack of a uniform system for child protection monitoring is perhaps unsurprising given that the MDTs are still developing the capacity to respond to child protection cases in a consistent way, including through maintaining standardised case files. Yet the establishment of a coordinate child protection information management system (CPIMS) should be a priority in order to ensure effective monitoring of the law’s implementation going forward.

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<sup>176</sup> Individual interview, NGO representative, virtual interview (zoom), 18 September 2020.

<sup>177</sup> Individual interview, NGO representative, virtual interview (zoom), 23 October 2020.

<sup>178</sup> Individual interview, national government representative, virtual interview (zoom), 13 October 2020.

<sup>179</sup> Individual interview, national government representative, virtual interview (zoom), 8 October 2020.

<sup>180</sup> The study revealed that where professional social work and specialised psychological support services are available a higher proportion of cases (around 80%) yielded positive outcomes. This finding reinforces the need to ensure that stronger social work and psychological services are available throughout Mongolia.

## 5.3 Efficiency of the implementation of the Child Protection Law

*To what extent are the resources allocated to the implementation of the child protection law (funds, expertise, time, administrative support, professional guidance/supervision etc) used effectively and efficiently? To what extent are these adequate to support its effective implementation?*

### 5.3.1 Adequacy of resources

The Mongolian Government's allocation of increased resources to child protection work is an important result of the Child Protection Law, and one which was consistently recognised and celebrated by respondents. In 2018, the national budget included 5.0 billion MNT for child protection services and this was increased to 8.0 billion MNT in 2019, marking a significant increase from previous budget allocations. Whilst this amount falls short of the 11.5 billion MNT that the "budget analysis and costing of the child protection services in Mongolia"<sup>181</sup> commissioned by UNICEF and government partners concluded would be required to implement the law in a 'balanced' cost scenario, it comfortably surpassed the 4.3 billion MNT required for a 'cost-saving' scenario. In addition to supporting the costing, UNICEF provided technical assistance to help the Ministry of Labour and Social Protection manage funds allocated for child protection better, by supporting the ministry to conduct an expenditure analysis of the child protection budget.

Despite the increases in budget and the attempts to improve efficiency in allocation of monies, findings from the evaluation demonstrate that local level child protection services remain severely underfunded, resulting in significant disruptions to the delivery of child protection services provided for in the LCP. Nearly all stakeholders identified limited funds as a challenge inhibiting the implementation of the LCP, particularly the function of MDTs:

*The LCP is very symbolic, but when it comes to human resources and budget allocation we see the real problems with implementation... MDT members tell us they pay money out of their own pockets for response services.<sup>182</sup>*

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*The money allocated is not enough to cover all services for children who need those services.<sup>183</sup>*

Indeed, across soums and bags/khoroos included in the evaluation, MDT members reported that a lack of resources for their daily activities, including basics such as transportation and meeting rooms, prevented them from responding to child protection cases effectively, or within the necessary time frame; "there are many challenges such as the budget and funding for multidisciplinary teams. Recently, we had one case. We wanted to bring one person from countryside, but we did not have any vehicle and funds for fuel. We lost one full day of work."<sup>184</sup> Many MDT members explained that they use their own salaries to support child protection activities, and in particular to cover costs of transport when conducting home visits, which has undoubtedly contributed to the lack of sufficient follow up discussed in the effectiveness section above. Worryingly, these resource gaps are a continuation of challenges faced before the LCP came into effect and therefore should have been

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<sup>181</sup> Budget analysis and costing of the child protection services in Mongolia. 2016/004. UNICEF Mongolia.

<sup>182</sup> Individual interview, NGO representative, virtual interview (zoom), 23 October 2020.

<sup>183</sup> Individual interview, national government representative (zoom), 6 October 2020.

<sup>184</sup> Individual interview, police inspector, municipal district, 9 October 2020.

anticipated by Government: the 2016 costing of the Child Protection Law lamented the fact that child protection service providers received “*virtually no budget for field trips, which are vital for service deliveries in child protection*”.<sup>185</sup>

Insufficient funds are compounded by limited human resources. Respondents explained that social workers are significantly understaffed at khoroo/bag and soum levels with a single social worker responsible for addressing the needs of a population of over 20,000 in some cases. Notably, none of the multi-disciplinary teams included in the evaluation were found to have a social worker who was able to focus their work on responding to child protection cases. Given the vast range of responsibilities for which social workers are responsible, respondents reported that they are rarely able to deliver a comprehensive case management response. As one Khoroo level social worker explained, “*we need to have two social workers in the area. One should receive management support to work on child protection issues. The other one should be doing the administrative work of the Governor’s offices. Otherwise, with so much work to do, I get side-tracked and am unable to do other things.*”<sup>186</sup>

Several national level stakeholders noted a lack of sufficient child protection specialists in leadership positions as well; “*our division has two staff responsible for child protection and seventeen other staff in charge of administration and child development. The child protection specialists in our division have a greater workload than the other staff. The distribution of the workload is unbalanced... It is important to appoint people to leadership positions who have relevant expertise*”.<sup>187</sup> As discussed in the effectiveness section of this report professional guidance and supervision for child protection services was found to be lacking; ensuring sufficient leadership and management capacity to support child protection work should be a government priority going forward.

### 5.3.2 Efficiency of use

After being approved by Parliament, the government’s budget for child protection is allocated to the Ministry of Labour and Social Protection, who transfers funds to the AFCYD. From here the budget is put towards supervision and training; the funding of specialised services, including the child helpline, several residential care institutions and a number of NGO services; and, finally, a significant proportion of funds are transferred to AFCYD departments in Mongolia’s 21 provinces and 9 urban districts.<sup>188</sup> This is consistent with the Budget Law of Mongolia (2011, which delegates budgeting responsibility for child development and protection services to aimag / municipality levels<sup>189</sup>. Yet evaluation findings suggest that little to none of the provincial and district budgets are allocated to support the delivery of services at the soum or khoroo/bag level where MDTs are operating. Several respondents attributed insufficient resourcing of MDTs to an ambiguity around who is responsible for funding their work, particularly given the decision to move the provision defining the MDTs into the Law on Combatting Domestic Violence:

*Because MDT provision is moved to the Law on Combatting Domestic Violence, the LCP has no provision to support social workers at grassroots level. The child protection budget is used for different things,*

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<sup>185</sup> Budget analysis and costing of the child protection services in Mongolia. 2016/004. UNICEF Mongolia.

