

Mongolia

Mid-term Implementation Assessment



*Promoting and strengthening
the Universal Periodic Review*
<http://www.upr-info.org>



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 21 May 2013



Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/mongolia>

We invite the reader to consult that webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

13 stakeholders' reports were submitted for the UPR. 24 NGOs were contacted. 2 UN agencies were contacted. The Permanent Mission to the UN was contacted. The National Human Rights Institution (NHRI) was contacted as well.

More than 11 NGOs responded to our enquiry (through a numerous coalition). 1 UN agency responded. The State under Review did not respond to our enquiry. The NHRI compiled the information available in this document.

The following stakeholders took part in the report:

1. **NHRI:** (1) National Human Rights Commission of Mongolia (NHRCM)
2. **UN Agency:** (1) United Nations High Commissioner for Refugees (UNHCR)
3. **NGOs:** (1) Global Initiative to End All Corporal Punishment of Children (GIEACPC) (2) Human Security Policy Studies Centre (HSPSC) (3) Mongolia LGBT Centre (MLGBTC) (4) Mongolian NGO Forum (MNGOF) (5) Oyu Tolgoi Watch (OTW) (6) World Coalition Against the Death Penalty (WCADP) (7) Zorig Foundation (ZF)

IRI: 43 recommendations are not implemented, 48 recommendations are partially implemented, and 26 recommendations are fully implemented. No answer was received for 13 out of 133 recommendations and voluntary pledges (full list of unanswered recommendations is available at the end of this document).



2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
1	Enforced disappearances,International instruments	page 15	not impl.
2	International instruments,Torture and other CID treatment	page 16	partially impl.
3	International instruments,Torture and other CID treatment	page 16	not impl.
4	Enforced disappearances,International instruments,Torture and other CID treatment	page 16	not impl.
5	ESC rights - general,International instruments	page 17	fully impl.
6	Enforced disappearances,International instruments	page 15	not impl.
7	Death penalty,International instruments	page 17	fully impl.
8	Death penalty,International instruments	page 17	fully impl.
9	Death penalty,International instruments	page 17	fully impl.
10	Death penalty,International instruments	page 17	fully impl.
11	Death penalty,International instruments	page 17	partially impl.
12	Death penalty,International instruments	page 18	partially impl.
13	Death penalty,International instruments	page 18	partially impl.
14	Death penalty,International instruments	page 18	partially impl.
15	Death penalty,International instruments	page 17	fully impl.
16	Human rights education and training	page 7	partially impl.
17	International instruments,Rights of the Child,Torture and other CID treatment	page 31	partially impl.
18	Civil society,Freedom of association and peaceful assembly,Freedom of the press,Human rights defenders,Justice,Women's rights	page 21	partially impl.
19	Sexual Orientation and Gender Identity	page 27	not impl.
20	International instruments,Torture and other CID treatment	page 21	not impl.
21	International instruments,Torture and other CID treatment	page 21	not impl.
22	International instruments,Torture and other CID treatment	page 22	not impl.
23	International instruments,Torture and other CID treatment	page 22	not impl.
24	International instruments,Torture and other CID treatment	page 22	not impl.
25	Trafficking	page 23	fully impl.
26	Trafficking	page 23	fully impl.
27	Trafficking	page 23	fully impl.
28	Rights of the Child	page 31	fully impl.
29	Rights of the Child	page 32	fully impl.
31	National plan of action	page 43	not impl.
32	Poverty	page 7	partially impl.
33	Development,Poverty	page 8	partially impl.
34	Corruption	page 23	not impl.
36	Other	page 24	partially impl.
37	Civil society,Minorities,UPR process	page 43	partially impl.
38	Civil society,National plan of action	page 45	partially impl.



rec. n°	Issue	page	IRI
40	Disabilities,Women's rights	page 8	fully impl.
41	Treaty bodies	page 18	partially impl.
42	Treaty bodies	page 19	fully impl.
43	Treaty bodies	page 19	fully impl.
44	Treaty bodies	page 19	fully impl.
45	Rights of the Child,Special procedures,Women's rights	page 19	not impl.
46	General	page 45	partially impl.
47	Women's rights	page 32	partially impl.
48	Women's rights	page 33	partially impl.
49	Rights of the Child,Women's rights	page 33	partially impl.
50	Women's rights	page 34	partially impl.
51	Women's rights	page 34	partially impl.
52	Women's rights	page 34	fully impl.
53	Women's rights	page 35	partially impl.
56	Rights of the Child,Women's rights	page 35	partially impl.
57	Rights of the Child,Women's rights	page 36	not impl.
58	Sexual Orientation and Gender Identity	page 29	not impl.
59	Human rights education and training,Sexual Orientation and Gender Identity	page 29	not impl.
60	Sexual Orientation and Gender Identity	page 30	not impl.
61	Disabilities,Rights of the Child,Women's rights	page 9	partially impl.
62	Disabilities,Human rights education and training	page 13	partially impl.
63	Disabilities,Right to education	page 13	not impl.
64	Right to education	page 9	not impl.
65	Death penalty,International instruments	page 19	fully impl.
66	Death penalty,International instruments	page 17	fully impl.
67	Death penalty	page 19	fully impl.
68	Death penalty	page 19	not impl.
69	Death penalty	page 19	not impl.
70	Death penalty	page 20	not impl.
71	Death penalty	page 20	not impl.
72	Death penalty	page 20	not impl.
73	Impunity,Torture and other CID treatment	page 24	partially impl.
75	Human rights education and training	page 9	-
76	Rights of the Child,Women's rights	page 37	partially impl.
77	Women's rights	page 37	not impl.
78	Rights of the Child,Women's rights	page 37	partially impl.
79	Women's rights	page 37	not impl.
80	Women's rights	page 38	fully impl.
81	Detention conditions	page 24	partially impl.
82	Trafficking	page 25	partially impl.
83	Rights of the Child,Trafficking,Women's rights	page 38	not impl.
84	International instruments,Trafficking,Treaty bodies	page 38	not impl.



rec. n°	Issue	page	IRI
85	Trafficking	page 25	partially impl.
86	Trafficking	page 25	partially impl.
87	Human rights education and training, Trafficking	page 26	not impl.
88	Trafficking	page 26	fully impl.
89	Trafficking	page 26	fully impl.
90	Rights of the Child, Women's rights	page 39	not impl.
91	Rights of the Child, Women's rights	page 39	not impl.
92	Rights of the Child	page 40	partially impl.
93	Rights of the Child	page 40	partially impl.
94	Labour, Rights of the Child	page 40	not impl.
95	Labour, Rights of the Child	page 41	not impl.
96	Impunity, Rights of the Child, Trafficking, Women's rights	page 41	partially impl.
97	Human rights violations by state agents	page 26	partially impl.
98	Sexual Orientation and Gender Identity	page 30	not impl.
99	Impunity, Torture and other CID treatment	page 26	not impl.
100	Freedom of religion and belief	page 7	-
101	Freedom of association and peaceful assembly, Freedom of opinion and expression, Sexual Orientation and Gender Identity	page 30	fully impl.
102	Disabilities, Elections	page 13	partially impl.
103	Detention conditions, Disabilities, Elections	page 13	partially impl.
104	Women's rights	page 41	partially impl.
105	Poverty, Right to food	page 9	partially impl.
106	Right to food, Right to health	page 10	not impl.
107	Right to education, Right to health, Right to housing, Right to water	page 10	partially impl.
108	General	page 10	partially impl.
110	Environment	page 10	partially impl.
111	Environment, National plan of action	page 11	fully impl.
112	Right to education, Right to health	page 11	not impl.
113	Right to education	page 11	partially impl.
114	Human rights education and training	page 11	fully impl.
115	Indigenous peoples	page 13	partially impl.
116	Development	page 12	partially impl.
119	Rights of the Child, Technical assistance	page 42	-
122	Asylum-seekers - refugees, International instruments	page 20	not impl.
123	Indigenous peoples, Right to water	page 12	not impl.
124	CP rights - general, International instruments, Racial discrimination, Torture and other CID treatment, Women's rights	page 20	not impl.
125	HIV - Aids	page 12	not impl.
126	NHRI, Women's rights	page 42	partially impl.
127	Women's rights	page 43	partially impl.
128	Human rights violations by state agents, Sexual Orientation and Gender Identity	page 30	not impl.
129	Other	page 27	partially impl.
130	Death penalty	page 27	not impl.



3. Feedbacks on recommendations

CP Rights

Recommendation n°100: *Establish clear national guidelines that allow all faiths equal access to registration* (Recommended by *United States*)

IRI: -

Mongolian NGO Forum (MNGOF) response:

[...] There is no information available how many NGOs were rejected for their faith.

ESC Rights

Recommendation n°16: *Intensify its effort to harmonize national legislation with international standards, including by providing more training for judicial and law enforcement officials with a view to ensuring more effective application of international standards* (Recommended by *Malaysia*)

IRI: *partially implemented*

MNGOF response:

1/ The prosecutors and judges were provided with some training under the purpose of effective use of international norms and application of the Constitutional provisions in accordance with the international standards. However the content and curriculum of the training is not clear and was not done any evaluation for how effective the trainings were.

2/ Based on the information provided from the Ministry of Justice, there is no systematic planning in the policy documents. The General Prosecutors Office (GPO) has organized and planned trainings directly responding to the recommendations. We are expecting to receive more detailed information on the schedules, capacity of the trainers and budget for GPO's training.

Recommendation n°32: *Channel its efforts into implementing poverty-alleviation strategies, particularly in suburban and rural areas* (Recommended by *Indonesia*)

IRI: *partially implemented*

Oyu Tolgoi Watch (OTW) response:

The planning language of the Cabinet UPR Plan is very vague, e.g. expressed in an "intent" or "step up effort" type language. Ministry level planning is framed broad enough to allow any related work to be reported under this category. In reality, more threats coming in the form of a draft land acquisition law, which legalizes "forced eviction" from land. The draft law does envision compensation not legislated before



but in form of small cash amount without ensuring sustainability of relocated people. Rural poor include nomadic herders whose pastures are most affected now and will be at even greater risk with the expansion of large mines going into full operations soon.

RECOMMENDATION: Ensure that the separate UPR implementation plan includes specific measures aimed at implementing the recommendations such as: legislation, enforcement and implementation mechanisms as well as required budget for UPR process to become a meaningful tool for protecting human rights.

MNGOF response:

The concept of the recommendation has been fully reflected in the Government Action Plan. However the Ministry of Industry and Agriculture has reflected in more general terms in their implementation plan which does not provide concrete guidance. No information was available from other Ministries.

