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**Mongolia\***

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## List of Acronyms

CRC	Committee on the Rights of the Child
GoM	Government of Mongolia
GDP	Gross Domestic Product
IAAC	Independent Authority against Corruption
LPCR	Law on Protecting Children's Right
MoF	Ministry of Finance
MoJ	Ministry of Justice
MoFA	Ministry of Foreign Affairs
MoES	Ministry of Education and Science
MoL	Ministry of Labour
MoED	Ministry of Economic Development
MoH	Ministry of Health
MoCST	Ministry of Culture, Sports and Tourism
MoM	Ministry of Mining
MIA	Ministry of Industry and Agriculture
MoPDSF	Ministry of Population Development and Social Welfare
MICS	Multiple Indicators Cluster Survey
NSO	National Statistics Office
NAC	National Authority for Children
NCC	National Council for Children
NHRC	National Human Rights Commission
NJIM	Norwegian Lutheran Mission
NGO	Non-governmental organization
SC	Save the Children
SGH	State Great Hural, Parliament of Mongolia
UN	United Nations
UNICEF	United Nations Children's fund
WVI	World Vision, International

## **Additional information to the Common Core report of Mongolia**

### **I. General information**

#### **A. General information on Mongolian geography and landscape**

1. Mongolia is located in the heart of Asia in the 87°44-119°56 longitudes of the Eastern Hemisphere and 41°35-52°09 latitudes in the Northern Hemisphere. The distance between the west and east is 2,393 kilometers. From the north to the east, there are 1,259 kilometers. A total territory of Mongolia covers 1,566.5 thousand square meters, making the country the 19th largest country in the world. Mongolia is one of the biggest landlocked countries. It borders with Russia in north and with China in the south, east and west. Mongolia is elevated on about 914-1,580 meter in average above the sea level. The western and northern parts are mountainous. The Altai Mountain in the south-west is on the 4,267 meters above the sea level.

2. Mongolian has extreme continental climate. The weather changes quickly in Mongolia due to its geographic location and time zones. Mongolia is isolated from oceans and surrounded by high mountains, which rise above the sea level by 1.5 km. Mongolia has four distinct seasons, summer is short and dry (from June to August), winter is cold and long (from end of November to April) and spring (from April to June) and autumn (end of August to November). The annual precipitation ranges from 388 mm in mountainous regions to less than 50 mm in the Gobi region.

3. The temperature ranges from -15°C to -30°C (-5°F to -22°F) in the winter and from 10°C to 26.7°C (50°F to 80°F) in the summer. The average annual temperature in the Altai, Khangai, Khuvsgul and mountainous regions of Khentii is less than -4°C and in the valleys of large river basins is from -6°C to 8°C and less than 2°C in the steppe and more than 6°C. in the Gobi region Mongolia has extreme climate. Precipitation is low in Mongolia with 250 to 400 mm precipitation in the Northern Regions and 100-150 mm precipitation in the Southern regions.

4. There are many different types of soil including brown, dark brown, light brown, sandy, chalky, peaty and salty. Only 0.76 percent of the total landmass has brown soil, which is suitable for agriculture. 840 km<sup>2</sup> areas are supplied with irrigation systems.

5. There are 3811 rivers with more than 67,000 km length, 3,500 lakes with total volume of 500 m<sup>3</sup>, 7,000 springs, 190 glaciers with more than 540 m<sup>2</sup> total areas, some 250 minor water springs and 139 underground water reserves in Mongolia. Rivers and lakes in Mongolia can be divided into 3 oceanic basins: 1) the Arctic Ocean Basin; 2) the Pacific Ocean Basin; 3) and Central Asian Internal Drainage basin. Orkhon river is the longest river in Mongolia. (With the length of 1,124 km, 133,000 km<sup>2</sup> water reserve area). The largest lake is the Uvs lake (3,350 km<sup>2</sup>), and the deepest lake is the Khuvsgul lake (262.4 m).

6. 41.3 percent of the total landscape consists of desert and steppe regions while less than 10 percent is forest. Mongolia has over 4,000 species of flowers and fauna under the category of perennial, monocyclic, woody, bushy and semi-bushy. There are 140 species of mammals that belong to 7 groups, 24 families and 70 categories and 390 species of birds in Mongolia. Among which, there are several species of animals and fauna that are unique to

Mongolia, which includes wild horse, wild camel, Gobi bear, golden arnica, thermopsis and saussurea dorogostaiskii Palib.

7. Mongolia has rich resources in mineral including gold, copper, uranium and coal. These resources make Mongolia to have an important role in the international economy.

## **B. History and culture**

8. There is an evidence of human life on the current Mongolian land dating 1 million years back. Hunnu Empire the first powerful nomadic empire in Mongolia, which was founded in the 6th century BC. At the height of its power, the Hunnu empire occupied the land of Turegstan in the west, Kyangan Mountains in the east, Baikal lake in the north and Chinese White Walls in the south. In 2011, Mongolia celebrated the 2200th anniversary of the Hunnu Empire, the first Mongolian empire and also celebrated 800th anniversary of Great Mongolian Empire, founded by Chinggis Khan in 2006. Mongolia was under the control of the Manchurian Empire for 200 years and regained its independence on November 26, 1921 with the people's revolutionary movement and founded the People's Republic of Mongolia. In 1940s, Mongolia became the satellite state of Soviet Union and a part of the socialist commonwealth countries for 40 years. Mongolia joined the United Nations in 1961 as a full pledged member. A first democratic election was held on July 1990 and Mongolia made a peaceful transition to democracy. A new Constitution of Mongolia was adopted in 1992 and a first Presidential election was held on June 06, 1993.

