

**Submission to the Universal Periodic Review
by the United Nations Country Team¹ in Mongolia (UNCT Mongolia)
24 October 2019**

Dear UPR Focal Point,

Please see attached Mongolia's United Nations Country Team (UNCT) submission for Mongolia's 3rd cycle of the Universal Periodic Review (UPR).

If you have any further questions, please don't hesitate to contact UN Mongolia's human rights team with contact details below:

Mr. Bolorsaikhan Badamsambuu, National Human Rights Analyst
bolorsaikhan.badamsambuu@one.un.org
+97611327565 ext. 1003

Ms. Jessica Farr, Human Rights Officer
jessica.farr@one.un.org
+97611327565 ext. 1004

I trust this information will be useful.

¹ Agencies who contributed to the UNCT's submission include FAO, ILO, IOM, UNDP, UNFPA, UNICEF and WHO.



I. Background and framework

1. Since its second UPR in 2015, Mongolia has seen numerous positive developments that have contributed to progressing the human rights situation of the country. However, there have been some setbacks including the dissolution of the Special Investigation Unit (SIU) in 2014, an independent agency under the State General Prosecutor's office and Office General Takhar Authority (Marshal Service) in 2016. This agency was responsible for providing protection to victims and witnesses of crime as well as to the judiciary and was a competent and efficient State service.
2. Criminal actions such as sexual harassment in the workplace, embezzlement and abuse of power were drafted but not adopted as crimes in the revised Criminal Code in 2017. In March 2019, legislation was passed that granted the National Security Council of Mongolia to dismiss the head of the Independent Authority Against Corruption and the Prosecutor General without justification and before their tenure. This new legislation leads to weaken the independence of the judiciary and rule of law.

A. Scope of international obligations

3. Mongolia has ratified all of the core international human rights instruments except the International Convention on Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW).
4. The UNCT urges Mongolia to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), ILO Governance Conventions including Labour Inspection Convention, 1947 (No. 81) and Labour Inspection (Agriculture) Convention 1969 (No. 129) and the ILO Convention on Violence and Harassment Convention 2019 (No. 190).

B. Constitutional and legislative framework

5. The Parliament of Mongolia (2016-2020) has initiated the process of Constitutional amendment and organized several public discussions and deliberative polling nationwide. The proposed amendments include provisions related to strengthening the legislature, clarifying the relationships between the legislature and the executive, strengthening the independence of the judiciary and local governance. However, there are no specific amendments changing current clauses on discrimination (Article 14.2) and capital punishment (Article 16.1).
6. During the reporting period, the Parliament of Mongolia adopted the following laws which are essential for the realization of human rights: Law on Legislation (2015), Law on Child Care (2015) Law on Child Rights (2016), Law on Child Protection (2016) Law on Human Rights of Persons with Disabilities (2016), Criminal Code (revised in 2015), Criminal Procedure Law (revised in 2017), Law to Combat Domestic Violence (revised in 2017), and the Law on Promotion of Youth Development (2017), Law on Elderly People (2017) and Law on State Service (revised in 2017).

C. Institutional and human rights infrastructure and policy measures

7. The National Human Rights Commission of Mongolia (NHRCM) submitted annual human rights reports covering issues such as torture, discrimination, gender inequality, lack of quality human rights

education, disparities in implementation of universal health coverage including sexual and reproductive health rights (SRHR) of persons with disabilities and adolescent girls, rights of minorities and environmental rights.