Recommendation n^o33: *Continue to push forward its human rights cause in the light of its national conditions, especially by giving priority to economic development, poverty alleviation and protection of the rights of vulnerable groups* (Recommended by China)

IRI: *partially implemented*

OTW response:

Planning documents of governmental agencies responsible for the poor, vulnerable population and economic rights have not changed in terms of incorporating the human rights aspect or specific UPR recommendation. Planning documents of majority of government ministries and agencies display "business as usual" plans. Team #2 has not been able to get hold of and evaluate the budget amounts made available for implementation of UPR recommendations.

RECOMMENDATION: At the ministry and agency level there needs to be more training in human rights approach to planning and implementing public service. UPR follow up programme could consider putting more funds towards training on public service, especially in post-communist societies, to understanding human rights.

MNGOF response:

The concept of the recommendation has been fully reflected in the Government Action Plan. However the Ministry of Industry and Agriculture has reflected in more general terms in their implementation plan which does not provide concrete guidance. No information was available from other Ministries.

Recommendation n^o40: *Undertake special measures concerning employment, social welfare and protection of the rights of vulnerable groups, in particular women and persons with disabilities* (Recommended by Iran)

IRI: *fully implemented*

National Human Rights Commission of Mongolia (NHRCM) response:

The Law on Social Welfare was revised in 2012 and is now in effect. The basic concept of the social welfare system, which is designated for vulnerable groups, remains the same in the revised law and amendments were only made to criteria and conditions under the social welfare coverage.



The Parliament passed the revised Law on Social Welfare, Law on Social Protection for Elders and amendment of Law on Social Protection for People with Disabilities in January 2012. In relation to implementing these laws, six resolutions of the Government, 14 resolutions of the Minister of Social Protection and Labour and the Minister of Population Development and Social Protection, three joint-resolutions of the Minister of Social Protection and Labour and Ministers of other relevant Ministries, and three resolutions of the Director of General Office for Social Welfare Services, which covers a total of 24 rules and regulations, were respectively adopted.

MNGOF response:

The Government policy for supporting the employment of the disabled people needs to be evaluated from the human rights approach.

Recommendation n°61: *Support the efforts to promote and protect the rights of vulnerable groups such as children, women, disabled persons and the elderly* (Recommended by *Cuba*)

IRI: *partially implemented*

NHRCM response:

[See response to recommendation n° 40]

MNGOF response:

1/ The Government policy for supporting the employment of the Disabled people needs to be evaluated from the human rights approach.

2/ There is great shortage in budget in strengthening the Child Protection Mechanism and in implementation of programmes and strategies for creating child development friendly environment. But the large amount of money is allocated to small amount cash distribution to each child.

Recommendation n°64: *Design and implement educational programmes promoting greater inclusiveness in classrooms* (Recommended by *United States*)

IRI: *not implemented*

MNGOF response:

The Government needs to have policy on inclusive education. The issue is not being taken seriously. There is certain standards at the higher education institutes which is never implemented.

Recommendation n°75: *Apply mandatory training of police in the appropriate use of force* (Recommended by *Canada*)

IRI: -

MNGOF response:

More information is inquired from the Ministry of Justice, General Prosecutors Office and General Police department.

Recommendation n°105: *Continue its efforts to reduce poverty and food insecurity* (Recommended by *Azerbaijan*)

IRI: *partially implemented*



MNGOF response:

There have been adopted 2 laws on the food security and right to food. Also 2 laboratories were established. However it is still not adequate for testing food products in the rural areas, suburban districts. No information available about the policy on the vulnerable groups.

Recommendation n^o106: *Strengthen efforts to combat malnutrition and diseases such as tuberculosis* (Recommended by *Bangladesh*)

IRI: *not implemented*

MNGOF response:

No measures were planned or taken to increase economic capacity of the vulnerable communities in the suburbs and rural areas.

Recommendation n^o107: *Ensure access to health care, adequate housing, education and safe drinking water and sanitation for all, especially people living in "ger" districts* (Recommended by *Slovenia*)

IRI: *partially implemented*

MNGOF response:

The Government has reflected promotion of the right to clean water for vulnerable groups.

Recommendation n^o108: *Continue taking appropriate measures to provide a healthy and safe environment for its citizens* (Recommended by *Pakistan*)

IRI: *partially implemented*

OTW response:

While the government will report that it has legislated a package of 10 environmental laws in April 2012 it still has not produced the procedures for their implementation due to lack of cooperation between the Ministry of Environment with the ministries responsible for health and social impact areas of development or human activity.

RECOMMENDATION: Ensure that the new package of environmental laws and procedures for their implementation have adequate enforcement mechanisms, introduce international standards as well as sufficient budget to be effective.

MNGOF response:

The new legislation on the right to healthy and safe environment has been adopted. The action plan for implementation was adopted.

Recommendation n^o110: *Step up efforts to improve and conserve the environment, including by strengthening the relevant laws and providing the public with the necessary information, education and awareness regarding the impacts of environmental pollution and degradation* (Recommended by *Malaysia*)

IRI: *partially implemented*

OTW response:

The package of new environmental laws include progressive language and intent to legislate "polluter pays", claiming ecological damage. However, the methodologies used to establish damage are not conducive to implementation and tangible outcome on the environment.



MNGOF response:

There was adopted a new package law on the Environment in 2012 in order to improve legal environment for Environmental Protection. Implementation plan was developed. No efforts were observed to provide public with necessary information on the impact of environmental pollution and degradation. The year 2013 was announced as "Year of Environment Education" by the Government and planned concrete activities and we are seeking the budget information of this plan to be able to evaluate the potential implementation.

Recommendation n^o111: *Take further appropriate measures, including the adoption of a national plan of action to tackle challenges resulting from global warming or climate change and adverse human activities, in particular with regard to sanitary systems* (Recommended by Iran)

IRI: *fully implemented*

MNGOF response:

According to the recommendation, the National Programme on Climate Change was developed and adopted with establishment of special unit for implementation. The action plan for the unit is developed.

Recommendation n^o112: *Apply programmes and means to improve the enjoyment of the right to education and the right to health* (Recommended by Cuba)

IRI: *not implemented*

MNGOF response:

There were no concrete actions reflected in the Action Plan on implementing the recommendations regarding right to education and right to health. Further inquiry to related authorities on the progress was submitted.

Recommendation n^o113: *Take additional measures to fight against dropping out of school, particularly among boys* (Recommended by Algeria)

IRI: *partially implemented*

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Recommendation n^o114: *Intensify its efforts to reinforce the human rights issue in school curricula* (Recommended by Turkey)

IRI: *fully implemented*

NHRCM response:

The Government of Mongolia has been implementing the National Programme of Action for the Development and Protection of Children from 2002-2010, and the Strategy Plan for Strengthening the Protection of Children from 2011-2016.

As of 2011-2012 curriculum year, 12 025 pupils were educated within the education recovery programme. 1 545 out of 12 025 pupils graduated 9th grade and were certified with basic education. 1 194 out of 12 025 pupils graduated 11th grade and were certified with secondary education. In addition, 9 000 people including 120 children studying in Buddhist temples and 78 children living in isolated baghs were involved in the literacy recovery programme for elementary, intermediate, and advanced level education. 1.2 billion Tugrug has been allocated in the budget for the 2013 curriculum year towards the education recovery programme.



The number of school drop outs is gradually decreasing; dropping from 706 between 2009-2010, to 543 between 2010-2011, and to 502 between 2011-2012.

MNGOF response:

no information was available

Recommendation n^o116: *Continue the strategies and the plans for the social and economic development of the country* (Recommended by Cuba)

IRI: *partially implemented*

MNGOF response:

There is no specific actions reflected in the Action Plan. However there is national Strategy document on Economic development of the country developed by National Reform Committee.

Recommendation n^o123: *Mandate the Constitutional Court to act upon violations of the individual rights and freedoms guaranteed under the Constitution. This possibility should also help to remedy violations of the land and environmental rights of indigenous and herder peoples, including the right to safe drinking water* (Recommended by Hungary)

IRI: *not implemented*

OTW response:

This recommendation was rejected with an explanation that the mandate of the CC is outside the authority of the executive government thus losing its second part related to the protection of indigenous and herder peoples' rights.

RECOMMENDATION: It is important to impress upon government that the protection of herders' right to adequate pasture will have the following positive impact:

- a) protection of remaining 20% of total population from falling into poverty;
- b) protection of livestock and light industry sectors from failure as the nomadic herders ARE the livestock sector and main producers of raw materials for the light industry;
- c) protection of ancient Mongol nomad culture from extinction.

Recommendation n^o125: *Adopt quick and effective measures, as well as necessary legislation, in order to explicitly prohibit, prevent, punish and abolish discrimination on any grounds, including on the basis of HIV-AIDS status* (Recommended by Mexico)

IRI: *not implemented*

MNGOF response:

The Anti-discrimination legislation needs to be adopted urgently.

Minorities

Recommendation n°62: *Increase awareness regarding disability rights, and make all appropriate accommodations for disabled voters* (Recommended by *United States*)

IRI: *partially implemented*

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Recommendation n°102: *Introduce appropriate measures necessary to allow persons with disabilities to exercise their right to vote* (Recommended by *Slovakia*)

IRI: *partially implemented*

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Recommendation n°103: *Take effective measures to ensure that persons with disabilities and detained persons can exercise their right to vote* (Recommended by *Iran*)

IRI: *partially implemented*

MNGOF response:

As a result of the advocacy work by NGOs the number of disabled voters has increased. It's commendable that the Government is carrying out the campaign on the accessible environment together with NGOs and citizens. There challenges for disabled people during the election are:

1. Unequal access to information due to their disability
2. Voting stations do not meet standard for disabled people
3. There is no possibility for secret voting for people with vision disability
4. There is no equal opportunity for disabled candidates compared to other candidates. Therefore, they need to have special quota.

Recommendation n°63: *Design and implement educational programmes for the gradual inclusion of students with disabilities in the education system* (Recommended by *Slovenia*)

IRI: *not implemented*

MNGOF response:

The Government needs to have policy on inclusive education. The issue is not being taken seriously. There is certain standards at the higher education institutes which is never implemented.

Recommendation n°115: *Provide adequate minority protection for indigenous and tribal groups* (Recommended by *Slovenia*)

IRI: *partially implemented*

OTW response:

Mongolian nomadic herders are not recognized as "mobile pastoralists" who need special protection from loss of pastures as main means of livelihoods. While Mongol nomads are "first nation" which roamed this land before modern Republic of Mongolia was established they do not enjoy the right to their pastures. Because nomads are ethnically are part of mainstream Mongol society they are excluded from protection under international "indigenous" instruments and principles. Majority or urban homeless are former nomadic herders who lost all animals due to loss of pastures to mining, infrastructure development and resulting environmental degradation.