9. Mongolia have very rich ancient cultural heritage. Mongolian language is a well-developed language, which belongs to the Altaic family and has rich vocabulary. Today Mongolia is using a Cyrillic script along with its 1000-year-old traditional Mongolian script. Mongolian wrestling, horse racing, archery, long songs, throat singing and traditional dances are important cultural heritage to the world.

## **C. Mongolian demographics**

10. Today, the Mongolian population has reached 2.9 million, of which 10 percent is the elders, 27.4 percent is 0-14 year old children, 37.7 percent is 15 to 34 year old youths. Population grew with the 2.6 folds by 2010 compared to 1963 and the number of households was increased by 3 folds. Women comprise the 51.3 percent of total population while men cover 48.7 percent. The average population growth is 1.4 percent. In 2013, the average life expectancy was 69.1 years with women's life expectancy of 75 years and men's life expectancy of 65.4. 67.2 percent of population lives in urban settings. In the past 10 years, the rural-to-urban migration has been increased significantly leading to a higher percent of urban population. Mongolian Human Development Index is 0.787.

11. According to the Population and Housing Census of 2010, there were 713.8 thousand households counted in Mongolia which showed the 31.9 percent increase at the national level compared to 2000. The 61.9 percent increase in household numbers was observed in Ulaanbaatar, while there was 4.3 percent decrease in rural areas. 82.4 percent of the total Mongolian citizens residing in Mongolia is ethnic khalkhas, while 3.9 percent is ethnic Khazakhs. 61.4 percent of the total population over 15 year old in Mongolia has some sort of religion while 38.6 percent does not have any religion. 86.2 percent of the total population follow religion, which is 1,170,200 people, is Buddhists, a remaining percent believes in Christianity, Muslim and Shamanism. 21 percent of the ethnic Buriad, 41.5 percent of the ethnic Darkhad, 46.2 percent of the ethnic Tuva, 30.6 percent of the ethnic Khamnigan, 85 percent of the ethnic Tsaatan are shamanists.

12. The Mongolian Gross Domestic Product (GDP) growth rate was -1.3% in 2009. From 2010, the growth rate became positive and in 2013, it became 11.8%. GDP per capita was MNT 2,449 per at nominal values in 2009 and the number increased to MNT 6,053.8 in 2013.

#### **D. Economy**

13. Mongolia has been successfully transferring to market economy. In the past 10 years, mining sector has been developed in a growing speed resulting the rapid increase of budget revenue. In 2011, the annual economic growth reached 17 percent. This was a first time of high growth records. However, the inflation rate has been never below two digit numbers. In the first half of 2014, GDP growth was 5.3 percent; unemployment rate was 8.4 percent and the inflation rate reached to 14.9 percent.

14. The Global Competitiveness Report of 2011-2012 highlighted that “In terms of economic and social development, Mongolia is on the transition period between a first phase, which is based on production to a second phase, which is focused on productivity” and categorizes Mongolia to the low middle income countries.

15. In 2010, poverty rate was 38.7 percent and it was decreased to 27.4 percent in 2012. Poverty rate in Ulaanbaatar was 19.8 percent while rural poverty rate was 39.8 percent in 2012. In the same year, the average poverty rate in soum centres was 27.5 percent and 30.4 percent in aimag centres. The country’s Gini index is 0.34 percent.

16. The total number of single-headed families reached 107.2 thousands. This number is increased by 22.9 thousands if it is compared to 2004 statistics. Single mother headed families makes 76.2 percent. There are 39.9 thousand single mothers with children under 18 years old. 60 percent of families with more than 8 members have consumptions below poverty line.

#### **E. Constitution, politics and legal environment**

17. Pursuant to the Constitution adopted in 1991, Mongolia is a parliamentary republic. The State Great Hural is a highest legislative body. An executive body is a Government. The Supreme Court is a highest judicial organ of the State.

18. The State Great Hural, a unicameral parliament, a highest legislative power consists of 76 members elected by the mixed electoral system. Members of the Parliament of Mongolia are elected by the free and popular vote of the citizens with rights to elect for four-year term. a parliamentary candidate should be at least 25 year old with a right to vote. The procedures and processes of the parliamentary election will be regulated by the relevant legislations.

19. A Mongolian born citizen over 45 years old, who has been continuously residing in the country for the last five years, can be elected as the President of Mongolia for a four-year term. Powers of President include initiating new laws, nominating a candidate for the office Prime Minister to the State Great Hural (parliament), vetoing the Khural’s legislation and approving judicial appointments and resigning judges. The presidential candidate is nominated by parties that have seats in the Mongolian Parliament and is elected by the popular vote. As a symbol of national unity, the elected president should abstain from his or her party membership.

