

**Submission to the Universal Periodic Review
by the United Nations Country Team in Mongolia
15 September 2014**

The report aims to capture developments since Mongolia's last review in 2010 and focuses on the status of implementation of the 2010 recommendations and specific human rights issues addressed by the United Nations.

I. Background and framework

A. Scope of international conventions

1. The UNCT commends Mongolia's ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT-OP), the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant for the Protection of All Persons from Enforced Disappearance (ICCPED) and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR) during the review period
2. The UNCT urges Mongolia to ratify two ILO governance Conventions on labour inspections and two ILO technical Conventions on occupational safety and health, as well as the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OP-CRC-CP), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).

B. Constitutional and Legislative Framework

3. Article 14.2 of the Constitution of Mongolia is a non-discrimination clause, which applies to all persons. However, sexual orientation and disability are not explicitly protected categories in the Constitution. There is a need to update Article 14.2 to include the open-ended category "or other basis" to enable the courts to keep pace with social changes and ensure the principle of equality for all.
4. Article 16.1 of the Constitution on the right to life should be revised to reflect Mongolia's ratification of the Second Optional Protocol to the ICCPR by removing the provision "deprivation of human life shall be strictly prohibited unless capital punishment, constituted by Mongolian penal law for the most serious crimes, is imposed by a competent court as its final decision".
5. During the review period, the Parliament adopted the following laws which are essential for the realization of human rights: Gender Equality Law (2011), Law on Information Transparency and Right to Information (2011), Law on AIDS (revised in 2012), Law on Human Trafficking (2012), Law on Legal Aid to Indigent Defendants (2013), Law on Witness and Victim Protection (2013).
6. The draft laws that are currently under review include the Criminal Code and Criminal Procedure Law, Law on Combating Domestic Violence, Law on Legislative Drafting (Law on Law), and General Administrative Law.

C. Institutional and Human Rights Infrastructure and Policy Measures

7. Starting from 2014, the National Human Rights Commission of Mongolia (NHRCM) has one officer based in each *aimag* (province). Expansion of the NHRCM enables people outside of the capital city to access its services, including its complaints handling mechanism. The NHRCM submits annual reports on the status of human rights and freedoms to Parliament. The coverage of the report has improved with the 2012 and 2013 reports focusing on emerging human rights issues such as: the impact of mining on human rights; LGBT; children in religious schools; and people with disabilities. The NHRCM analyzes draft laws from a human rights perspective and submits recommendations to Parliament and government working groups. It records which laws they review and the acceptance of

its recommendations. The NHRCM's budget has increased, but ensuring its independence through adequate funding remains an ongoing concern.

8. Parliament's Sub-Committee on Human Rights is fulfilling its oversight role effectively. In 2013, based on the discussion of the annual report on human rights and freedoms, Parliament's Legal Standing Committee passed a resolution that provided recommendations to the Government.
9. In March 2012, the Cabinet discussed a report on the implementation status of the National Human Rights Action Plan adopted in 2003. Regrettably, the National Programme Committee (NPC) has been dysfunctional since the formation of the new Government in August 2012. The NPC Secretariat, formerly under the Ministry of Justice (MoJ) was abolished on the basis that human rights should be mainstreamed in all activities and departments of the MoJ. The MoJ developed a checklist to screen draft laws and legislative acts from human rights perspectives. However, there is no evidence of laws being screened using the checklist. The human rights forum held annually on International Human Rights day since 2005 was discontinued in 2012. The executive branch of the Government has not been sufficiently proactive in promoting the human rights.
10. Human rights NGOs have actively followed up with the Government on its implementation of UPR recommendations and raised the concerns of civil society on different matters.
11. A 2013 Cabinet resolution adopted an action plan to implement the Convention on the Rights of Persons with Disabilities (CPRD) in 2013-2016. Other sectoral policy documents that enhance human rights include the National Action Plan to Eliminate the Worst Forms of Child Labour (2012-2016) and the Fourth National Reproductive Health Programme (2012-2016).

II. Cooperation with Human Rights Mechanisms

12. The UNCT commends the Government's cooperation with the Special Rapporteur on Extreme Poverty, and the Working Group on the issue of human rights and transnational corporations and other business enterprises, which both visited Mongolia in 2012.
13. The Ministry of Foreign Affairs and the NHRCM organized a workshop on treaty reporting in July 2013 and discussed ways for timely and quality submissions. It was an important initiative as there was high staff turnover in the core ministries.