NHRCM response:

The Commission has included recommendations for ensuring the rights of national minorities namely the Tuva and Kazakh peoples in its status report for 2011. The recommendations including to develop and implement policies that address their social issues immediately; provide them with livelihood opportunities; establish external monitoring and evaluation on the implementation of programs and projects managed by the State with involvement of representatives of national minority groups; ensure the implementation of the right to health; implement reducing poverty project programs; undertake an accurate study of their civil registration; and introduce and implement changes to policies providing education to national minority children and ensuring the implementation of the right to communicate, read and obtain information in one's native language. During that time, the Ministry of Education, Culture and Science commenced a translation of textbooks for Kazakh children from 2008 in line with the 12 year secondary school system. For example, some textbooks for elementary grades were translated from Mongolian to Kazakh language.

Moreover, the Governor's Office of Bayan-Ulgii aimag undertook and analysed a survey on the curriculum content of Kazakh schools and introduced a project proposal to the Ministry of Education, Culture and Science, on the Bayan-Ulgii aimag policy of textbooks within the project framework of "Curriculum content of Kazakh schools". The above information was included in the status report for 2010. Furthermore, the Ministry of Education and Science has published some 12 year school textbooks such as Mathematic II, III, Human environment I, III, Art and Technology II, III, and Music II, III in the Kazakh language.

Regrettably there has not been any work undertaken with regards to the implementation of the Tuva language program, and translation and publication of textbooks in Tuva language from Mongolian.

Finally, it is commendable that the Government is implementing the program "Invigorating Reindeer Farms and Improving the Livelihood of Tsaatan People" as the Tsaatan people earn their livelihood by herding reindeers. However, there was no information received with regard to implementation of their right to social welfare, and the right to education of Tsaatan children.

Currently, there is insufficient representation of minority groups in local self-governing and administrative bodies. There is an urgent need to take specific measures by the State to involve local representatives from national minority groups, for example, in local self-governing bodies of Tsagaannuur soum of Khuvsgul province and some soums of Bayan-Ulgii province. In addition, the Government should address breaches to the right to a fair trial, specifically in criminal procedure due to insufficient access to laws and legislations in national minority languages. Examples of two cases involving violations of the rights of national minorities are as follows:

Over the last few years, a group of criminals illegally used the personal registration information of Kazakh Mongolian people residing in the Bayan-Ulgii province, to



produce fake Kazakhstan documents, which had the effect of excluding the victims from their Mongolian citizenship, and allowing the criminals to claim allowances from the Republic of Kazakhstan, by purporting that they are citizens of Republic of Kazakhstan.

Therefore, it is necessary to urgently restore the rights of these Kazakh people who now have no access to social welfare in Mongolia due to the frauds committed against them. It is advised that the Government of Mongolia work together with relevant authorities of the Republic of Kazakhstan in order to redress damage occurred to these individuals.

Unfortunately, the citizenship registration databases and information archives of some national minorities living in isolated areas have been destroyed. They are now facing difficulties claiming their rights to social welfare including social service and pension benefits due to the loss of key documents. For example, a school of Tsagaannuur soum of Khuvsgul province was burnt down in 2000 and all documents and archive materials of the Tuva citizens were destroyed. Unfortunately, the relevant ministries and agencies have not taken any action to address this situation, despite the fact that they were informed about this case several times.

MNGOF response:

1/ The translation of the recommendation is not fully incorporates the concept of indigenous groups. The traditional herdsman community who produce strategically important food product should be considered as the indigenous groups and protection policy needs to be included. Since translation has missed the indigenous groups, the Action plan does not cover their issues.

2/ Some efforts were observed such as protection of reindeers and administrative support to the local secondary school of the tsaatan (reindeer people) tribes. But no further information is available on the improvement of human rights situation.

International Instruments

Recommendation n°1: *Ratify, at the earliest possible date, the International Convention for the Protection of All Persons from Enforced Disappearance* (Recommended by France)

IRI: *not implemented*

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Recommendation n°6: *Become party to the International Convention for the Protection of All Persons from Enforced Disappearance* (Recommended by Argentina)

IRI: *not implemented*

MNGOF response:

There has been no concrete measures (policy development, planning or budgeting) taken for ratifying the International Convention for the Protection of All Persons from Forced Disappearance.



Recommendation n°2: *Favourably consider the possibility of the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Recommended by Mexico)*

IRI: *partially implemented*

NHRCM response:

In order to assist the Government in implementing the recommendation, the Commission has re-submitted the draft law on ratifying OPCAT and has submitted a proposed amendment to the Law on National Human Rights Commission of Mongolia, to the Minister of Justice in January 2013.

The Commission believes that the initial steps to implement the recommendations of the UN Human Rights Committee, Human Rights Council and the Committee against Torture have now been taken, given that the Ministry of Justice plans to submit the draft law on the ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment to the session of the Government, which is reflected in its 2013 work plan.

MNGOF response:

Although the issue is being studied, there is no specific draft law on the ratification of OPCAT and there is no decision on when it is going to be tabled to Parliament.

Recommendation n°3: *Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and introduce effective mechanisms for monitoring the actions of law enforcement officials (Recommended by New Zealand)*

IRI: *not implemented*

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Recommendation n°4: *Ratify the Optional Protocol to the Convention against Torture, and the International Convention for the Protection of All Persons from Enforced Disappearance, and make the declaration provided for in article 22 of the Convention against Torture (Recommended by Spain)*

IRI: *not implemented*

NHRCM response:

In order to assist the Government in implementing the recommendation, the Commission has re-submitted the draft law on ratifying OPCAT and has submitted a proposed amendment to the Law on National Human Rights Commission of Mongolia, to the Minister of Justice in January 2013.

The Commission believes that the initial steps to implement the recommendations of the UN Human Rights Committee, Human Rights Council and the Committee against Torture have now been taken, given that the Ministry of Justice plans to submit the draft law on the ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment to the session of the Government, which is reflected in its 2013 work plan.

MNGOF response:

There is no draft law on ratification of OPCAT and it is unclear whether there is any specific policy documents on establishing the effective mechanism for monitoring actions of law enforcement officials

Recommendation n°5: *Become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights* (Recommended by Argentina)

IRI: *fully implemented*

MNGOF response:

Mongolia has signed the OP to ICESCR in 2009 and accessed in July 2010.

Recommendation n°7: *Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights* (Recommended by Brazil)

IRI: *fully implemented*

+

Recommendation n°8: *Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights* (Recommended by Spain)

IRI: *fully implemented*

+

Recommendation n°9: *Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty* (Recommended by Sweden)

IRI: *fully implemented*

+

Recommendation n°10: *Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty* (Recommended by Portugal)

IRI: *fully implemented*

+

Recommendation n°15: *Swiftly accede to the Second Optional Protocol of the International Covenant on Civil and Political Rights* (Recommended by Switzerland)

IRI: *fully implemented*

+

Recommendation n°66: *Continue to adopt measures with a view to abolishing the death penalty, in particular to ratify the second Optional Protocol to the International Covenant on Civil and Political Rights* (Recommended by Argentina)

IRI: *fully implemented*

World Coalition Against the Death Penalty (WCADP) response:

Mongolia officially acceded to the Protocol on 13 March 2012.

MNGOF response:

It is commendable that Mongolia has ratified the 2nd OP to ICCPR

Recommendation n°11: *Ratify relevant international instruments, including the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and take the necessary steps to remove the death penalty from Mongolia's justice system* (Recommended by Australia)

IRI: *partially implemented*



+

Recommendation n°12: *Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and render its legal practices consistent therewith* (Recommended by Canada)

IRI: *partially implemented*

+

Recommendation n°13: *Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and amend its Criminal Code with a view to abolish the capital punishment entirely* (Recommended by Slovakia)

IRI: *partially implemented*

+

Recommendation n°14: *Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, and consequently amend its national legislation, in particular the Criminal Code* (Recommended by Italy)

IRI: *partially implemented*NHRCM response:

On 5 January 2012 the Parliament passed a law ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights ('ICCPR-OP'). Through the ratification of the Second Optional Protocol, Mongolia is obliged to abolish the death penalty. However, up to date, the death penalty still exists in the Criminal Code of Mongolia. According to the present Criminal Code, a judge may sentence a person to the death penalty. However, in practice, the death penalty has been replaced with an alternative sentence through the President's mercy.

After ratifying an international instrument, a State should take necessary measures to amend national laws to reflect the ratified international instrument. Unfortunately Parliament has not fulfilled its obligations in this regard, and the Second Optional Protocol and Criminal Code remain inconsistent with each other.

WCADP response:

Mongolia officially acceded to the Protocol but has not yet amended its national legislation to abolish the death penalty in law.

MNGOF response:

It is commendable that the death penalty provisions were eliminated from the newly drafted Law on Crimes/Criminal Code. However there needs to be more amendments to be done to other core laws such as the Constitution and Criminal Procedure Code etc in order to fully guarantee the abolishment of the death penalty.

Recommendation n°41: *Demonstrate improvements in submitting its reports in a regular manner to the treaty bodies, particularly for the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, reports under which have been overdue since 2003* (Recommended by France)

IRI: *partially implemented*

+



Recommendation n°42: *Finalize and submit the treaty body periodic reports as a matter of priority* (Recommended by *Australia*)

IRI: *fully implemented*

+

Recommendation n°43: *Submit overdue reports to the United Nations treaty bodies as a matter of priority* (Recommended by *Norway*)

IRI: *fully implemented*

+

Recommendation n°44: *Report regularly to all human rights treaty bodies* (Recommended by *Slovenia*)

IRI: *fully implemented*

MNGOF response:

No specific measures were included in the Action Plan. However delayed reports have been submitted. More information needed to evaluate the quality of the reports based on the who is preparing the report and how it is reviewed.

Recommendation n°45: *Extend an invitation to the Special Rapporteur on trafficking in persons, especially women and children* (Recommended by *New Zealand*)

IRI: *not implemented*

NHRCM response:

Mongolia has ratified the UN Convention against Transnational Organized Crime Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and Parliament has subsequently passed the Law on Combating Trafficking in Persons on 19 January 2012, which aims to identify the causes of human trafficking, and to protect the victims.

Human Security Policy Studies Centre (HSPSC) response:

The work is only on paper in the planning phase.