20. The Government of Mongolia has four-year term. The term of the Government starts by the assignment of a Prime Minister by the Parliament and ends by the assigning of a new Prime Minister by the Parliament. A Prime Minister leads the government cabinet and is

responsible for the implementation of the legislation in front of the Mongolian Parliament. The Prime Minister reports to the Parliament of Mongolia.

21. The Government consists of Prime Minister and ministries. General and specialised ministries are mandated for policy development and other functions relevant to their respective sectors. The Government members or Ministers supervise regulating or implementing agencies. During 2008-2012, the Government of Mongolia had 11 ministries, 9 regulatory agencies and 32 implementing agencies. Under the Government of the 2012-2014 term, 16 ministries, 11 regulatory agencies and 17 implementing agencies are operating.

22. The Supreme Court is a highest judicial organ of the State. The judicial system in Mongolia is composed of all level courts, prosecutors offices and the Constitutional Court. Pursuant to Law on Court, a main judicial system consists of the Supreme Court (reviews the decisions of lower level courts), aimag and capital city's appellate courts and soum and district level courts of first instance. All courts except the Supreme Court of Mongolia can be established with a specialization in administrative, criminal, or civil cases based on the size, population, number and type of committed crimes in the region. Since January 2013, appellate courts at the aimag and district level would be established with a specialization in either administrative, criminal or civil cases pursuant the amended law on establishing courts. Below map provides the location and specialization of the courts in the region.

23. Administratively, Mongolia is divided into aimags, the capital city, soums, districts, baghs and khoroos. Self-regulating public or citizen's representative hurals at all levels govern their respective administrative unit. The executive power belongs to the office of a governor. Mongolia has 21 provinces, 362 soums and 9 districts.

24. Mongolia has diplomatic relations with 173 countries in the world. The country has a peaceful foreign policy that aligns with internationally acknowledged principles and standards. Mongolia upholds diligently the responsibilities and obligations under the international treaties and conventions. Once a law on joining and ratifying international treaties and conventions become in effect by the Government, it will have the same legal enforcement as the domestic legislations. The Mongolian Constitution ensured that Mongolia would not join and ratify the conventions and treaties that are not in line with the principles and provisions of the Constitution.

25. The establishment and registration of non-governmental organizations are regulated by the Law on Non-governmental Organizations, Law on State Registration of Legal Body and Civil Code. The Civil Code also regulates the establishment of funds and associations. Since 2003, state registration agency has registered non-government organizations according to the Law on State Registration of Legal Body. In 2013, there were 16,288 non-governmental organizations, 659 funds, 2167 trade unions.

26. In 2009, 20,373 incidences of crimes were reported and 7,513 people were convicted by court. In 2013, 25,362 incidences of crimes were reported and 8,067 people were convicted. 696 of the total persons convicted in 2013 were female and 504 were under 18 year old youth. 46.8 of the crimes reported during that time was the crimes related to property ownership, while 34 percent was crimes related to life and wellbeing of an individual. According to the statistical data of the Supreme Court for a first half of 2013 4,087 people were convicted with crime, 3,086 people were sentenced with detention. 1,261 people were detained, 1,563 people were under probation, 243 people postponed their detention, 188 people were under 18 years old and 9 people received pardon. In addition 933 people were sentenced with punishments other than detention such as fine, forced labour and arrests.

27. Relations relating to religion and activities of the religious institutions are regulated by the law. The government has no interference to the religion and the religion has no

interference to the government, thus fully ensuring the people's rights to religion and enabled various religions to come to Mongolia. Religious organizations from different religions such as Buddhism, Christianity, Muslim, Bahai, Shamanism and Muun are registered in Mongolia of which 50 percent is Buddhist organizations and 40 percent is Christian organizations.

28. There are 21 parties registered by the Supreme Court. According to the results of 2012 Parliamentary elections, the Democratic Party has 31 seats, Mongolian People's Party has 25 seats, the Just Coalition of Mongolian People's Revolutionary Party has 11 seats and Civic Will and Green Party has 2 seats.

## F. General framework for ensuring and respecting human rights

29. Below table lists the international conventions and covenants related to human rights and freedom to which Mongolia is signatory to.

Table 1

### Fundamental treaties and conventions on Human Rights

<i>Titles of the treaties</i>	<i>Date of Ratification</i>
Convention Against Discrimination in Education (1960)	1964
The Convention on the Political Rights of Women (1953)	1965
Convention on the Prevention and Punishment of the Crime of Genocide (1948)	1966
Convention on the Elimination of All Forms of Racial Discrimination (1966)	1969
Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (1968)	1969
International Covenant on Civil and Political Rights (1966)	1974
International Covenant on Economic, Social and Cultural Rights (1966)	1974
Convention on the Suppression and Punishment of the Crime of Apartheid (1973)	1975
Convention on the Elimination of All Forms of Discrimination against Women (1979)	1981
International Convention against Apartheid in Sports (1995)	1987
Convention on the Rights of the Child (1989)	1990
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962)	1991
First Optional Protocol to the International Covenant on Civil and Political Rights (1966)	1991
Amendment to article 43 (2) of the Convention on the Rights of the Child (1995)	1997
Amendment to Article 20 (1) of the Convention on the Elimination of All Forms of Discrimination against Women (1999)	1997
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)	2001