<sup>186</sup> Individual interview, Khoroo level social worker, 19 October 2020.

<sup>187</sup> Individual interview, State Inspector of Children’s Rights, municipal district, 9 October 2020.

<sup>188</sup> Individual interview, national government representative, virtual interview (zoom), 6 November 2020.

<sup>189</sup> Article 61, Budget Law (2011).

*such as making educational movies, there is no control of the budget and it is used for whatever policymakers want. The efficiency of the money is not clear.*

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*MDT expenses should come from Ministry of Justice because the Law on Combatting Domestic Violence is implemented under the MoJ – the MoJ funds the implementation of domestic violence services. But the LCP is different. They should implement response services to kids. This has caused a dilemma on who funds MDTs.<sup>190</sup>*

A detailed breakdown of child protection spending at the provincial level was not available, however qualitative evidence suggests that this is primarily spent on outreach activities, ad-hoc training and to fund services such as shelters. Whilst these are important areas to support, it is not clear how resources are being used to target the most vulnerable children. And as the Effectiveness Section revealed, there is a pressing need to invest in strengthening social work case management response services and to put effective management support and supervision mechanisms in place.

Meanwhile, local government budgets allocated for child protection work are often variable and inconsistent. As one stakeholder explained, *“the local development fund doesn’t provide a lot of money and the funding really depends on the good will of the governor”*.<sup>191</sup>

Whilst it may be the case that MDTs are under-resourced because Soum and Khoroo governors don’t consider spending on child protection to be a priority, this also reflects a lack of budgeting and planning for service delivery by multi-disciplinary teams:

*At the Khoroo and Soum level the budget for the MDT is never set. According to the law, the MDT is responsible for deciding on their anticipated budget every year and can request that, but so far I haven’t seen a single MDT that makes budget calculations or is awarded the amount of funding needed<sup>192</sup>.*

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*One of the problems is that MDT members don’t know how to budget for the whole year.... The money is allocated from the district Khoroo and they don’t know how to plan with the money.<sup>193</sup>*

In the absence of a working budget, even where the local administration allocates funds to child protection services, this funding is rarely used efficiently. Furthermore, a budget for the delivery of child protection service provision is necessary to plan effectively and to obtain sustainable funding commitments from either local government authorities or AFCYD in advance. As one AFCYD representative explained to researchers, *“a budget for implementing these child protection services is not calculated... there is no budget calculated for each step of child protection service delivery. It makes it difficult to implement these steps as there is no budget allocated for this. I think this budget should be very clear. Services should be calculated and approved by the AFCYD”*<sup>194</sup>.

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<sup>190</sup> Individual interview, NGO representative, virtual interview (zoom), 12 October 2020.

<sup>191</sup> Individual interview, University representative, virtual interview (zoom), 15 October 2020.

<sup>192</sup> Individual interview, national government representative, virtual interview (zoom), 13 October 2020.

<sup>193</sup> Individual interview, NGO representative, virtual interview (zoom), 23 October 2020.

<sup>194</sup> Individual interview, national government representative, virtual interview (zoom), 8 October 2020.

Appropriate funding for child protection response services at local level is essential to ensuring that child protection risk is effectively identified, resources are targeted efficiently, and response is coordinated across a network of available resources. Without sufficient investment in a comprehensive child protection service, there is a considerable risk that children will fall through the cracks and that parallel systems will occur, resulting in duplication and fragmentation. As one stakeholder rightly concluded, “child protection money should be spent wisely, and most of it should go to child protection services.”<sup>195</sup>

## 5.4 Equity and gender equality in the implementation of the Child Protection Law

*Have interventions to promote the implementation of the LCP (including decision making, planning and monitoring) been carried out in a gender sensitive way? Have child protection services effectively responded to the different needs of boys and girls, particularly for the most vulnerable and marginalised including children with disabilities, victims of gender-based violence and children living in remote areas?*

This section looks first at issues relating to gender equality and then to specific groups of children who are marginalised and face barriers in accessing services. It is recognised that implementing the LCP fully through the provision of specialised services for specific groups of children who face particular disadvantages is a challenge in a country where the population is widely dispersed. Services for these groups of children also require well trained and specialised staff. Providing services in rural areas with low numbers of children presenting for support raises particular issues and may require more innovative approaches than are currently contained in the LCP.

### 5.4.1 Gender equality and the LCP

Evaluation findings demonstrate that there is a commitment from Government agencies in Mongolia to ensure child protection services are available to all, regardless of gender. A key stakeholder explained that in planning their latest awareness raising campaign they ensured that: “we don’t discriminate on gender [in the delivery of our campaigns]... we cover both girls and boys”.<sup>196</sup> The majority of service providers interviewed also asserted that their services are universal. However, the gender blind approach described by practitioners may not go far enough to respond to the gendered harms faced by children. A NGO summarised the current problem: “ This Child Protection Law is very general.... For example, it doesn’t have specific provisions on girl or boy children. In Mongolia, boys need more specific services, but the needs of boys or girls are not reflected in this Law.”<sup>197</sup>

At the time of the evaluation, no gender-disaggregated data on child protection reporting, assessment or service provision was available. Rather surprisingly, and unfortunately, data from the 108 Child Helpline does not record the gender of callers. There was, however, evidence from stakeholders which demonstrated that they clearly understand the different and specific protection risks affecting boys and girls. For example, it is recognised that sexual abuse of boys is an issue, but that one-stop centres are not currently equipped to deal with such cases and that such abuse tends to be overlooked or not addressed. The lack of data on gender and the different needs of boys and girls makes it challenging to understand the gendered harms faced by children seeking help, and to

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<sup>195</sup> Individual interview, NGO representative, virtual interview (zoom), 5 November 2020.

<sup>196</sup> Individual Interview, Police representative, virtual interview (zoom), 7 October 2020.