Recommendation n°65: *Continue its efforts with a view to definitely abolishing the death penalty, and adhere to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty* (Recommended by *France*)

IRI: *fully implemented*

+

Recommendation n°67: *Maintain its moratorium on the use of the death penalty with a view to eventually abolishing it* (Recommended by *Germany*)

IRI: *fully implemented*

+

Recommendation n°68: *Follow up on the positive development - the moratorium on the death penalty - by removing capital punishment from legislation* (Recommended by *Norway*)

IRI: *not implemented*

+

Recommendation n°69: *Adopt and implement, as soon as possible, the new legislation on the abolition of the death penalty* (Recommended by *Switzerland*)

IRI: *not implemented*

+



Recommendation n°70: *Amend existing provisions in the Criminal Code with the aim of introducing a complete abolition of the death penalty* (Recommended by United Kingdom)

IRI: *not implemented*

+

Recommendation n°71: *Amend its legislation in order to abolish the death penalty* (Recommended by New Zealand)

IRI: *not implemented*

+

Recommendation n°72: *Ensure that the de facto moratorium declared by the President of Mongolia in January 2010 is incorporated into legislation with a view to completely abolishing the death penalty* (Recommended by Spain)

IRI: *not implemented*

WCADP response:

Mongolia officially acceded to the [2nd] Protocol [to ICCPR] but has not yet amended its national legislation to abolish the death penalty in law.

MNGOF response:

[Mongolia] ratified the 2nd OP to ICCPR and new Law on Crimes which abolishes death penalty [and is] in the process of drafting and review

Recommendation n°122: *Accede to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto* (Recommended by Norway)

IRI: *not implemented*

United Nations High Commissioner for Refugees (UNHCR) response:

Although Mongolia is not a party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, the Government of Mongolia has, in general, respected the non-refoulement principle as part of international customary law of, and has made continued commitments to ensure the right to asylum for asylum seekers and refugees in its territory. In the absence of an asylum system administered and managed by the Government of Mongolia, UNHCR remains in charge of documenting, registering and establishing refugee status eligibility for asylum seekers in Mongolia. UNHCR also provides living and accommodation assistance to refugees and eligible asylum seekers. UNHCR may wish to welcome that there is no refoulement since 2010 and UNHCR protection documents were all well-respected by the authorities. UNHCR would like to recommend to the Government of Mongolia to accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, adopt a national refugee law in line with international human rights standards, and facilitate protection assessments for individuals in need of international protection.

Recommendation n°124: *Consider accepting individual complaints mechanisms such as those provided for in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women* (Recommended by Brazil)

IRI: *not implemented*

MNGOF response:

No measures were reported and further information is being sought

Justice

Recommendation n°18: *Adopt laws and mechanisms essential to protecting human rights and freedoms, particularly in the following areas: protection of victims and witnesses, protection of human rights defenders, provisions on ensuring citizens' right to participation in decision-making, gender-based violence, independence of publishers, accountability of Parliament members, and civil society's right to participation in public interest litigation (Recommended by Hungary)*

IRI: *partially implemented*

MNGOF response:

1/The new Law on the Protection of the Victims and Witnesses has been drafted. The newly adopted Law on the Legal Status of Lawyers which came to force on April 15th, 2013, raises some concerns on independence of defence attorneys.

2/ The Government is not reflected regulations on the Gender based violence and accountability of the members of the Parliament in its plan of actions. Aside from the new law on the Protection of the Victims and Witnesses tabled to Government review, some provisions on the protection of the independence of the publishers included in the newly drafted Law on Crimes, there has not been taken any significant measures.

Recommendation n°20: *Adopt legislation to prevent and end all forms of corporal punishment, in accordance with the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Recommended by Brazil)*

IRI: *not implemented*

MNGOF response:

It is commendable that the Ministry of Justice has drafted new Law on Crimes, Criminal Procedure Code and Law on the Incarceration. However the convention definition of the subject as public officer who is exercising the state duty is not fully reflected in the draft law and it's rather narrowly defined in the article 13.1 of the Law on Crimes as only law enforcement officer. This is not fully responding to the UN recommendation. Public officers working at the hospitals, military and schools are not considered as the law enforcement officers which allows them not to be punished under torture provisions if they commit torture. The Article 4.2 of the Convention says that torture shall be considered as felony, however new draft Law on Crimes has classified torture crime as less severe crime.

Recommendation n°21: *Amend its Criminal Code to define torture as a crime in accordance with the definition in the Convention against Torture, including abolishing or revising article 44.1 of the Code so that there is no impunity for human rights violations (Recommended by United Kingdom)*

IRI: *not implemented*



NHRCM response:

The UN Treaty Bodies and the Special Rapporteur on Torture are concerned and regret that Mongolia have not defined the crime of torture in accordance with the Convention against Torture. As such, public officials who commit torture and ill-treatment are not given a proper penalty.

60 per cent of complaints and reports of torture lodged by citizens to the Commission and the Special Investigation Unit under the General Prosecutor's Office are alleged against law enforcement officers, including investigators, inquiry officers and intelligence officers. However, act of torture is treated as a minor crime by law enforcement bodies responsible for investigating torture. Therefore, law enforcement officers are merely dealt with through internal disciplinary procedures; they are not capable of being brought to a criminal court due to the failure of the current legislation to recognize law enforcement officers as suspects of torture.

Since the acceptance of the recommendation, no steps have been taken to amend legislation in line with the concept of the Convention.

MNGOF response:

The recommendation idea was not fully responded by the Government efforts. The article 4.6 of the newly drafted Law on Crimes reflects the definition which is not in full conformity with the convention provision. Thus still allows the impunity for perpetrators.

Recommendation n°22: *In addition to initiatives undertaken by the Government for the elimination of torture and other cruel, inhuman or degrading treatment, bring national legislation into line with the Convention against Torture, particularly with respect to the proper definition of the crime of torture* (Recommended by Mexico)

IRI: *not implemented*

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Recommendation n°23: *Take steps to remedy the shortcomings related to the definition of torture and to the Criminal Procedure Code, which did not ensure that evidence obtained from torture is not invoked in any legal proceedings, to ensure conformity with the provisions of the Convention against Torture* (Recommended by Ghana)

IRI: *not implemented*

+

Recommendation n°24: *Amend the relevant legislation to bring the definition of torture into line with the Convention against Torture, and ensure that evidence obtained from torture is not invoked in any proceedings* (Recommended by Netherlands)

IRI: *not implemented*

NHRCM response:

[See response to recommendation n° 21]

MNGOF response:

[See response to recommendation n° 20]



Recommendation n°25: *Adopt an anti-trafficking law to protect and assist victims of such criminal and clandestine activities* (Recommended by Indonesia)

IRI: *fully implemented*

+

Recommendation n°27: *Strengthen domestic legislation to protect victims and witnesses of human trafficking* (Recommended by Australia)

IRI: *fully implemented*

NHRCM response:

Mongolia has ratified the UN Convention against Transnational Organized Crime Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and Parliament has subsequently passed the Law on Combating Trafficking in Persons on 19 January 2012, which aims to identify the causes of human trafficking, and to protect the victims.

HSPSC response:

Although a law on combating human trafficking is adopted, there are no regulations for the implementation of the law. The law on protection of victims and witnesses is in the process of drafting.

Recommendation n°26: *Enact specific and comprehensive national legislation on trafficking providing for a national oversight mechanism* (Recommended by Poland)

IRI: *fully implemented*

NHRCM response:

Mongolia has ratified the UN Convention against Transnational Organized Crime Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and Parliament has subsequently passed the Law on Combating Trafficking in Persons on 19 January 2012, which aims to identify the causes of human trafficking, and to protect the victims.

HSPSC response:

Although a law on combating human trafficking is adopted, there are no guidelines/regulations for the implementation of the law.

Recommendation n°34: *Make its procedures and decisions more transparent, and limit recourse to the law on State secrecy for corruption crimes, thus allowing monitoring bodies' independence and access in order to ensure that sanctions are fully applied* (Recommended by Switzerland)

IRI: *not implemented*

MNGOF response:

1/It is commendable that income disclosure of the public servants are enforced and information is made available for public. The information on the criminal investigation and judicial decision of corruption cases are not transparent enough. There were no efforts observed in making trial process transparent, regulating the intelligence acts for obtaining evidences of corruption, making the anti-corruption efforts in conformity of laws and avoiding the impunity of the corruption cases.

2/ Implementation plan does not include part of the recommendation that says "allowing monitoring bodies' independence and access in order to ensure that



sanctions are fully applied" . There has been no actions taken in regards of the limiting the recourse to the Law on State Secrecy for corruption crimes. No information available from National Security Council in regarding the recommendation.

Recommendation n°36: *Put in place structures to ensure that Government and Parliamentary decision-making processes are transparent and that public legislative hearings take place* (Recommended by *United Kingdom*)

IRI: *partially implemented*

MNGOF response:

Although the Government Action Plan does not reflect any actions, there has been observed some efforts. For example: The Government is accepting comments on the drafts of the Law on Law and Administrative Code is intending to legalize the Government Resolution 119 and draft Law on Drafting Laws and Resolutions by the Parliament which reflects the transparency of the decision making process of the Government and parliament. The adoption of the abovementioned laws will facilitate the transparent and participatory decision making. The more information should be available on the Transparency Policy launched by the MOJ and Citizens' Hall activities which was not available at the time of compilation.

Recommendation n°73: *Establish awareness-raising programmes addressed to law enforcement forces aimed at preventing torture and other cruel, inhuman or degrading treatment, as well as efficient investigative mechanisms in order to fight against impunity in this regard* (Recommended by *France*)

IRI: *partially implemented*

MNGOF response:

It is good that there are some trainings are provided. However report includes activities implemented before the recommendation is delivered which does not allow us to evaluate any progresses.

Recommendation n°81: *Continue to work to improve conditions in its prisons, including through the implementation of the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention and Imprisonment, and the United Nations Standard Minimum Rules for the Treatment of Prisoners* (Recommended by *New Zealand*)

IRI: *partially implemented*

NHRCM response:

In order to assist the Government in implementing the recommendation, the Commission has re-submitted the draft law on ratifying OPCAT and has submitted a proposed amendment to the Law on National Human Rights Commission of Mongolia, to the Minister of Justice in January 2013.

The Commission believes that the initial steps to implement the recommendations of the UN Human Rights Committee, Human Rights Council and the Committee against Torture have now been taken, given that the Ministry of Justice plans to submit the draft law on the ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment to the session of the Government, which is reflected in its 2013 work plan.



MNGOF response:

1/ There has been some positive efforts were reported in terms of improving the prison condition. However, the NGOs are were concerned about the other human rights standards such as humane treatment, communication and location of prisons that are accessible to families of the prisoners etc.

2/ There needs to be more efforts in creating more opportunities and proper payment for the labours of the prisoners which help them to pay for their damages.

Recommendation n°82: *Undertake more efforts to effectively combat the human trafficking phenomenon* (Recommended by Azerbaijan)

IRI: *partially implemented*

NHRCM response:

Mongolia has ratified the UN Convention against Transnational Organized Crime Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and Parliament has subsequently passed the Law on Combating Trafficking in Persons on 19 January 2012, which aims to identify the causes of human trafficking, and to protect the victims.