<i>Titles of the treaties</i>	<i>Date of Ratification</i>
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)	2001
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)	2003
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000)	2004
Convention on the Rights of Persons with Disabilities (2006)	2009
Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006)	2010
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (2008)	2010
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (1989)	2012

**Table 2**  
**Conventions and Covenants of International Labour Organization**

<i>Name of the conventions</i>	<i>Date of ratification</i>
The Convention concerning Minimum Age for Admission to Employment (59)	1969
Right to Organize and Collective Bargaining Convention (98)	1969
Freedom of Association and Protection of the Rights to Organize Convention (87)	1969
Equal Remuneration Convention (100)	1969
Discrimination (Employment and Occupation ) Convention (111)	1969
Worker's representatives convention (135)	1974
Convention on Tripartite Consultation (144)	1998
Employment policy convention (122)	2005
Convention concerning forced labor (29)	2005
Convention concerning Abolition of Forced Labor (105)	2005
Convention on Eliminating Worst forms of Child Labor (182)	2000
Occupational safety and health convention (155)	1998
Vocational Rehabilitation and Employment (Disabled persons) Convention (159)	2002
Minimum Age Convention (138)	1981
Minimum Age (Underground Work) Convention (123)	1981
Maternity Protection Convention (103)	1969

Table 3  
**Other International Conventions on Child Rights**

<i>Name of treaties and conventions</i>	<i>Date of ratification</i>
Convention on the Child Protection and Inter-country Adoption (1993)	1998
Rome Statute of the International Criminal Court	2002
WHO Framework Convention on Tobacco Control ( 2003)	2004
Copenhagen Declaration on Anti-Doping in Sport (2005)	2007

30. The Government of Mongolia has signed the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Third Optional Protocol to CRC on a Communications Procedure and the International Convention for the Protection of All Persons from Enforced Disappearance and submitted them to State Great Hural for ratifications.

31. The Government of Mongolia reports to the relevant international authorities on the implementation of the international treaties to which Mongolia is signatory within the specified reporting period of each of them. The reports cover the implementation of the treaties within the jurisdiction of the country and challenges faced during the reporting period. For example, Government of Mongolia has submitted the following reports to the relevant agencies since 2009. In September, 2009, the Government of Mongolia submitted its 5th report on the implementation of the “International Covenant on Civil and Political Rights” to the United Nations Secretariat. The Human Rights Committee of the United Nations discussed it on its 101th session in 2011. The Government of Mongolia has submitted its fourth periodic report on the implementation of “The UN Covenant on Economic, Cultural and Social Rights” to the UN in 2011. During the preparation phase of this report, two consultation sessions were held engaging government agencies and non-government organizations. Ministries, government agencies and representatives of over 30 human rights NGOs, technical experts of UN bodies took part in the consultation sessions in order to improve the quality of the report. Mongolia’s first report on the implementation of the Convention on the Rights of Persons with Disabilities was submitted to the United Nations Secretariat in 2012. In 2013, the Government of Mongolia submitted its report on the actions and progresses to implement the “Convention on eliminating all forms of racial discrimination” to the United Nations Secretariat. The Eighth and Ninth Report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women was submitted in September, 2014 to the United Nations Secretariat.

32. In addition, the Government of Mongolia has submitted the International Labour Organisation the following reports of the conventions and covenants that Mongolia joined or ratified to:

- Government of Mongolia’s 2009 periodic report on the implementation of “Convention 87 concerning Freedom of Association and Protection of Rights to Organise of 1948”
- Government of Mongolia’s 2010 periodic report on the implementation of the “Convention 98 concerning right to organize and collective bargaining” 1948, ILO
- Government of Mongolia’s 2010 report on the implementation of “144th Convention Concerning Tripartite Consultation to promote implementation of International Labor Standards of 1967”

- Government of Mongolia’s 2011 reports on the implementation of “111st Convention concerning Discrimination in Respect of Employment and Occupation of 1958”
- Government of Mongolia’s report on actions taken during 2010 and 2011 on the implementation of the “Convention 29 concerning Forced Labour” and “Convention 105 concerning Abolition of Forced Labour”

## **II. Legal Framework for ensuring human rights at national level**

### **A. Integration and limitation of human rights principles in national legislations, and its implementation**

33. The independent section of the Constitution of Mongolia entitles the following rights and freedoms to citizens: right to life (16); rights to free choice of employment, favorable conditions of work, remuneration, rest and private enterprise (16-4); right to material and financial assistance in old age, disability, childbirth and child care or in other circumstances as provided by law (16-5); right to health and medical care (16-6); right to education and basic general education free of charge (16-7).

