**Response to the questions on right to social security of persons with disabilities for civil society**

**List of DPOs which participated in the preparation of the report:**

Mongolian National Federation of Disabled Persons’ Organization

United Association of Disabled People in Mongolia

Mongolian National Federation of the Blind

Mongolian National Federation of the Deaf

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“Universal Progress” Independent Living Centre

**Questions for civil society:**

1. **Please provide information in relation to the existence, in your country or context of work, of legislation and policies concerning mainstream and/or specific social protection programmes with regard to persons with disabilities, including:**

* Institutional framework in charge of its implementation;
* Legislative, administrative, judiciary and/or other measures aiming to ensure access of persons with disabilities to mainstream social protection programmes (e.g., poverty reduction, social insurance, health care, public work, housing);
* Creation of disability-specific programmes (such as disability pensions, mobility grants or others);
* Fiscal adjustments or other similar measures.

**Answer 1a:**

There is a Ministry of Population Development and Social Welfare and in September 2012 the Coalition government established a Department for Persons with Disabilities in the Ministry of Population Development and Social Protection which started its operations with 4 staff.

In August 2013, the Department for the Development of Persons with Disabilities of the Ministry of Population Development and Social Welfare has commenced a reform of all the laws and regulations in accordance with the Convention with a funding from AIFO, an Italian non-governmental organization.

The representatives of the persons with disabilities are participating in the working group and preparing a draft law which was supposed to be submitted to the Parliament Autumn Assembly, 2014 to get this new law, which consists of amendments on existing laws, approved, but the submission was postponed.

**Answer 1b:**

Article 16 of the Constitution of Mongolia stipulates the guarantee of privilege to enjoy rights and freedom of citizens and according to 16.5 it is stipulated that:

*“….Right to material and financial assistance in old age, disability, childbirth and child care and in other circumstances as provided by law”*

The term “disability”, used here refers to the persons with disabilities according to the currently effective laws and regulations.

The Government of Mongolia has been implementing a number of policies, laws, regulations and programs aimed to ensuring the rights on social welfare for its citizens. However, the existence of laws and regulations that aimed at or having specific provision on ensuring the inclusiveness of the persons with disabilities in these laws, regulations and programs (poverty reduction, social insurance, health assistance, public works, buildings and construction etc.) and other administrative, judicial and related measures to ensure the inclusiveness do not exist.

Some of the social welfare laws and programs, although not fully, have certain stipulations with regard to the persons with disabilities and some of them do not have any such provisions at all. Underneath we summarize the stipulations on the persons with disabilities in these laws and programs with regard to the persons with disabilities.

1. In 1995, the law on “Social welfare of the Persons with disabilities” was adopted for the first time and in 2008, 2012 and 2013 the amendments were made respectively (See Annex 1)

Although the said law has stipulations on providing the assistance and allowances for the persons with disabilities from social welfare funds, and participation of the persons with disabilities in rehabilitation, education, employment, culture, sports and other public events, the law does not regulate the social welfare issues of the persons with disabilities in comprehensive way. In addition, this law is based on the medical and welfare model for the persons with disabilities, and the oversight body on the law implementation is not clearly defined and lack of accountability for breaching the law. Therefore, the implementation of this law is insufficient.

Article 5 of the law states the types and amounts of the allowances and assistances to be provided to the persons with disabilities from welfare funds. However, implementation of this Article is not the same at urban and rural areas and the possibility for the persons with disabilities, living in remote areas, to receive the social welfare services decreases significantly. The reason for this is that these people do not have access to information on possible assistance and welfare services from social welfare funds as well as intentional or unintentional misuse or wrong interpretation by the social welfare service providers with regard to use and meaning of the law and unwilling attitude to provide these services accordingly.

1. With regard to how the issues of the persons with disabilities are addressed in the laws and programs, which are implemented in the social welfare sector:There are the Law on Social welfare and the Law on social insurance.
   1. The services provided in accordance with the Law on Social welfare, do not meet the need and requirements of the persons with disabilities, and do not serve as a concrete support to ensure their participation in the society and maintain their independence. For instance,

Article 18 of the Law on Social welfare, which has been in force since 2006, has a provision on regulation of “Public participation based social welfare services” and these services are stipulated to be provided in 9 types based on priority needs, requirements and choices of the households and citizens, who are in the need for social support and assistance of which 7 are of specific interest for persons with disabilities:

1. Conduct trainings aimed at building confidence in life, ability to manage their lives independently and provide work skills and support their talents;
2. Provide advise;
3. Provide rehabilitation services;
4. Provide care-taking services by temporarily accommodating;
5. Provide day-services;
6. Provide in-home take-caring and welfare services;
7. Provide other social welfare services, which are based on specific needs of a citizen and his/her family.