HSPSC response:

Although a policy and mechanism is in place, no programme of action has been taken to combat human trafficking in a results-based manner.

Recommendation n°85: *Adopt an approach of non-criminalization of the victims of human trafficking, which provides for compensation for victims and their reintegration into society* (Recommended by Mexico)

IRI: *partially implemented*

NHRCM response:

[See response to recommendation n° 82]

HSPSC response:

Although policy and a legal framework on combating human trafficking is in place, no actions have been taken to compensate or reintegrate victims of trafficking. The Government provided some funds for an NGO to provide legal defense for victims and relieve them of legal responsibility, but this is a limited and insufficient attempt. More effort needs to be taken by the Government to combat human trafficking.

Recommendation n°86: *Increase efforts to prosecute sex and labour trafficking offenders, as well as assist and protect victims of trafficking* (Recommended by United States)

IRI: *partially implemented*

NHRCM response:

[See response to recommendation n° 82]

HSPSC response:

Although policy and mechanism to combat human trafficking is in place, no action has been taken to prosecute labour traffickers or to protect and provide assistance to victims.



Recommendation n°87: *Further develop, enhance and expand awareness-raising campaigns to counter human trafficking* (Recommended by Canada)

IRI: *not implemented*

NHRCM response:

[See response to recommendation n° 82]

HSPSC response:

Although policy and mechanism for combating trafficking is in place, no efforts have been taken to expand awareness-raising campaigns to counter human trafficking.

Recommendation n°88: *Continue its policies against trafficking* (Recommended by Germany)

IRI: *fully implemented*

NHRCM response:

[See response to recommendation n° 82]

HSPSC response:

A stand-alone law on human trafficking is adopted and the National Plan of Action is continuing until 2014.

Recommendation n°89: *Strengthen its institutional capacity for investigation of cases of human trafficking and prosecution of perpetrators* (Recommended by Canada)

IRI: *fully implemented*

NHRCM response:

[See response to recommendation n° 82]

HSPSC response:

A separate unit on combating human trafficking has been established at the State Investigation Department and trainings have been organized to strengthen institutional capacity for investigation of cases of human trafficking.

Recommendation n°97: *Strengthen the Special Investigation Unit of the State General Prosecutor's Office to ensure thorough and independent investigations of all allegations of police violence* (Recommended by Canada)

IRI: *partially implemented*

NHRCM response:

Certain steps have been taken to improve the working conditions of the Special Investigation Unit under the General Prosecutor's Office during 2010 and 2012 to investigate acts of torture and ill-treatment

MNGOF response:

There has been slight increase in budget of the Special Investigation Unit under General Prosecutor.

Recommendation n°99: *Combat impunity in cases of torture* (Recommended by Germany)

IRI: *not implemented*



NHRCM response:

The UN Treaty Bodies and the Special Rapporteur on Torture are concerned and regret that Mongolia has not defined the crime of torture in accordance with the Convention against Torture. As such, public officials who commit torture and ill-treatment are not given a proper penalty.

60 per cent of complaints and reports of torture lodged by citizens to the Commission and the Special Investigation Unit under the General Prosecutor's Office are alleged against law enforcement officers, including investigators, inquiry officers and intelligence officers. However, act of torture is treated as a minor crime by law enforcement bodies responsible for investigating torture. Therefore, law enforcement officers are merely dealt with through internal disciplinary procedures; they are not capable of being brought to a criminal court due to the failure of the current legislation to recognize law enforcement officers as suspects of torture.

Since the acceptance of the recommendation, no steps have been taken to amend legislation in line with the concept of the Convention.

MNGOF response:

The implementation report does not reflect the direct response. There is no information available on the policy and respective budget to fight against impunity for perpetrators of torture.

Recommendation n°129: *Protect victims by defining hate crimes as crimes under criminal laws* (Recommended by Canada)

IRI: *partially implemented*

MNGOF response:

Hate crime is being included to the newly drafted Law on Crimes.

Recommendation n°130: *Declassify death penalty sentences imposed in the past as a State secret, with the aim of providing the families of those who were executed with information on their relatives sentenced to death* (Recommended by Czech Republic)

IRI: *not implemented*

MNGOF response:

The progresses were not made, because it is not decided who is in charge of implementation.

SOGI

Recommendation n°19: *Enact broad anti-discrimination legislation that explicitly prohibits discrimination based on sexual orientation and gender identity* (Recommended by Canada)

IRI: *not implemented*

Mongolia LGBT Centre (MLGBTC) response:

On May 18, 2011, in its Resolution 159, the Government of Mongolia (GoM) adopted and put into effect the National Plan of Action to implement the UPR Recommendations in 2011-2014. The National Plan of Action (NPA) categorized the 126 UPR Recommendations made by the HRC for the GoM into 62 plans of actions and set the dates of implementation as well as the ministries and authorities to take charge of the plans.

Among the 62 plans of actions, 4 of them are specifically relevant to the SOGI issues: [recommendations n° 19, 59, 125, and 128].

1. to amend the Criminal Code of Mongolia to adopt the definition of “hate crime” and to take measures to protect the victims of such crimes (to be implemented in 2011-2012 by the Ministry of Justice and Home Affairs (MoJHA) and General Prosecutor’s Office (GPO));
2. to legislate a law that prohibits discriminating individuals based on one’s sexual orientation and gender identity and to ensure its enforcement (to be implemented in 2011-2014 by the MoJHA, GPO and Ministry of Social Welfare and Labour (MSWL));
3. to prohibit, eliminate and prevent the discrimination against individuals based on one’s HIV/AIDS status and other grounds, to draft a law that punishes perpetrators of such crimes and to take urgent, effective measures (to be implemented in 2011-2014 by the MSWL and Ministry of Health); and
4. to eliminate the discrimination against LGBT people, and to ensure the rights to freedom of expression and freedom of assembly by providing the general public with human rights education and relevant information (to be implemented in 2011-2014 by MSWL, Ministry of Education, Culture and Science (MECS) and Civil Registration Agency).

Only two Ministries, MoJHA and MECS, submitted their reports on the implementation of the NPA. On 28-29 March, 2013, the NGO Forum working on the UPR and other treaty bodies’ recommendations made an attempt to come up with monitoring and evaluation of the implementation based on the reports of the above-mentioned Ministries.

In January, 2013, the civil society representatives, particularly Board Members, member organizations and the staff of MONFEMNET National Network had a meeting with the Minister of Justice, Mr. Temuujin Kh. During the meeting, LGBT Centre addressed the importance of the broad-based anti-discrimination legislation that explicitly prohibits discrimination based on sexual orientation and gender identity. The Minister stated that his Ministry would support the initiative of the legislation and asked the LGBT Centre to draft the law.

MNGOF response:

No actions were taken to implement the recommendations.



Recommendation n°58: *Publicly condemn all forms of violence and discrimination based on sexual orientation, and investigate and prosecute all reported attacks and threats against individuals based on their sexual orientation* (Recommended by Netherlands)

IRI: not implemented

MLGBTC response:

There have been no initiatives from the government on this recommendation. Thanks to the National Human Rights Commission of Mongolia (NHRCM), who receives the complaints and documentations of human rights violations against LGBT community submitted by LGBT Centre, the victims of LGBT-related crimes are finally able to report their cases to the authorities. However, the cases would be dismissed or end unsuccessfully as there is no provision in the laws about such crimes and most importantly, due to the inefficiency of the Mongolian judicial system. In 2010-2011, LGBT Centre organized LGBT rights workshops and trainings for police officers of all districts of Ulaanbaatar, capital city of Mongolia.

MNGOF response:

It is commendable that newly drafted Law on Crimes has included this type of violation as crime. However this type of violations and attacks are still remain unrecorded.

Recommendation n°59: *Develop its legislation with a view to effectively protecting the rights of LGBT persons, and discourage the development of discriminatory ideologies in the country through information and human rights education* (Recommended by Switzerland)

IRI: not implemented

MLGBTC response:

One of the implementing agencies of this recommendation is the Ministry of Education Culture and Science (The names of the ministries changed in September, 2012 after the general parliamentary election. They are now called Ministry of Education and Sciences; and Ministry of Culture, Tourism and Sports.). In response to the LGBT Centre's request to make a speech during the International Day against Homophobia and Transphobia (IDAHO) event (its theme was Combating Homophobia and Transphobia in and through Education) in 2012, Mr. Dalajargal D., State Secretary of the Ministry of Education, Culture and Science answered that "...Today there is no document which sets the standards of discrimination based on sexual orientation and gender identity in the process of education for Mongolian citizens. ... There should not be specific policy 'to eliminate discrimination against the LGBT people' mentioned in your letter and we understand that each citizen studies and works equally in this sector..."

MNGOF response:

1/ No significant measures were taken in order to strengthen the human rights culture. Although there is initial efforts in drafting the concept of the Anti-Discrimination legislation, no specific plans were adopted.

2/ No measures were reflected in the Action Plan. However there are some efforts were observed such as Human Rights criteria are being developed to used on the



law enforcement institutions and regulations. Some positive amendments were made to the Law on Gender Equality and Law on Prevention from HIV/AIDS. However it remains important to have a separate stand alone Anti-Discrimination law.

Recommendation n°60: *Ensure thorough and impartial investigations into all allegations of attacks and threats against individuals targeted because of their sexual orientation and gender identity, and bring to justice those responsible* (Recommended by Canada)

IRI: *not implemented*

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Recommendation n°98: *Ensure thorough and impartial investigations into all allegations of attacks and threats against individuals targeted because of their sexual orientation, as in the case of LGBT individuals, and bring to justice those responsible in accordance with international standards of fair trial* (Recommended by Sweden)

IRI: *not implemented*

MLGBTC response:

There has been zero progress made in terms of this recommendation. The latest case was that a transgendered male was beaten up and verbally abused in his own establishment in February, 2012. Due to non-existence of laws and the inefficient judicial system, his case was dismissed at the district court level, Chingeltei District Court, in August, 2012. At the moment, there is a working group discussing the inclusion of the definition of “hate crime” into the amended version of the Criminal Code of Mongolia. This inclusion was triggered by the NHRCM and based on its study on the LGBT rights implementations done together with LGBT Centre.

MNGOF response:

It is commendable that newly drafted Law on Crimes has included this type of violation as crime. However this type of violations and attacks are still remain unrecorded.