<sup>197</sup> Individual Interview, NGO representative, virtual interview (zoom), 12 October 2020.

plan service delivery accordingly. As a result, targeted services, which respond to the specific needs of boys and girls, are limited.

A representative from the government agency charged with monitoring child protection acknowledged that monitoring frameworks for the child protection system also lack gender sensitivity; *“there are no specific indicators that address issues such as gender.”*<sup>198</sup> Without gender sensitive data and monitoring systems, the AFCYD will continue to be hampered in determining child protection trends, in understanding the specific issues that affect boys and girls and in ensuring a gender-sensitive approach in planning its child protection services. A lack of disaggregated data will also impede the development of gender appropriate child protection policies at central government level.

### 5.4.2 Equity and the LCP

*Have child protection services effectively responded to the different needs of boys and girls, particularly for the most vulnerable and marginalised including children with disabilities, victims of gender-based violence and children living in remote areas?*

Child protection services have not as yet, effectively responded to some groups of vulnerable and marginalised children, and particularly children with disabilities, ethnic minority children, non-citizen children and children living in remote areas.

#### *Children with disabilities*

The evaluation found that children with disabilities continue to face particular barriers in accessing the child protection system. The LCP and its procedures and manuals do not contain any specific provisions relating to the needs of disabled children and few accessible services exist. Social workers and members of MDTs have very limited training on disability issues, and few have the skills necessary to support a disabled child throughout the child protection process. As one official explained: *“there are shortcomings in terms of equal opportunities. For example, professionals such as social workers who work with children with disabilities or hearing impairments face many challenges. They do not know how to deal with children who are emotionally distressed or unable to express themselves.”*<sup>199</sup>

One approach to address the lack of child protection services for children with disabilities has been to rely on NGOs who provide general support services to children with disabilities to deliver child protection services. This approach, however, has been undermined by a lack of adequate funding:

*Our services [for children with disabilities] are mostly child development services .... but some branches of our services in the Eastern Province were accredited to deliver child protection services and were given 5 million tögrögs<sup>200</sup> by the government to deliver services... for 5 million tögrögs that branch thinks it is not worth it. Children need those services, but it is a big organizational burden.*<sup>201</sup>

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<sup>198</sup> Individual Interview, Municipal government representative, Ulaanbaatar, 12 October 2020.

<sup>199</sup> Individual Interview, Municipality level government representative, Ulaanbaatar, 12 October 2020.

<sup>200</sup> 5 million MNT is equivalent to \$1,755 USD as of 14 December 2020.

<sup>201</sup> Individual Interview, NGO representative, virtual interview (zoom), 12 November 2020.

The limited budget available for NGOs to deliver child protection services, requires them to deliver at a loss; to offer very little or only to offer for a short period of time. If the LCP is to be implemented fully and this group of marginalised children is to have equality in accessing child protection services, a longer term approach to child protection services for children with disabilities will be needed.

A further concern in relation to children with disabilities is the failure of the system to identify those who are at risk and require child protection services. Children with disabilities are less likely to interact with the community, to be in school or to see professionals.<sup>202</sup> As one social worker recalled: *“there are sixty to seventy children with disabilities registered in our khoroo. Out of these children, ten children do not go to school or kindergarten.... I think detection of child abuse amongst disabled children is poor in our khoroo...[...]...there is limited opportunity to visit households.”*<sup>203</sup>

Finally, for children with disabilities who cannot remain at home for protection reasons there are few options. The majority of shelters and one-stop centres are not suitable, and often cannot, meet their needs. While the lack of alternative care placements is not a problem specific to the Mongolian context, it is particularly acute in Mongolia. One Child Rights Inspector described a particularly revealing example: *“a mother I know lives with her mentally-disabled child who is two years old...we don’t have a shelter that is suitable. Therefore, the social worker brought the child to their home to stay overnight.”*<sup>204</sup>

### *Children from ethnic minorities*

The LCP applies to all children in Mongolia regardless of ethnicity. However, evaluation findings suggest that the implementation of the Law has been particularly challenging in Bayan-Ulgii, where the majority of Mongolia’s ethnic minority groups reside. A major barrier to implementing the LCP in Bayan-Ulgii is that the Law and its secondary legislation are not available in minority languages. As one Police Officer explained: *“there are Tuva, Uriankhai and Kazakh children in our aimag, so there are language problems. Especially Tsengel soum is a soum where only Tuvan children live ... it is difficult to implement and study the Law due to language barriers.”*<sup>205</sup>

Not only do language barriers make the LCP difficult to implement, but they mean that minority communities feel excluded from the LCP. This was exemplified for many by 108 Child Helpline. Despite the 108 Child Helpline being a central reporting mechanism under the Law, it is unable to answer calls in some minority languages and dialects,<sup>206</sup> leaving children without an effective reporting mechanism.

### *Non-citizen children*

According to Article 3 of the LCP, the assistance and services provided under the Law are to be provided to the citizens of Mongolia. This leaves an open question as to whether non-citizen children will be offered child protection services under the LCP in practice. Non-citizen children are covered by the Law on Combatting Domestic Violence which provides a degree of protection, but not to the same extent as the LCP. It is unclear

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<sup>202</sup> Yuriko, K. (2019) Who are out-of-school children? Children with disabilities in Mongolia, Compare: A Journal of Comparative and International Education. DOI: [10.1080/03057925.2019.1664894](https://doi.org/10.1080/03057925.2019.1664894)

<sup>203</sup> Individual Interview, Social Worker at Family Health Centre, 19 October 2020.

<sup>204</sup> Individual Interview, Inspector for child rights, 9 October 2020.

<sup>205</sup> Individual interview, Provincial police representative. 5 October 2020.

<sup>206</sup> Individual interview, Provincial police representative. 5 October 2020.

whether the provisions of the Law on Family, including the limitation of parental rights and exclusion of parental rights apply.

### *Children in boarding schools*

As was noted earlier in this evaluation, children in nomadic, rural areas face a less equitable access to all forms of services, largely as a result of geography and remoteness for service centres. Attempts have been made to address the lack of access to services, and particularly the lack of access to early years education, through home-based school preparation programmes.<sup>207</sup> When children reach primary school age, many move home in order to attend school.