8. In parallel with the Sub-Committee on Human Rights, Sub-Committee on SDGs, Sub-Committee for Decreasing Air Pollution, Sub-Committee on Small and Medium Enterprises and Temporary Committee on Electronics Policy was established to improve the realization of the right to development, right to safe and healthy environment, online safety and freedom to conduct a business.
9. In conjunction with the approval of the Sustainable Development Vision 2030 (SDV) (2016) for Mongolia, the Government approved State policies on Health (2017-2026) and Population Development (2017-2026) which are being implemented through the National Programmes on Maternal, Child, and Reproductive Health (2017-2021), National Youth Development Programme (2019-2022), and National Programme on Gender Equality (2017-2021).²
10. The Minister of Justice and Home Affairs (MoJHA) issued a decree (No. A/173) on 23 June 2017 to establish a Sub-Council that will provide technical and professional guidance on the prevention and control of human trafficking and to supervise the implementation of Law to Combat Trafficking in persons. The Police Unit to Combat Human Trafficking Crimes was also established on orders from the Chief Commissioner of the General Police Department, on 30 June 2017. According to the Implementation Report conducted by IOM and the Human Rights Centre for Citizens (HRCC), there have been improvements in the legal environment and prevention of human trafficking, however knowledge and understanding of human trafficking among law enforcement agencies still requires improvement. There also remains scope for the Mongolian government to contribute to the protection and support for victims of human trafficking.³
11. A National Action Plan (NAP) on Business and Human Rights is in the drafting stage of the development led by the Ministry of Foreign Affairs, it will be a crucial document which clearly describes roles and functions of public and private sectors in the field of human rights. The National legal environment which regulates businesses' obligation towards human rights including children's rights and due diligence mechanisms throughout business operations are not well established. With the support of UNICEF, local businesses have started focusing on promotion and protection of children's rights by implementing Children's Rights and Business Principles. The Government of Mongolia would benefit from developing an "Institutional Reform Roadmap" aiming to strengthen the planning and policy analysis functions for the government.⁴

² In addition, 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). In addition, new policy documents that have been introduced include National Program on Environmental Health (2017-2020); and National Program on Healthy Ageing (2014-2020).

³ Study Report on the Implementation of Current Anti-Trafficking Legislation in Mongolia - EU Project, p.12

⁴ UNDP in Mongolia, Assessment of Institutional Mechanisms and Governance structures for Coordinating, Monitoring and Evaluating implementation of the SDV

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies

12. Mongolia has submitted all required reports to date to the core international human rights instruments. Mongolia has not yet responded to the 2018 and 2019 General surveys in accordance with Article 19 of the ILO Constitution, on measures it has taken to give effect to provisions of certain conventions or recommendations that are not yet ratified. Moreover, Mongolia hasn't submitted the newly adopted ILO conventions, recommendations and protocols to the competent national authorities since 2014.

B. Cooperation with special procedures

13. The UNCT commends the Government's cooperation with the Special Rapporteur on Human Rights and Environment, Special Rapporteur on Water and Sanitation and Special Rapporteur on the Situation of Human Rights Defenders and Independent Expert on Foreign Debt and Human Rights and urges the government to expedite the appropriate implementation of their recommendations.
14. The UNCT urges Mongolia to invite and accept Special Rapporteur (SR) on Violence Against Women, Special Rapporteur on the Rights of Persons with Disabilities, Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, Special Rapporteur on the Independence of Judges and Lawyers, Special Rapporteur on Minority Issues, Special Rapporteur on the Right to Development and Independent Expert on Sexual Orientation and Gender Identity.

C. Cooperation with the Office of the High Commissioner for Human Rights

15. The UNCT welcomes cooperation on and implementation of the UN Free and Equal Campaign and UPR Trust Fund, in collaboration with the Mongolian government, CSOs and supported by NHRCM and OHCHR.
16. The NHRCM, in cooperation with civil society, developed the draft law on the legal status of human rights defenders. The Government Cabinet considered the draft legislation on 27 February 2019 and decided not to support it based on the grounds that it is in conflict with national legislation and that it would create a duplication of roles among public institutions and increase the number of public servants and budget expenditure.
17. The NHRCM, with the support of the OHCHR, in cooperation with the Ministry of Foreign Affairs and civil society, held a consultation meeting in September 2019 involving government organisations, civil society, academics, and various stakeholders and organized activities to improve the draft law based on the inputs and comments from the OHCHR, academics, and other stakeholders.

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination;

18. Since the second UPR review, noticeable progress has been made in legal protection, public service, data availability and awareness-raising about gender-based violence and domestic violence in Mongolia. The revised Law to Combat Domestic Violence (LCDV) criminalized domestic violence, as an

act that is punishable by incarceration.