Recommendation n°101: *Promote the rights to freedom of expression, association and assembly without discrimination of members of the LGBT community* (Recommended by Sweden)

IRI: *fully implemented*

MLGBTC response:

The NHRCM in collaboration with LGBT Centre released the LGBT Rights Implementation study in January 2013. This will be a meaningful policy document to push the government on the legislative initiatives. In September 2013, LGBT Centre will be organizing the first-ever LGBT Pride Parade and the fate of this event will show how the GoM is working on this recommendation.

Recommendation n°128: *Amend the provisions of the Criminal Code and eliminate legal provisions and practices by public authorities, including possible practices of harassment and bullying by the police forces, which lead to discrimination based on sexual orientation and gender identity* (Recommended by Spain)

IRI: *not implemented*



MLGBTC response:

On 24 April, 2013, the Standing Committee of Legal Affairs of the Mongolian Parliament scheduled to discuss the LGBT rights issues, because the NHRCM submitted its annual report to the Parliament including the LGBT issues. However, the Committee decided to discuss the SOGI issues in a closed session along with the human rights issues of children living in temples and monasteries. If the Committee supports the LGBT rights issues, it will be discussed at the Parliament session subsequently which would lead to the successful amendment to the Criminal Code of Mongolia to include the definition of “hate crime”.

MNGOF response:

The Anti-discrimination legislation needs to be adopted urgently.

Women & Children

Recommendation n°17: *Continue harmonizing its domestic legislation in conformity with the Convention on the Rights of the Child, introduce legislation to prevent and end all forms of corporal punishment, and adopt effective measures for preventing children under the age of 18 from being involved in hazardous work (Recommended by Italy)*

IRI: *partially implemented*

Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:

There has been no change in the legality of corporal punishment of children since the first cycle review of Mongolia in 2010: it is lawful in the home, penal institutions and alternative care settings. However, the Government is currently drafting legislation and there are plans to include prohibition of corporal punishment of children in the new Criminal Code.

Recommendation n°28: *Uphold its commitment to strengthen the national mechanism for the protection and promotion of children's rights (Recommended by Iran)*

IRI: *fully implemented*

NHRCM response:

The Government of Mongolia has been implementing the National Programme of Action for the Development and Protection of Children from 2002-2010, and the Strategy Plan for Strengthening the Protection of Children from 2011-2016.

As of 2011-2012 curriculum year, 12 025 pupils were educated within the education recovery programme. 1 545 out of 12 025 pupils graduated 9th grade and were certified with basic education. 1 194 out of 12 025 pupils graduated 11th grade and were certified with secondary education. In addition, 9 000 people including 120 children studying in Buddhist temples and 78 children living in isolated baghs were involved in the literacy recovery programme for elementary, intermediate, and advanced level education. 1.2 billion Tugrug has been allocated in the budget for the 2013 curriculum year towards the education recovery programme.



The number of school drop outs is gradually decreasing; dropping from 706 between 2009-2010, to 543 between 2010-2011, and to 502 between 2011-2012.

MNGOF response:

The positive changes in the structure of the state institutions overseeing the issues of children. However, the only one officer in charge of many issues at the ministerial, agency and local governmental level which prevents their work to be accessible and of good quality. The reform in the response mechanism and legal environment is taking slow.

Recommendation n°29: Step up the efforts aimed at the adoption of the new 10-year National Programme on Strengthening Child Development and Protection (Recommended by Algeria)

IRI: *fully implemented*

NHRCM response:

[See response to recommendation n° 28]

MNGOF response:

The National Programme is intended to be implemented in 2 phases and is the first policy document that has budget for its implementation. But, the new management of the key implementing agency National Authority for Children has renewed the entire staff which prevents the continuous implementation of the programme and slows the process. We will need more details to evaluate the effectiveness of the programme implementation.

Recommendation n°47: Take stronger measures to combat discrimination in both the public and private sectors while promoting greater women's participation at the highest levels of decision-making (Recommended by United States)

IRI: *partially implemented*

NHRCM response:

Parliament passed the Law on Promotion of Gender Equality in 2011. The Law is crucial, creating a legal environment where gender equality in political, legal, economic, social, cultural, and family relations is safeguarded, and ensuring the human rights and implementation of Millennium Development Goals.

The Government of Mongolia adopted the Mid-term strategy and Action Plan for the implementing the Law on Promotion of Gender Equality through resolution No.34, issued on 26 January 2013. The Action Plan strengthens the national mechanism for the implementation of the Law, building the capacity of local and regional bodies, applying the concept of gender equality at all policy and action levels, ensuring diverse participation of civil society, media, and private sectors in monitoring the implementation of the Law, ensuring the sustainability of human and financial resources.

The adoption of the Action Plan by the Government of Mongolia was a progressive step towards ensuring the implementation of the Law in an effective way, and providing technical, human, and financial resources to those organizations responsible for its implementation, including central and local governments.



MNGOF response:

All Ministries were asked to report in the implementation of the recommendation. Ministry of Health and Ministry of Industry and Agriculture have reported. The information provided in the Ministry of Health does not respond to the recommendation. The Ministry of Industry and Agriculture reported that the number of women in decision making level become 7 in 2012 increased by 1 from 6 in 2011.

Zorig Foundation (ZF) response:

Even though gender equality law has been passed in Mongolia, the implementation is not effective enough. The election law has included quota for women, yet it only guarantees 20% of the entire candidacy to women. The lack of quota in the parliament seat is not guaranteeing the equal participation of women in the decision making process.

Recommendation n°48: *Adopt a draft law on gender equality and the establishment of an institutional mechanism responsible for the promotion of equality* (Recommended by *Ghana*)

IRI: *partially implemented*

NHRCM response:

[See response to recommendation n° 47]

MNGOF response:

There was established an institution which will work at the policy level. But it lacks mechanism and a capacity to reach local level such as district, subdistrict, subprovinces.

ZF response:

Although Mongolia has passed a law on gender equality, the effect of it is still not good enough as the law is new and not widely promoted. Therefore, passing a law would not guarantee gender equality. Educating people and promoting mechanism to oversee and monitor its implementation is crucial.

Recommendation n°49: *Strengthen existing legal protections and enhance enforcement to combat discrimination against and mistreatment of women and girls* (Recommended by *United States*)

IRI: *partially implemented*

NHRCM response:

[See response to recommendation n° 47]

MNGOF response:

No significant measures were taken to combat mistreatment of women and girls and discrimination against them within the framework of current legislations.

ZF response:

Mongolian government has realized that the existing legal protections to combat discrimination against and mistreatment of women and girls is not achieving the results we have hoped for. Realizing this problem, along with the Minister of Justice,



the civil society of Mongolia is working actively to draft a new law and strengthen the existing legal protections.

Recommendation n°50: *Adopt expeditiously a law on gender equality, empower its National Committee on Gender Equality, and take appropriate measures to eliminate discrimination against women, hence promoting their advancement, with a particular focus on the most vulnerable groups, such as rural women* (Recommended by Slovakia)

IRI: *partially implemented*

NHRCM response:

[See response to recommendation n° 47]

MNGOF response:

The Gender Committee has not received budget support and lacks the policy to provide equality to rural women who have less information and access.

Recommendation n°51: *Undertake effective measures to ensure the implementation of legislation guaranteeing the principle of non-discrimination, adopting a comprehensive strategy to eliminate all forms of discrimination, particularly on the basis of gender, and strengthen its efforts aimed at harmonizing its national legislation with ratified international instruments* (Recommended by Ukraine)

IRI: *partially implemented*

NHRCM response:

[See response to recommendation n° 47]

MNGOF response:

[There is no Anti-Discrimination policy or legislation. The hate crimes are not included in the Criminal Code. There is protection mechanism for the victims of such crimes, thus more often the cases are dropped unless the victim has severe physical damage. Public education on respecting the privacy is not adequately provided. The persecution, violation of privacy such as private communication based on their sexual orientation is not considered as crime. Newly adopted Anti-Human Trafficking law is not implemented. The lawyers (judges, prosecutors and defense attorneys) education and information on the human trafficking is greatly lacking. There are some progresses in the work of Anti- Human Trafficking unit of the General Investigation Bureau, but the lack of human resource is preventing from possible advances in the work. There is no budgetary support to institutions who work in the Anti-Discrimination field.

Recommendation n°52: *Develop policies favouring equal opportunities for women* (Recommended by Switzerland)

IRI: *fully implemented*

NHRCM response:

[See response to recommendation n° 47]

ZF response:

The newly passed law in Mongolia is intended to favor equal opportunities for women. However, since the law is newly passed and has not been advertised



enough among the population and decision-makers alike, it is not achieving the intended result.

Recommendation n°53: *Ensure equal rights for women in the area of employment*
(Recommended by Norway)

IRI: *partially implemented*

NHRCM response:

[See response to recommendation n° 47]

ZF response:

The new gender equality law of Mongolia has also intended to ensure equal rights of women in the area of employment. However, there are still strong discriminations against women in the area of employment as well as sexual harassment in the workplace.

Recommendation n°55: *Strengthen maternity protection* (Recommended by Norway)

IRI: *fully implemented*

NHRCM response:

The Law on Social Welfare was revised in 2012 and is now in effect. The basic concept of the social welfare system, which is designated for vulnerable groups, remains the same in the revised law and amendments were only made to criteria and conditions under the social welfare coverage.

The Parliament passed the revised Law on Social Welfare, Law on Social Protection for Elders and amendment of Law on Social Protection for People with Disabilities in January 2012. In relation to implementing these laws, six resolutions of the Government, 14 resolutions of the Minister of Social Protection and Labour and the Minister of Population Development and Social Protection, three joint-resolutions of the Minister of Social Protection and Labour and Ministers of other relevant Ministries, and three resolutions of the Director of General Office for Social Welfare Services, which covers a total of 24 rules and regulations, were respectively adopted.

ZF response:

With the initiative of the new government as well as the women's caucus in the Mongolian parliament, attention towards mothers' and children's' health has grown in the past year. Even though it is still not enough to successfully ensure full maternity protection, the issue is getting enough attention among policymakers.

Recommendation n°56: *Strengthen efforts to address domestic and sexual violence*
(Recommended by Norway)

IRI: *partially implemented*

NHRCM response:

According to police statistics, 284 women in 2010, 420 women in 2011 and 534 women in 2012 respectively, reported that they were victims of domestic violence. This crime is hidden in society. Its victims do not often submit reports to the police, even though domestic violence occurs at all levels of society.



Victims of domestic violence seek assistance from the National Center against Violence ('NCAV') and seek refuge in the Protection House when their life and health are at a great risk. The number of victims who approach the protection house is increasing each year. As of 2012, 64.2% of the clients were children. Today there is only one protection house which is run by NCAV .

There are only one or two NGOs that provide services including psychological counseling to victims of domestic violence at the protection house. In other words, government is not providing these vital services.