Although Public participation based social welfare services might seem to be priority need services to enable the persons with disabilities to include in the society and manage their lives independently, in real life, the persons with disabilities face many challenges and difficulties in getting involved and participating in these services. For instance:

* These 9 types of services are directly imposed as the needs and requirements of the persons with disabilities and they do not have an opportunity to make choices. It is impossible to pre-define the needs of the people and the specific needs of different people are not the same, and imposing the pre-defined services for them is not in conformity with the principles enshrined in the Convention on Rights of the Persons with disabilities.
* Each provision of the guidelines and regulations that are adopted to implement the Public participation based social welfare services, are disaggregated and responsible bodies, time schedule and service types for implementation are defined. For instance, the “in-home care-taking and welfare service” type includes such services as dressing, toileting, washing the windows, cutting the nails. It might seem that types or services and what to do are clearly defined, however in reality, it is difficult to oversee and because life is full of adventures, there might be need for many more services, which are not included in the regulation.
* Because the provisions violate human rights and are difficult to implement and organize such services and the issues of the people, who are providing assistance, are not taken into account, these social welfare services are not realistically implemented.
* The average number of days per year for a disabled or elderly person to get “Public participation based social welfare services” is 15, which means that during the remaining 350 days, the disabled person is neglected without getting the services and left on thresholders of his/her family members and this also is not in conformity with the principles and provisions of the Convention on Rights of the Persons with disabilities.
* In the regulation act, adopted to ensure the implementation of the law, it is stipulated that services need to be provided at his/her home as much as possible. This hinders the implementation of international trend to ensure participation ofthe persons with disabilities in social activities and keeping them from being more active members of the society.
* The results of the social welfare services in our country are assessed based on the improvement of the health situation of the customers. Therefore, service providing agencies are not interested in including the people with incurable diseases, cerebral paralysis, spinal cord injury, neck injury or declination of the muscles. During the interviews with the social workers there was a case that a social worker was saying “… *we are more interested in providing services to the people, whose recovery result can be quite fast such as those who just went through heart attack or got into accident recently, instead of providing services to the people, who will not recover*.”
  1. According to the Law on Social Insurance, out of the 3 different types of pensions and other 3 types of benefits from the social insurance fund are provided, 1 is a pension for disability.Article 7.1 of the said law, stipulates that “a person is entitled to get the disability pensions, is he/she paid the social insurance premium for not less than 20 years or he/she lost workability by 50 or more percentage and became disabled for long time or permanently due to illness or difficulties after injection or other household incident/accidents, who paid social insurance premium for 3 years during the last 5 years, before he/she became disabled|

Article 7.2 states that the disabled person, who does not meet the requirements specified in the Article 7.1 is entitled to get disability pension in proportionate balances in accordance with the duration of the period, he/she paid social insurance premium in case he/she paid the premium for not less than 3 years in total.

The Social Insurance Law is not covering for people who are born with a disability or could never work and pay insurance fee because they became disabled before entering the Labour market.

Article 7.2 of the Law on Social Insurance is considered by some persons with disabilitiesas discriminating the persons with disabilities. Because this article does not include the insured people, who are congenitally disabled. In other words, a congenitally disable worker will be entitled to this pension after he/she pays the social insurance premium for 20 years. However, worker, who is not congenitally disabled, he/she will be entitled to the pension of minimum amount of full disability pension if he/she paid social premium for 3 years during the 5 year employment period. This is one way of not valuing the labor of the persons with disabilities as the one of other regular people.

The amount of the disability social insurance is calculated by 45 percent of the amount of the payment of social insurance premium and average monthly salary and full insurance pension amount is 207.000 MNT (USD 117) and minimum amount of the proportionate balance of the insurance is 170.000 MNT (USD 90).

The State Great Khural (Parliament) ratified the United Nations convention on “Persons with disabilities” in 2008. The Action plan to implement this Convention was adopted by the Resolution No 281 of 2 August, 2013 of the Government of Mongolia. It was stipulated that detailed operational plans to implement the activities in the Action plan shall be developed within the sector and local levels ensuring the participation of the persons with disabilities and implement them, include the necessary budget thereto in the portfolio of the respected budget general managers and it was assigned to the Minister for Population Development and Social Welfare, Minister for Finance, other relevant ministers and Governors of provinces and the capital city of Ulaanbaatar to take necessary measures. But the expenses with regard to implementation of this Action plan were not included in the State budget for 2014 and are also not included in the State budget of2015.

The” National program on supporting the Persons with disabilities 2006-2012”, which was adopted by the Government resolution 283 of 2006 and the “Sub-program to support engagement of the Children with disabilities” have not been successfully implemented.the Ministry of Population Development and Social Protection admitted major shortcomings when it gave the following assessment of the National Program to Support Persons with Disabilities, “…the implementation of the program was inadequate due to such reasons as poor policy coordination and monitoring mechanism, lack of a specified budget, poor understanding of the issue on the part of the management of local organizations responsible for developing and implementing policies related to persons with disabilities, scant information about the subject available to them, insufficient knowledge and skills of the personnel working in this field as well as high rate of the personnel turnover.”As can be seen from this reaction, implementation of such a program is not very successful when there are no awareness raising and training activities for the implementing staff and when DPOs are not fully involved in the development, implementation and monitoring and evaluation.