19. The National Statistics Office (NSO) carried out the first-ever, nationwide study on gender-based violence in 2017, involving over 7,300 women. The 2017 National GBV Survey and the 2018 Social Indicator Sample Survey found an extremely high prevalence of DV such that 57.9% of Mongolian women have experienced some forms of intimate partner violence at least once in their lifetime, with abuse being physical and/or sexual in nature for 31.2% of women. 35% of women have experienced some form of intimate partner violence in the last 12 months, with 12.7% experiencing physical and/or sexual abuse at the hands of their partners. To ensure the implementation of the revised Law to Combat Domestic Violence (LCDV), 33 SOPs/guidelines were developed and approved by the government and sectoral ministries, with a total of 13 One-Stop Service Centers (OSSC) and 15 shelters for survivors of violence established. The Government of Mongolia has significantly increased its allocation for GBV/DV prevention and response, with 2.5 million USD allocated to child protection and provincial budgets of 1,100 USD was allocated for operation of the 13 OSSCs within the 2019 fiscal budget, however, sustainable financing mechanism is still required to ensure operation of the OSSC.
20. The National Police Authority (NPA) established the domestic violence reporting mechanism, eGBV data system in 2018.⁵ Despite these achievements, social attitudes towards DV/GBV continue to perceive the matter as a private issue, thereby, neglecting the right to life and security of survivors.
21. According to the LCDV, all citizens are mandated to report cases of child abuse, while service providers are mandated to report cases of DV if the life or health of the survivor is in danger. Implementing this provision of the law, however, requires extensive training and skillset for service providers on matters of sensitivity, confidentiality, and effectiveness. This is because the mishandling of reported cases by duty-bearers may result in the further traumatization of the survivor, such as when duty-bearers blame the survivor for the abuse, or details about the abuse reaches the public and negatively impacts their reputation.
22. As a result of the 2016 elections, the percentage of women in the parliament reached 17%. While this is the highest ratio in Mongolia since 1992, it is still behind the global and regional averages and women continue to be underrepresented at the decision-making level. The 20% gender quota on candidates introduced by the Law on Elections in 2015 remains unchanged, and there is no gender quota for candidates in sub-national elections. There is no female Governor among 21 provinces and the capital city. The gender quota for leadership positions of government organizations

⁵ Between 2015 and 2018, a total of 5,161 cases of domestic-violence related crimes were registered, accounting for 4.2 percent of total crimes (123,402). During the same period, a total of 4,581 people was injured due to domestic violence.

set out by the Law on Gender Equality (2011) (LPGE) are not being met^[1] this remains the status quo after the new Law on Election introduced in 2019 kept the gender quote at 20% despite advocacy from female parliamentarians, CSOs and UN to increase it to at least 30%. The UNCT urges the Government of Mongolia to take further measures to implement the recommendations of the previous UPR on improving women's political participation.

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

23. The new Criminal Code, which came into effect on 1 July 2017, abolishes the death penalty for all crimes. However, the President Khaltmaagyn Battulga has sought to reinstate the death penalty for crimes related to sexual violence committed against children in 2018.
24. The new draft Law on the NHRCM submitted by the Government to the Parliament in October 2019 gives the NHRCM a mandate to establish an NPM; however, the terms to establish the NPM and select its members are vague and general.
25. The Government approved the National Programme for the Elimination of the Worst Forms of Child Labour 2012–16 (the NAP-WFCL). Moreover, the National Committee on the Elimination of the Worst Forms of Child Labour (NC-WFCL) was established to implement the programme. This Committee was comprised of specialists from different ministries and local officials, social partners and CSOs. The Government indicates however that the National Committee has been inactive due to the absence of donor support and limited resources allocated by the Government.⁶
26. The Law on National Naadam Festival sets the minimum age for children riding racehorses to 7.⁷ The findings of the UN Special Rapporteur on Extreme Poverty outlined the continuing injuries and fatalities that arise from the practice of using child jockeys. Around 10,000 children are used as child jockeys every year during the summer holidays. According to public media, on December 27, 2018, it is reported that a child jockey took his own life⁸ and on February 11, 2019, a ten-year old died in Sukhbaatar *province* by falling from a horse while training for horse races.⁹
27. According to a study, a child, on average, participates in two to three horse races in winter and spring when the temperature can reach -20°C. They often ride for an average distance of 80-100 km from start to finish line. Due to the nature of risk and hazardous conditions of horse races,

