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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-sixth session**  
4–15 May 2020

## **Compilation on Mongolia**

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>1, 2</sup>**

2. The Committee on the Elimination of Racial Discrimination encouraged Mongolia to consider ratifying those international human rights treaties that it had not yet ratified, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO).<sup>3</sup>

3. The Committee on Enforced Disappearances inquired as to whether Mongolia intended to make the declarations provided for in articles 31 and 32 of the Convention, which related to the Committee's competence to receive and consider individual and inter-State communications (arts. 31 and 32).<sup>4</sup>

4. The Committee on the Elimination of Racial Discrimination also encouraged Mongolia to ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.<sup>5</sup> The Committee on the Rights of the Child recommended that Mongolia consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.<sup>6</sup>

5. The United Nations country team urged Mongolia to ratify ILO Conventions, including the Labour Inspection Convention, 1947 (No. 81); the Labour Inspection (Agriculture) Convention, 1969 (No. 129); and the Violence and Harassment Convention, 2019 (No. 190).<sup>7</sup>



### **III. National human rights framework<sup>8</sup>**

6. The Committee on the Elimination of Racial Discrimination recommended that Mongolia allocate adequate human and financial resources to the National Human Rights Commission to enable it to discharge its mandate effectively and independently in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>9</sup> The Human Rights Committee and the Committee on Economic, Social and Cultural Rights made similar recommendations.<sup>10</sup> The Committee on Economic, Social and Cultural Rights also recommended that Mongolia integrate the Commission's recommendations in the drafting of legislation.<sup>11</sup> The Committee on the Rights of the Child recommended that Mongolia implement the recommendations of the Commission on issues related to the rights of children, including those regarding horse racing, domestic violence, the right to education of children with disabilities, corporal punishment, regulation and monitoring of childcare providers and issuance of birth certificates.<sup>12</sup>

7. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment recommended that the Government of Mongolia comply with its obligations under the Optional Protocol to the Convention against Torture by establishing its national preventive mechanism through the enactment, as soon as possible, of a law that granted the national preventive mechanism functional and operational independence, with due consideration to the Paris Principles, and that fully reflected the requirements set out in the Optional Protocol and the Subcommittee's guidelines on national preventive mechanisms.<sup>13</sup> The Committee against Torture also recommended that Mongolia strengthen the mandate, including the existing authority to oversee activities of the police organization and its employees, of the National Human Rights Commission in accordance with amended legislation, including in its capacity as the national preventive mechanism.<sup>14</sup>

8. The United Nations country team noted that a draft law on the National Human Rights Commission was submitted to the parliament in October 2019, which gave the Commission a mandate to establish a national preventive mechanism. However, the country team observed that its terms, including on the selection of its members, were vague.<sup>15</sup>

9. The Committee on the Rights of the Child recommended that Mongolia establish a national mechanism for reporting and follow-up as a standing government structure that was mandated to coordinate and prepare reports to and engage with international and regional human rights mechanisms and to coordinate and track national follow-up and implementation of recommendations and decisions emanating from those mechanisms.<sup>16</sup>

### **IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### **1. Equality and non-discrimination<sup>17</sup>**

10. The Human Rights Committee recommended that Mongolia adopt comprehensive anti-discrimination legislation that addressed discrimination in both the public and private spheres, including direct and indirect discrimination, and that provided effective remedies in judicial and administrative proceedings.<sup>18</sup> The Committee on Economic, Social and Cultural Rights made a similar recommendation.<sup>19</sup>

11. The Committee on the Elimination of Racial Discrimination was concerned about the existence of a number of ultra-nationalist organizations and groups that were publicly using and promoting hate speech against people of foreign origin. While noting the explanation provided by Mongolia regarding the dissolution of registered organizations, including Dayar Mongol, it was also concerned about the lack of information on the outcome of the investigations, prosecutions and sanctions imposed on such entities.<sup>20</sup>

12. The Committee on the Elimination of Racial Discrimination recommended that Mongolia adopt a consistent methodology to collect disaggregated data that would allow

Mongolia to determine the existence of racial discrimination and to assess the impact of measures taken over time.<sup>21</sup>

13. The Committee on Economic, Social and Cultural Rights expressed concern about the persistence of discrimination against lesbian, gay, bisexual, transgender and intersex persons in the areas of employment, housing, health care and education, and the lack of recognition of same-sex couples.<sup>22</sup> The Human Rights Committee recommended that Mongolia intensify its efforts to combat stereotypes and prejudices against lesbian, gay, bisexual, transgender and intersex persons, and ensure that acts of discrimination and violence directed against them were investigated, that perpetrators were prosecuted and, if convicted, punished with appropriate penalties, and that victims were provided with full reparation. It should also consider legal recognition and protection of same-sex couples.<sup>23</sup> The Committee against Torture made similar recommendations.<sup>24</sup>

14. According to the United Nations country team, discrimination of people living with HIV/AIDS was evident during the reporting period. Foreign nationals with immigrant status were required to submit medical statements on HIV, sexually transmitted diseases and mental ability.<sup>25</sup>