Since then special programs for the persons with disabilities have not been adopted, but they are included in other relevant Government programs.

In general is it difficult for persons with disabilities to have access to information, because it is not provided by using different ways in association with the different forms of disabilities and their usually low education. Sign language, Braille, augmentative and alternative communication and other accessible means and modes are not introduced in official communication, therefore persons with disabilities face difficulties in getting access to information.

The “National program to support Household development 2012-2015” aimed at reducing the poverty nationwide has being implemented. However, organizations of persons with disabilities do not have much information and understanding with regard to this program.

Persons with disabilities can ask for a small grant once to start their own business and there are some activities of the ministry of education to learn teachers about some special needs of children with disabilities, but these are not enough to ensure inclusive education.

The State is responsible for the expenses related to ensurethatpersons with a disability are included in the health insurance and receive healthcare services free of charge, besides the fees for some services which all citizens of Mongolia need to pay. There are however 3 problems which hinder the accessibility to healthcare services. One is that a lot of institutes are not accessible for wheelchair users and difficult to access by persons with visual impairments, second is that Deaf persons, persons with a visual impairment and persons with mental disabilities face communication problems with the healthcare workers and the third one is that healthcare workers have no knowledge about the special problems and needs of persons with disabilities.

Public works like, emergency health services, fire brigade, police and national disaster services are almost not accessible for persons with disabilities due to communication problems and late access to information in an accessible way.

The Mongolian Government “Program on housing of the citizen from the target groups” is implemented by the State Housing corporation established by the Mongolian Government resolution No. 253 on 6 July, 2013. In the scoop of this program was decided that 4 percent of the total house/apartments built will be sold to the persons with disabilities. According to the results of the monitoring that was conducted by the working group, established by the Order A/123 of 14 November, 2014 by the Minister for Population Development and Social Welfare, on construction process on “Buyant-Ukhaa-1” built within the scope of this Program. However, the persons with disabilities face a number difficulties and problems in purchasing, ordering and using these apartments. For example:

* Housing regulation uses the definition for the persons with disabilities, that identifies the medical diagnosis model and this creates the probability that medically challenged people will be included in the group of the persons with disabilities.
* The requirement in this regulation that specifies “worked at least 2 years in the government or enterprises and uninterruptedly paid the social insurance payments for at least 2 years or uninterruptedly paid social insurance payments by his/herself for not less than 2 years” is a provision that would be very difficult for the persons with disabilities, who lost their employability 70 percent and more, to meet the requirement.
* “Buyant-Ukhaa-1” buildings do not meet the special needs of the persons with disabilities.
* The provision in the regulation for taking orders from citizens for “Buyant-Ukhaa-1” apartments, “... down-payment of not less than 30 percent of the total apartment price shall be made” is far from affordability for the disability if compared to their income.
* Requirements set forth by the banks are difficult to meet for the persons with disabilities.

**Answer 1c**

Besides the disability pensions and welfare allowances as mentioned before there are a few extra rules in different laws. Persons with a disability have free of charge access to public transport, but wheelchair users have almost no access to this means of transport, while persons with a visual impairment cannot travel alone because there are no announcements of the bus-stops. There are also rules about the provision of additional mobility devices, but the provision is made without influence on the procurement and not related to the WHO rules for measurement, or the allowance is too low to purchase a device of good quality.

**Answer 1d.**

In the employment promotion law and other regulations there are incentives in terms of tax reduction and specific allowances for enterprises and public entities when they employ a person with disabilities and persons with disabilities can also apply for personal financial support to start their own business.

There are institutions to implement laws, policies and programs. However, there is no external oversight mechanism or accountability mechanism in case they fail to implement them.

1. **Please provide information on how persons with disabilities are consulted and actively involved in the design, implementation and monitoring of social protection programmes in your country or context of work.**

**Answer 2**

Participation by persons with disabilities on the process of developing programs and projects with regard to social welfare issues of the people with disabilities and conducting monitoring and evaluation on their implementation is very low. For instance, in the elaboration and monitoring/evaluation processes of the 2012-2016 National program to support the persons with disabilities, there was no participation by the persons with disabilities.

Furthermore, because participation of the persons with disabilities in the elaboration and implementation of the social welfare programs that include the social target groups is not ensured, issues and problems of persons with disabilities are not included therein and if included, they usually do not carefully consider their specific needs. For instance the “National program to support Household development 2012-2015” aiming at the reductionof poverty nationwide, has been implemented in Mongolia. However, organizations of persons with disabilities do not have much information and understanding with regard to this program.

Some NGOs forpersons with disabilities, which carried out monitoring and evaluation on the implementation of the laws and programs in the social welfare sector, by using a donor organizations’ funding; their recommendations and comments are not taken seriously by the government organizations.