The number of victims of domestic violence who seek assistance from a hospital or all-in-one service window is increasing every month. In addition, the number of crimes committed by victims of domestic violence against their abusers is not decreasing. While the number of crimes related to the domestic violence is increasing, the implementation of the Law against Domestic Violence remains inefficient.

The main factor responsible for the poor implementation of the Law is the lack of a comprehensive legal environment. The Law was passed without a number of necessary regulations and relevant amendments have not been made to other laws yet. For instance, after the enforcement of the Law against Domestic Violence, the court issued 41 resolutions regarding the protection and safety of victims. Unfortunately no resolutions have been implemented so far .

MNGOF response:

The Action Plan included this recommendation. But no reports were submitted from Ministries.

ZF response:

Within the framework of the legal reform, an effort has been made to address domestic and sexual violence more effectively. Compared to the previous lawmaking process, the current working group has made progress by including civil society analysts and specialists. This more inclusive approach is definitely raising the expectations from this legal reform.

Recommendation n°57: *Ensure proper redress and protection for victims of crimes of domestic and sexual violence (Recommended by Norway)*

IRI: not implemented

MNGOF response:

The number of crimes committed due to domestic violence is increasing on yearly bases. In last 3 years 43 persons have lost their lives in the hand of their family members. 61 women have committed murder of their violators and charged with more than 10 years of imprisonment for their crimes as reported by the General Police Department.

ZF response:

The limits of Mongolia's legal framework has become obvious when handling the recent rape crime case. A victim of a gang rape has been reversely accused by the



police and media. The incident showed not only the need for more effective regulation, but also the necessity of more awareness of the public about this issue.

Recommendation n°76: *Take effective measures to combat domestic violence* (Recommended by Azerbaijan)

IRI: partially implemented

ZF response:

Even though Mongolia has a law against domestic violence, the law still needs serious revisions. The new law against domestic violence is being drafted at the level of the Ministry of Justice, and within 2 years, the law will be discussed in the parliament.

Recommendation n°77: *Implement legislation which provides for the investigation of violence against women, and the prosecution and punishment of the perpetrators of such violence* (Recommended by New Zealand)

IRI: not implemented

ZF response:

Because the victim and witness protection is not developed sufficiently, the cases of women getting injured or murdered at the hands of their husbands is still prevalent in Mongolia. A new working group at the Ministry of Justice is currently working on a new legislation to address these continuing issues of violence against women.

Recommendation n°78: *Give high priority to the enforcement of the Law on Fighting against Domestic Violence in order to ensure that victims have access to adequate means of protection and compensation* (Recommended by Portugal)

IRI: partially implemented

MNGOF response:

The Ministry of Finance reported that there has been allocated 118.5 million tugriks for "One Spot Service Center " for victims of domestic violence in 2013 and 111.8 million tugriks were allocated for training and public awareness campaign for protection of women and girls from domestic violence, sexual harassment and human trafficking.

ZF response:

Despite the weak enforcement of the compensation for the victims of domestic abuse and their protection, the new law that is being currently drafted is addressing these issues.

Recommendation n°79: *Take measures to guarantee effective access for women victims of gender-based violence to justice, redress and protection* (Recommended by Brazil)

IRI: not implemented

MNGOF response:

There is a lack of human resources and capacity for providing the legal aid to victims.

ZF response:

The effective access for women victims of gender-based violence to justice is still not sufficiently guaranteed in Mongolia.



Recommendation n°80: *Adopt the necessary measures and introduce the necessary amendments to the 2005 law on gender violence to ensure its effectiveness and to clearly define the sentences for offenders (Recommended by Spain)*

IRI: *fully implemented*

MNGOF response:

Newly drafted Law on Crimes has reflected new classification of rape crimes.

Recommendation n°83: *Ensure that adequate mechanisms are in place for the rehabilitation and social integration of women and girls who have been victims of trafficking (Recommended by Poland)*

IRI: *not implemented*

NHRCM response:

Mongolia has ratified the UN Convention against Transnational Organized Crime Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and Parliament has subsequently passed the Law on Combating Trafficking in Persons on 19 January 2012, which aims to identify the causes of human trafficking, and to protect the victims.

HSPSC response:

Some steps were taken to contract NGOs for the implementation of the work, but those efforts are limited and insufficient. So far, there is no adequate mechanism in place.

ZF response:

The rehabilitation and social integration of women and girls who have been victims of trafficking is severely inadequate in Mongolia. The cases of the victim being victimized by the society is still prevalent in Mongolia. This shows that laws are not adequate enough to address this issue, and raising public awareness and advocacy campaigns are severely lacking in the Mongolian society.

Recommendation n°84: *Expand the national programme on the prevention of human trafficking, particularly the use of children and women for sexual purposes, with a view to dealing with all violations of provisions of the Palermo Protocol, in line with the recommendations of the Committee on the Rights of the Child (Recommended by Mexico)*

IRI: *not implemented*

NHRCM response:

Mongolia has ratified the UN Convention against Transnational Organized Crime Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and Parliament has subsequently passed the Law on Combating Trafficking in Persons on 19 January 2012, which aims to identify the causes of human trafficking, and to protect the victims.

HSPSC response:

Although policy and mechanism to combat human trafficking exists, no actions have been taken to expand the national programme on the prevention of human trafficking.



Recommendation n°90: *Continue its efforts to ensure effective protection of minors and women against sexual exploitation (Recommended by Czech Republic)*

IRI: *not implemented*

NHRCM response:

In relation to the enactment of the Law on Combating Trafficking in Persons, eight laws were amended and the mandate of the police and intelligence agency were broadened to deal with these crimes under the Law on Criminal Procedure and the Law on the Prevention of Crimes. In addition, sentences and accountability for the crime of trafficking persons were increased under the Law. According to the new law, the financial penalty has been removed and an extenuating circumstances and aggravation now provides a sentence of 3-15 years imprisonment and the seizure/confiscation of the properties of the convicted is also stipulated.

The National Action Plan against trafficking and the sexual exploitation of women and children is being implemented by the Government of Mongolia in 3 phases (1st phase from 2006-2008, 2nd phase from 2008-2011 and 3rd phase 2011-2014).

As of 2012, about 20 organizations are working in the field of combating the trafficking of persons. Two organizations provide victims with protection shelter houses, five organizations provide legal advice, four organizations provide psychological advice, and about ten organizations provide training and rehabilitation services .

However, there is a need to implement the UN treaty bodies' recommendations through strengthening domestic laws on the protection of victims and witnesses, taking necessary steps and providing financial resources for establishing more protection houses for victims, providing compensation for victims, and victims rehabilitation services.

HSPSC response:

No results-based activities have been conducted thus far.

ZF response:

The legal protection against sexual exploitation of minors and women is not adequate in Mongolia. For instance, according to the current law, prostitution is still deemed as crime and this allows the victims to be victimized and punished again by the society.

Recommendation n°91: *Adopt specific measures for the protection of minors and women who have become victims of sexual exploitation, and ensure assistance to, restore the reputation of and provide rehabilitation for those victims (Recommended by Czech Republic)*

IRI: *not implemented*

NHRCM response:

[See response to recommendation n°90]

HSPSC response:

No action has been taken.

ZF response:

The adoption of measures for the protection of minors and women who have become victims of sexual exploitation is not sufficiently addressed in Mongolia at all levels.

Recommendation n°92: *Strengthen measures to prevent sexual exploitation of children, ensure prompt investigation of allegations of exploitation and sexual abuse, and punish perpetrators* (Recommended by Argentina)

IRI: *partially implemented*

+

Recommendation n°93: *Take the necessary steps, as soon as possible, to address the issues of inadequate protection of children from sexual exploitation as well as the insufficient investigation of the perpetrators of sexual crimes against children and the consequent low ratio of prosecutions against perpetrators of sexual crimes against children* (Recommended by Japan)

IRI: *partially implemented*

NHRCM response:

[See response to recommendation n°90]

HSPSC response:

Not possible to make evaluations at this time. To do so, studies have to be made on cases investigated on exploitation and sexual abuse of children, cases tried and/or decided in court, and other relevant information at the State Investigation Department, General Police Department and judicial organizations.

Recommendation n°94: *Implement effective measures to tackle child labour* (Recommended by Azerbaijan)

IRI: *not implemented*

NHRCM response:

One of the negative social phenomenon arising out of the rapid economic transition of Mongolia is the issue of child labour. Child labour, specifically, the worst forms of child labour, negatively affecting their health and physical and mental development, is due to poverty, unemployment, and unequal access to social services, internal displacement, business interests in cheap labour, and the misconception of parents about child labour.

According to research carried out by the National Statistical Committee, 93.9 thousand children aged between 5-17 years have engaged in economic activities during 2011-2012. 0.3% of these children work in the mining sector, 81.7% work in the agricultural sector, 3% work in processing factories, and 11.8% work in trade and commerce respectively.

The Government of Mongolia has adopted the national programme on eliminating the worst forms of child labour by resolution No. 303 in 2011, in order to implement the objectives set out at the international level. The objectives are to improve the legal environment to prohibit and eliminate the worst forms of child labour and to increase children's access to education and health care services. The national programme for 2012-2016 has commenced its 2nd implementation phase.



Within the structure of the new cabinet, the National Authority for Children has been restructured and under the portfolio of the Ministry of Population Development and Social Protection. This change has advanced the issue of child labour, by addressing it in a comprehensive way within the framework of the population development policy.

In recent years, Mongolia's economic growth has increasing mainly due to mining and processing factories. In relation to the economic growth in these industries, the informal sector is also expanding, and as a result, there are about 70 thousand people including children engaged informally in the mining industry. Therefore, these industries must pay particular attention to the rights of children who are taking part in these kinds of activities

MNGOF response:

No budget was allocated to implement the respective policy. The new Government prioritized the elimination of child labour under the Ministry of Labour and urgent measures are expected.

ZF response:

The risk of children jockeys getting injured or dying during horse racing games is one of the most pressing issues in Mongolia. Especially the fact that not banning the racing games during the freezing winter cold weather shows how unyielding the Mongolian politicians are on this matter.

Recommendation n°95: *Continue efforts to improve the situation of children and, in this context, intensify the efforts to effectively prevent child labour* (Recommended by Germany)

IRI: *not implemented*

NHRCM response:

[See response to recommendation n°94]

ZF response:

Efforts to effectively prevent child labor is still not sufficient in Mongolia.

Recommendation n°96: *Further strengthen the law enforcement and judicial system in the effort to address impunity and prevent the incidence of trafficking and domestic violence as well as the sexual abuse of women and girls* (Recommended by Malaysia)

IRI: *partially implemented*

HSPSC response:

A separate unit on combating human trafficking has been established at the State Investigation Department and trainings have been organized to strengthen institutional capacity for investigation of cases of human trafficking.

