

LIST OF ABBREVIATIONS

ESCR	Economic, Social, and Cultural Rights
GoM	Government of Mongolia
HR NGO Forum	Human Rights NGO Forum
HSU	Health Sciences University
ICESCR	International Covenant on Economic, Social and Cultural Rights
MDG	Millennium Development Goals
NGO	Non-governmental organization
SPIA	State Professional Inspection Agency
UNHRC	United Nations Human Rights Council

THE IMPLEMENTATION OF THE RIGHT TO FOOD

1. The current report was prepared by the Working Group comprising member organizations of the Mongolian People's Coalition for Food Sovereignty, including the following non-governmental organizations (NGOs): the Steps without Borders, the Center for Human Rights and Development, and the Mongolian Men's Association. The Working Group was set up on a voluntary basis by the members of the Human Rights NGO Forum (HR NGO Forum). Since 2013, the organizations included in the Working Group have been developing indicators to measure the implementation of the recommendations issued by the United Nations Human Rights Council (UNHRC), present the results to relevant NGOs, assess the implementation of the recommendations, and share the findings with the stakeholders during workshops and meetings organized by both governmental and non-governmental organizations.

Preparation of Information and Consultation Process

2. The following resources were used to compile the current submission: the recommendations issued by UNHRC regarding the protection of the right to food, mid-term progress report by the Government of Mongolia (GoM) on the implementation of the recommendations, documents used during a national consultative meeting on “Fostering Human Rights-Based Approach in Food and Agricultural Policy” organized in March 2014 by the Mongolian People's Coalition for Food Sovereignty, as well as other relevant reports and statistics. The draft of the submission was discussed by the Working Group two times, and at the national consultative meeting held on 22 August 2014. The five recommendations suggested during

the discussion of the draft document were incorporated in the report and delivered by email to all members. The submission was finalized in the wake of the discussion on 4 September 2014 at the plenary session of their NGO Forum working groups.

Framework of the report

3. The report on the implementation of the right to food describes the status of enactment of the recommendations to enhance the supply and access to food, and ensure food security suggested by Azerbaijan, Bangladesh, and Slovenia (84.103; 84.104; 84.105); the recommendations on poverty alleviation and steering of economic development toward protecting the rights of vulnerable groups suggested by the People's Republic of China, Indonesia, and Cuba(84.30; 84.31; 84.114); and the recommendations to submit the forth national report on the implementation of ICESCR and become party to the Optional Protocol to ICESCR proposed by Argentina and France (84.5;84.39). The report also covers issues related to the shortage of employment opportunities leading to poverty, and subsequent difficulties in exercising the right to food, labor exploitation, as well as the absence of labor remuneration tariffs established by the state to deal with these problems.

Positive developments in implementing the recommendations issued by UNHRC

4. In line with recommendation 84.39 regarding an overdue report on the implementation of ICESCR, GoM submitted the report in January 2011. Another notable development is Mongolia's adoption of the Optional Protocol to ICESCR on 23 April 2010, which makes Mongolia one of the few countries to have become party to the Protocol. On the other hand, no tangible measures have been implemented to raise public awareness about the Protocol, modify relevant legislation to affirm ESCR, enhance knowledge and understanding of the matter by policymakers, legal and judicial institutions, as well as civil servants.
5. The report on "The Implementation of the Right to Food" submitted in 2010 by HR NGO Forum to the UNHRC regular session on the status of human rights, included recommendations to improve the realization of the right to food as well as to create legal environment for reclaiming violated rights and seeking compensation. Although not included in the recommendations issued by UNHRC, Mongolia revised its Law on Food (2012) and the Law on Food Safety (2012), as well as enhanced the capacity of the general foods laboratory--all of which serve as a manifestation of positive changes.

Recommendation:

- Enhance the knowledge and understanding of the Optional Protocol to ICESCR on the part of policymakers, legal and judicial institutions as well as civil servants, and reaffirm ESCR and the right to food through adoption of the appropriate legislation.