Starting from October 2013, a legal reform process, initiated by the Minister for Population Development and Social Welfare, of making the Law on Social Welfare in conformity with the Law on the Rights of the Persons with disabilities and the Convention on the Rights of persons with disabilities, is being carried out. During this process, the persons with disabilities are taking part therein and their comments and opinions are being reflected and the Government and related NGOs are working together to submit and get adopted the law by the Parliament during its autumn session of 2015. This process is a good example of ensuring the participation of the persons with disabilities in law drafting and making processes.

1. **Please provide information in relation to difficulties and good practices on the design, implementation and monitoring of mainstream and/or specific social protection programmes with regard to persons with disabilities, including:**

* Conditions of accessibility and the provision of reasonable accommodation;
* Consideration of the specific needs of persons with disabilities within the services and/or benefits of existing programmes;
* Difficulties experienced by persons with disabilities and their families in fulfilling requirements and/or conditions for accessing social protection programmes;
* Consideration to age, gender and race or ethnic-based differences and possible barriers;
* Conflicts between the requirements and/or benefits of existing programmes, and the exercise by persons with disabilities of rights such as the enjoyment of legal capacity, living independently and being included in the community, or work;
* Allocation of grants to personal budgets;
* Disability-sensitive training and awareness-raising for civil servants and/or external partners;
* Existence of complaint or appeal mechanisms.

**Answer 3**

In general are the conditions of accessibility low in Mongolia and none of the existing laws and regulations in Mongolia provide reasonable accommodation to ensure the participation of the persons with disabilities. This concept is relatively new for us.

In defining the types and amounts of assistance and benefits for the persons with disabilities, their specific needs are not really considered. The persons with disabilities are divided into two categories as loss of workability by 50-69 percent and 70-100 percent and are provided with assistance and benefits without considering their specific needs. This has been noted in the aforementioned answer with regard to “Public participation based social welfare services”.

The persons with disabilities face quite a number of difficulties in receiving some assistance and benefits from the social welfare fund. Because social welfare officials create some criteria, which are not specified in the law, and even the persons with disabilities are entitled to get services according the law, they do not apply the legal provision properly and put their initiated requirements, which are difficult to meet by these people, especially in the rural areas.

For instance,Article 5.1.1. of the Law on Social welfare of the persons with disabilities specifies that “completely blind, deaf and dumb people, dwarves, the persons with disabilities, who lost workability completely and need permanent care and children, who need permanent care are entitled to monetary assistance once a year to pay rent fee and purchase coal in case he/she lives in a ger of dwelling that does not have a heating system; and also according to the bylaw adopted with regard to implementation of this law, completely blind people include people with sight difficulties, who lost their workability by 70 or more percent. However some social workers told the persons with disabilities, who met these conditions the following explanations by putting new requirement that undermine these people’s interest:

* Because you received this benefit last year, so you will not receive this year.
* Because you are using a white cane and are able to walk by yourself, you are not entitled to this service

Furthermore, some social workers require papers and service provision criteria that are difficult to fulfill by the persons with disabilities and undermine/limit their opportunity to get their entitled services, instead of asking only the papers which are required by law to get the services and enable their access to receive the services.

For instance, Article 5.1.4 of the Law on Social welfare of the Persons with disabilities states:

“… The price for the orthopedics and wheelchair, domestically ordered and purchased by the persons with disabilities, shall be compensated for 100 percent once in every 3 years”. Also according to the bylaw, adopted with regard to the implementation of this law, based on the request of the disabled person, the purchased amount of the abovementioned orthopedics and special facilities can be transferred back to the seller’s account based on the payment proof and based on this money transfer, the seller compensates the money back to the disabled person. However, some social workers do not transfer money based on payment request and keep this attitude even though they are usually quite aware that the persons with disabilities, who are poor and living under the hardships to sustain their daily basic needs and unable to purchase their necessities by fully making the payment. This is very common in rural areas.

In dealing with measures aimed at the persons with disabilities, it is common practice to make distinction between children and adults i.e. treat them differently according their ages. But gender difference is not treated differently.

Since 2013, the new Integrated Budget Law was adopted and money was transferred to local level in order to decentralize. In other words, money that will be used for social assistance, benefits and other measures for social services and from social welfare funds became the mandate and responsibility of the local governments. Although this increases the possibility that people can oversee the budget formulation, implementation and execution, as for the persons with disabilities, they are usually unable to take part in these activities and fail to reflect their specific needs in the budget. Besides, local government do not budget for the social welfare and welfare services for the persons with disabilities and even they do not spend the budget money for this specific use and sometimes deduct allocated money. For instance, the Law on Welfare states that Public participation based social welfare services need to be provided for the persons with disabilities, however because of budget constraints in 2015, the Governor of Ulaanbaatar city made a decision to stop Public participation based social welfare services to be provided for the persons with disabilities.

In other words, during the times of financial and budget difficulties, it is becoming common to reduce first of all the money designed for the social welfare and welfare services for the persons with disabilities.

