ACTIVITY REPORT
Mongolia

National UPR follow-up meetings
17-18 May 2018

Timeline for UPR engagement in the current cycle
1. Introduction

On 17 May 2018, some 100 participants joined the meeting to validate the CSO UPR mid-term report. The activity was, co-organised by the Ministry of Justice and Home Affairs (MoJHA), National Human Rights Commission (NHRC), Human Rights NGO Forum, OSF Mongolia and UPR Info. It gathered a rich cross-section of national and provincial government officials, including the National Police Agency and the Mongolian Bar Association, and civil society activists which under the umbrella of the Human Rights NGO Forum had authored the report. Government officials from MoJHA, Ministry of Foreign Affairs and Ministry of Labour and Social Welfare each gave detailed presentations of actions undertaken to implement 2nd cycle UPR recommendations which fell under their respective mandate. As a result of a concerted effort from the Government to track UPR implementation, the presentations referred to updated data disaggregated by issues, gender, and population groups. This approach allowed for identification of implementation gaps and tailored solutions.

After lunch, a panel of civil society representatives introduced the findings of their draft mid-term report in which all recommendations had been rated as either fully, partially or not implemented. A spirited discussion followed where a host of government representatives intervened to ask for more information about the methodology behind the ratings. The dialogue resulted in several positive outcomes such as an exchange of first-hand sources to be shared with the CSO coalition, and a commitment from the authors to add sources were such were missing in the report. The NHRC lead a session on their special status as a national human rights institution, and how they engage with the Universal Periodic Review. Ahead of Mongolia’s third review, the NHRC will contribute with information to the Stakeholders’ report and committed to facilitate continued dialogues between the government and CSOs to seek further clarification on issues which had been discussed during the meeting.

UPR Info contributed with a segment on good examples and practices of how cooperation between Governments and civil society has fostered an enabling environment for inclusive implementation of UPR recommendations. It highlighted the ambitious goal of 85% implementation of 2nd cycle accepted UPR recommendations set out in the United Nations Development Assistance Framework (UNDAF) 2017-2021 between the United Nations and the Government in Mongolia. The presentation also explored the central elements of a National
Mechanism for Reporting and Follow-up, the condition *sine qua non* for sustainable implementation of human rights recommendations.

The objectives of the project, “Mid-term reporting in Mongolia”, were to:

- Contribute to strengthened national ownership of the UPR;
- Reinvigorate the discussion between the Government and national CSOs on UPR implementation;
- Contribute to the effectiveness of the UPR in Mongolia through assessing implementation levels of all second cycle recommendations received by Mongolia in its second review;
- Encourage CSO coalition building;
- Introduce the UPR to civil society representatives which previously have not engaged with the mechanism.

The activity was the culmination of a *series of activities* co-organised by *UPR Info* and national actors since 2015 to optimise Mongolian stakeholders’ engagement with the mechanism.

### 2. Activity overview

#### 2.1. Validation of UPR mid-term reports

In the morning, participants were welcomed by remarks from Mr Enkhbayar Battumur, Vice Minister of the Justice and Home Affairs; Ms Urantsooj Gombosuren, Human Rights NGO Forum; Mr Byambadorj Jamsran, National Human Rights Commission of Mongolia; Mr Gianni Magazzeni, Chief UPR Branch, Human Rights Council and Treaty Mechanisms Division, Office of the High Commissioner for Human Rights (OHCHR); and Mr Hans Fridlund, Programme Manager, *UPR Info*. Speakers commended the multi-stakeholder consultations that had been organized jointly by civil society and the government at the provincial and regional level. It was moreover noted that the UPR lends itself as an ideal platform for a discussion on how to integrate a human rights-based approach to sustainable development. International observers at the meeting included the UN Country Team (UNCT), the Food and
Agriculture Organization of the United Nations (FAO), Asian Development Bank, Save the Children, the EU Delegation, and officials from the embassies of Canada, Czech Republic, Germany, Kazakhstan and the United States. The first session, led by UPR Info, briefed participants on Mongolia’s UPR timeline, the outcomes of previous in-country UPR activities, and presented good practices on how to strengthen the human rights implementation framework in the country. He applauded the government for its commitment to the UPR, exemplified by a 1st cycle mid-term report, UPR implementation plan and active participation in 2nd cycle consultations.