*In rural areas children from nomadic families come to boarding schools and live in dormitories from the age of 6 until they are 18 years old. Older children normally take care of younger children like mothers... they sleep with them, wash them and take care of them. That's where most child protection issues take place, including child pregnancy.<sup>208</sup>*

Children in boarding school dormitories are particularly vulnerable to abuse and neglect.<sup>209</sup> It is estimated that 8 per cent of the total Mongolian school age population live in school dormitories.<sup>210</sup> Interviewees consistently expressed concerns relating to boarding school dormitories, including the inadequate living conditions for child residents and the lack of care, safeguarding and supervision, particularly overnight.<sup>211</sup> As a result of these conditions many Mongolian families, if they can afford to do so, choose to house their children with family members or in private accommodation,<sup>212</sup> leaving poorer children from low-income families housed in dormitories.<sup>213</sup> Children in dormitories are vulnerable to peer bullying and exploitation within dormitories and from members of the community when outside the dormitory. Although awareness of this problem was widespread amongst evaluation participants, the implementation of the LCP has done little to address the unique situation of this vulnerable group of children. School social workers explained that a lack of resources and teacher capacity means that the needs of children in dormitories are not met. The evaluation indicates that investment in the human and material capacity of state boarding schools is required and that schools should be required to introduce safeguarding measures and procedures to ensure that child protection concerns are met and can be addressed.

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<sup>207</sup> World Bank: Improving Primary Education Outcomes for the most vulnerable children in rural Mongolia, available from <https://worldbank.org/en/news/feature/2015/02/05/in-mongolia-preparing-herders-children-for-school-and-improving-their-learning>

<sup>208</sup> Individual interview, NGO representative, virtual interview (zoom), 23 October 2020.

<sup>209</sup> Many of these children come from nomadic families – the particular barriers faced by this population are addressed in the relevance section of the evaluation.

<sup>210</sup> These children are mainly from nomadic families in rural areas. Report of the Special Rapporteur on the right to education. Mission to Mongolia. A/HRC/14/25/Add.3. para. 59.

<sup>211</sup> Report of the Special Rapporteur on the right to education. A/HRC/14/25/Add.3. paras. 60 and 61.

<sup>212</sup> Steiner-Khamsi, G. & Stolpe, I. (2005). Non-Traveling 'Best Practices' for a Traveling Population: The Case of Nomadic Education in Mongolia. *European Educational Research Journal*. 4. p27-28. DOI: 10.2304/eerj.2005.4.1.2.

<sup>213</sup> Steiner-Khamsi, G. & Stolpe, I. (2005). Non-Traveling 'Best Practices' for a Traveling Population: The Case of Nomadic Education in Mongolia. *European Educational Research Journal*. 4. p31. DOI: 10.2304/eerj.2005.4.1.2.

## 5.5 Sustainability of the implementation of the Law on Child Protection

*To what extent are the benefits from the implementation and enforcement of the LCP likely to be sustainable?*

The implementation of the LCP is still in its early stages. Considerable work remains to be done to realise the potential benefits which are expected to result from full implementation of the Law. Given this, it is perhaps, too soon to assess the sustainability of the benefits achieved under the LCP in a conclusive manner. Evidence from the evaluation, however, indicates that the Mongolian Government is committed to investing in the implementation of the LCP going forward, suggesting that the implementation of the Law is likely to improve in the coming years. Several upcoming government initiatives create opportunities to strengthen the child protection system; namely, reform of the Family Law and the development of child protection services such as foster care and adoption. Government stakeholders recognised the potential of these reforms: *“In the Government Action Plan from 2020 to 2024, it says that the Mongolian Government will ensure family-based child rights principles. I think the Government will support child protection because this is an important part of broader human development. Also, in the parliament there is a very big discussion around amending the Family Law. This is an opportunity to improve many issues relating to children and families including family education and parenting support”*.<sup>214</sup>

Provisions in the draft Family Law of Mongolia<sup>215</sup>, which would transfer responsibility for the employment of social workers from local government authorities to local level Child and Family Development Authorities would have the potential to build up a cadre of child and family social workers, which in turn would be likely to promote the sustainability of LCP implementation, and considerably strengthen and professionalise the Mongolian child protection system. The move would ensure that social work professionals are more directly accountable to the Government’s child protection authority and facilitate the provision of supervision and management support. The addition of qualification requirements for social workers could also help to address some of the capacity challenges identified in the Effectiveness Section of this report.

Evaluation findings clearly indicate that the development of services is critical to sustaining an effective child protection system, in line with the LCP. Service gaps fall into three main categories: (1) targeted prevention services, such as parenting programmes, would improve sustainability by addressing potential child protection risks before they develop; (2) comprehensive social work case management and the provision of specialised response services such as family-based counselling and psychological support would improve sustainability by more effectively resolving child protection issues and their underlying drivers; and (3) family-based care services such as foster care, adoption and (potentially) formalised and supported kinship care would reduce reliance on institutions and provide longer term, good practice solutions for children who cannot remain in their families.

Encouragingly, stakeholders recognised these gaps and expressed a commitment to addressing them as a priority:

*We need prevention services... services that aim to change behaviours, attitudes and knowledge. Currently there are not many services like this... I think we need to educate teachers and parents. I think the Law should clearly define these services, set out how much money will go to fund them and who should deliver them. If we had prevention services we would have less violence and fewer difficult cases...*<sup>216</sup>

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<sup>214</sup> Individual interview, National government stakeholder, 8 October 2020.

<sup>215</sup> The draft Family Law also contains provisions on adoption (domestic and international), and foster care.

<sup>216</sup> Individual interview, NGO representative, virtual interview (zoom), 12 October 2020.

The government's efforts to develop child protection services should be informed by a service mapping and plan or strategy to ensure services are based on need and are effectively targeted. This is likely to require close cooperation with local and international NGOs. Several stakeholders identified this as an area for improvement, emphasising that, at present, collaboration is weak and services are poorly integrated. While it is important for government service providers to establish the capacity to manage, oversee and deliver child protection services, including case management in order to ensure a sustainable system it is unlikely that, on its own, the Government will be able to offer a full range of services. As with other countries, effective collaboration with the non-governmental sector would promote efficient and more effective service delivery and would enable the Government to draw upon existing capacities ensuring better coverage.