34. More detailed regulations of the above-mentioned articles on basic human rights are included in the sector specific legislations and other regulations in line with the principles of the Constitution. As stated in the Constitution, international treaties and conventions should be enforced as same as the domestic legislations once the treaty is ratified or the legislation on joining the convention is enacted. The Government Action Plan for 2012-2016 was adopted in 2012. This Action Plan has aimed at “establishing a criminal justice system which meets the developmental needs of the country aligns with the principles and social values of democratic society, promotes prevention and accountabilities and makes the indictment policies just, efficient and alternative”. In order to enable the human rights guaranteed by to and violations in a more clear and easy to comprehend language and revise the current provisions in consideration with today’s demands and needs. In addition, the revision should facilitate a process of establishing a secure legal environment which can guarantee the protection of human rights, dignity and freedom. Within the scope of the Judiciary Reform, the Complex Laws on Judiciary consisting of six legal acts were enacted in 2012. As a result of these reforms, the Mongolia judicial system is operating on a basis of circumscription principles. The President initiated these six laws. The first three laws, namely, the Law on Courts, Law on Legal Status of Judges and Law on Legal Status of Lawyers were approved March 07, 2012. Other three laws, the Law on Court Administration, Law on Legal Status of Citizens’ Representatives, and Law on Reconciliation Mediation were approved later in May 12, 2012 by the State Great Hural. These complex laws have been a big contribution to the Judiciary Reform in Mongolia.

35. The punishment for violators of law is an important tool for protecting human rights. All sectorial laws have clear provisions on compensations, fines and other accountability measures imposed to perpetrators.

### **B. National measures to promote human rights**

36. To ensure and enable human rights in Mongolia, the following human rights institutions are operating:

- National Council on Human Rights
- National Committee on Human Rights

- National Council on Gender Equality
- National Authority for Children, the implementation agency of the Government
- National Council for Children
- National Tri-partite Committee of Labour and Social Consensus
- National Council on Employment and
- National Council on Vocational Education and Training

37. The agencies with general or specialised mandates to ensure human rights are operating under sectorial ministries including education, labour, social welfare, health and infrastructure.

38. The Parliament oversees the implementation of the international treaties and conventions that Mongolia has joined and ratified. Government of Mongolia ensures the implementation of the international treaties and conventions relevant to its power and mandates. Government of Mongolia ensures the implementation of the international treaties and conventions relevant to its power and mandates. A member of the Cabinet or a head of agency which is responsible for overseeing the implementation of the treaty submits an evaluation report on 20th of June or 20th of December of each year to the government agency responsible for foreign relations. The agency responsible for foreign relations summarises the implementation processes and submits their recommendations to the Government if necessary.

#### **Right to life**

39. The Constitution of Mongolia stated that deprivation of human life shall be strictly prohibited unless capital punishment is imposed by due judgement of the court for the most serious crimes defined by the Criminal Code of Mongolia. Pursuant to the current Criminal Code of Mongolia, death penalty is imposed on the serious crimes such as 81.2/ encroachment on the life of state or public figure, 84.1/ sabotage, 91.2/ murder 126.3/ rape, 177.2/ banditry, 178.2/ terrorism, and 302.1/ genocide.

40. Mongolia has not carried out an execution since 2009. January 14, 2010, President Elbegdorj Tsagia announced that Mongolia set a moratorium on execution of death penalty. 2013, Mongolia has joined the Option Protocol to the Civil and Political Rights Treaty on abolishing death sentence. In 2012, Mongolia joined the Second Optional Protocol to the International Covenant on Civil and Political Rights. Death penalty is proposed to be cut out from penalties listed in the draft of the amended Criminal Code of Mongolia which has been submitted to the State Great Hural for consideration.

#### **Rights to life and healthy and safe environment, and to be protected against environmental pollution and ecological imbalance**

41. In order to ensure healthy and safe environment for the citizens, the Government of Mongolia has adopted and implementing various standards on air, water and soil pollution, food, road and construction safety. With a consideration of the health risks associated with air pollution in Mongolia, the guidelines and procedures on measuring and analysing the air quality index has been approved and utilised in order to assess urban air pollution and inform about the public with the findings.

42. In order to reduce air pollution in Ulaanbaatar and other highly populated provincial towns, the National Committee on Reducing Air Pollution was established under the President's Office. However, due to the amendments in 2013 to the Law on Air, the Committee was moved under the leadership of the Prime Minister. In order to reduce air pollution in Mongolia, the Committee has implemented various actions including the

provision of the improved stoves and fuel, the supply of extra insulations to reduce heat loss from Mongolian traditional dwellings (gers) , the subsidies on electric heating options and the connection of small and medium size heating plants to the centralized heating grid.

43. In relation to mining exploitation, particularly, to gold mining, 28 rivers and springs in 8 aimags were polluted as of 2011. In order to reduce the pollution, the Government has passed and is implementing the “Law on Prohibition of Mineral Exploration and Mining Activities in areas in the Headwaters of Rivers, Protected Water Reservoir Zones and Forested Area”.

44. In order to protect people from harmful effects from smoking and second hand smoking and to ensure healthy living environment, the “Law on Tobacco Control” was approved in 2013. Pursuant to the law, smoking is banned in public transportations, air crafts, train and cruise rooms and hallways, petrol stations, factories and warehouses for explosives, fuels and flammable substances, public transportation platforms, public places such restaurants, trading centres, entertainment places, bars and pubs, offices and office spaces except in the authorized points.