## 2. Development, the environment, and business and human rights<sup>26</sup>

15. According to the United Nations country team, major environmental risk factors in Mongolia include air pollution, poor access to safely managed water sources and sanitation facilities, chemical safety, climate change and poor waste management.<sup>27</sup> In this regard, the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment recommended that Mongolia give more attention to the problem of air pollution from the *ger* districts; enforce existing laws and provide the resources necessary to implement the National Programme on Reduction of Air and Environmental Pollution; shift away from coal production towards renewable sources of energy; improve the mechanisms for publicizing data on concentrations and emissions of air pollutants; and establish monitoring and regulation of dust pollution.<sup>28</sup>

16. The Committee on Economic, Social and Cultural Rights expressed concern at the adverse impact of mining projects on herders' economic, social and cultural rights. It also expressed concern that nomadic herders' rights to their pasture, hay land and water resources were continuously infringed owing to mining activities on their traditional lands; free, prior and informed consent of herders was not obtained when licences for mining in their traditional territory were granted; and compensation to herders affected by mining projects was not adequate.<sup>29</sup> The Committee urged Mongolia to carry out human rights and environmental impact assessment processes before the mining licences were granted and to ensure that all stakeholders affected by such projects effectively participated in the assessment processes.<sup>30</sup>

17. The Committee on the Rights of the Child expressed concern about the prevalence of conflicts of interest between official duties and the private interests of those in public service roles, including members of parliament and government officials having personal investments in horse racing and training, pharmaceutical industries, and tobacco and alcohol industries, which curtailed the rights of children.<sup>31</sup>

18. The United Nations country team reported that a national action plan on business and human rights was being drafted.<sup>32</sup> It also noted that, with the support of the United Nations Children's Fund, local businesses had started focusing on children's rights, beyond corporate social responsibility initiatives, by implementing principles on children's rights and business.<sup>33</sup>

19. The Committee on Economic, Social and Cultural Rights urged Mongolia to redouble its efforts in combating corruption, including in the judiciary and the civil service; guarantee the transparency and independence of its institutions; investigate all allegations of corruption; and ensure the effective implementation of anti-corruption laws. It also requested Mongolia to protect the human rights of those engaged in anti-corruption activities, in particular victims, whistle-blowers, witnesses and their lawyers.<sup>34</sup>

## **B. Civil and political rights**

### **1. Right to life, liberty and security of person<sup>35</sup>**

20. The Committee against Torture recommended that Mongolia:

(a) Commute all death sentences to prison terms and ensure that prisoners who had formerly been on death row benefited from the same regime as all other prisoners and were afforded all the protections provided by the Convention, including fundamental legal safeguards;

(b) Ensure that the conditions of detention of prisoners who had formerly been on death row met their basic needs and rights in accordance with international standards.<sup>36</sup>

21. The Committee against Torture recommended that Mongolia adopt a definition of torture that contained all the elements of article 1 of the Convention, including a clear reference to discrimination of any kind as a motive or reason for inflicting torture, as well as to the elements of intimidation and coercion, including against a third person; ensure, in order to combat impunity, that acts of torture were offences under criminal law punishable by penalties commensurate with the gravity of the crime; and ensure that there was no statute of limitations for the crime of torture.<sup>37</sup>

22. The Committee against Torture also recommended that Mongolia ensure that prison conditions were in line with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules); reduce overcrowding and allocate adequate resources to improve living conditions; consider using non-custodial measures and alternatives to detention; and strengthen the independent and regular monitoring of all places of deprivation of liberty, including institutions for persons with psychosocial disabilities and social care homes, by the National Human Rights Commission of Mongolia.<sup>38</sup>

23. The Committee on Enforced Disappearances requested information as to whether the widespread or systematic practice of enforced disappearance was codified in national legislation as a crime against humanity. If so, the Committee also requested information on the consequences provided for under domestic law, including the maximum and minimum penalties and its imprescriptibility.<sup>39</sup>

### **2. Administration of justice, including impunity, and the rule of law<sup>40</sup>**

24. The Human Rights Committee recommended that Mongolia continue to take steps to protect the full independence and impartiality of the judiciary; guarantee that it was free to operate without interference; and ensure transparent and impartial processes for appointments to the judiciary.<sup>41</sup>

25. In March 2019, legislation was passed that allowed the National Security Council of Mongolia to dismiss the head of the Independent Authority against Corruption and the Prosecutor General without justification and before the completion of their tenure. According to the United Nations country team, this new legislation weakened the independence of the judiciary and rule of law.<sup>42</sup>

26. The Human Rights Committee expressed concerns about reports of widespread use of pretrial detention, including for lengthy periods, in some cases exceeding 30 months; allegations that persons deprived of their liberty were not being properly informed of their rights upon arrest and were not being provided with immediate access to a lawyer and a doctor or with the opportunity to contact their family; and the lack of investigation into complaints relating to violations of the rights of detainees during arrest and detention.<sup>43</sup> The Committee against Torture made recommendations in this regard.<sup>44</sup>

27. The Committee against Torture recommended that Mongolia ensure that independent and effective mechanisms to receive complaints and conduct prompt, impartial and effective investigations into allegations of torture and ill-treatment were put in place; address impunity and ensure that those found guilty of committing acts of torture and ill-treatment, including in relation to the events that took place on 1 July 2008, were promptly convicted; and protect complainants, lawyers and witnesses from intimidation and reprisals.<sup>45</sup>