The following panel discussion brought together Mr Enkhbayar Battumur, Vice Minister of Justice and Home Affairs; Ms Bat-Ulzii Battumur, Head of the Treaty, Law and Cooperation Department, Ministry of the Justice and Home Affairs; Ms Oyu Vasha, Head of the Human Rights Division, Ministry of Foreign Affairs; and Ms Tungalagtamir, Head of the Population Development Department, Ministry of Labour and Social Welfare, with each presenting on implementation levels, achievements and challenges in the implementation of recommendations relevant for their respective ministry. Government interventions informed, to mention but a few developments, that:

- Mongolia’s Parliament passed an amended version of the 2004 Law to Combat Domestic Violence, making domestic violence, including marital rape, a criminal offence; and passed the Law on Child Protection in 2016;
- Thematic sub-councils consisting of the state secretaries from line ministries have been established to combat human trafficking, and to implement recommendations related to the rights of persons living with disabilities and child rights;
- 5800 public officials have been trained in the application of the anti-trafficking law, in addition to public campaigns and public debates on how to tackle the practice;
- A 2017-2021 programme to promote gender equality has been established in cooperation with civil society and business entities. It aims to create gender-sensitive policy and planning, and to remove public gender stereotypes;
- Together with civil society, a programme has been developed to mobilise parents to assist with learning to improve education for nomadic children;
- Actions are being undertaken to promote the social participation, and improve public perception, of persons living with disabilities. Electric buses, recently made part of the public transportation system, allow persons living with disabilities and the elderly to travel free of charge.
Commenting on challenges, including unfilled quotas related to women’s participation in politics; discrimination against women and domestic violence; as well as the need to revise legislation governing the mining sector, it was noted that a permanent body to facilitate inter-ministerial deliberations would go a long way towards accelerating implementation of human rights recommendations. In the absence of such a structure, government representatives stressed the important work carried out by the thematic sub-councils in the implementation of cross-sectoral recommendations. Ms Oyu Vasha recalled that implementation is the responsibility of the entire government and shared that the Office of the Prime Minister issues official letters to all ministries in which he asks for implementation gaps to be addressed. She also briefed participants about an upcoming programme with OHCHR and the NHRC aimed at improving follow-up and monitoring of international human rights obligations. The programme includes the establishment of a National Preventive Mechanism on torture, a National Mechanism on Reporting and Follow-up, and an e-campus offering human rights trainings online. It will also support the development of a National Action Plan on business and human rights and a database to monitor implementation of human rights recommendations. Finally, it was noted that the government in some cases will need to seek clarifications from the Recommending state to clarify what outputs they expect the government to deliver in the implementation of recommendations.

Khishigsaikhan Batchuluun, Programme Manager at OSF Mongolia, explained that the Human Rights NGO Forum was created to consolidate the voice of civil society in the first UPR cycle and introduced the findings of the draft CSO mid-term report.¹ The coalition interacts with all UN human rights mechanisms and liaises with national and international actors to promote enjoyment of all human rights in Mongolia. She noted that the meeting was the first opportunity for civil society to meet with high-level Government officials knowledgeable about UPR implementation, stating that the coalition warmly welcomed the exchange of information. She regretted that some state actors had been reluctant to share information in the drafting process, and highlighted some of the chief concerns contained in the report, including:

- A lack of understanding among the public and civil servants about the new criminal code package due to its swift passing;

• The general decrease of political participation of women, and more specifically the limited number of women candidates to be nominated by political parties ahead of elections despite the 20% quota;
• The prevailing discourse among civil servants to pit human rights against the socioeconomic development of Mongolia. In this vein, the report recommends human rights education to be included in school curricula and specific programmes targeting public officials;
• The need to develop and enact a comprehensive stand-alone anti-discrimination law;
• Harassment and intimidation of human rights defenders, and particularly those working on rights related to the enjoyment of a safe, healthy and sustainable environment.

In her concluding remarks, she stated that "[t]he UPR process is not just about submitting information to the UN, but presents an opportunity to jointly work towards human rights improvement in Mongolia."