III. Implementation of International Human Rights Obligations

A. Equality and non-discrimination

14. Implementation of the Gender Equality Law of 2011 is weak, especially with regard to establishing mechanisms to enforce the gender quota for administrative posts in civil service.
15. The Election Law of 2011 introduced a 20% quota for women candidates. The representation of women in Parliament increased from 3.9% in 2008 to 14.5% (11 out of 76 members) in 2012. Also, 3 women were appointed Ministers in the current Government. Despite these achievements, Mongolia is below the world average of 21.9% and has not met the 2015 MDG target of 30%. More affirmative legal measures are needed.
16. As of August 2014, 176 HIV-infected people were registered with a concentrated epidemic among men having sex with men (MSM) who constitute about 80% of PLHIV¹. The AIDS Law amended in 2012 prohibits HIV-related discrimination and protects the confidentiality of PLHIV.² However, enforcement of this law has been weak, partly due to abolishment of the National AIDS Committee in 2013. Discriminatory practices still exist. For instance, the Family Law, which is currently under revision, require mandatory HIV testing of couples before marriage and prohibits child adoption by

¹ National Center of Communicable Diseases. (August 2014). *Personal communication*.

² Government of Mongolia. (December 2012). *Law on Prevention of Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome*. Ulaanbaatar.

PLHIV.³ In addition, there are reported cases where employers demand HIV testing from their employees before hiring. There have also been cases when PLHIV had limited access to healthcare services, for instance HIV-positive pregnant women must deliver their babies at the National Center for Communicable Disease which does not have specialized services for newborns.⁴

17. In 2013, Ministers for Labour and Health issued a joint decree regulating mandatory HIV testing of foreign workers upon arrival in Mongolia as a part of a health screening policy.⁵ It includes testing for HIV, syphilis, TB, Hepatitis B and C. The test for HIV must be repeated every six months.⁶ This practice is not in line with ILO Recommendation No.200 on HIV and AIDS⁷ and violates Articles 10.1.2 and 10.1.3 of Mongolia's Law on the Prevention of HIV and AIDS⁸.
18. Noticeable progress has been made in the legal protection and awareness raising about the rights of LGBT. According to the amendment in the Article 20.1 of the Civil Registration Law, adopted in June 2009, if a person changes his/her sex, birth certificates and citizen identification cards can be replaced based on a medical certification. The first LGBT pride week was organized in 2013. The 2013 report on the status of Human Rights and Freedom devoted a specific chapter on LGBT issues. A national LGBT dialogue was held in March 2014. One of the most important issues for the community is the revision of the Criminal Code to include the definition of hate crime, and the Labour Law to include non-discrimination provisions based on sexual orientation and gender identity.
19. 64% of people living with disabilities (PWDs) are unemployed⁹. PWDs have relatively low socio-economic status and their access to basic education and health services is limited due to access barriers.

B. Right to life, liberty and security of the person

20. Since the announcement by the President of Mongolia of a moratorium on the death penalty, and Mongolia's ratification of the Second Optional Protocol of the ICCPR, a clause abolishing the death penalty has been included in the draft revision of the Criminal Code and will be debated in Parliament in 2014.
21. Gender-based violence (GBV) remains one of the most serious violations of human rights in Mongolia. Insufficient nationwide data on GBV prevalence hides the magnitude of this problem. A large number of calls to local police are on domestic violence. For example, one police station reported receiving on average 63 domestic violence calls per week.¹⁰ In 2013, the National Center Against Violence received 1984 victims of domestic violence and 304 victims of sexual violence, which increased from 2011 levels of 1312 and 198 respectively.¹¹ Other forms of GBV including discrimination and harassment against LGBT persons, human trafficking¹², and sexual harassment in the workplace¹³ are rising.
22. In 2013, with assistance from international organizations, One-Stop Service Centers for victims of domestic violence were established in two provinces. In 2014, the Metropolitan Police opened a shelter for domestic violence survivors in Ulaanbaatar. While the services are gradually expanding,

³ Government of Mongolia. (2014). *Draft Family Law*,

⁴ Ministry of Health Mongolia. (2014). *Country Progress Report Mongolia 2013*. Ulaanbaatar.