### 3. Fundamental freedoms and the right to participate in public and political life<sup>46</sup>

28. The Human Rights Committee expressed concerns about broad legal restrictions on the media, including Internet media, and limitations on access to information due to the broad interpretation of confidentiality provisions by authorities. While noting that the general defamation provision had been removed from the Criminal Code, it was still concerned about remaining provisions on defamation in the criminal law and reports about the increasing use of civil law defamation clauses. It also expressed concern about reports of attacks and harassment against journalists and media workers.<sup>47</sup>

29. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged the Government to assess the system of supervision of the broadcasting sector in order to ensure that that process was transparent and independent.<sup>48</sup>

30. The Human Rights Committee recommended that Mongolia remove restrictions on the right to participate in public life, including the right to stand for elections, the right to vote and the freedom to campaign, and bring its electoral legislation and practice into compliance with the Covenant.<sup>49</sup>

### 4. Prohibition of all forms of slavery<sup>50</sup>

31. The United Nations country team noted the establishment, in 2017, of a subcouncil to provide guidance on the prevention and control of human trafficking and to supervise the implementation of the law to combat trafficking in persons; and a police unit to combat human trafficking. Despite some improvements, law enforcement agencies required further awareness-raising and capacity-building. Protection and support for victims of human trafficking could also be improved.<sup>51</sup> The country team also noted that the International Organization for Migration lacked access to reliable and comprehensive data on the number of victims of human trafficking.<sup>52</sup> The Human Rights Committee expressed concerns about lack of identification of victims and reports of arrest and detention of victims for acts committed as a direct result of being trafficked, and insufficient funding of services and shelters for victims.<sup>53</sup> The Committee on the Elimination of Discrimination against Women recommended that Mongolia address the root causes of trafficking by enhancing educational and economic opportunities for women and girls and their families, thereby reducing their vulnerability to exploitation by traffickers.<sup>54</sup>

32. The Committee against Torture recommended that Mongolia:

(a) Vigorously implement international and domestic anti-trafficking legislation, allocate sufficient funds to combat trafficking and develop an integrated and coordinated counter-trafficking framework;

(b) Prevent and eradicate human trafficking, including by providing specialized training to public officials, in particular law enforcement, immigration and prosecutorial personnel, on how to identify victims and investigate, prosecute and sanction perpetrators;

(c) Promptly, effectively and impartially investigate the crime of trafficking in persons and related practices and prosecute and punish perpetrators in accordance with the gravity of the crime;

(d) Increase the protection of and provide redress to victims of trafficking, especially minors, including free legal aid, medical and psychological aid and rehabilitation, and access to adequate shelters and assistance in reporting incidents of trafficking to the police.<sup>55</sup>

33. According to the United Nations country team, the Labour Law limits the understanding of forced labour to only four of the five uses prohibited by the Abolition of Forced Labour Convention, 1957 (No. 105) of ILO. The Criminal Code also makes the absence of payment a defining element of the offence of forced labour, thus unduly narrowing the scope of forced labour to be punished as a criminal offence.<sup>56</sup>

34. The United Nations country team noted that the Government, through its resolution No. 107 of 2013, approved a “Mongolian conscripts for reconstruction” project allowing army staff to work in mining, construction and infrastructure development. On 10 April 2019, conscripts were mobilized to construct a railroad that was 414.6 km long. The country team highlighted that according to the Abolition of Forced Labour Convention, military service should only be compulsory if the assigned work was of a military character.<sup>57</sup>

## **5. Right to privacy and family life**

35. The Human Rights Committee expressed concern about reports of the impact of urban redevelopment in Ulaanbaatar on the right to privacy and family life of residents facing the risk of forced eviction.<sup>58</sup>

## **C. Economic, social and cultural rights**

### **1. Right to work and to just and favourable conditions of work<sup>59</sup>**

36. The Committee on Economic, Social and Cultural Rights expressed concern about the high rate of unemployment, in particular about the disproportionate concentration of persons with disabilities, herders and youth among the unemployed. It recommended that Mongolia reduce the unemployment rate and ensure that economic growth would be more inclusive, targeting in particular those groups that were more vulnerable to unemployment, including persons with disabilities, herders and young people.<sup>60</sup>

37. The Committee on the Elimination of Discrimination against Women recommended that Mongolia intensify its efforts to create an enabling environment for women to become more economically independent, including by raising the awareness of employers in the public and private sectors of the prohibition of discrimination in employment against women, including women with disabilities, and to promote the entry of women into the formal economy, including through the provision of vocational and technical training.<sup>61</sup>

38. The Committee on Economic, Social and Cultural Rights expressed concern at the situation of many of the herders who had lost their livestock and were thus engaged in artisanal and small-scale mining activities. It also expressed concern that those activities were mostly not regularized and were characterized by poor and unsafe working conditions, including with regard to low income and the use of dangerous chemicals such as mercury.<sup>62</sup>