[1]^[1] 18th Status Report on Human Rights and Freedoms in Mongolia, 2019, p.210

6 https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3255384

7 <https://www.legalinfo.mn/law/details/17>

8 <https://news.mn/r/2024769/>

9 <https://news.mn/r/2079338/>

many child jockeys become disabled, and researchers highlighted that on average two child jockeys die from horse race accidents each season.¹⁰ The NHRCM gave an interview in 2017 to local media¹¹, stating that 169 children, mostly from poor households, crossed the border to Inner Mongolia, China to ride a race horse for money, reportedly MNT 300,000 – 500,000 (around USD115 – 190).

28. There is no law or policy limiting age and work hours for children working in artistic performances. The Government should take the necessary measures to finalize its legislation establishing a system of individual permits to be granted for children under 15 years who work in activities such as artistic performances pursuant to Article 8 of ILO Convention No.138, and to limit the hours during which, and prescribe the conditions in which, such employment or work is allowed.¹² There is no national legislation that requires an employer to keep and make available the registers of persons under the age of 18 whom he/she employs.

C. Right to work and to just and favourable conditions of work;

29. Article 3.1.14 of the Labour Law (1999) and Article 13.13 of the Criminal Code (2015)) inadequately define forced labour. The Labour law limits the understanding of forced labour to only four of its five uses prohibited by ILO Convention No. 105, therefore implicitly allowing its fifth use for the purpose of economic development and hazardous work. The Criminal Code makes the absence of payment a defining element of the offence of forced labour, thus unduly narrowing the *scope of forced labour to be punished as a criminal offence*.
30. Law on Military Services (2016)¹³, Law on Armed Forces (2016)¹⁴ and Law on the Legal Status of the Military Servicemen¹⁵ provides the legal framework for military service, basic duties of citizens to defend the country, legal status of military servicemen and the recruitment of military. This legislation states that men aged between 18 and 27 must carry out military service. In addition, the Government of Mongolia issued Resolution No.107 in 2013 approving the “Mongolian Conscripts for Reconstruction” project¹⁶ which allows engagement of army staff, including conscripts and servicemen to work in mining, construction and infrastructure development. On April 10, 2019, the government decided to mobilize conscripts to construct a 414.6 km long railroad between Tavantolgoi and Zuunbayan.¹⁷ According to ILO Convention No.105, military service should only be compulsory if the assigned work is of a military character rather than non-military work. Consequently, the Convention is not opposed to

10The Rights of Child Jockey in Spring Horse Races, Research Report, https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-beijing/documents/publication/wcms_481519.pdf

11 <http://www.zaluu.com/read/1142879hc>

12 https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3255384:NO

13 <https://www.legalinfo.mn/law/details/12124>

14 <https://www.legalinfo.mn/law/details/12123>

15 <https://www.legalinfo.mn/law/details/12125>

16 <https://www.legalinfo.mn/annex/details/5820?lawid=9124>

17 <https://bit.ly/2mroV4N>

the performance of non-military work by persons serving in the armed forces on a voluntary basis but is opposed on a compulsory basis, as such this could be seen a violation of the ILO Convention.¹⁸