The appreciation of percentages of recommendations fully, partially or not implemented contained in the draft CSO mid-term report triggered a productive discussion. A host of government actions to implement specific recommendations were discussed and plenty of new information surfaced which will contribute to the finalisation of the report. On several occasions, civil society representatives held that merely enacting a law without proper enforcement did not meet the qualification for a fully implemented recommendation. The stakeholders agreed that the lack of indicators in the government’s UPR implementation plan made it difficult to reach consensus on implementation levels. Mr Altangerel Choijoo, Executive Director of the NHRC, committed to facilitate follow-up discussions with civil society representatives and government to clarify outstanding issues. Following the workshop, several TV stations and written media conducted interviews with participants. UPR Info seized the opportunity to inform about Mongolia’s UPR process and the agenda-setting role of journalists in the mechanism.²

### 2.2. Diplomatic briefing

The objective of the briefing, hosted by OSF Mongolia, was to provide space for national and local civil society representatives to present their UPR engagement to resident diplomats.

² See for example: [https://www.news.mn/?id=278751](https://www.news.mn/?id=278751) (written media), and [http://www.control.mn/i/15572/#.Wxeog9lh1PZ](http://www.control.mn/i/15572/#.Wxeog9lh1PZ), [https://www.facebook.com/mnbmongoliinmedee/videos/1938338766190099/?fref=mentions](https://www.facebook.com/mnbmongoliinmedee/videos/1938338766190099/?fref=mentions) (TV broadcasts)
Particular emphasis was put on the deliberations with the Government which had taken place the day before, and the findings of the 2nd cycle CSO mid-term report. Representatives from the UNCT, the embassy of the Czech Republic, the EU Delegation, and FAO participated alongside 20 human rights activists. After opening words from UPR Info, and a presentation of the draft report, an interactive Q&A session was the highlighted of the briefing session. In responding to questions from CSOs, the representative from the Czech Republic informed about how he liaises with colleagues in capital and Geneva in the formulation of UPR recommendations to Mongolia. He also stressed the need to revamp the tax system so that the public could benefit from the country’s rich natural resources, and encouraged CSOs to submit project proposal to the embassy. Addressing questions related to adverse impacts of the mining industry on livestock, agriculture and the herding community, the FAO representative noted that while regulations are in place implementation is often lacking.

While the EU does not make recommendations in the UPR, it maintains a human rights dialogue with the government of Mongolia, explained the Chargé d’Affaires a.i. of the Delegation. Moreover, Mongolia receives beneficial trade conditions under EU’s Generalised scheme of preferences (GSP+) which is conditioned upon ratification of international human rights and labour conventions. The mid-term evaluation of the GSP allows the EU to take stock of the human rights situation, and adds another venue for human rights dialogue, he explained. Concerning funding opportunities, the EU are currently preparing calls for projects aimed at strengthening national CSOs. In this vein, the EU representative thanked the organisers for the diplomatic briefing as the concerns expressed by civil society will contribute to decide the topic of the calls. He also proposed a CSO meeting prior to the next human rights dialogue with the government to be able to reflect civil society interests in the discussion.

2.3. Achievements

The mid-term activities succeeded in:

- Conducting 19 provincial and four regional consultations jointly implemented by the Human Rights NGO Forum, government, OSF Armenia, and the NHRC to assess implementation of 2nd cycle UPR recommendations;
- Providing a formal forum for a high-level discussion between national stakeholders on UPR implementation;
- Presenting a draft civil society mid-term report, and securing a commitment from the government to also develop a progress report;
- Sharing good practices on how to contribute to effective implementation of human rights recommendations, including information on key components of a National Mechanism for Reporting and Follow-up;
- Introducing grassroots CSOs to the donor and diplomatic community in Ulaanbaatar;
- Sharing preliminary findings from the CSO mid-term report with media, and informing about the important role of journalist in the UPR.
2.4. Lessons learnt

Vague UPR recommendations, coupled with the absence of benchmarks and indicators in the government’s UPR implementation plan, creates an obstacle for a structured evaluation of implementation levels. In this light, exchanging information in multi-stakeholder forums is imperative in the development of mid-term reports. Similarly, to bolster the credibility of the report, the importance of a robust methodology chapter and incorporation of sources cannot be overemphasised. It will be important to involve parliamentarians in upcoming events to inform about their role in the implementation process.

3. Way forward

Based on the information shared at the meeting, it is foreseen that both the Human Rights NGO Forum and the government will soon finalise their respective reports. The opportunity to introduce the findings of the reports at the Human Rights Council should also be explored. The commitment expressed by the government to engage in meaningful consultations with civil society in the preparation of their third cycle National Report is commendable and should be followed-up on by CSOs.