39. Moreover, the Committee urged Mongolia to ensure rigorous enforcement of existing occupational, health and safety laws and regulations, as well as the development and adoption of other measures, as necessary. It also recommended that Mongolia increase the number of adequately trained labour inspectors and ensure their even distribution throughout the country.<sup>63</sup>

40. The Committee was also concerned that trade union rights were not always secured and that workers in big mining companies risked dismissal for engaging in trade union activities.<sup>64</sup>

### **2. Right to social security**

41. The Committee on Economic, Social and Cultural Rights expressed concerns about the lack of universal social security coverage, the fragmentation of the existing social security programmes and the inadequacy of social security benefits.<sup>65</sup>

### **3. Right to an adequate standard of living<sup>66</sup>**

42. The Committee on Economic, Social and Cultural Rights was concerned about the increased poverty rate in recent years, especially among women, children, persons with disabilities and herders living in remote areas, and the ineffectiveness of measures to address poverty, notably due to the fragmentation of programmes and a lack of coordination at the governmental level.<sup>67</sup>

43. The Committee on Economic, Social and Cultural Rights was also concerned about the shortage of housing units, especially in urban areas, and about the emergence, as a result of increased internal migration, of informal settlements around urban areas that were characterized by poor living conditions and scarce access to basic services. The Committee was further concerned about the negative impact of the *ger* area redevelopment regulation on persons whose land was subject to redevelopment, for example in the form of forced evictions, especially on those who did not have a legal title to their land, did not receive adequate compensation and were not provided with alternative accommodation in areas with basic social services.<sup>68</sup>

44. The United Nations country team reported that, according to the latest estimates of the Food and Agriculture Organization of the United Nations, 12 per cent of the population of Mongolia experienced moderate or severe forms of food insecurity. Food insecurity in Mongolia was higher in the capital than in rural areas.<sup>69</sup> The Committee on Economic, Social and Cultural Rights recommended that Mongolia redouble its efforts to ensure access to safe, adequate and affordable food, including by intensifying its healthy diet campaigns, and to address food insecurity and hunger, including by distributing food vouchers that met the nutritional standards of all those in need while ensuring that any targeting of the food vouchers programme did not lead to the exclusion of certain households in need; and prevent, deter and investigate cases of pesticides in food.<sup>70</sup>

45. The Committee on the Rights of the Child recommended that Mongolia ensure the availability of essential micronutrients, including vitamins A and D, to children under 5 years of age, paying particular attention to children in rural areas and from low-income families, and facilitate opportunities for nutrition counselling during distribution; and increase the number of infants up to 6 months of age that were exclusively breastfed by designing and enacting a national breastfeeding policy and action plan with sufficient resources.<sup>71</sup>

46. The United Nations country team observed that access to safely managed sanitation facilities and water sources for small and rural communities, including nomadic herding households, had not improved much since 2015. There was still large differences between urban and rural areas.<sup>72</sup> The Special Rapporteur on the human rights to safe drinking water and sanitation recommended that Mongolia address urban-rural inequalities in access to water and sanitation services and give due priority to rural areas, with technical assistance and financial support to improve those services.<sup>73</sup> The Committee on Economic, Social and Cultural Rights made a similar recommendation.<sup>74</sup>

#### 4. Right to health<sup>75</sup>

47. The Committee on the Rights of the Child recommended that Mongolia promptly take the necessary measures to ensure adequate access to health services to all children, with particular attention to children in rural areas and from low-income families, and take concrete measures to combat corruption in the health-care sector, such as the practice of soliciting additional informal payments, including by holding those responsible accountable.<sup>76</sup> The Committee also expressed concern about indications of a further increase in mental health issues among children, including children contemplating or attempting suicide.<sup>77</sup>

48. The United Nations country team observed that the abortion rate was particularly high among young people. Such increases could be the consequence of a chronic stock-outs of free contraceptives, management of family-planning programmes and lack of knowledge among adolescents.<sup>78</sup>

49. The Committee on the Elimination of Discrimination against Women recommended that Mongolia integrate age-appropriate education on sexual and reproductive health and rights into school curricula, incorporating a clear gender perspective, including sex education for adolescent girls and boys covering gender relations and responsible sexual behaviour.<sup>79</sup> The Committee on the Rights of the Child also recommended that Mongolia reintroduce sexual and reproductive health as a separate class in schools, involving adolescents in the development of its content, and strengthen its efforts to provide adolescents with appropriate reproductive health services.<sup>80</sup>

50. The Committee on Economic, Social and Cultural Rights recommended that Mongolia reinforce its measures to prevent HIV/AIDS, including through the re-establishment of the National Committee on AIDS and the effective implementation of related laws and policies. It also recommended that Mongolia intensify its efforts aimed at combating alcohol abuse, including through awareness-raising campaigns, and redouble its preventive and treatment measures to combat hepatitis B and C.<sup>81</sup> The Committee on the Elimination of Discrimination against Women called upon Mongolia to improve the information on health, especially sexual and reproductive health and rights, provided to women and girls with disabilities and to lesbian, bisexual, transgender and intersex women, and train medical personnel to respond to their needs.<sup>82</sup>

51. The United Nations country team noted that people dependent on drugs or adolescent drug users did not have a health service that was responsive to their needs, and risked being prosecuted.<sup>83</sup>