Recommendation n°104: *Improve the level of participation of women in the decision-making process* (Recommended by Algeria)

IRI: *partially implemented*

NHRCM response:

[See response to recommendation n° 47]

MNGOF response:

[...]

ZF response:

The participation of women in the decision-making process is still not adequately improved in Mongolia. Despite the new amendment to the election laws, it only guarantees 20% women's candidacy. The lack of quota for women in the parliament is preventing from ensuring the inclusion of women in high-level decision-making positions.

Recommendation n°119: Seek international assistance to combat child labour, such as through the International Labour Organization (Recommended by Brazil)

IRI: -

NHRCM response:

[See response to recommendation n°94]

Recommendation n°126: The National Human Rights Commission of Mongolia, which has an - A - status accreditation, should play a decisive role in the exercise of drafting a gender equality law as well as during its implementation (Recommended by Hungary)

IRI: *partially implemented*NHRCM response:

The Parliament passed the Law on Promotion of Gender Equality in February 2011. The mandate of the Commission is reflected in article 23, 24 and 26 of the Law. According to the Law, the Commission is mandated to receive and resolve complaints regarding gender-based violations, and to submit a status report on the implementation of the gender law to the Parliament every two years.

However, the necessary human and financial resources in relation to implementing the additional mandates under the Law are not available in its budget. The mandates includes to:

- monitor the implementation of the Law on Promotion of Gender Equality;
- conduct awareness raising activities on gender equality among the general public, state organizations and private sectors;
- conduct gender-analysis on laws that breach gender equality;
- collect data on gender equality; and
- investigate and resolve complaints regarding gender-based violations.

MNGOF response:

The gender equality law is passed and Human Rights Commission mandate is expanded. However the budget and human resources are not adequate to facilitate effective implementation.

ZF response:

Even though a law has been adopted, it still has not been effectively implemented.



Recommendation n°127: *Include women in high-level decision-making positions* (Recommended by *Norway*)

IRI: *partially implemented*

ZF response:

The implementation is still not effective enough. Despite the new amendment to the election laws, it only guarantees 20% women's candidacy. The lack of quota for women in the parliament is preventing from ensuring the inclusion of women in high-level decision-making positions.

Other

Recommendation n°31: *Ensure that all human rights initiatives stipulated in the National Plan of Action are implemented and monitored in an effective way* (Recommended by *Indonesia*)

IRI: *not implemented*

MNGOF response:

This recommendation was not included in the Government Plan of Action, thus neither found in the MOJ plan of action. The Implementing Committee and Secretariat for National Programme used to be in charge of the implementation of the programme. Since 2007, the bi-annual evaluation on the implementation of the Programme action plan was carried out and Monitoring and Evaluation Department of the MOJ had been doing annual evaluation and monitoring. By the request of the CSOs, the comprehensive monitoring and evaluation was carried out with participation of CSOs in 2011. Number of recommendations were delivered as result of this monitoring evaluation. In 2012, The structure of the MOJ has been reformed and Secretariat has been dissolved. The Implementation Committee's work has been stopped. No actions were taken to implement the recommendations given by the Monitoring and Evaluation of 2011.

Recommendation n°37: *Ensure a participatory and inclusive process with civil society in the implementation of the universal periodic review recommendations, including organizations representing minorities* (Recommended by *Norway*)

IRI: *partially implemented*

NHRCM response:

The Commission has included recommendations for ensuring the rights of national minorities namely the Tuva and Kazakh peoples in its status report for 2011. The recommendations including to develop and implement policies that address their social issues immediately; provide them with livelihood opportunities; establish external monitoring and evaluation on the implementation of programs and projects managed by the State with involvement of representatives of national minority groups; ensure the implementation of the right to health; implement reducing poverty project programs; undertake an accurate study of their civil registration; and introduce and implement changes to policies providing education to national minority children and ensuring the implementation of the right to communicate, read and obtain information in one's native language. During that time, the Ministry of Education, Culture and Science commenced a translation of textbooks for Kazakh



children from 2008 in line with the 12 year secondary school system. For example, some textbooks for elementary grades were translated from Mongolian to Kazakh language.

Moreover, the Governor's Office of Bayan-Ulgii aimag undertook and analysed a survey on the curriculum content of Kazakh schools and introduced a project proposal to the Ministry of Education, Culture and Science, on the Bayan-Ulgii aimag policy of textbooks within the project framework of "Curriculum content of Kazakh schools". The above information was included in the status report for 2010. Furthermore, the Ministry of Education and Science has published some 12 year school textbooks such as Mathematic II, III, Human environment I, III, Art and Technology II, III, and Music II, III in the Kazakh language.

Regrettably there has not been any work undertaken with regards to the implementation of the Tuva language program, and translation and publication of textbooks in Tuva language from Mongolian.

Finally, it is commendable that the Government is implementing the program "Invigorating Reindeer Farms and Improving the Livelihood of Tsaatan People" as the Tsaatan people earn their livelihood by herding reindeers. However, there was no information received with regard to implementation of their right to social welfare, and the right to education of Tsaatan children.

Currently, there is insufficient representation of minority groups in local self-governing and administrative bodies. There is an urgent need to take specific measures by the State to involve local representatives from national minority groups, for example, in local self-governing bodies of Tsagaannuur soum of Khuvsgul province and some soums of Bayan-Ulgii province. In addition, the Government should address breaches to the right to a fair trial, specifically in criminal procedure due to insufficient access to laws and legislations in national minority languages. Examples of two cases involving violations of the rights of national minorities are as follows:

Over the last few years, a group of criminals illegally used the personal registration information of Kazakh Mongolian people residing in the Bayan-Ulgii province, to produce fake Kazakhstan documents, which had the effect of excluding the victims from their Mongolian citizenship, and allowing the criminals to claim allowances from the Republic of Kazakhstan, by purporting that they are citizens of Republic of Kazakhstan.

Therefore, it is necessary to urgently restore the rights of these Kazakh people who now have no access to social welfare in Mongolia due to the frauds committed against them. It is advised that the Government of Mongolia work together with relevant authorities of the Republic of Kazakhstan in order to redress damage occurred to these individuals.

Unfortunately, the citizenship registration databases and information archives of some national minorities living in isolated areas have been destroyed. They are now facing difficulties claiming their rights to social welfare including social service and



pension benefits due to the loss of key documents. For example, a school of Tsagaannuur soum of Khuvsgul province was burnt down in 2000 and all documents and archive materials of the Tuva citizens were destroyed. Unfortunately, the relevant ministries and agencies have not taken any action to address this situation, despite the fact that they were informed about this case several times.

MNGOF response:

1/ No concrete information available. Although we observe that there are some efforts observed in terms of NGOs participate in working groups for drafting law and NGO representation in Ministerial Policy Council etc.

2/ The Action Plan has not reflected the mechanism for minority participation. The term "cooperation" was not clearly defined in the Action Plan which is not facilitating the genuine participation of the NGOs. The recommendation supposed to be addressed to all Ministries, but many of them have not reflected in their action plan.

3/ We lack information on how NGOs are going to collaborate with the Government and the how the targeted minority groups such a suburban ger district residents, rural citizens, indigenous people and other vulnerable groups are going to be provided with opportunity to participate in decision making.

Recommendation n^o38: Involve domestic human rights organizations in the follow-up to this review and in the implementation of its National Human Rights Action Plan (Recommended by United Kingdom)

IRI: partially implemented

MNGOF response:

It is included in the Action Plan, however there is no budget allocated to further implement this recommendations. The participation is only limited to attending the meetings and workshops. Government report doesn't provide concrete information.

Recommendation n^o46: Ensure a human rights culture, inter alia, by strengthening the antidiscriminatory legislative framework and ensuring its effective implementation (Recommended by Norway)

IRI: partially implemented

MNGOF response:

1/ No significant measures were taken in order to strengthen the human rights culture. Although there is initial efforts in drafting the concept of the Anti-Discrimination legislation, no specific plans were adopted.

2/ No measures were reflected in the Action Plan. However there are some efforts were observed such as Human Rights criteria are being developed to used on the law enforcement institutions and regulations. Some positive amendments were made to the Law on Gender Equality and Law on Prevention from HIV/AIDS. However it remains important to have a separate stand alone Anti-Discrimination law .



Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI, and sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

Stakeholders we contact are encouraged to use an Excel sheet we provide which includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.



UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
30	Successfully implement its plan of action for the period 2008-2012, which was adopted by the Government with a view to the implementation of the Convention on the Rights of Persons with Disabilities	Russian Federation	Accepted	5	Disabilities, International instruments
35	Pay more attention to providing better treatment for foreigners	Republic of Korea	Accepted	4	Migrants
39	For the protection of the rights of persons with disabilities, the participation of all relevant organizations is vital in order to promote their rights as well as the infrastructural and psychological environment are much needed	Kazakhstan	Accepted	4	Disabilities
54	Ensure equal pay for work of equal value	Norway	Accepted	4	Women's rights
74	Pay due attention to the implementation of recommendations made by the Special Rapporteur on Torture	Kazakhstan	Accepted	4	Special procedures, Torture and other CID treatment
109	Consider giving a greater role to the private sector in developing the national education and health system	Iran	Accepted	3	Right to education, Right to health
117	Continue to fight to overcome its challenges with the assistance of the international community	Bangladesh	Accepted	2	Technical assistance
118	Request technical assistance and cooperation, as deemed appropriate, from the international community, including the relevant United Nations and specialized agencies, with a view to ensuring the promotion and protection of the full spectrum of the human rights of its people	Malaysia	Accepted	1	Technical assistance
120	Seek technical cooperation at the international level in order to respond in a timely manner to the challenge of providing a healthy and safe environment for its citizens	Pakistan	Accepted	1	Environment, Technical assistance
121	Become party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Argentina	Rejected	5	International instruments, Migrants



131	Remove the classification of information on the death penalty as a State secret, and provide statistics and information related to death sentences and executions	Netherlands	Accepted	5	Death penalty
132	Mongolia will actively participate in the UPR process and devote its full effort in implementing proposals and recommendations of the Human Rights Council. In order to promote and protect human rights and freedoms globally, Mongolia shall engage itself in close cooperation with other countries, UN and its specialized agencies, and NGOs.	Mongolia	Voluntary Pledge	5	UPR process
133	Regarding to the issue of timely reporting to the United Nations treaty bodies, the delegation stressed the Government's strong commitment to improving the quality of its reports to them.	Mongolia	Voluntary Pledge	4	Civil society, Treaty bodies

A= Action Category (see on [our website](#))

SMR = State making recommendation

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