4. Testimonies

Urantsooj Gombosuren
Chairperson, Centre for Human Rights and Development

This validation meeting was a big lesson for us. It was the very first meeting in which high-level government officials participated the whole day. We never experienced such a serious commitment from them before. Unfortunately, not all team leaders of the Human Rights NGO Forum participated which left some of the government’s questions on the reliability of data and sources in the civil society report unanswered. It is important that these focal points participate in upcoming consultations. Civil society need to continuously engage with relevant government ministries and parliamentarians ahead of the next review to address implementation gaps, particularly in relation to strengthening national human rights mechanisms and the Commission, protecting human rights defenders, and institutionalising human rights education.
Munkhtuya Dashtsend  
Executive Director, The LGBT Centre

The important multi-stakeholder validation meeting and diplomatic briefing went very well. The Human Rights NGO Forum send the draft CSO mid-term report to the government ahead of the events, but did not get a response. The meeting clarified which Government official is responsible for implementation of specific UPR recommendations, and now we all have a common understanding. The LGBT Centre will organize follow-up meetings with the people who were in the multi-stakeholder validation meeting from the government as we did not have enough time to speak on the issues we work on.

Our future advocacy will concentrate on the implementation of relevant human rights recommendations and ways to improve the LGBTI people’s situation in Mongolia above and beyond the recommendations. The LGBT Centre and other NGOs working on minority rights agree that there is an urgent need to develop and enact a stand-alone, comprehensive anti-discrimination legislation with corresponding institutional enforcement mechanisms such as an Equality Ombudsperson’s Office. We will continue to raise this need with the government.

Altangerel Choijoo  
Executive Director, National Human Rights Commission of Mongolia

It was a progress that this validation meeting conveyed high-level government officials who have given importance to the UPR recommendations. Although there was some disagreement among the participants regarding the shortcomings and procedures of the international coordination, in the end they all agreed to improve the quality of implementation as well as the coordination amongst government organisations.

The Commission has included one chapter on implementation of UPR recommendations in its 17th annual report on the Situation of Human Rights and Freedoms in Mongolia. It has submitted the report to the Parliament along with its recommendations in March 2018. The NHRC will continue its engagement with Mongolia’s UPR process by developing and submitting a report to the OHCHR in September 2019 for Mongolia’s next review in 2020.
Since its establishment, the Human Rights NGO Forum (HRF) is trying to organize genuine consultation with government bodies. In 2014, following a HRF initiative, the Head of the Drafting Group for the government’s second National Report attended a consultative meeting, however, the follow-up has not met the expectations of the HRF. **This National Validation Meeting was the most high-level and inclusive consultative meeting in the history of the UPR process in Mongolia.** During the meeting, the government representatives promised to provide certain information which could not be identified during the drafting of the CSO mid-term report. Also, HRF’s members have learnt lots from the validation meeting and how to constructively express their opinions. In addition, the meeting demonstrated some differing opinions on how to measure implementation levels of UPR recommendations. Therefore, continued multi-stakeholder dialogues on a regular basis are needed to build a common understanding among stakeholders.

HRF’s Working Group on the UPR mid-term report will continue to revise its conclusions and provide endnotes. For this purpose, they will organize a series of meetings with several government agencies to clarify outstanding issues. **HRF will continue its effort to build effective collaboration with government agencies through the Inter-ministerial Working Group under the Ministry of Justice and Home Affairs as well as with subcommittees.**
# Annex 1: Agenda