## 5. Right to education<sup>84</sup>

52. According to UNESCO, Mongolia achieved impressive enrolment rates at the primary level, but by upper secondary level the completion rate dropped to 63 per cent.<sup>85</sup> Considering that an influx of children from rural areas to Ulaanbaatar schools meant that classrooms were overloaded, UNESCO encouraged Mongolia to provide sufficient resources to State-run boarding schools, which were important for the education of herder children.<sup>86</sup>

53. The Committee on the Rights of the Child recommended that Mongolia take concrete measures to improve access to and retention in primary and secondary schools and ensure the availability of qualified teachers, transportation to schools, learning and instructional materials and adequate physical infrastructure, including access to clean water and sanitation facilities.<sup>87</sup> The Committee also recommended that Mongolia strengthen efforts to guarantee equal access to education by all children at all levels, paying particular attention to the specific needs of boys, including those living in monasteries, children with disabilities, children in remote rural areas, children from herder families, children from low-income families and children from ethnic and linguistic minorities, such as Kazakh children.<sup>88</sup>

54. The Committee on Economic, Social and Cultural Rights recommended that Mongolia address access to inclusive education by children with disabilities, including through the compulsory training of teachers, the development of individual education plans for students, barrier-free physical access to schools and their facilities, and the allocation of sufficient financial resources.<sup>89</sup>

## D. Rights of specific persons or groups

### 1. Women<sup>90</sup>

55. The Committee on the Elimination of Discrimination against Women remained concerned at the high prevalence of violence against women, in particular domestic and sexual violence and at the lack of statistical information thereon. It was also concerned that there was only one State-run shelter for victims of violence, that women and girls with disabilities did not have access to shelters for victims of violence or to adequate assistance and victim support services, and that there was no training for officers, social workers or medical personnel on the specific needs and vulnerabilities of women with disabilities who were victims of violence.<sup>91</sup> The Committee against Torture expressed similar concerns.<sup>92</sup> The Committee against Torture and the Human Rights Committee made recommendations in that regard.<sup>93</sup> The United Nations country team also expressed concern about an extremely high prevalence of domestic violence: 57.9 per cent of Mongolian women had experienced some form of intimate partner violence at least once in their lifetime.<sup>94</sup> Since the previous universal periodic review, there had been noticeable progress in legal protection, public service, data availability and awareness-raising about gender-based violence and domestic violence.<sup>95</sup> However, social attitudes continued to perceive gender-based violence and domestic violence as private issues.<sup>96</sup>

56. The Committee on Economic, Social and Cultural Rights expressed concern about the still limited representation of women in the parliament and in decision-making positions, the persistence of job announcements that discriminated on the basis of sex, sexual harassment at the workplace, and the concentration of women in low-paying sectors.<sup>97</sup> The Committee on the Elimination of Discrimination against Women noted with appreciation that Mongolia had re-established a minimum quota of 30 per cent for women candidates on the electoral lists of political parties in parliamentary elections. It expressed concern, however, about the lack of implementation in practice of temporary special measures.<sup>98</sup>

### 2. Children<sup>99</sup>

57. The Committee on the Rights of the Child noted with concern that children continued to be subjected to violence and abuse in Mongolia, including physical and psychological violence in the home by parents who were dependent on alcohol, as well as sexual abuse.<sup>100</sup> The Committee expressed particular concern that the prohibition of participation of children under 16 years of age in horse races between 1 November and 1 May in Executive Order A/36 of February 2016 had been removed by the Minister of Labour and Social Welfare in February 2017.<sup>101</sup>



58. The United Nations country team observed that adolescent preventive health screening programmes were routinely conducted with the intention to detect sexual violence against girls in Mongolia.<sup>102</sup> Despite a United Nations statement to eliminate virginity testing, health professionals in multiple provinces and districts of Mongolia continued to practice it.<sup>103</sup>

59. The United Nations country team reported that around 10,000 children were used as child jockeys every year. They often rode in negative temperatures and for an average distance of 80 to 100 km from the start to the finish line. Many child jockeys became disabled; on average, two child jockeys died from horse race accidents each season.<sup>104</sup>

60. The United Nations country team noted the approval of the National Programme for the Elimination of the Worst Forms of Child Labour and the establishment of a national committee to implement the programme. However, according to the country team, the committee's work had been hampered owing to the limited resources allocated by the Government.<sup>105</sup> The Committee on the Rights of the Child remained seriously concerned that children continued to be engaged in dangerous and hazardous work, notably in agriculture, mining and horse racing.<sup>106</sup>

61. The Committee on the Rights of the Child remained concerned that corporal punishment continued to be used widely in the home and in schools and urged Mongolia to ensure the effective implementation of the law, including through public education and awareness-raising programmes such as nationwide social mobilization campaigns, as well as training of parents and teachers to promote positive, non-violent and participatory forms of child-rearing and discipline.<sup>107</sup>

62. The Committee on the Rights of the Child remained concerned at the number of children who continued to be accommodated in residential care institutions, and recommended that Mongolia strengthen existing efforts to support family-type care in the community, including foster care and adoption; ensure adequate safeguards and clear criteria, based on the needs and best interests of the child, for determining whether a child should be placed in alternative care; establish and implement standards of care for children in alternative care; and undertake regular monitoring of institutions and other care arrangements and the situation of the children therein.<sup>108</sup>