31. The committee of Experts on the Application of Conventions (ILO CEACR) noted the elaboration of new Labour Law and the Government's indication that the new draft Labour Law will, when adopted, contribute significantly towards bringing the national legal framework in line with the Convention, including prohibited grounds of discrimination, the exclusion of women from certain occupations, sexual harassment, restrictions relating to the inherent requirements of the job, and the protection of workers with family responsibilities. There is a lack of reference to the principle of "equal pay for work of equal value" in both the Labour Law and the Law on the Promotion of Gender Equality (LPGE). This is also to note that draft Labour Law that is currently being submitted to the Parliament for adoption incorporates the concept.
32. The minimum wage for specific sectors can be set above the national minimum wage through a collective bargaining, according to MLSP, these sectors include auto transportation, geology, mining, energy and construction sectors. These sectors are higher than the national level and are male dominant. Among all women dominant sectors, the health sector has negotiated the minimum wage 1.5 times the national level. The current national minimum wage of MNT 320,000 (around 128 USD) for all sectors was negotiated in 2017 by tripartite partners, and will increase to MNT 420,000 (around 168 USD) starting from January 1, 2020.
33. LPGE prohibits sexual harassment and requires employers to take steps to prevent sexual harassment at the workplace, including by establishing complaint mechanisms. A survey conducted by NHRCM in 2014 revealed that nearly 70 per cent of the employers participating in the survey had no internal regulations or mechanisms to receive complaints concerning sexual harassment. The survey also indicated that victims of sexual harassment did not file complaints due to a number of factors, including lack of awareness of the relevant procedures and the absence of accountability measures as well as criminalization of the action.

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

34. Major environmental risk factors in the country include air pollution, poor access to safely managed water sources and sanitation facilities, chemical safety, climate change and poor waste management. Air pollution has become one of the most challenging issues in Mongolia during winter time because of solid fuel combustion. Especially, the capital city Ulaanbaatar where about 50% of the total population live. Overall, the single largest source of particulate pollution in Ulaanbaatar is coal combustion in households and low-pressure boilers, followed by power plants. During the last 4 months of winter in 2018 from November to March, the mean concentration of particulate matters was from 6-20 times higher than the WHO guideline values. According to a global estimation done by WHO in 2016, in Mongolia 1123 people die from air pollution-related diseases including low respiratory infection, chronic obstructive pulmonary disease, lung cancer, ischemic heart disease and stroke each year. In addition, some 3010 additional deaths are accounted from household air pollution alone. Altogether, the age-standardized mortality rate from the joint effects of both ambient and household air pollution account for 132 deaths per 100 000 capita, which places Mongolia among the high-impacted countries (the world mean is 92 deaths per 100 000 capita).
35. From 2015, there has not been much change in improving accessibility to safely managed sanitation facilities and water supply for small and rural communities including nomadic herding households. According to the WHO/UNICEF Joint Monitoring Program data estimation, overall access to

¹⁸ https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3279436:NO

safely managed and basic drinking water sources and basic sanitation facility is 81.74% and 57.98% respectively. However, there is still large discrepancy of WASH condition between urban and rural areas.

36. Mongolia is also vulnerable to climate change as the mean temperature increased by 2.07°C in the past 70 years. This change in temperature is expected to affect the resilience of the country to natural disasters.¹⁹

E. Right to health

37. There continues to be significant discrepancies in the health indicators between urban and rural populations infants and children under five have a significantly higher mortality rate in rural areas than in urban areas. The maternal mortality rate in some remote areas is twice to 3 times higher than the national average. In Mongolia almost all pregnant women receive antenatal care (99.5) and delivery service (99.8, in 2018) in health care facilities from skilled medical professionals. However, the quality of antenatal care (ANC) can be improved to prevent mother to child transmission (congenital syphilis), birth defects, perinatal complications and further support for mothers with disabilities.
38. Despite its strong pronatalist stance, the rights for voluntary family planning principles regardless of marital status and age have been explicitly endorsed in major long-term policy documents such as the State Policies on Population Development, and Health. However, this has not yet addressed chronic stockout of family planning commodities at public facilities since 2015, mostly due to the new procurement system rolled out in February 2019.
39. There are several challenges in ensuring SRHR for women and adolescents in Mongolia.²⁰ Recent studies revealed that the abortion rate, including repeated cases of abortions, is particularly high among youth. Such increases are certainly interlinked and can be the consequence of chronic stock-outs of free contraceptives, poor management of family planning programmes and lack of knowledge among adolescents.
40. Despite the UN statement to eliminate virginity testing²¹ considering its lack of medical utility and no scientific merit, health professionals in multiple provinces and districts of Mongolia continue to practice virginity testing, including when assessing for potential sexual assault.
41. In relation to the increased reported cases of sexual violence against young children, adolescent preventive health screening programmes are routinely conducted among schoolboys and girls with the intention to detect sexual violence against girls in Mongolia. Specifically, girls' health screening

19 Currently 77.8% of the territory of the country has been affected by some degree of desertification.

20 According to the Social Indicators Sample Survey 2018 conducted by NSO, in the past five years, the Adolescent Birth Rate (ABR) increased from 40 to 43 per 1,000 girls aged 15-19, and the Unmet Need for Family Planning from 16 to 23 percent. ABR has doubled among those living in rural areas as well as adolescents from poor families.