The information and awareness among the public, decision makers and service providers as well about the specific features of disability and special needs of persons with disabilities and the certain measures aimed at improving their knowledge and understanding about this issue, almost do not exist. Therefore, it is a common tendency to treat the disable people based on medical and welfare model and concept.

In case there is a violation of rights of the persons with disabilities, although there is legal environment enabling the address to the criminal and administrative courts in order to appeal and revive their violated rights, the knowledge and ability of the persons with disabilities to do so is limited and the easily accessible framework to provide them with necessary legal assistance is not available, it is quite rare that the persons with disabilities address to the courts for appeal.

1. Please provide any information or data available in your country or context of work, disaggregated by impairment, sex, age or ethnic origin if possible, in relation to:

* Coverage of social protection programmes by persons with disabilities;
* Rates of poverty among persons with disabilities;
* Additional costs or expenses related to disability.

Population census was carried out in Mongolia in 2010, and issues of persons with disabilities were taken as thematic issues for the study.

The main objective of this thematic study was to identify the issues of persons with disabilities in Mongolia in a comprehensive way and determine the points for further consideration.

Study aspects include:

* + - 1. Number, composition and demographic features of the persons with disabilities
  + Number, type and classification of persons with disabilities
  + Age and sex composition
  + Demographic features
  + Nationality
  + Sex of persons with disabilities
  + Family status
  + Religion
    - 1. Social and economic status of persons with disabilities
  + Education, literacy rate and school enrollment
  + Economic activeness and employment
  + Use of Internet and mobile phones
    - 1. Household status and livelihood of disable people
  + Composition of households with disabled family member
  + Type, design and ownership status of dwellings of households with disabled family member
  + Selected livelihood indicators of households with disabled family member such as water and electricity supply, latrine and waste disposal facilities

According to the study results, there are 108.1 thousand persons with disabilities in Mongolia. If classified by their sex:

* 59.7 thousand are male
* 48.4 thousand are female

2012 study classified the persons with disabilities by congenital and acquired and according to this classification:

* 34.0 percent are congenital
* 66.0 percent are acquired

In other words, out of total 108.071 persons with disabilities:

* 36765 have congenital disabilities
* 71.606 have acquired disabilities

In addition, disabilities were classified as visual, hearing, speaking, mobility, psychological and other and according to this classification:

* Visual disability - 16.631
* Speaking disability – 5 999
* Hearing disability – 12.633
* Mobility disability – 31.265
* Psychological disability – 20.898
* Other disabilities – 20.665

However, speaking and hearing disabilities in this classification are not clear. People with hearing disabilities are not able to speak and following the loss of hearing ability, speaking ability worsens and becomes problematic. However the study failed to identify the type of disability related to speaking ability. In addition, it is not clear that under the classification OTHER, whether people with such disabilities as organ disabilities and autism cancer are included or not)

According to the age group of the persons with disabilities:

* 0-14 years old – 9.461
* 15-44 years old – 53.990
* 45-64 years old – 35.318
* 65 years and older - 9.302

Nationalities of the persons with disabilities are as follow:

* Mongolian nationality - 107.919
* Other nationality -152 citizens

Ethnicities of the Mongolian citizens with disabilities are as follow:

* Khalkh - 86.437
* Other ethnicity - 21.482.

Number and Family status of the persons with disabilities, who ate above 15 years old

* Never married - 32.806
* Married - 51.984
* Divorced - 4.839
* Widowed - 8.981

Within the married disabled population:

* Registered - 44.664
* Did not register the marriage - 7.320

Out of the divorced people with disabilities:

* Separated - 1.925
* Divorced - 2.914

Out of total 98.610 people with disabilities who are 15 years or older:

* 59 263 - religious
* 39 347 - non-religious

Out of the total 108.071 people with disabilities:

* 67.069 are living in the city, province center or towns
* 41 002 are living in rural areas such as sub-provinces.

Out of the total 98.610 people with disabilities, who are 15 years or older:

* 44.828were involved in migration, since their birth
* 55.782 people were not involved in migration, since their birth

Social and economic status of the people with disabilities:

There are 103.046 people with disabilities, who are 10 years and older.

Out of which:

* Educated- 80.388
* Uneducated - 22.658

Out of uneducated people with disabilities:

* Literate - 7.638
* Illiterate - 15.020

Employment

Number of the people with disabilities, 15 years and older is 98.610

Out of which:

* To be considered as workforce - 22.572
* To be considered as economically inactive population - 76.038

Out of people with disabilities, which can be considered as workforce:

* Employed- 19.657
* Unemployed - 2.915

Household status and livelihood of the persons with disabilities

There are total of 713.780 households in Mongolia, out of which

* Households without disabled family member – 620.415
* Households with 1 disabled family member - 82.417
* Households with 2 disabled family members - 9.841
* Households with 3 or more disabled family members - 1.107

Although there has been a certain progress in consolidating and coming up with specific figures as a result of the study by using certain indicators for the persons with disabilities during the 2010 population census, the study failed to include very important indicators such as poverty level of the persons with disabilities, their inclusiveness in the social welfare programs, additional or extra expenses incurred due to the disabilities that would have been significant factors for future policies and programs, designed for them.