63. The Human Rights Committee remained concerned about the absence of a comprehensive juvenile criminal justice system, including specialized courts for juveniles, and allegations that children deprived of their liberty were not always separated from adults.<sup>109</sup>

64. The Committee on the Rights of the Child expressed concern about the undue interference with the right to privacy by parents, health-care professionals and individuals working with and for children, leading in some cases to suicide.<sup>110</sup>

### **3. Persons with disabilities<sup>111</sup>**

65. The United Nations country team observed that quality of life, health and well-being of persons with disabilities, particularly women, had not improved, owing to a lack of implementation. Women and girls with disabilities were still subjected to forced and coerced abortion, involuntary sterilization and contraception.<sup>112</sup>

66. The Committee on the Rights of Persons with Disabilities recommended that Mongolia ensure access for people with disabilities to health services without financial constraints, in particular sexual and reproductive health services, maternal and child health services, psychosocial services and comprehensive rehabilitation community-based services, for rural and isolated areas; and ensure that all persons with disabilities had the right to free and informed consent.<sup>113</sup>

67. The Committee on the Rights of Persons with Disabilities expressed concern about the fragmented nature of the State party's disability-relevant anti-discrimination legislation and the lack of coordination, including with organizations of persons with disabilities and ministries, to ensure the effective implementation of coherent domestic laws as part of a strategy to implement the Convention. It also expressed concern that Mongolia did not legally recognize that denial of reasonable accommodation was a prohibited ground of discrimination.<sup>114</sup>

68. The Committee on the Rights of Persons with Disabilities recommended that Mongolia broaden its policy on accessibility to remove barriers to information and communications technologies, in order to better enable persons with disabilities to participate in society; provide legal recognition for sign language and Braille, and improve the quantity and diversity of media content accessible to persons with disabilities; increase the level of resources allocated to measures aimed at ensuring access to public transport, buildings and public spaces; and strengthen its monitoring and enforcement mechanisms on accessibility.<sup>115</sup>

69. The Committee on the Rights of Persons with Disabilities expressed concern about the overall lack of information on the social, economic and political situation of girls and women with disabilities in Mongolia, on the incidence of violence, including sexual abuse, to which they were subjected and on the limited participation of women with disabilities in making decisions affecting them in general.<sup>116</sup>

70. The Committee on the Rights of the Child remained concerned at the social exclusion of children with disabilities and the discrimination they faced in all areas of life. It urged Mongolia to adopt a human rights-based approach to disability and to set up a comprehensive strategy for the inclusion of children with disabilities.<sup>117</sup> The Committee on the Rights of Persons with Disabilities recommended that Mongolia prevent violence and abuse against and the abandonment of children with disabilities, paying particular attention to the situation of girls with disabilities, as well as of all children with disabilities from rural areas and nomadic communities.<sup>118</sup>

#### **4. Minorities and indigenous peoples**

71. The Committee on the Elimination of Racial Discrimination recommended that Mongolia take special measures and allocate adequate budgets to enhance access to education and to improve the quality of education in the official language of the country and in the native languages of ethnic groups and indigenous peoples. It also recommended that Mongolia protect the seven endangered native languages while welcoming the establishment of quotas and scholarships to enable Tsaatan (Dhuka) students to enrol at university; and explore the possibility of extending such measures to other minority groups.<sup>119</sup>

72. The Committee on the Elimination of Racial Discrimination also recommended that Mongolia amend the Minerals Law, the Law on Licensing and the General Administrative Law to ensure that the rights of ethnic minorities, in particular those practising reindeer herding, to meaningful consultation, prior to the issuance of mining licences or exploration permits on lands that they traditionally used or occupied, were guaranteed.<sup>120</sup>

#### **5. Migrants, refugees and asylum seekers<sup>121</sup>**

73. The Committee on the Elimination of Racial Discrimination was concerned about the substandard working and living conditions of migrant workers and about the lack of effective monitoring and inspection mechanisms to ensure that they enjoyed the same working conditions as Mongolian workers.<sup>122</sup>

74. The Committee against Torture also recommended that Mongolia take effective legislative, judicial and administrative measures to comply with its obligations regarding non-refoulement; ensure that no person was expelled, returned or extradited to countries where there were substantial grounds for believing that he or she would be in danger of being subjected to torture; and ensure that the bilateral and multilateral extradition agreements concluded by Mongolia respected the principle of non-refoulement.<sup>123</sup>

75. The Committee on the Elimination of Racial Discrimination was concerned that asylum seekers, refugees and stateless persons, in particular those who were not registered, might have difficulties accessing State-provided services, such as health care, social security and education, particularly given the absence of national legislation on refugees.<sup>124</sup>

#### **6. Stateless persons**

76. The Committee on the Rights of the Child recommended that Mongolia: strengthen efforts to provide all children with a legal identity through birth registration, including Kazakh children, those who migrated within the territory and those who were born at home or without midwife support; and grant Mongolian citizenship to all children residing in Mongolia who would otherwise be stateless, particularly Kazakh children who had returned to Mongolia.<sup>125</sup>