21 Eliminating virginity testing: An interagency statement, WHO, UN Office of the High Commissioner for Human Rights and UN Women, 2018

programmes have been encouraged by local governments for early identification of sexual violence and the examinations are performed by general practitioners, forensic physicians, and gynecologists. Yet, it is not known whether such examinations include virginity test, or they are limited to genitalia examination only in which injuries and traumas are examined.

42. General Prosecutor's Office of Mongolia issued a directive to all its branches in provinces and Ulaanbaatar city districts to get the information from health facilities on all cases of pregnancy, abortion and childbirth of young girls, and verify whether they are indicative of crime.²²
43. Accordingly, the provincial health departments and hospitals, and Ulaanbaatar City District Health Centers received a directive from local Prosecutor's Offices in November 2018, to report all cases of pregnancy, abortion and childbirth of girls under the age of 18. After disclosure of information, police have taken actions to identify male partners often violating privacy and confidentiality by interviewing teachers and school principals. Such actions, directed towards reducing and preventing sexual violence and exploitation of girls, may also increase the risk of hiding pregnancies and avoidance of life-saving health services by girls.
44. Health insurance premiums for poor and vulnerable groups including pensioners and children under 16 (if in high school under 18) years old are subsidized by the Government. In addition, state funding of the primary health care and public health services aim to ensure universal access to basic health services. The government made a decision in 2018 to fund 4 types of services to be provided at the Primary Health Care (PHC) level from Health Insurance Fund has increased PHC funding and enhanced the benefit package.
45. As indicated at the law, health care services should meet the health needs of the people and be evidence-based with quality, safety, equity and accessibility. Universal Health Coverage (UHC) and leaving no one behind (LNOB) principle are stated as a main principle for the State policy on health which was approved by the government in 2017 in response to WHO's recommendations.
46. Discrimination of people living with HIV-AIDS has also been evident during the reporting period. Foreign nationals residing with immigrant status (TS) are required to submit medical statements on HIV, sexually transmitted diseases (STDs) and mental ability.²³ In addition, people dependent on drugs or adolescent drug users are not having proper health services responsive to their special needs and face risks to be convicted and prosecuted.

F. Right to education

47. Due to low population and infrastructure in immense landscape, inclusive education policy is recently introduced concerning children with disabilities only. From 1964, special school system based on segregation policy has been promoted for educational and rehabilitation service for children with disabilities. UN CRPD's official translation into Mongolian has

²² According to the survey conducted by General Prosecutor's Office of Mongolia (GPOM), out of 2,263 cases of pregnancy, abortion, and childbirth of girls under the age of 18, only 4.4% approached police with complaints.

²³ <https://www.immigration.gov.mn/visa/6>

missed 'inclusive' term from Article 24 and caused differing understandings even among education professionals and experts.

48. As a result of extensive advocacy at the policy level in 2017, the Ministers for Health and Education, Culture, Science and Sports made political decisions to bring back health education into the formal education school curriculum.²⁴ The health education including CSE was re-introduced in schools as a stand-alone subject starting from the 2018-2019 academic year. As a response to the current trend in adolescent health outcomes, mental health and nutrition related content was expanded in the curriculum and became a separate component. Sexual and reproductive health is also included as one of the 6 key areas in health education class content and was developed in line with the 2018 International Technical Guidance on Sexuality Education, with all the key concepts including GBV prevention. Targeted interventions supporting CSE for youth with disabilities were initiated for children with hearing disabilities. However, the programme has still not been implemented to its full potential, leaving many children and young people with disabilities without access to information.
49. In accordance with the Convention Concerning the Protection of the World Cultural and Natural Heritage and SDG 11.4, State parties should take appropriate measures necessary to conserve and rehabilitate cultural heritage including historic buildings. In 2019, national and international professional association of architects expressed their concern that the Natural History Museum of Mongolia was demolished rather than conserved and repaired.