Furthermore, it is doubtful that all the above-mentioned numbers on the persons with disabilities are accurate and correct. According to currently effective law, the methodology for defining people with disabilities is based on the medical model, in other words, the methodology to define the persons with disabilities by taking into consideration their infirmity of organism or organs and limits of mobility in relation to the loss of employability. For instance, the commission in charge of verifying employability in terms of medical aspects, used two categories for loss of employability, namely 50-69 percent and 70-100 percent of loss for the disable people, who are 15 years and older, who are considered within the labor-force age. However, for those persons with disabilities, who are under 15 or at the age of retirement, it is impossible to define the loss of employability thus there are a number of people within this group, who are probably not included the group/classification of disabled.

Therefore, it is doubtful that all the persons with disabilities were covered by the aforementioned study.

1. Please provide information in relation to the eligibility criteria used, in your country or context of work, for accessing mainstream and/or specific social protection programs with regard to persons with disabilities, including:

* Definition of disability and disability assessments used for eligibility determination;
* Consistency of the eligibility criteria among different social protection programmes;
* Use of income and/or poverty thresholds;
* Consideration of disability-related extra costs in means-tested thresholds.

**Answer 5**

The amendments to the Law on Social Protection of persons with disabilities included in 2013, define persons with disabilities as persons with physical, mental, intellectual and sensory impairments which in interaction with various barriers may hinder their full and effective participation in society.

Most of the social welfare related laws ad programs, which were mentioned within the scope of question 1, include the people, who lost their workability by 50 or more percent and according to the Law on Social welfare of the Persons with disabilities, some welfare services and benefits, namely Articles 5.1.1, 5.1.4, 5.1.9 of the said law, include only the persons with disabilities, who lost their workability by 70 or more percent.

Article 5.1.1 of the Law on Social welfare of the persons with disabilities specifies that “completely blind, deaf and dumb people, dwarves, the persons with disabilities, who lost workability completely and need permanent care and children, who need permanent care are entitled to monetary assistance.

The criteria among different social protection programs are consistent, but persons with disabilities face all kind of barriers as we mentioned under previous questions.

For example, in Mongolia the “National program to support Household development 2012-2015” aimed at reducing the poverty nationwide has being implemented. The main objective of this Program is:

To ensure continuous improvement of livelihood and development of households by way of delivering the package of services of education, health, psychology, social welfare, employment, financial and other based on the needs and initiatives of household members.

Coverage: Livelihood levels of the households are defined annually by the methodology, issued by the Poverty reduction program of Mongolia based on Millennium development goals, and households are covered by the Program in accordance with the household quota, provided by the Ministry of Population development and Social welfare. The indicators, used to identify the households, with regard to the persons with disabilities, are included in the Program as follow:

* The target groups of the Household development support program are defined as households or citizens that are in indispensable need for social welfare within the scope of the Law on Social welfare.

The households are identified according to the calculation research methodology that calculates the Income and survey questions are entered in the special software program SDMS-OOTA and this program sorts the data by the per capita consumption level and sort them starting from the lowest to the higher value. 99 variables of the following 12 groups are used in research to illustrate the specific features of livelihood of the population. These are:

1. Number of household members and composition of the household members: Number and age of family members
2. Disability: whether household has a disabled family member(*clarify through the verifying documents and identify type of disability)*
3. Specifics of the Head of families: age, sex and education level
4. Education: Level of education of each member of the household and number of educated members in the households etc.
5. Employment. Number of household members, which were employed during the last week, by sectors of employment
6. Dwelling conditions: Type of dwelling, indicators with regard to the roof, wall and floor of the dwelling
7. Services: source of water, sanitation facilities and heating
8. Durable goods: Household equipment and transportation means, refrigerator, television sets, vehicles etc.
9. Animal husbandry: number and type of livestock, number of livestock using the heads of large cattle
10. Land ownership: owned land and ownership type
11. Location of households: region
12. Social service provision and access: distance to school

The total of households are divided into 20 different levels and households at the 1-6 levels are covered by the Program.

Persons with disabilities are entitled to all social services including:

- Social insurance pension, subsidiary and social welfare pension

-Earmarked monetary subsidiary, assistance and allowances

-Special nursing services

-Employment support services

-Health services

- Education, culture, art services

Within the scope of this issue, the following indicators are used whether the persons with disabilities are covered or not.

1. Enrollment in schools and enrollment in re-education (if enrolled at school, enrolled on irregular basis, if not enrolled)
2. Status of receiving assistance and allowances (if receiving assistance and allowances fully, if receiving assistance and allowances not fully, if not receiving assistance and allowances at all/
3. Receiving the rehabilitation services (if receive rehabilitation services, /if receive rehabilitation services occasionally,/if do not receive rehabilitation services at all)

This assessment is made on households with disabled family members and as of 2014 the total of 3984 persons with disabilities are in those selected target group households.