⁵ Joint Order of Minister for Health and Minister for Labour No. 159/A-89

⁶ See: http://www.moh.mn/index.php?option=com_wrapper&view=wrapper&Itemid=162

⁷ ILO Recommendation concerning HIV and AIDS and the World of Work, 2010 (No.200), paragraph 25

⁸ Article 10.1.2 Employer should encourage employees to take a test for HIV/AIDS.

Article 10.1.3 Employees will not be forced to take a test specified in Article 10.1.2

⁹ NSO, Population and Housing Census, 2010

¹⁰ Implementation of Mongolia's Domestic Violence Legislation, The Advocates for Human Rights and National Center Against Violence (2014)

¹¹ Excerpts from NCAV unofficial report (2013)

¹² 12th report on human rights and freedom in Mongolia (2013)

¹³ 11th report on human rights and freedom in Mongolia (2012)

financial and human resources allocated for such services remain limited, and shelters are still inadequate in the countryside.

23. Violence against children remains widespread in communities and homes, including bullying and corporal punishment in schools. According to the 2014 Social Indicator Sample Survey, nearly half of all children aged 1 to 14 years were subject to at least one form of psychological or physical punishment by a household member.¹⁴ Mongolia's first ever, nationwide, toll free, 24/7 child helpline was launched in 2014 to help reduce child abuse cases.
24. In 2009, the Government issued a list of dangerous and hazardous work which prohibits children under the age of 18 from undertaking certain types of work. According to NSO 15.9 percent of all children aged 5-17 are engaged in economic activities, out of which, 11.1 percent or 10398 children are engaged in the worst forms of child labour.¹⁵ Children are observed working informally in street vending, begging, scavenging in dumpsites, informal mining and brick factories. Children are also used as jockeys for traditional horseracing. There have been many incidents of death and injuries, resulting in the adoption of provision #8.2 of the Law on National Naadam Festival (2003). This norm specifies the age of child jockeys to be no younger than 7 years old and requires all children to be covered by accident insurance. The Guidelines on Horse racing during the Naadam Festival also requires having all child jockeys wear safety gears while racing.

Despite these measures, in 2013 alone, there were 6 deaths and 64 injuries during traditional horseracing.¹⁶ UNCT Mongolia recommends the government to institute and enforce all possible measures to protect all jockeys that take part in such races and start by progressively raising the minimum age for such activity in order to comply with international legislation on dangerous child labour, with a view to eventually prohibiting children from participating in horse racing as jockeys.

C. Administration of justice, including impunity and the rule of law

25. The court system has been undergoing a major reform. One potential weakness of the new system is the reorganization of court districts that has resulted in the abolishment of courts in a number of *aimags*. This may cause barriers in access to justice due to geographical distance adding costs to parties to the proceeding.
26. The Law on Legal Aid to Indigent Defendants was approved in July 2013. It aims at establishing a national legal aid system which provides legal advice and defense to those who cannot afford legal fees. The system expands upon existing Legal Aid Centres (LAC) with a central authority under the MoJ. The central authority is staffed with 72 public defenders and is tasked to provide guidance to, and monitor, the LACs. The Government budget allocation to LACs increased 300 times from MNT 5 million (USD 2,728) in 2008 to MNT 1,48 billion (USD 807,637) in 2013. Yet, the new system has to prove itself that it will guarantee sustained legal protection for Mongolia's most vulnerable groups.
27. Mongolia's ranking in the Transparency International Corruption Perception Index went up from 120 in 2011, to 83 in 2013, but it is still within a band of countries with high perceived corruption.
28. The Independent Authority against Corruption (IAAC) established in 2006, investigated some high-level office holders, but it has encountered parliamentary and other immunities. According to the United Nations Convention against Corruption (UNCAC) Country Report "the immunities afforded under Mongolian law go beyond the necessary protections for granting immunities to public officials for the performance of their official functions and encroach on impeding the effective investigation, prosecution and adjudication of offences established in accordance with the Convention."¹⁷ As a

¹⁴ Social Indicator Sample Survey (SISS), NSO, UNICEF and UNFPA, 2013

¹⁵ NSO, Child Labour Study of Mongolia, 2011-2012, published in 2013, Ulaanbaatar

¹⁶ Report by UNICEF, 2014.

¹⁷ UNCAC Country Review Report of Mongolia, 2011. UNODC, Vienna, 2012, Para 261.

result, there is a public perception that the law is unenforceable against senior public officials, which impairs the principle that everyone is equal before the law.