G. Persons with disabilities;

50. Despite Mongolia's advancement in adopting the UN Convention on the Rights of Persons with Disabilities, and the Law on Human Rights of Persons with Disabilities, quality of lives, health and well-being of persons with disabilities, particularly women has not improved due to a lack of implementation, enforcement and inadequate funding of interventions. Women and girls with disabilities are still subjected to forced and coerced abortion, involuntary sterilization, and contraception. Furthermore, the implementation of the reproductive rights of women with disabilities are greatly impacted by limited accessibility to information, which further leads them to be at greater risk of discrimination and hidden sexual abuse. Nearly all maternal and reproductive health departments do not have any adjustable beds for women with mobility impairments and also do not have a sign language interpreter or assistive devices for communication with women with visual and/hearing impairments. These situations are further affected

²⁴ New curriculum has 6 core components: personal hygiene and environmental health; nutrition and physical activity; mental health; substance use; sexual and reproductive health; safety and first aid.

by the absence of information on the health services among women with disabilities.

H. Minorities and indigenous peoples;

51. Mongolia's revised Criminal Code has not fully complied with UN CERD. On a national level, there has been a rise in hate speech related to xenophobia including sinophobia mostly and racial discrimination on social media and, in particular, in social networks, which was observed in the context of the 2017 presidential elections. There was also a lack of information regarding complaints made by victims of such racist hate speech and the prosecution of perpetrators. Based on social media practice, several ultra-nationalist organizations and groups are publicly using and promoting hate speech against people of foreign origin and ethnicity.
52. Mongolia has been taking progressive steps to address discrimination against LGBTI community. In 2011, Mongolia signed the "joint statement on ending acts of violence and related human rights violations based on sexual orientation and gender identity" at the United Nations, condemning violence and discrimination against LGBT people. In 2016, Mongolia also supported the appointment of an independent expert to identify what causes violence and discrimination against LGBT people and to find ways to protect them. Hate crimes and hate speech on the basis of sexual orientation and gender identity have been outlawed in the country since 1 July 2017. Despite some progress in recent years, LGBTI community continue to be the target of harassment and violence in [Mongolia](#), such as a case of Bosoo Khukh Mongol, a far-right Mongolian nationalist group in September 2019.

I. Migrants, refugees and asylum-seekers;

53. There have been few measures taken to ensure availability of basic public services for internal migrants moving to Ulaanbaatar from rural areas. IOM in collaboration with the National University of Mongolia and the Ger Community Mapping Centre conducted two studies on internal migration and urban migrant vulnerability which revealed that most of the country's internal migrants over the past 30 years have moved from rural areas to the capital, causing intensive urbanization and de-population of the countryside. The lack of planning around internal migration has led to unexpected outcomes, particularly in the ger districts. Registered and unregistered citizens in the ger districts have difficulties accessing basic services, formal employment and land ownership. They also suffer from the effects of soil, water and air pollution. The findings also noted that the migration restriction put in place in 2017 by the former governor of Ulaanbaatar to restrict those who could register as residents between the period 2017 to 2020 has disadvantaged the group by limiting access to housing, employment and basic social services. Urban migrants are also often subject to social and economic isolation and ostracism.²⁵
54. The ongoing development of the mining industry in southern Mongolia continues to drive growing internal and international migration, intensifying trafficking vulnerabilities—especially along the China-Mongolia border. Truck drivers transporting coal across the Chinese border in Umnugovi province are often more vulnerable to labor traffickers due to an arrangement under which employers confiscate their passports as collateral for their vehicles. These drivers often wait in truck lines with minimal sleep for weeks or months at a time until they receive permission to cross and make deliveries in China, where customers impose wage deductions for the delays; this loss of income reportedly makes them further vulnerable to labor exploitation.