Although we tried to aggregate the data by the total coverage, there were no aggregated or consolidated data for 2013 and the data of 2014 had some errors and it was not possible to disclose it to the public.

At the capital city level, there are 13.000 households, who are included in the Program in 2015, however, they did not identify how many of these households have disabled family members.

In order to promote household development, the assessment looks at the fulfillment of the following indicators:

Employment

Social welfare services

Education

Health

Psychological and other

The persons with disabilities are assessed by the following factors:

А. Enrollment in schools and enrollment in re-education

Б. Status of receiving assistance and allowances

В. Receiving the rehabilitation services

According to the interview with the district officer, in charge of this Program, the activities and measure taken within the scope of the Program would be fulfilled if the implementation of service provisions as stipulated in the laws is ensured. There is no budget allocated specifically for the Program. He said that it is necessary to allocate specific budget under the line psychological and other factors (employment, social welfare services, education and health issues can fall under the respected regular state budgets) and use this budget for building capacity and improving the knowledge of household members.

The data or information resulting from the targeted research on persons with disabilities is not available but it is considered that if members of those target households, who are included in the Program, are receiving the services, the implementation of the Program is sufficient.

Except for the aforementioned Program, there is no program aimed at supporting the livelihood of the persons with disabilities. The implementation of the Program can be regarded only as stimulating tool for the implementation of the related laws, and the Program does not include new or different activities than those specified in the laws with defined budget and plans.

Although the study to define the household livelihood level is able to define each household, the specific indicators that are used for identifying households with disabled family members are not sufficient.

Even the assessment and conclusions using the indicators are not relevant. There is no definition or guidance with regard to what kind of services need to be included in the rehabilitation.

As for education services, inclusive education system is not developed in Mongolia and therefore, it is not clear what kind of education services are provided for the persons with disabilities in the selected households.

Because the staff of the social welfare sector did not use to conduct specific census on household with disabled family members, there was no organization, who could provide this data.

The Program is not an efficient realistic program; it exists only in the paper, merely supporting the implementation of the law. The Program will end in 2015.

Authorities violating people with disabilities rights by not complying laws.According to the related laws, people with disabilities are entitled to receive some benefit, supports and services from the Social Welfare and the Social Insurance funds.But due to economic difficulties faced by the country level, central and local governments have started to cut the budget to disability welfare services and some services are no longer provided.

For example,According to article 38 of the law on social welfare, a person with disabilities who is not able to carry out daily chores independently, receives community based welfare service from the social welfare fund. Under this community based welfare services an individual with disabilities can receives medical, cultural, psychological, nursing services.But this year which is 2015 Ulaanbaatar city government has decided to stop this community based welfare services for persons with disabilities.

Also, according to article 9.3.7 of the law on social protection of people with disabilities,“the cost of publishing Braille and large print books for the blind and low vision people shall be provided by the social security fund”. But this year also local governments including Ulaanbaatar city government have refused to spend budget for this purposes. Local authorities say that they are cutting all budgets allocated to these community based social welfare services and Braille book producing activities.

Although there are laws, authorities do not comply them and violating people with disabilities right to receive social security, right to education and access to information.

Annex 1

Article 3 and 5 of the law on Social Protection of People with Disabilities

**Article 3**

The amendments to the Law on Social Protection of persons with disabilities included in 2013 define PWDs as persons with physical, mental, intellectual and sensory impairments which in interaction with various barriers may hinder their full and effective participation in society.

**Article 5. Welfare aid and allowances/discounts provided to persons with disability from the Social Welfare Fund**

5.1.The following types of welfare aid and allowances shall be provided to citizens as stated in Article 3 of this law:

5.1.1 Pecuniary aid to be granted to citizens who are totally blind, totally deaf and mute, dwarf, have completely lost the ability to work, and/orhave offspring, needing permanent care and assistance to pay homeand heating costs if they occupy unheated accommodation or a traditional ger dwelling; a once-a-year payment (presently of MNT 140,000, equal to US$7) is to be disbursed to disabled citizens who have lost the ability to workfor at least 70%).

*(This clause was legislatively modified on 15 January 2008 and further legislatively modified on 7 February 2013)*

5.1.2. Refund of 100% of the costsof a prosthesis produced in the home country for children with disabilitiesup to the age of 18, if the prosthesis use- period has expired or the prosthesis no longer physically fits.

*(This clause was legislatively modified on 15 January 2008 and 19 January 2012 and legislatively amended on 7 February 2013)*

5.1.3. Refund of 100% of the costsof a prosthesis produced in the home country fora person with disabilitywho is entitled to claim from the social insurance fund fordisability due to industrial accident or occupation for prosthesis and rehabilitation service, once every 3 years.