### 5.5.1 Budget support and sustainability

*Are there any mechanisms including budget support at the national and provincial levels currently in place aimed at sustaining the interventions?*

When asked about the sustainability of child protection system strengthening in Mongolia, stakeholders often referred to the increase in the national budget devoted to the implementation of the LCP. The following response, from one government stakeholder, is particularly illustrative: *"in the past Mongolia had very tiny amount in the budget for child protection, but in the last 3 years we have had 8 billion tögrög allocated each year. That is not a lot but it is still a good amount of money... and I believe the government is still committed to increase this budget, as child protection services are in high demand"*.<sup>217</sup>

The government's allocation of increased resources toward child protection is a positive step towards achieving a sustainable child protection system. Yet, as evaluation findings demonstrate, in order to ensure that system is capable of identifying and responding to cases where children are at risk of abuse or neglect, it is essential to ensure adequate funding for services at soum and khoroo level. Evaluation findings indicate that this may require 'ring fencing' a proportion of provincial child protection budgets or local government budgets specifically for the MDTs.

Several stakeholders were less optimistic about the government's commitment to funding child protection work. One government representative emphasised the need to strengthen information and data management systems in order to demonstrate results, and encourage the government to commit to make long-term investments in child protection:

*We are judged by Government on how efficiently we spend money on child protection. They cannot see the results... it is very hard to measure the use of budget on child protection. We explained that child protection needs a more sustainable budget in order to deliver more sustainable results. We encourage them to take a long-term view of the child protection budget when we advocate to decision makers.*

*They say we spend the child protection budget on 'nothing' and the budget is not showing results...For example, a child who is sexually abused needs a service from 6 months to 2 years. But we can only spend money on short term services, meaning that it does not have any impact on the child.*<sup>218</sup>

The above interview excerpt illustrates how maintaining government support for child protection systems strengthening may be a challenge in the longer term, particularly given that outcomes of child protection work are difficult to capture meaningfully in a standardised way. Whilst improved data systems may help to overcome

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<sup>217</sup> Individual interview, national government stakeholder, virtual interview (zoom), 6 October 2020.

<sup>218</sup> Individual interview, national government representative, virtual interview (zoom), 5 October 2020.

this challenge by providing evidence of what the child protection system has delivered, it is also important for government and partners to acknowledge that building the systems and services to implement the LCP fully is likely to require years of sustained investment.

## 5.5.2 The generation of sustainable capacities

*To what extent has the implementation of the LCP contributed to the generation of sustainable capacities and leadership at national, subnational and community levels?*

Stakeholders consistently emphasised difficulties in establishing sustainable capacities to support the implementation of the LCP at national, subnational and community levels. The effectiveness section of this report outlines these challenges and, in particular, reveals how limited social work capacity at soum and khoroo level has undermined the delivery of child protection services that meet the needs of at-risk children. Respondents explained that this challenge is exacerbated by high turnover of social work staff, due to difficult working conditions and political rotations:

*The position needs to be sustainable and secure. People who work tirelessly with high workload pressure, they need have better conditions of salary, incentives and capacity-building [to stay in the job].<sup>219</sup>*

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*Turnover of human resources is a real problem... every 4 years when there is an election all the staffing changes, and sometimes there are changes between the elections. That's the biggest challenge – now we have to start everything again. This is why we really have to keep pushing and ensure sustainability of projects.<sup>220</sup>*

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*Our biggest worry is that the human resources in government change a lot. For example, this JICA project sent many people to Japan to build their skills... but after a year or two the person in this job changed. And then this new staff member would have to learn everything again.<sup>221</sup>*

Building up a sustainable social services workforce requires a change of approach. There is a need to professionalise social work, to establish a licensing requirement for practicing social workers, to make it a career choice and to ensure opportunities for promotion and leadership within social work, as well as to develop a strategy for retention of trained social workers. In the short term, staff require more capacity building, support and supervision. Pre-service training curricula for social workers needs to be reviewed on a regular basis to ensure comprehensive training coverage for social workers that covers the ever-developing child protection context in Mongolia. In-service training needs also need to be reviewed and new courses developed to ensure that any missing components from pre-service training are delivered, and new professional development courses to keep those working in the field of child protection up to date with good practice are developed and delivered.

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<sup>219</sup> Individual interview, provincial government representative, 9 October 2020.

<sup>220</sup> Individual interview, government representative (municipal district), 9 October 2020.

<sup>221</sup> Individual interview, NGO representative, virtual interview (zoom), 12 November 2020.

## 6. CONCLUSIONS AND LESSONS LEARNED

This evaluation entails an assessment of the progress made towards the implementation of the Mongolian Law on Child Protection (2016), and of the Law's contribution to strengthening the Mongolian child protection system. It demonstrates that the LCP has filled an important gap in Mongolian legislation, by establishing a legal and regulatory framework for child protection work for the first time. It is also clear that the passage of the LCP has galvanised increased recognition and prioritisation of child protection concerns in Mongolia by government officials, frontline service providers and within communities. At the national level, the Mongolian Government's allocation of increased resources to child protection work is an important result of the LCP. At the grass roots level, administrative data demonstrates a rise in the disclosure and reporting of child protection cases after the LCP came into force. It appears that, as a result of the LCP, the Mongolian child protection system has increasingly fulfilled its core function, by identifying and responding to cases where children are at risk of harm.

At the same time, the evaluation identified significant gaps, which have prevented the LCP from translating into an effective child protection system in practice. Qualitative data at sub national level suggests that in some localities, children who are at risk of harm are identified late or not at all. Where cases are identified and referred to MDTs, findings suggest that the case management response is virtually non-existent in practice, with social workers conducting a basic assessment and either closing the case or referring it to another service provider with little follow up. Whilst case management procedures, guidelines and forms are relatively new and this may explain their limited application, the evaluation also found that weak case management is driven by limited social work capacity, insufficient supervision and management support and inadequate funding for MDTs. Other significant challenges include extremely limited referral services and significant barriers faced by particularly marginalised groups, including nomadic children and internal migrants. The government and partners should prioritise addressing these gaps as they work to promote the implementation of the LCP in coming years.