#### **Right to fair acquisition, possession and inheritance of movable and immovable property**

45. The constitution of Mongolia states “...Illegal confiscation and requisitioning of the private property of citizens shall be prohibited. If there is exclusive need to use the private property for public purposes the State and its relevant bodies shall do so with compensation or payment to the owner”.

46. Since 2003, in addition to laws related to company, unions, cooperatives and banking, Mongolia has adopted various legislations to regulate the property ownership and private enterprise. For example, the Government successfully privatised publicly owned entities and facilities through vouchers; and livestock and apartments were provided to citizens free of charge. Between 2003 to 2010, the Capital City Municipal managed 13 projects on land privatisation for a family use through the identification of locations, usage types and sizes. As a result, 4,623.6 square hectar land has been privatised to 84,867 individuals. This accounts for 10.15% of the land privatisation in the Capital City.

47. In order to reduce traffic jams and delays in the capital city, the Governor of the Capital City has issued an order “Amending the procedure on the Traffic Regulation Centre and structure of the traffic management system” in 2013.

#### **Rights to free choice of employment, favorable conditions of work, remuneration, rest and private enterprise**

48. Legal environment for choosing own profession and having fair and favorable legal environment and remuneration has been well established in Mongolia. As a result of the positive changes in the economy due to developments in mining, finance and trade sectors, nominal salary has increased considerably. However, due to the inflation growth rate, the real salary growth is inconsistent across sectors.

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

49. In 2011, the Law on Social Insurance was amended. Pursuant to the amendment, the social security scheme has become compulsory for not only for people employed by labour contract but also employees under civil regulations contracts and employees of programmes and projects implemented by international organizations unless stated otherwise in other international agreements.

50. Furthermore, in order to introduce a multi-layered pension system and to cover individuals with inconsistent income sources including herders and self employers, draft laws on “Base pension” and “Social security for herders and the self employed” are being developed.

51. Livelihood Support Councils operate in each soum and khroo and they are responsible for identifying families and individuals eligible for community-based social services, conditional monetary allowances and other types of livelihood support.

52. Pursuant to the Law on Health Insurance, the state covers health insurance of children aged up to 18 years old, pensioners, parents who have parental leave for 2 years or 3 years if they have twins or triplets, soldiers in compulsory military as well as individuals identified in the Article 12 of the Law on Social Welfare.

**Right to the protection of health and medical care**

53. In order to raise awareness of general population on the importance of prevention from diseases and addictions to harmful substances, the Law on Special Fund of Government /2010/ introduced a new provision which favored the Health Support Fund. Pursuant to the provision, one percent of the excise duty on alcohol beverages, two percent of import tax and value added tax for pharmaceuticals, and two percent of the excise tax on tobacco products go to the Health Support Fund. As a result, the funding of this fund has been increased considerably, allowing to extend training and awareness raising projects for public health promotion.

**Right to Education**

54. The State provides primary and secondary education free of charge. Special attention to equal distribution of education services is paid. The Mongolian government covers all dormitory cost of secondary school students as well as cost of school uniforms and school supplies for under-privileged children in order to improve school attendance. In addition, from the 2009 to 2010 academic year, Government started to provide textbooks for primary school free of charge and extended “School Lunch Tea” programme into “School Lunch Meal” programme. “Gegeerel” centres dedicated to provide continuing education for all age groups are operating in the centres of 21 aimags and 331 soums and every district of Ulaanbaatar city.

**Right to take part in the conduct of State affairs directly or through representative bodies**

55. Every citizen has the right to elect and to be elected. The right to elect starts from the age of 18. In 2011, Parliament has passed the Law on “Automatic election system”, which created a necessary legal environment to have fast and efficient processes for registering voters, collecting and consolidating votes and monitoring an election process. In connection to the above-mentioned change, the clauses and articles of relevant legislations on preparing and monitoring a list of voters, public announcement of election results have been changed respectively. Also, under the new legislations it became possible for citizens living abroad with the age of 18 or more to participate in elections.

**Right to form a party of other public organizations and unite voluntarily in associations according to the social and personal interests and opinion**

56. Civil society organizations in Mongolia can be registered as political parties or non-governmental organizations and legislations regulating the establishments of such organizations are already well developed.

57. The relationship between the State and the religious institutions shall be regulated by law. The Constitution provides for freedom of religion for citizens. The State shall respect the religion, whereas the religion shall honor the State in Mongolia. There is no legal restrictions on introductions of religious sects.

58. A political party can be registered within 30 days of the submission of a required set of documents. From civil society organizations, a political party or trade union should operate under a specific law that regulates their operation.

59. Men and women shall have equal rights in political economic, social, cultural fields and in family affairs. Mongolia approved the Law on Gender Equality in 2011. The law has created legal environment for eliminating the gender-based discriminations and ensuring gender equality in politics, economy, social and cultural relations and family life.

#### **Right to submit petition or a complaint to State bodies and officials**

60. State bodies and officials shall be obliged to respond to the petitions or complaints of citizens in conformity with law. In order to effectively handle complaints from citizens, the specialised phone line 1111, website and message service have been operating since 2012.