29. The Mongolian Civil Service remains highly politicized, with a high turnover of staff in senior positions as a result of change in government after the 2012 election. This is a concern as it undermines government stability and continuity. “In violation of current civil service regulations and despite formal complaints made by the Civil Service Council to the executive government and the Parliament, state secretaries (currently civil servants) of all ministries, heads of government agencies were replaced after the 2012 elections. Hardly any of the civil servants who were replaced lodged complaints (to the administrative court, the NHRCM, or the Parliament) for violation of their rights, clearly indicating a lack of trust in their ability to seek justice from the State.”¹⁸
30. Mongolia has a number of independent institutions that report to Parliament with important oversight functions, such as IAAC, the General Election Commission, the Civil Service Council (CSC), and the NHRCM. The independence of such an institution relies upon budget autonomy, institutional placement, system of appointment and removal of the chief commissioner, accountability and transparency. However, in Mongolia, there is a lack of procedures which set out clear selection criteria and process of nomination of candidates for chief commissioners. There are reported cases of government interference with the affairs of these institutions, replacement of chief commissioners without clear reasoning, or threat of dismissal, and unacceptance of their recommendations. For instance, the CSC sent petitions to the Government and Parliament on mass unlawful dismissal of civil servants after the elections. No response was received.¹⁹

D. Freedom of expression, association and peaceful assembly and right to participate in public and political life

31. The Parliament passed a new Election Law in December 2011, only six months before the parliamentary elections in June 2012. Despite a number of new features introduced by the Election Law and the short implementation time, the 2012 elections were remarkably smooth and peaceful. Other results included: increased inclusivity and greater numbers of women and independent candidates elected; more accurate voter registration; and faster and wider acceptance of results. In general, voters did not seem fazed by the new system and the use of automated machines.²⁰
32. However, the new electoral system for local elections which included nomination of candidates to local councils on party lists may not be appropriate for Mongolia where 60 per cent of *soums* have a population less than 3000. There have been numerous complaints about undermining local self-governance, creating party dominance in local agenda setting, political polarization, and underrepresentation of the interests of local population.
33. Increasing citizens’ participation in government affairs and public consultation is a top priority of the current government. The new Budget Law approved in December 2011 introduced a requirement for consultation with citizens on budget proposals. A major initiative in state-citizen dialogue is the current process of drafting the Law on Legislative Drafting which aims at improving citizens’ scrutiny of draft laws. The Government has established a phone based hotline to collect citizens’ feedback on its actions, and introduced e-services, such as smart machines which enhanced access to administrative services.
34. National and local media have been subject to sporadic violations of freedom of expression and media independence including: physical harassment and threats affecting media professionals’ safety; extensive use of libel cases; governmental interference; financial pressure; and unjustified

¹⁸ Governance assessment report, UNDP, 2012.

¹⁹ From interview with the Chief Commissioner, Civil Service Commission, 2013.

²⁰ Paul Guerin, an Independent Consultant’s report “Lessons Learned from Electoral Support to Mongolia: 2008-2012”, UNDP Mongolia, 2012.

obstructions.²¹ More recently there have been similar violations against online media practitioners.²² A survey conducted by Freedom House shows that Mongolia is a half-free media country.²³

35. The Law on Information Transparency and the Right to Information came into force June 2011, but much awareness raising remains to be done to ensure its effectiveness. Government institutions need to develop procedures for the secrecy classification of official documents, and civil servants need to be aware of those procedures.²⁴