These gaps in the implementation of the child protection law are not surprising. Child protection systems strengthening is a long term project, which requires sustained efforts over many years. The evaluation identified a number of structural barriers to effective implementation, however, which have contributed to the gaps summarised above, and should be addressed as a priority. The fragmentation of the legal framework for child protection, and, in particular, the fact that the national child protection authority, the Ministry of Labour and Social Protection, lacks authority over the mechanism responsible for responding to child protection risk (the MDT), has served to undermine leadership, management support, budget allocation and overall accountability for a social work response to child protection. Addressing this issue will be critical to the establishment of an effective child protection system, in line with the LCP.

A further gap in implementation is related to the need to develop services available to children who are at risk of harm. As yet, fostering services have still to be developed, as have services for sexual abuse victims, children in conflict with the law and children with disabilities. The development of these services will enable the effective and inclusive implementation of the LCP going forward.

### 6.1 Lessons learned

The lessons set out below emerge from the evaluation findings and have implications for child protection work in Mongolia as well as in different contexts and sectors.

**The development of a fully functioning child protection system requires a sustained political and financial commitment from government.** Reforms which require systemic change and involve many different actors across government departments and at different levels of government are likely to require many years to take hold. It is important to maintain realistic expectations, plan for the long term and sustain commitments to build upon progress and fill gaps in order to achieve sustainable change.

**A comprehensive, coherent law covering child protection is a powerful tool in ensuring an effective child protection system.** Where the law applicable to child protection is to be found in a number of different primary laws and in numerous pieces of secondary legislation, guidelines, procedures and manuals, those responsible for child protection interventions and the provision of services, as well as members of the public, are less likely to have a clear understanding of the steps to be taken where a child is in need of a child protection intervention. In particular, those working in the field of child protection are likely to have difficulty in internalising the necessary processes and procedures to be followed.

**Strong social work capacity is essential for effective child protection case management.** Child protection case management is a time intensive service, which requires sufficient human resources and skilled and experienced personnel. Wherever possible, designated social workers should be assigned responsibility for delivering case management in cases involving children in order to ensure that other obligations don't detract from their work. Social workers responsible for case management should meet professional requirements such as having met a specific licensing requirement or having received social work qualifications and should receive pre-service and ongoing training, including coaching to build their skills in practical and substantive elements of child protection work. Adequate professional support structures and supervision need to be in place to provide guidance on difficult cases.

**It is important that one key worker leads the child protection response from the initial assessment through to case closure.** Whilst case management is meant to facilitate coordination between diverse agencies, it requires meaningful leadership in order to be effective. A lead professional, or case manager, should always be responsible for each case, including: ensuring that the initial risk assessment has taken place appropriately; leading the process of assessment, care planning and care plan implementation; engaging other relevant agencies; and ensuring that timescales for reviews are met. Identifying one key worker is important to avoiding a scenario where responsibility is spread across too many actors.

**Progressive development of services is necessary if the LCP is to be effectively implemented.** In order to implement the law fully, there needs to be a range of services available to social workers and MDTs. This needs to extend beyond the provision of residential care facilities and to include more innovative preventive services, including family group counselling services, parenting programmes and substance abuse services, in order to address underlying risk in a sustainable way and prevent family separation.

**Children in need of protection must be treated equitably.** It is essential that services are not closely linked to residential status and can be delivered flexibly to accommodate the lifestyles of nomadic and migrant children and families. In order to implement the Law equitably it is essential that child protection services are inclusive of all children in an area, and that children and families without official residence status in a particular locality are not excluded. This requires coordination across different service providers where beneficiaries move from one locality to another.

## 7. RECOMMENDATIONS

Recommendations for improving the implementation of the LCP are set out below, based on the key findings, conclusions and lessons learned which emerged from the evaluation, and in particular, analysis of the relevance, effectiveness, efficiency and sustainability of the LCP and its implementation.

This initial set of recommendations was developed based on an analysis of evaluation findings, proposals made by key informants and in consideration of the opportunities that exist in the Mongolian context. Recommendations were validated through a participatory (remote) workshop attended by the Evaluation Reference Group in early 2021, in order to ensure that the recommendations are appropriate, practical and actionable. A realistic timeframe and prioritisation for the delivery of recommendations was developed with the Evaluation Reference Group, based on the outcomes of the validation workshop. The recommendations are aimed primarily at Government, but also refer to UNICEF where there are likely to be implications for UNICEF's technical support to Government partners.

### 7.1 Legal and institutional reform

1. The LCP introduced a child protection framework into Law. However, the passage of the Law on Combatting Domestic Violence some ten months later, in December 2016, together with amendments to the LCP have resulted in some fragmentation of that framework. Although the LCP, the Law on Combatting Domestic Violence and the amendments to both Laws are relatively recent, there is nevertheless a need to review the laws once again to ensure that the Laws provide comprehensive coverage for children who are in need of protection. In particular, **it is recommended that the LCP needs to be amended to ensure that (in accordance with the CRC) it applies to *all* children present in Mongolia, regardless of their citizenship.** In addition, **it is recommended that the LCP, the Law on Combatting Domestic Violence and the Law on Family should be amended to ensure:**

**(a) there is clarity as to which body is responsible for the delivery of child protection services at sub-national level: the Ministry of Labour and Social Affairs through the AFCYD (in accordance with the LCP), or the Ministry of Justice and Home Affairs (in accordance with the Law on Combatting Domestic Violence).**

**(b) there is a uniform referral system for all child protection cases regardless of whether the case is referred under the LCP, the Law on Combatting Domestic Violence or the Law on Family and that the relevant sub-national FCYD is informed of the referral in each and every case.**

**(c) the role of social workers and the MDT remains the same in all child protection cases, regardless of whether the harm to the child emanates from domestic violence, or arises from incidents at school, in the community, in a children's home or any other setting.**

2. Many of the stakeholders included in evaluation were unclear about their statutory responsibilities under the Law and how these are to be manifested in practice. It is recommended that the Law should be amended to clarify that:

**(a) a social worker has the duty to undertake the initial investigation to determine whether a child is in need of protective services and also to undertake a fuller assessment of the child and family where this is needed.**

**(b) the role of the MDT members is to work cooperatively with the FCYD at sub-national level to reach a decision about the child on the basis of the reports, and to assist with provision of services as needed.**

**3. The proposal in the Law on Family which shifts the employment of social workers from the local government authority to the AFCYD should be expedited, perhaps as a specific amendment to the LCP rather than the Law on Family.**

Recommendation	Responsible body	Timeline
<b>7.1. Legal Reform</b>		
7. 1.1 The LCP should be amended so that it applies to all children present in Mongolia, regardless of their citizenship.	Ministry of Labour and Social Protection	Short-term (less than two years);  High priority
7.1.2 The LCP, the Law on Combatting Domestic Violence and the Law on Family should be amended to: (a) clarify which body is responsible for the delivery of child protection services: the Ministry of Labour and Social Protection through the AFCYD (in accordance with the LCP), or the Ministry of Justice and Home Affairs (in accordance with the Law on Combatting Domestic Violence). (b) provide a uniform referral system for all child protection cases and ensure that the relevant sub-national FCYD is informed of the referral in each and every case. (c) ensure that the role of social workers and the MDT remains the same in all child protection cases, regardless of whether the harm to the child emanates from domestic violence, or arises from incidents at school, in the community, in a children’s home or any other setting.	The Ministry of Labour and Social Protection, the AFCYD and the Ministry of Justice and Home Affairs	Short-term (less than two years);  High priority
7.1.3. Clarify that a social worker has the duty to undertake the initial investigation to determine whether a child is in need of protective services and also to undertake a fuller assessment of the child and family where this is needed	AFCYD and the Ministry of Justice and Home Affairs	Short-term (under two years);  High priority
7.1.4 Clarify the role of the MDT members: to work cooperatively with the AFCYD to reach a decision about the child on the basis of the reports, and to assist with provision of services as needed.	The Ministry of Justice and Home Affairs	Short-term (under two years);  High priority
7.1.5 Pass the proposed amendment to the Law on Family which shifts the employment of social workers from the local government authority to the AFCYD.	Ministry of Labour and Social Protection	Short-term (under two years)  High priority

## 7.2 Delivery of child protection case management

Implementation of the Law requires effective, efficient and sustainable case management. In order to ensure this, it is recommended that:

**(a) All social workers undertaking child protection cases should be required to have a social work qualification and have received training in child protection.**

**(b) All child protection cases referred to MDTs should be assigned a ‘case manager’ who is responsible for overseeing all stages of the case management process from the initial assessment to case closure, in coordination with other relevant members of the MDT.**

**(c) The AFCYD should put in place clear structures for the provision of supervision and management support from Provincial FCYD authorities to social workers at soum and bag/khoroo level (in accordance with Article 18 LCP).**

**(d) The AFCYD should ensure, in line with Article 18 LCP**

**(i) that that appropriate training and guidance is provided to front line social workers; and**

**(ii) should ensure regular oversight of service delivery to maintain quality.**

**(e) A ring-fenced budget should be allocated for the delivery of child protection case management services by all MDTs at soum and bag/khoroo level. This budget should be based on budget projections developed by MDTs.**

Recommendations	Responsible body	Timeline
<b>7.2 Delivery of case management</b>		
7.2.1 All social workers undertaking child protection cases should be required to have a social work qualification and have received training in child protection.	Ministry of Labour and Social Protection / AFCYD, UNICEF, Universities and colleges	Long-term (five years plus);  Medium priority
7.2.2 All child protection cases referred to MDTs should be assigned a ‘case manager’ who is responsible for overseeing all stages of the case management process from the initial assessment to case closure, in coordination with other relevant members of the MDT.	FCYD at sub-national level / local government authorities	Short-term (less than two years)’  High priority
7.2.3 The AFCYD should put in place clear structures for the provision of supervision and management support from Provincial FCYD authorities to social workers at soum and bag/khoroo level.	AFCYD, with technical assistance and support from UNICEF and INGOs	Medium term (two to five years);  High priority
7.2.4 The AFCYD should ensure, in line with Article 18 LCP that (i) appropriate training and guidance is provided to front line social workers and (ii) conduct regular oversight of service delivery to maintain quality.	AFCYD with technical assistance from UNICEF	Medium term (two to five years);  High priority

7.2.5 A ring fenced budget should be allocated for the delivery of child protection case management services by all MDTs at soum and bag/khoroo level. This budget should be based on budget projections developed by MDTs.	Ministry of Labour and Social Protection and Ministry of Justice and Home Affairs	Medium term (two to five years)  High priority
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### 7.3 Development of child protection services

Bearing in mind that one of the key principles of the LCP is that child protection shall be family-centred, specialised, immediate, equal, accessible and efficient,<sup>222</sup> **it is recommended that AFCYD undertake a service mapping / gap analysis of current service provision and identify the unmet need for child protection services in the different geographical areas of the country.** The results of the mapping would enable more effective and targeted child protection service provision and in turn, a greater level of implementation of the LCP.

Based on the mapping it is recommended that:

**(a) AFCYD, UNICEF and child protection INGOs and NGOs should collaborate to formulate a strategy for the development and delivery of targeted prevention services, such as parenting programmes, mentoring programmes and support groups for parents and caretakers, to build parenting skills and prevent the emergence of potential child protection risks.**

**(b) AFCYD, UNICEF and child protection INGOs and NGOs should establish family-based alternative care services such as foster care, adoption and (potentially) formalised and supported kinship care to provide long term solutions for children who cannot remain in their families. This recommendation would also require the development of minimum quality standards for services together with a system of monitoring and inspection. It is recommended that these services should be managed at provincial level.**