#### **Right to personal liberty and security**

61. No person shall be searched, arrested, detained, persecuted or deprived of liberty unless it is conducted in accordance with procedures and grounds determined by the law. Article 8 of the Criminal Code regulates the procedures on detaining suspects. Pursuant to this Article, the law enforcement agency is allowed to detain the suspect if the suspect tried to escape or there is a sufficient evidence that the suspect convicted serious crime. In such cases, an investigator should draft a detention notice to the prosecutor who approves it and notifies the court accordingly.

62. The valuation report on the progress of the National Human Rights Action Plan noted that “according to 2008-2010 data, 630 cases of arrest without prior notice were not reported to court. This made of 38 percent of all arrests within this timeframe. Without having reports, Courts were not able to determine what were rationales of the restricting liberty and freedom of the arrested people”.

63. In the first half of 2013, courts received and reviewed the documents of 421 suspects pursuant to Articles 58 and 59 of the Criminal Procedure Law. The courts permitted to arrest 384 suspects and the remaining suspects were not allowed to be arrested.

### **C. Aligning of articles of Human Rights treaties and conventions with the national legislations**

64. Based on the lessons learned from the violation of human rights in “the event of July 01, 2008”, the mechanisms for restricting human rights by law and, at the same time, for ensuring non-violation of such rights under any circumstances pursuant to the Constitution of Mongolia have been reflected in the amended Emergency Law, Law on Military Mobilization and Law on Providing Compensation for Victims. Based on results of a study of Mongolian legislations on alignment with the international treaties and conventions that Mongolia have joined, the country is striving to make necessary amendments to the Criminal Code, Criminal Procedure Code, Law on Corruption and Law on Criminal Justice to align them with the principles and clauses reflected in the Rome Convention Against Corruption, UN’s Convention against Transnational Organized Crimes /Palermo

Convention and its optional protocols/, Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

65. In addition, with the resolution number 09 of the Supreme Court of Mongolia dated February 28, 2008, the “Recommendation on using internationally acknowledged standards and principles in the court proceedings” was adopted.

#### **D. Influence of court and government offices on the issues of human rights, compensation for individuals whose rights have been violated**

66. The Government of Mongolia is taking various preventive measures to prevent and protect from violation of human rights at the court and government administrative offices.

67. The Article 26 of Law on Protecting Victims and Witnesses states that “Government will provide compensation to the victims and witnesses based on the procedure set in Article 21 of the Law on Special Fund of the Government”. The Article 21 of the law on Special Fund of the Government has a special provision on “Fund for compensations to victims of crime”. This section identifies the funding sources, the types of crimes which can be covered by the fund; forms of coverages; and the amounts of compensation.

68. The Law on Protecting Witnesses and Victims was adopted in 2013. The Law has created a legal framework on protecting life and wellbeing of victims and witnesses and providing support, assistance and information to them. The law provides the necessary framework to improve the mechanisms to protect, support and compensate the victims and witnesses by the State.

### **III. National Level Framework on Respecting Human Rights**

#### **A. Human rights authorities in Mongolia and their activities**

69. The Mongolian Parliament established a Human Rights Sub-committee in 2010. The committee is responsible for issues related to ensuring human rights and freedom, amnesty, immigration and naturalisation of individuals. In addition, the National Human Rights Commission of Mongolia operates under the Parliament of Mongolia and submits its report on the human right issues in Mongolia to the Parliament. As a result of the adoption of the Law on “National Human Rights Commission” dated December 07, 2000, the National Commission on Human Rights was established in 2001. The clause 3.1 of the Law states that “The Commission is an institution mandated with the promotion and protection of human rights provided in the Constitution of Mongolia, laws and international treaties of Mongolia.”

70. The Commission is composed of 3 members. A candidate for Commissioners shall be a Mongolian citizen of high legal and political qualification, with appropriate knowledge and experience in human rights, with a clean criminal record and who has reached the age of 35. Members of the commission are appointed by the Parliament for 6 years term based on the proposals provided by the President, Standing Committee of the Parliament on Justice or Supreme Court of Mongolia. The Head of the Commission is appointed by the Parliament by the proposal submitted by the Speaker of the parliament for 3 years term. The Secretariat of the Commission run by 23 staff. 21 representatives are appointed in each local province.

71. In order to support the activities of the Commission an informal council composed of civil society organizations that are actively engaged in human rights promotion and protection runs its activities in accordance to the law. The council is important in creating

the multi-stakeholder environment in carrying out tasks and activities of the Commission. A first informal council was established March 4, 2002 with 11 members representing the Amnesty International, Mongolia, National Centre against Domestic Violence, Mongolian Human Rights Center and other NGOs. In 2014, this council consists of 19 members.

72. National Human Rights Commission operated with the budget of MNT 428.8 million in 2012, MNT 552.9 million in 2013 and 902.3 million in 2014, respectively. The budget is used for the following purposes and assessed on annual basis: 1) conduct assessment and research on Human Right issues; 2) develop recommendations and notices on issues related to human rights; 3) carry out the activities to address complaints related to human rights ; 4) undertake actions to ensure the implementation of international treaties and conventions; 5) run human right training for law enforcement agencies; 6) conduct human rights formal and informal education settings; 7) increase public awareness and advocacy on human rights; 8) provide support to Government of Mongolia on carrying out its obligations under international conventions and treaties; and 9) promote domestic cooperation.