## Notes

- <sup>1</sup> Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Mongolia will be available at [www.ohchr.org/EN/HRBodies/UPR/Pages/MNIndex.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/MNIndex.aspx).
- <sup>2</sup> For relevant recommendations, see A/HRC/30/6, paras. 108.1, 108.4, 108.8–108.17, 108.36, 108.38–108.39, 108.62, 108.66, 108.75, 108.89, 108.134 and 108.161.
- <sup>3</sup> CERD/C/MNG/CO/23-24, para. 29.
- <sup>4</sup> CED/C/MNG/Q/1, para. 1.
- <sup>5</sup> CERD/C/MNG/CO/23-24, para. 16.
- <sup>6</sup> CRC/C/MNG/CO/5, para. 20.
- <sup>7</sup> United Nations country team submission to the universal periodic review of Mongolia, para. 4.
- <sup>8</sup> For relevant recommendations, see A/HRC/30/6, paras. 108.3, 108.18–108.23, 108.25–108.35, 108.37, 108.40–108.42, 108.45, 108.49, 108.54, 108.57–108.59, 108.61, 108.63–108.64, 108.67, 108.71, 108.74, 108.83, 108.86–108.88, 108.92–108.93, 108.96–108.97, 108.99, 108.101–108.103, 108.105, 108.109, 108.113, 108.117–108.118, 108.121, 108.123, 108.131–108.132, 108.136, 108.139, 108.154, 108.162 and 108.164.
- <sup>9</sup> CERD/C/MNG/CO/23-24, para. 10.
- <sup>10</sup> CCPR/C/MNG/CO/6, para. 8, and E/C.12/MNG/CO/4, para. 7.
- <sup>11</sup> E/C.12/MNG/CO/4, para. 7.
- <sup>12</sup> CRC/C/MNG/CO/5, para. 11.
- <sup>13</sup> CAT/OP/MNG/1, para. 21.
- <sup>14</sup> CAT/C/MNG/CO/2, para. 34.
- <sup>15</sup> Country team submission, para. 24.
- <sup>16</sup> CRC/C/MNG/CO/5, para. 48.
- <sup>17</sup> For relevant recommendations, see A/HRC/30/6, paras. 108.50–108.51, 108.53, 108.55–108.56 and 108.60.
- <sup>18</sup> CCPR/C/MNG/CO/6, para. 10.
- <sup>19</sup> E/C.12/MNG/CO/4, para. 12.
- <sup>20</sup> CERD/C/MNG/CO/23-24, paras. 13–14.
- <sup>21</sup> *Ibid.*, para. 6.
- <sup>22</sup> E/C.12/MNG/CO/4, para. 13.
- <sup>23</sup> CCPR/C/MNG/CO/6, para. 12.
- <sup>24</sup> CAT/C/MNG/CO/2, para. 30.
- <sup>25</sup> Country team submission, para. 46.
- <sup>26</sup> For relevant recommendations, see A/HRC/30/6, paras. 108.129–108.130 and 108.163.
- <sup>27</sup> Country team submission, para. 34.
- <sup>28</sup> A/HRC/37/58/Add.2, para. 84.
- <sup>29</sup> E/C.12/MNG/CO/4, para. 8.
- <sup>30</sup> *Ibid.*, para. 9.
- <sup>31</sup> CRC/C/MNG/CO/5, para. 13.
- <sup>32</sup> Country team submission, para. 11.
- <sup>33</sup> *Ibid.*
- <sup>34</sup> E/C.12/MNG/CO/4, para. 11.
- <sup>35</sup> For relevant recommendations, see A/HRC/30/6, paras. 108.2, 108.5–108.7, 108.65, 108.68–108.70, 108.72, 108.76–108.80, 108.82–108.83, 108.126 and 108.160.
- <sup>36</sup> CAT/C/MNG/CO/2, para. 22.
- <sup>37</sup> *Ibid.*, para. 10. See also CCPR/C/MNG/CO/6, paras. 21–22.
- <sup>38</sup> CAT/C/MNG/CO/2, para. 20.
- <sup>39</sup> CED/C/MNG/Q/1, para. 8.
- <sup>40</sup> For relevant recommendations, see A/HRC/30/6, paras. 108.52, 108.104, 108.111, 108.124–108.125 and 108.127.
- <sup>41</sup> CCPR/C/MNG/CO/6, paras. 31–32.
- <sup>42</sup> Country team submission, para. 2.
- <sup>43</sup> CCPR/C/MNG/CO/6, para. 23.
- <sup>44</sup> CAT/C/MNG/CO/2, para. 12.
- <sup>45</sup> *Ibid.*, para. 18.
- <sup>46</sup> For relevant recommendations, see A/HRC/30/6, paras. 108.133, 108.135, 108.137–108.138 and 108.140–108.142.
- <sup>47</sup> CCPR/C/MNG/CO/6, para. 37.
- <sup>48</sup> UNESCO submission, para. 13.
- <sup>49</sup> CCPR/C/MNG/CO/6, para. 40.
- <sup>50</sup> For relevant recommendations, see A/HRC/30/6, paras. 108.116, 108.119–108.120 and 108.122.