Recommendation	Responsible body	Timeline
<b>7.3 Development of child protection services</b>		
7.3.1 AFCYD undertake a service mapping / gap analysis to identify the need for child protection services in the different geographical areas of the country and the available preventive and response services.	AFCYD with technical assistance from UNICEF and in collaboration with INGOs and NGOs	Short-term (within two years);  High priority
7.3.2 Based on this mapping, it is recommended that Ministry develop a plan or strategy for the development of additional services in cooperation with local and international NGOs.	AFCYD, National Council for Children INGOs/ NGOs with technical assistance from UNICEF	Short-term (within two years);  high priority
7.3.3 Develop and deliver targeted prevention services, such as parenting programmes, mentoring programmes and support groups	AFCYD, National Council for Children, local government	Medium-term (two to five years);

<sup>222</sup> Law on Child Protection, Article 2.3.

for parents and caretakers, to build parenting skills and prevent the emergence of potential child protection risks.	authorities, INGOs and NGOs with support from UNICEF	High priority
7.3.4 Development of supported kinship care.	Ministry of Labour and Social Protection AFCYD, National Council for Children, local government authorities, INGOs and NGOs with technical assistance from UNICEF	Medium term (two to five years); High priority
7.3.5 Development of a foster care service for children who cannot remain in their families.	AFCYD; National Council for Children; local government authorities, INGOs and NGOs with technical assistance from UNICEF.	Medium term (two to five years); High priority
7.3.6 Development of minimum quality standards for services	AFCYD; National Council for Children; local government authorities, INGOs and NGOs with technical assistance from UNICEF.	Medium term (two to five years); High priority
7.3.7 Develop and implement a system of monitoring and inspection of child protection services	AFCYD; National Council for Children; local government authorities, INGOs and NGOs with technical assistance from UNICEF.	Medium term (two to five years); Medium priority

#### 7.4 Establishment of data systems

It is recommended that AFCYD work in collaboration with UNICEF and other members of the working group dedicated to the implementation of the LCP to establish an integrated, digital child protection information management system. The system should include a database for child protection services, including those provided by multi-disciplinary teams. Data recorded for each case should include, at a minimum, information on: date of referral, referral source, child protection risk in the case (e.g. type of violence), demographic information (gender, age, ethnicity, language, disability), the nature of the child protection response (each action taken and the data of that action), and a date for case closure. Annual figures from the database can be used to monitor child protection cases and response across provinces and districts to inform service development.

Recommendation	Responsibility	Timeline
<b>7.4 Data and information management</b>		
7.4.1 Develop/establish a digital child protection information management system.	AFCYD; National Council for Children; local government authorities, INGOs and NGOs with technical assistance from UNICEF.	Short-term (within two years); High priority
7.4.2 Roll out information management systems; train MDTs (and particularly social workers responsible for delivering case management) in the use of the information management system.	AFCYD; National Council for Children; local government authorities, INGOs and NGOs with technical assistance from UNICEF.	Short-term (within two years); High priority
7.4.3 Conduct ongoing analysis of incoming data to identify trends	AFCYD; National Council for Children; local government	Medium term (two to five years) but aiming for under three years;

and improve the provision of services.	authorities, INGOs and NGOs with technical assistance from UNICEF.	Medium priority
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## 7.5 Monitoring and oversight

One of the underlying themes from key informants who contributed to the evaluation was the lack of coordination amongst child protection duty bearers and a lack of clarity as to which bodies bear responsibility for different aspects of child protection. Article 17 of the LCP specifically requires government bodies to nominate staff members to the national council for children<sup>223</sup> and to cooperate in providing response services to children at risk and the social reintegration of children in conflict with the law<sup>224</sup> while Article 21 places responsibility for supervision of implementation of child protection policy on the councils. It is unclear however, whether the national and local councils for children have responsibility for coordinating the different bodies involved in child protection.

The National Plan of Action for Youth Development<sup>225</sup> provides for regular operation of the Council, but as yet, the provisions relating to the Councils contained in the LCP do not appear to have been fully implemented and it was not possible to find detailed guidelines or regulations on the activities of the Councils. **It is recommended that a detailed plan be developed setting out the role of the Council for Children at both national and local level. The Council should take primary responsibility for promoting inter-ministerial and inter-sectoral cooperation in child protection. It is also recommended that the Councils' should monitor the functioning of the child protection system as a whole and be a 'critical friend' to the Ministry of Labour and Social Protection and the AFCYD.**

Article 18 of the LCP sets out a wide range of activities to be undertaken by the Ministry in charge of child and family development matters (i.e. the Ministry of Labour and Social Protection) and local bodies in charge of children and family matters (the FCYP). The activities include, at Ministry level, reporting on implementation of the LCP, selecting bodies to provide response services, approving training programmes, conducting research on child protection and supporting the participation and cooperation of all levels of government. For local bodies, there is a duty to provide guidance to child protection actors, to analyse data to discern trends and determine the direction of future measures. **It is recommended that the Ministry through its implementing body, the AFCYP and the local FCYPs set out a strategy and costed plan for full implementation of Article 18 LCP.**

Recommendation	Responsibility	Timeline
<b>7.5 Monitoring and evaluation</b>		
7.5.1 Develop a detailed plan setting out the role of the Council for Children at both national and local level.	Office of the Prime Minister and the Ministry of Labour and Social Protection with technical assistance from UNICEF	Short-term (under two years); High priority
7.5.2 Establish Secretariat for the National Council	Office of the Prime Minister and Ministry of Labour and Social Protection	Short-term (under two years); High priority

<sup>223</sup> Law on Child Protection (2016) Article 17.1.2.

<sup>224</sup> Law on Child Protection (2016) Article 17.1.4.

<sup>225</sup> Approval of the National Programme of Action, Resolution No. 270, 20 September 2017.

7.5.3 Publish Regulations / Guidance on the role of the National Council for children and local council setting out functions and responsibilities	Office of the Prime Minister and Ministry of Labour and Social Protection	Short -term (under two years);  High priority
7.5.4 Councils members receive training and implement their new functions	Ministry of Labour and Social Protection / AFCYD with technical assistance from UNICEF	Medium term (two to five years) but aiming for under three years.  High priority
7.5.5 AFCYD to develop a strategy and costed plan for full implementation of Article 18 LCP.	AFCYD with technical assistance from UNICEF	Short-term (under two years);  High priority

## 8. LIST OF ANNEXES

ANNEX 1: TERMS OF REFERENCE

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