73. Informal or formal structures and secretaries including the National Committee on Gender, National Council for Children , National Tri-partite Committee of Labour and Social Consensus; National Council on Gender Equality, National Council on Employment. and National Council on Vocational Education and Training operate to ensure citizens' rights and interests at national level.

74. Since 2005, in accordance to the Law on Ensuring Gender Equality the National Committee on Gender has been operating under the leadership of the Prime Minister. Cabinet members, representatives of government agencies as well as civil society organization are included in the Committee. The Committee has sub-councils at local level.

75. Pursuant to the Law on Protecting the Rights of the Children the National Council for Children operates. 70 percent of the Council members consists of Parliament members, ministers, deputy ministers, state secretaries and the remaining 30 percent is composed of social elites and representatives of international and national organizations for children.

76. In order to implement human rights principles, to join international treaties and to exchange experience and expertise in human right promotion and protection on a wider scope the Government of Mongolia and National Human Rights Commission have been cooperating with the United Nations and its specialised agencies and other international and regional organizations.

77. In 2010, Mongolia submitted its Universal Periodic Review, a new mechanism, which allows the United Nation's Human Right Council to review human rights conditions in each country with 4 years interval. To implement the recommendations of the Concluding Observations on the Mongolian Periodic Review the Government approved the "Action plan for 2011-2014" November 02, 2010 by its resolution No. 59. Mongolia's mid-term report on the implementation of government actions to fulfil the recommendations in Concluding observations was submitted in May 2014.

78. In order to improve professional capacity in overseeing the implementation of human rights in Mongolia and to promote cooperation with UN and other international and regional organizations on human rights, the Government of Mongolia has cooperated proactively and jointly implemented some projects and programmes with the Office of the High Commissioner for Human Rights of the United Nations and the International Coordinating Committee of National Human Rights Institutions, and the Asia Pacific Forum of National Human Rights Institutions. Mongolia participated in the all meetings and summits organized by the above- mentioned organizations from 2010 to 2013.

79. Representatives from the National Human Rights Commission of Mongolia participated in the 18<sup>th</sup> conference of Doha 2013 Summit of the Asia Pacific Region. The decision to host the 20<sup>th</sup> annual summit in Mongolia was made at the conference. Head of the National Human Rights Commission of Mongolia was elected as the deputy chair of the Asia Pacific Summit.

80. In order to establish relations and exchange best practices with other human rights national commissions, Mongolia has established and further developed its cooperation with New Zealand, Republic of Korea, Australia and Germany.

## **B. Information dissemination and raising awareness for some clauses and articles of human rights treaties**

81. Pursuant to the Law on National Human Rights Commission of Mongolia the Commission undertakes public awareness campaigns for general public by disseminating information through their website, quarterly bulletin, “Human Rights” journal, books and publications on particular human rights issues, photo galleries, painting competitions, open days, inquiry centers, general media including television, radio and human rights short films and promos.

## **C. Education programs on Human Rights**

82. In 1997, for a first time, the 36 credit “Human Rights” course included in a list of compulsory courses for university and college degrees. In addition, Mongolian Government has made a plan to include human rights education in secondary school curriculum under its “Action Plan for 2011-2014 on implementing the recommendations of Concluding Observations provided by the Human Rights Council in 2011.

83. The National Human Rights Commission conducts training and awareness raising programs for the following target groups:

- Citizens and community members
- National and local government agencies, self-governing organizations and public servants
- Court, police, prosecutor’s office, law enforcement agencies; marshal’s office and their staff
- Non-governmental and civil society organizations for human rights
- Employee of education, social welfare health and child protection organizations
- Journalists and media workers and
- Women, students, school children, elderly and disabled persons

84. With the support of UNDP, the Institute of Education developed a training module “Human right based approach” in order to promote new attitudes and approaches on human rights education among government workers. The module is distinctive from other training modules because lessons can be selected for target groups and modified to their needs. In addition, a trainer handbook is attached to the module. Training is conducted for target groups on annual basis. The following table shows the number of participants of a year by year.

Table 4  
**Number of Human Rights Training participants**

<i>Child rights training</i>		<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>
Planned training	Total hours	234	147	149	75	174
	Total participants	2,415	2,224	2,012	387	1,678
Unplanned training	Total hours	117	86	48	81	213

## **D Involvement of non-governmental human rights organizations**

85. A first informal council of the non-governmental organizations was established March 04, 2002 with 11 member organizations including Mongolian Amnesty International, National Centre against Violence and Mongolian Centre for Human Rights. Today the council is operating with 21 members. Procedure of the informal council next to the National Commission on human rights was amended in 2013.

86. A fellowship program to support capacity building in human rights civil society organizations has been called every year in cooperation with UNDP. The fellowship program creates the much needed platform for discussions to develop action plans for cooperation with non-governmental organizations.