E. Right to work and to just and favorable conditions of work

36. As of 2013 official registered unemployment rate was 7.9% where women unemployment is 8.3%.²⁵ Unemployment rate among the youth (15-34 years) was 10.7%.²⁶ However, these are only formal unemployment rates, the actual unemployment rates are estimated to be almost twice these figures.
37. The Minimum Wage Law and Employment Promotion Law were fully revised in 2010 and 2011 respectively. The Occupational Safety and Health Law was amended in 2012. The Labour Law is currently being revised.
38. However, the enforcement of laws remains a significant challenge. Discrimination on the basis of age, sex and social status still exists. Some job announcements in local newspapers specify age and sex, and sometimes even specify physical appearance. In many cases, employers use civil contracts instead of employment contracts in order to avoid contributing to the worker's social insurance scheme.
39. The law declares a 40-hour working week with a minimum continuous rest period of 48 hours, and the right to annual and maternity leave. The current minimum wage in the public and private sector is MNT 192,000 (USD 105) per month²⁷, which is insufficient for decent living. Health and safety standards are poor, particularly in building and road construction, energy, and mining industries. From 2011 to 2013, 1,209 work related accidents were registered, 213 of which were fatal²⁸. Throughout Mongolia, only 73 health and labour inspectors are working, in spite of the increasing number of businesses.
40. The ILO's fundamental principle of equal pay for work of equal value is one of the key concerns in Mongolia. According to a survey conducted by Ministry of Labour, women receive 90.2% of the salary of men²⁹. Women constitute 47.7% of the total workforce and are often the primary wage earners for their families. Female employment rate is 51.6% and female Labour Force Participation (LFP), at 56.3% in 2013, is higher than the world average (52.5%)³⁰. Women are mainly occupied in low-paying health, education, retail trade, and informal sectors, while men are in comparatively higher-paying IT, mining, and construction sectors.
41. The new Gender Equality Law outlaws occupational discrimination on the basis of gender in general terms, but the revised Labour Law should prohibit occupational discrimination on the basis of gender

²¹ "Assessment of Media Development in Mongolia" based on UNESCO Media Development Indicators (UNESCO, Globe International et al., 2014)

²² "OSCE media freedom representative concerned about blocking of news website in Mongolia" - Statement from OSCE's Representative on Freedom of the Media Dunja Mijatović on 10 July 2014

²³ By World Press Freedom Index conducted by the international organization "Reporters without Borders", Mongolia is in 88th place in 2014 in comparison of 55th place of 2005.

²⁴ Governance assessment report, UNDP, 2012.

²⁵ NSO Statistical Yearbook, 2013.

²⁶ Estimate based on NSO's Workforce Survey 2012

²⁷ Exchange rate of BoM by 31st Dec 2013: 1 USD=1654.1 MNT

²⁸ 13th Report of the State of Human Rights and Freedom in Mongolia, 2014, page 8 <http://mn-nhrc.org/index.php?newsid=5615>

²⁹ Survey on salary structure, Labour Research Institute of the Ministry of Labour, 2013 <http://www.slideshare.net/Hodolmor/ss-29985840>

³⁰ Source: NSO Statistical Yearbook 2013

to ensure all workplaces are covered and all employers are required to proactively prevent discrimination. More advocacy of the law is needed.

42. The law provides for freedom of association, and the government generally respects this right. The Minister for Labour heads Mongolia's National Tripartite Committee on Labour and Social Consensus; the Committee signs biannually an agreement on labour and social consensus. The right to strike is observed in law and practice. The law protects workers' rights to participate in trade union activities without discrimination. The Confederation of Mongolian Trade Unions has 36 sub unions³¹, of which 14 represent workers by industries and 22 by regions. There have been several occasions in the past few years where both large foreign invested companies and domestic companies have violated the rights of workers to establish a union by dismissing the workers who initiated the exercise.
43. Mongolia receives migrant workers from foreign countries, mainly from the People's Republic of China, Democratic People's Republic of Korea and the Philippines who are largely working in construction, mining, transport, textiles and domestic work sectors.³²

F. Right to social security and to an adequate standard of living

44. The poverty head count declined by more than 11 percent from 2010 to 2012, but still remains unacceptably high at 27.4% and is higher with families that have a large number of children (61.3% for families with four children or more). The share of the poorest quintile in national consumption has been relatively constant since 2000 despite strong GDP growth and more than 76% increase in GNI per capita from 2009-2012. The Gini coefficient is 0.34 (in 2012) and has remained at a similar level since 2009.
45. Major environmental risk factors in the country include air pollution, poor access to water and sanitation, chemical safety, and poor waste management. Access to improved sanitation is limited across the country and has not changed significantly since 2000. The National Statistical Office of Mongolia (NSO) found that in 2000 only 33% of the population had access to improved sanitation and that by 2010 this figure had only increased to 34.2%. The 2010 NSO survey showed that 29% (95% CI, 12–43%) of cardiopulmonary deaths and 40% (95% CI, 17–56%) of lung cancer deaths in the city were attributable to outdoor air pollution. Studies have also revealed the negative impact of air pollution on the physical growth, development, and non-specific immunity of children. Recent studies on environmental lead exposure showed air and soil contamination, increased blood lead levels (16mkg/dl) in children, and signs of decline in children's memory and attention span.
46. There are significant discrepancies in the health indicators between urban and rural populations, in particular, infant and under five mortality which is significantly lower in rural than in urban areas. The maternal mortality rate in remote areas is twice the national average. The transition from a nomadic to a sedentary lifestyle has created health risks, especially for the urban population. Cardiovascular diseases, diabetes, strokes, hypertension, and preventable cancers result in premature deaths with men in Mongolia expected to live almost 10 years less than in women. Mongolia has the world's highest prevalence of liver cancer attributable to widespread alcohol abuse (64.6% consumed alcohol in the last month, 2013) and hepatitis B and C (10-15% of Hepatitis C, trend for the last 5 years). In this regard, the Government of Mongolia is calling for an international treaty to address alcohol-related harm with a global alert. On the other hand, tuberculosis, sexually transmitted infections, including congenital syphilis, have also been increasing despite an overall decrease in communicable diseases. Respiratory diseases increased in the young and the elderly, especially during the winter due to air pollution. Progress to improve nutrition has been much slower than expected, with increasing obesity in the general population and micronutrient malnutrition in women and children.