- 51 Country team submission, para. 10.  
52 Ibid., para. 55.  
53 CCPR/C/MNG/CO/6, paras. 27–28. See also CEDAW/C/MNG/CO/8-9, para. 21.  
54 CEDAW/C/MNG/CO/8-9, para. 21 (d).  
55 CAT/C/MNG/CO/2, para. 32.  
56 Country team submission, para. 29.  
57 Ibid., para. 30.  
58 CCPR/C/MNG/CO/6, para. 35.  
59 For the relevant recommendation, see A/HRC/30/6, para. 108.152.  
60 E/C.12/MNG/CO/4, para. 15.  
61 CEDAW/C/MNG/CO/8-9, para. 27.  
62 E/C.12/MNG/CO/4, para. 16.  
63 Ibid., para. 17.  
64 Ibid., para. 19.  
65 Ibid., para. 20.  
66 For the relevant recommendation, see A/HRC/30/6, para. 108.143.  
67 E/C.12/MNG/CO/4, para. 22.  
68 Ibid., para. 23.  
69 Country team submission, para. 57.  
70 E/C.12/MNG/CO/4, para. 24.  
71 CRC/C/MNG/CO/5, para. 31.  
72 Country team submission, para. 35.  
73 A/HRC/39/55/Add.2, para. 82 (g).  
74 E/C.12/MNG/CO/4, para. 25.  
75 For relevant recommendations, see A/HRC/30/6, paras. 108.145–108.149 and 108.158.  
76 CRC/C/MNG/CO/5, para. 30.  
77 Ibid., para. 33.  
78 Country team submission, para. 39.  
79 CEDAW/C/MNG/CO/8-9, para. 25 (a).  
80 CRC/C/MNG/CO/5, para. 32.  
81 E/C.12/MNG/CO/4, para. 27.  
82 CEDAW/C/MNG/CO/8-9, para. 29 (c).  
83 Country team submission, para. 46.  
84 For relevant recommendations, see A/HRC/30/6, paras. 108.150–108.151 and 108.155–108.157.  
85 UNESCO submission, para. 10.  
86 Ibid., paras. 10–11.  
87 CRC/C/MNG/CO/5, para. 38 (d).  
88 Ibid., para. 38 (a).  
89 E/C.12/MNG/CO/4, para. 29.  
90 For relevant recommendations, see A/HRC/30/6, paras. 108.42, 108.44, 108.46–108.48, 108.85, 108.90–108.91, 108.94–108.95, 108.98 and 108.100.  
91 CEDAW/C/MNG/CO/8-9, para. 18.  
92 CAT/C/MNG/CO/2, para. 27.  
93 Ibid., para. 28, and CCPR/C/MNG/CO/6, para. 18.  
94 Country team submission, para. 19.  
95 Ibid., para. 18.  
96 Ibid., para. 20.  
97 E/C.12/MNG/CO/4, para. 14.  
98 CEDAW/C/MNG/CO/8-9, para. 14.  
99 For relevant recommendations, see A/HRC/30/6, paras. 108.24, 108.106–108.108, 108.110, 108.112, 108.114–108.115 and 108.128.  
100 CRC/C/MNG/CO/5, para. 24.  
101 Ibid., para. 40.  
102 Country team submission, para. 41.  
103 Ibid., para. 40.  
104 Ibid., paras. 26–27.  
105 Ibid., para. 25.  
106 CRC/C/MNG/CO/5, para. 40.  
107 Ibid., para. 23. See also CCPR/C/MNG/CO/6, para. 18, and CAT/C/MNG/CO/2, para. 26.  
108 CRC/C/MNG/CO/5, para. 27.  
109 CCPR/C/MNG/CO/6, paras. 33–34. See also CAT/C/MNG/CO/2, para. 24, and CRC/C/MNG/CO/5, para. 43.  
110 CRC/C/MNG/CO/5, para. 21.  
111 For the relevant recommendation, see A/HRC/30/6, para. 108.153.

- <sup>112</sup> Country team submission, para. 50.  
<sup>113</sup> CRPD/C/MNG/CO/1, para. 39.  
<sup>114</sup> *Ibid.*, para. 8. See also CCPR/C/MNG/CO/6, paras. 13–14.  
<sup>115</sup> CRPD/C/MNG/CO/1, para. 17.  
<sup>116</sup> *Ibid.*, para. 10.  
<sup>117</sup> CRC/C/MNG/CO/5, para. 29.  
<sup>118</sup> CRPD/C/MNG/CO/1, para. 13. See also UNESCO submission, para. 10.  
<sup>119</sup> CERD/C/MNG/CO/23-24, para. 20.  
<sup>120</sup> *Ibid.*, para. 26.  
<sup>121</sup> For relevant recommendations, see A/HRC/30/6, paras. 108.144 and 108.159.  
<sup>122</sup> CERD/C/MNG/CO/23-24, paras. 17–18.  
<sup>123</sup> CAT/C/MNG/CO/2, para. 36.  
<sup>124</sup> CERD/C/MNG/CO/23-24, paras. 15–16.  
<sup>125</sup> CRC/C/MNG/CO/5, para. 20.
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