## Validation meeting UPR mid-term reports

**17 May 2018**  
Ulaanbaatar, Mongolia  
Venue: “Soyombo” Hall, Best Western Premier Tuushin Hotel

| 17 May 2018          |  
|----------------------|--------------------------------------------------|
| **8:30 – 9:00**      | Registration                                     |
| **9:00 – 9:30**      | OPENING CEREMONY                                 |
| **Objective**        | *To welcome participants, and to provide the rationale behind the workshop.* |
| **Opening Remarks**  | *Enkhbayar Battumur, Vice Minister of the Justice and Home Affairs*  
|                     | *Urantsooj Gombosuren, Board Chair of the OSF Mongolia*  
|                     | *Byambadorj Jamsran, National Human Rights Commission of Mongolia [TBC]*  
|                     | *Gianni Magazzeni, Head of OHCHR UPR Branch [video statement]*  
|                     | *Hans Fridlund, Programme Manager, UPR Info* |
| **09:30 – 10:30**    | Session 1: Good practices of multi-stakeholder cooperation in UPR implementation |
| **Objective**        | *To share good examples and practices of how cooperation between Governments and civil society has fostered an enabling environment for sustainable implementation of UPR recommendations.* |
| **Facilitator**      | *UPR Info* |
| **Q&A**              | 15 minutes Q&A |
| **10:30 – 11:00**    | Coffee Break                                    |
| **11:00 – 12:45**    | Session 2: Presentation of Government UPR mid-term report |
| **Objective**        | *To provide participants with an overview of the Government’s UPR mid-term report with an emphasis on i) assessed implementation levels, achievements and challenges in the implementation of 2nd cycle UPR recommendations, and ii) how to strengthen implementation ahead of the 3rd UPR of Mongolia.* |
| **Moderator**        |  

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| Presenter | • Enkhbayar Battumur, Vice Minister of the Justice and Home Affairs [TBC]  
• Bat-Ulzii Battumur, Head of the Treaty, Law and Cooperation Department, Ministry of the Justice and Home Affairs  
• Oyu Vasha, Head of the Human Rights Division, Ministry of Foreign Affairs  
• Tungalagtamir, Head of the Population Development Department, Ministry of Labour and Social Welfare |
| Q&A | 30 minutes Q&A. Civil society representatives will have received the Government’s UPR mid-term report ahead of the validation meeting and can provide further information, ask for clarifications or suggest changes to the text. |

| 12:45 – 13:45 | Lunch |
| 13:45 – 15:30 | Session 3: Presentation of joint CSO UPR mid-term report |

| Objective | *To provide participants with an overview of the joint CSO UPR mid-term report with an emphasis on i) assessed implementation levels, achievements and challenges in the implementation of 2nd cycle UPR recommendations, and ii) ways of supporting the Government in the continued implementation process ahead of the 3rd UPR of Mongolia.* |
| Moderator | Sukhgerel Dugersuren, Chairperson of the Oyu Tolgoi Watch  
Khishigsaikhan Batchuluun, Program Manager of the OSF Mongolia  
Ariunaa Shagdarsuren, Chairperson of the Women  
Munkhtuya Dashtsend, Director of the LGBT Center  
Child Protection Coalition [TBC]  
Altantuya Batdorj, Director of the Amnesty International Mongolia |
| Presenter |  
Resource person |  |
| Q&A | 30 minutes Q&A. Government representatives will have received the joint CSO UPR mid-term report UPR mid-term report ahead of the validation meeting and can provide further information, ask for clarifications or suggest changes to the text. |

| 15:30 – 16:00 | Coffee Break |
| 16:00– 16:30 | Session 4: The role of the NHRC in the UPR implementation phase |

| Objective | To provide participants with insights into how the National Human Rights Commission can work as a bridge builder between Government and civil society in the UPR implementation process. Recommending states phrase and follow-up on recommendations made to the State under Review. |
| Facilitator |  |
| Moderator Presenter | • Undrakh Ulziisumiya, Head of the Administration and Multilateral Cooperation Division, National Human Rights Commission of Mongolia  
• Altangerel Choijoo, Executive Director, National Human Rights Commission of Mongolia  
15 minutes Q&A |
|---------------------|--------------------------------------------------------------------------------------------------|
| 16:30 – 16:45 | CLOSING CEREMONY  
**Objective**  
To end the session and thank stakeholders for their continued commitment to optimising the UPR.  
• Enkhbayar Battumur, Vice Minister of the Justice and Home Affairs [TBC]  
• Human Rights NGO Forum Mongolia [TBC]  
• Altangerel Choijoo, Executive Director, National Human Rights Commission of Mongolia  
• Hans Fridlund, Programme Manager, UPR Info |
| **Closing Remarks** |  
End of validation meeting |
| 17:00– 17:30 | PRESS CONFERENCE  
• Enkhbayar Battumur, Vice Minister of the Justice and Home Affairs  
• Altangerel Choijoo, Executive Director, National Human Rights Commission of Mongolia  
• Khishigsai Khan Batchuluun, Human Rights NGO Forum Mongolia  
• Hans Fridlund, Programme Manager, UPR Info |
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