³¹ http://www.cmtu.mn/index.php?option=com_content&view=article&id=135%3A%20Amue-iin-holboonii-gushuunchlel&catid=69%3A%20organization-chart&Itemid=117&lang=mn

³² D. Ganbat, 2013: A Survey on socio-economic impact of establishing a free trade agreement with Japan, page 25

47. Mongolia's population is becoming more urbanized with 68% living in urban areas.³³ Around 60% of population of the capital city and 50-80% of population in other cities and small settlements of Mongolia live in ger areas. Ger areas face problems with poverty, the intensity of air and soil pollution, heightened risks of natural disasters, such as flooding, and access to and cost of basic services.³⁴
48. As a result of the rapid expansion of the extractive industry and the building of new roads, road traffic accidents and injuries due to industrial accidents (leading to disabilities) have both increased (75.4% of passengers do not use seat belt, 2013).
49. A number of challenges related to the health system remain, the most important of which are: persisting high levels of out of pocket payments which is especially catastrophic for the poor; poor quality of care both in the public and private sector health facilities, particularly in the rural facilities; increased investment in the health sector does not match expected health needs of the health system; the need to strengthen the delivery of primary health care within national and sub-national health systems, especially at the sub-national level to expand coverage and access; and to address the problem of drugs and food safety due to poor food and drug regulatory system (19% of drugs/medicines available in the market were not registered, 2012).

G. Right to education

50. The net enrolment ratio for primary education was 95.2% in 2012, according to the Fifth National MDG Progress Report (2013). While the enrolment ratio has increased over the past 10 years, nearly five per cent of children in the 6-11 age group are still not enrolled in primary education.
51. According to the 2012 data of the UNESCO Institute for Statistics, Mongolia's total public expenditure on education was 6.1% of GNP in 2011, which is relatively high compared to many other countries. The national data indicates that 18.5% of the state budget was spent on education in 2010, not far from the target of 20% as stated in the Law on Education³⁵. However, other sources show that the public expenditure on education as a percentage of total government expenditure has been declining.³⁶
52. The increasing population of Ulaanbaatar, combined with poor infrastructure and seasonal challenges in rural areas, make it more difficult to provide quality education to all children. Access to kindergarten remains a challenge, despite creative practices such as mobile "ger" kindergartens for herders' children. Children with disabilities, ethnic minority children and "street" children cannot fully enjoy their right to education.

H. Reproductive Rights (RR)

53. Mongolia is making significant progress towards achieving RRs specified in the Programme of Action of the International Conference in Population and Development (ICPD), especially in regard to maternal and newborn health through its National Reproductive Health (RH) Programmes, National Maternal Mortality Reduction Strategy and other related policies but major gaps still exist.
54. According to the 2013 Survey on the Availability of Modern Contraceptives and Life-Saving Maternal/RH Drugs, the percentage of Service Delivery Points offering at least three modern methods of contraceptives remained high at 97.7%. The distribution of RH supplies and commodities has improved in provinces, but was a significant decline in supply in Ulaanbaatar city compared to the

³³ The 2010 Housing and Population Census, NSO.