²⁵ https://publications.iom.int/system/files/pdf/urban_migrant_vulnerability_assessment_en.pdf

55. The Implementation Report states that according to Police statistics seventeen (17) crime cases with 30 victims in total were determined and investigated from 2014-2016. More than 90% of victims of trafficking registered by the police are women and 46 percent are children aged 7-17.²⁶ IOM does not have access to reliable and comprehensive data on the number of victims of human trafficking.
56. In 2017, IOM and its implementing partners such as the Mongolian Gender and Equity Centre (MGEC) and End Child Prostitution and Trafficking (ECPAT) continued to work closely with the Ministry of Foreign Affairs, the MoJHA, the Anti-Trafficking Sub-Council, Members of Parliament, Immigration of Mongolia, the NHRCM, Civil Society Organizations, Gobi Oyu Tolgoi Development Support and other mining actors to protect the rights of vulnerable migrants and human trafficking victims in Mongolia. The aim of the initiatives were to build the capacity of Mongolian civil society and authorities to facilitate access to support services for migrants and victims of trafficking, and to empower them against risks of trafficking and human rights violations.²⁷
- J. Right to development and environmental issues;
57. According to latest estimates by UNFAO, 12 percent of Mongolia's population experience moderate or severe form of food insecurity, which affect their healthy and active life. There has been no progress on this count in the last 5 years. Food insecurity in Mongolia is higher in the capital city than in rural areas.
58. The Government of Mongolia have considered that the current issues regarding child nutrition need to be addressed in a comprehensive approach, the Law on "Meal production and services in secondary school" has been approved by the Parliament of Mongolia and will be in force from September 2020.
59. Pasture degradation has been an issue of importance for the Government of Mongolia and a draft law on Pasture is currently being developed with the support of FAO and the Swiss Agency for Development and Cooperation (SDC).

Recommendations:

1. Urge the country to adopt revisions of the Law on NHRCM, the Labour Law, Law on Legal Status of Human Rights Defenders and the Law on Pasture;
2. Define forced labour in the Criminal Code and comply with equal pay for work of equal value in both the Labour Law and the LPGE with ILO Conventions;
3. Consider criminalizing sexual harassment in the world of work;
4. Ratify ILO's two Governance Conventions – Labour Inspection Convention, 1947; (No.81) and Labour

²⁶ P13 of Study Report on the Implementation of Current Anti Trafficking Legislation in Mongolia-EU Project.

²⁷ IOM's Contribution to the UN Draft Country Results Report.

Inspection (Agriculture) Convention (C.129);

5. Ratify ILO's Protocol of 2014 to Forced Labour Convention, 1930; and ILO Convention on Violence and Harassment Convention, 2019 (No. 190);
6. Adopt NAP on Business and Human Rights and mainstream human rights-based approach within private sector;
7. Take the necessary measures in law and in practice, to ensure that no child under 18 years of age is employed as a jockey including a horse jockey and that adequate funds are allocated to combat child labour and to ensure their protection;
8. Capacity strengthening interventions for the government as well as comprehensive public awareness-raising on GBV/DV prevention and response focusing on positive/healthy life skills to avoid violence should be continued in order to sustain the achievements made in the past and provide sustainable financing to the operation of OSSC;
9. Establish specialized courts such as Family and Juvenile Court in the justice system to tackle violence against children and women;
10. Take further measures to implement the recommendations from the previous UPR including on improving women's political participation, taking measures to ensure an adequate standard of living including the right to water and sanitation to all citizens and ratification of ICRMW;
11. Improve disability inclusion in the education system and CSE curriculum both within and outside school settings;
12. Advance quality UHC including SRHR to all;
13. Protect the SRHR of women and girls with disabilities by ensuring their access to SRH information, commodities and services, and use outreach approaches to enable women and girls with disabilities to exercise SRHR;
14. Eliminate virginity testing and ensure bodily integrity of women and girls;
15. Establish youth-friendly, mental health and drug-responsive health service;
16. Develop and adopt NAP on Business and Human Rights in accordance with the child-rights approach which includes marginalized and vulnerable children's rights;
17. Review and implement the recommendations from SRs that the Government has hosted;
18. Continue capacity building on law enforcement and increase awareness campaigns to address discrimination against LGTBI.