*(This clause was legislatively modified on 15 January 2008 and legislatively amended on7 February 2013)*

5.1.4. Refund of 100% of the costsof the purchase of any special appliance such as orthopedics and wheelchairs for children with a disability up to the age of 18 and a person with a disabilitywho is not entitled to claim from the social insurance fund for disability due to industrial accident or occupation for prosthesis and rehabilitation service, once every 3 years.

*(This clause was legislatively modified on 15 January 2008 and 19 January 2012 and legislatively amended on 7 February 2013)*

5.1.5. Provision of a one-time allowance/discount to children with a disability and their guardians for each way transportto kindergarten and school once per year (Presently of MNT 200.000, equal toUS$10) or provision of a bus service.

*(This clause was legislatively modified on 15 January 2008 and 19 January 2012 and was legislatively amended on 7 February 2013)*

5.1.6.The following persons in need of treatment and care in a domestic spa-resort or sanatorium shall be entitled to a refundfor one-way transport and the costs of the sanatorium at the following rate, once per year:

* 5.1.6a.100% refund for children with disabilities.
* 5.1.6b.50% refund for the caregiver of children as mentioned in clause 5.1.6a of this law.
* 5.1.6c.50% refund for a person with a disability who is not entitled to claim from the social insurance fund for disability due to industrial accident or occupation.

*(This clause was legislatively modified on7 February 2013)*

5.1.7.Children with disabilities shall have access without queueingto use domestic spa-resorts and sanatorium services.

*(This clause was legislatively added on 7 February 2013)*

5.1.8.Give discounts/allowances for the costs of kindergarten meals toa child with a disability or one child of a person with a disability, who has completely lost the ability to work.

*(This clause was legislatively modified on 15 January 2008, and clause numbering was legislatively amended on 7 February 2013)*

5.1.9.Give an allowance(presently MNT 20.000 per month, equal to US$1) for telecommunication costs of totally blind citizensolder than age 18.

*(This clause was legislatively modified on 15 January 2008, and clause numbering was legislatively amended on 7 February 2013)*

5.1.10.If a child or adult with a disabilitywho lives permanently 1000km or morefrom the capital city comes to the capital city for diagnosis and treatment as recommended by a provincial professional physician commission, refund the cost of one-way transport once a year.

*(This clause was legislatively added on 15 January 2008, and clause numbering was legislatively amended on 7 February 2013)*

5.1.11.Allow a blind person to send domestic letters and postcards and parcels weighing up to 10 kg addressed in Braille free of charge, and deliver devices, equipment and materials for the blind domestically free of charge.

*(This clause was legislatively added on 15 January 2008, and clause numbering was legislatively amended on 7 February 2013)*

5.1.12. If a blind person needs to travel between a province to the capital for medical treatment and care at a spa-resort as formally recommended by a professional agency, refund 75% of the return transport cost, once per year.

*(This clause was legislatively added on 15 January 2008, and clause numbering was legislatively amended on 7 February 2013)*

5.1.13. If a child with disabilitygoes to a children’s summer camp, refund 50% of the costsonce per year.

*(This clause was legislatively added on 15 January 2008, and clause numbering was legislatively amended on 7 February 2013)*

5.1.14. If a single person or child with a disability whopasses away without being entitled to death/funeral allowances under social insurance legislation, disburse a cash allowance from the social welfare fund, which equalsup to 75% of any death/funeral allowance paid by the social insurance fund to coverfuneral costs.

*(This clause was legislatively added on 15 January 2008 andlegislatively amended on 19 January 2012; clause numbering was legislatively amended on 7 February 2013)*

5.1.15.If a person with a disability competes in the Olympic Games or continental/world championships and wins gold, silver or bronze, provide him/her a one-time cash disbursement equal to his or her pension multiplied by the interval period of the respected championship.

*(This clause was legislatively added on 19 January 2012, and clause numbering was legislatively amended on 7 February 2013)*

5.1.16. Pay the costs of rehabilitation services for children with disabilities.

*(This clause was legislatively added on 7 February 2013)*

5.1.17.If a child with a disability needs aqua treatment as recommended by a physician, refund 70% of the treatment costs.

*(This clause was legislatively added on 7 February 2013)*

5.2.Those defined in Article 3 of this law shall be entitled to use free of charge all public transport (excluding taxis) in the capital and provincial centers, regardless of domicile.

[*(This section was legislatively amended on 15 January 2008)*](file:///C:/Users/AppData/Nemelt/2008/08-ne-06.doc)

5.3. Trade, transport, communications, health - and public service providers shallgive service priority and privilegesto personswith disabilities.

5.4. The government shall approve the regulationdefining the amount and disbursement rules of aid and allowances as defined in Provision 5.1 of this law.

5.5.Those defined in Article 3 of this law may be provided with care or community-based care services under the Social Welfare Law.

5.6.The government shall include in the year’s government budget funding for the purchase of gers and allowances for improving housing conditions for the homeless, totally blind, totally mute and deaf, dwarf persons and those with disability needing permanent care and who have totally lost the ability to work.

*(This section was legislatively amended on 15 January 2008)*