³⁴ Cost of water in ger areas is two times higher than in the apartments

³⁵ http://www2.Ohchr.Org/English/Bodies/Ceschr/Docs/Advanceversions/E-C12-Mng-4_En.Pdf

³⁶ According to the UNESCO Institute of Statistics it is 11.9% in 2011 (<http://unesdoc.unesco.org/images/0022/002256/225660e.pdf>) and according to the World Bank, it is 12.2% in the same year (<http://data.worldbank.org/indicator/SE.XPD.TOTL.GB.ZS>).

previous year. Shortage of contraception supplies leads to limited access to contraceptives and disempowers men and women from deciding when and how often to have children, which is one of the fundamental RRs highlighted in ICPD.

55. The Government is fully funding expenses associated with maternal and newborn health care, including antenatal care (ANC) for pregnant women. Preliminary results of the Social Indicators Sampling Survey (NSO, 2013) have revealed that despite a relatively high ANC coverage (over 90% of women had the minimum of four visits required by World Health Organization (WHO) standards), specific population groups such as adolescents or women aged under 20 (80.9% had four visits) and women with Kazakh heads of households (67.0% had four visits) underutilize ANC services. The percentage of women who received six or more antenatal visits in accordance with the Mongolian regulation was 75.1%.
56. Young people's RRs are often neglected as they: are unaware what services they are entitled to; distrust the reliability and confidentiality of public services; and are uncertain that the skills of health care providers will meet their specific needs. There are four *aimags* and two districts of Ulaanbaatar that do not have adolescent friendly clinics and the existing clinics are underutilized due to poor support from local governments, inadequate quality of services, and low demand from young people. The quality of sexuality education varies across the country. As a result of gaps in these services, contraceptive usage among married adolescents is twice as low compared to married women of age 20 and above. Reproductive Health Surveys of 2003 and 2008 showed young people are at a high risk of acquiring a sexually transmitted infection or becoming pregnant.

I. RECOMMENDATIONS

- Revise Article 14.2 of the Constitution to add an open ended category "or other basis" to allow protection of people with disability and different sexual orientation.
- Revise Article 16.1 of the Constitution to reflect Mongolia's de-facto abolishment of the death penalty.
- Fully implement the 2012 HIV Law and mainstream its regulations in legislative acts such as the Labour Law and the Family Law, especially in relation to confidentiality and privacy of PLHIV.
- Revisit HIV mandatory testing policies and implement HIV-related non-discriminatory policies and restrictions.
- Provisions against discrimination based on sexual orientation and gender identity should be included in legislation such as the Labour Law and the Criminal Code which should define hate crimes.
- Institute and enforce all possible measures to protect all jockeys starting by progressively raising the minimum age for racing to comply with international legislation on dangerous child labour, with a view to eventually prohibiting children from participating in horse racing as jockeys.
- Urge the Government to take a more pro-active role in promoting human rights.
- Introduce stronger affirmative measures to increase women's representation in Parliament.
- Introduce mechanisms for effective implementation of the Gender Equality Law.
- Speedy approval of the revision of the Law on Combating Domestic Violence and establishment of a national database on the prevalence of domestic violence for regular monitoring.
- Take effective measures to depoliticize the civil service and enforce the rule of law in the civil service.
- Eliminate or reduce the privileges and jurisdictional immunities afforded senior public officials, especially in corruption cases.
- Establish clear rules for selection and appointment of the heads of independent institutions; ensure adequate funding of independent institutions; and create an environment free from interference in order to ensure their independence.

- Ensure that journalists and media practitioners, including online media practitioners, are able to practice their profession in a free and safe environment.
- Investigate all attacks on journalists and media workers, ensure full implementation of the rule of law, and guarantee no impunity for crimes against journalists.
- Ensure an environment enabling freedom of expression by decriminalizing defamation (a criminal offence under Article 111 of the Criminal Code of Mongolia (2002) and punishable by imprisonment from one month to five years), and remove regulations introducing online censorship by semi-governmental bodies without judicial oversight.
- Ratify two ILO priority governance Conventions (the *Labour Inspection Convention, 1947* (No. 81) and the *Labour Inspection (Agriculture) Convention, 1969* (No. 129)).
- Ratify two ILO technical Conventions on occupational safety and health (the *Safety and Health in Construction Convention, 1988* (No. 167) and the *Safety and Health in Mines Convention, 1995* (No. 176)).
- Amend the Criminal Code to define “forced labour” in line with the ILO *Forced Labour Convention, 1930* (No. 29)
- Ensure sufficient budget allocation to national programs to guarantee universal access to RH services
- Protect RRs in national policies, with special focus on family planning
- Protect the RRs of young people by giving specific focus to sexuality education and youth friendly health services