The realization of the core human right- the right to be free from hunger

6. There are few official documents and statistics to demonstrate the implementation of the recommendations issued by UNHRC regarding the right to food. The figures used to prepare the 2010 report by HR NGO Forum on “The Implementation of the Right to Food” have remained unchanged. The fifth MDG National Progress Report by GoM submitted in 2013 likewise does not contain the post-2010 figures¹. The task of assessing the change in the situation since 2010 was rendered impossible as no information could be found on the following main indicators used to evaluate the implementation of the right to be free from hunger: percentage of underweight children below age of 5 years, percentage of children with stunted growth, percentage of wasting among children, and the number of pregnant women.

Excerpt from the fifth MDG National Progress Report:

... ”The prevalence of underweight children aged below five accounted for 11.6 percent in 2000 and it fell to 5.3 in 2005 and to 3.3 percent in 2010. The prevalence of stunting (height for age) for children aged below five was 29.9 percent in 2000. It declined to 27.5 percent in 2005 and has almost halved to 15.3 percent in 2010. The prevalence of wasting among under-five children (weight for height) accounted for 7.1 percent in 2000, which reduced to 2.7 percent in 2005 and to 1.6 percent in 2010 ”...

7. According to the results of the Household Socio-Economic Survey conducted in 2012 by the National Statistical Office of Mongolia, 27.4% of the total population of Mongolia and 35.5% of the rural population lives in deprivation with the poverty line fixed at MNT 118,668². These figures show that almost 30% of the overall population is poor and unable to maintain the daily intake of essential nutrients and satisfy their basic daily needs. Food vouchers have been distributed to 113,187 persons from 16,822 households in urgent need of state social welfare support with vouchers being equivalent to MNT 10,000 (USD 6) per adult and MNT 5,000 (USD 3) per child. This scheme, however, covers only 6.5% of the poor population.
8. The “Afternoon Tea Programme” targeting primary school students of general education institutions has a positive contribution to reducing the school dropout rates of children from poor families and implementing the right to food. However, due to currency depreciation and inflation, the cost of one tea set fell to USD 0.3. Therefore, there is a need to conduct an assessment of whether the food bought at this price meets the established nutrition requirements³.

¹The Fifth MDG National Progress Report, 2013, page 33.

²Approximately USD 64 according to the current exchange rate.

³The main nutrients and calorie intake amount /by age groups/. Attachment 2 of a joint decree No. 379/341 by Minister of Health and Minister of Education, Culture and Sciences from 20 October 2006.

9. In the Hunger Map 2011 issued by the World Food Program, Mongolia was placed in the category of countries where 20-34% of the population is undernourished⁴.
10. The fourth national report on the implementation of ICESCR submitted by GoM in 2011 mentioned that the diet of Mongolians is dominated by meat and flour products, whereas the consumption of vegetables and fruits that are the main source of vitamins and minerals is small. Furthermore, the daily food intake of a person from a vulnerable group is 33% less nutritious than that of an average Mongolian at the national level.
11. The findings of a survey on the implementation of the right to food conducted by the Mongolian People's Coalition for Food Sovereignty in February 2014 involving 42 randomly chosen households in ger districts⁵ at the outskirts of 6 districts in Ulaanbaatar indicate that poor families live half hungry. The evidence which supports this finding is that in February, when the temperatures drop to minus 11-32 degrees Celsius, these families had no firewood or coal in their yards to burn, and their refrigerators were empty and oftentimes filled by things other than food.

The realization of the right to food of poor households

76% of the heads of 42 households involved in the survey were aged 20-55 years. 52% of all households had 4-6 members, while those with more than 7 members comprised 24%. Even though these families spend all their monthly income on food, they still cannot meet their food needs. 96% of them cannot regularly eat vegetables, 85% of them only eat a meal with meat and noodles once a day in the evening, while eating bread and homemade boortsog (a type of fried dough food) in the morning and during the day. 60% of these households said they spend less than USD 3 a day on food, take loans to buy their daily bread, and are always indebted.

Source: The findings of a survey conducted by the Mongolian People's Coalition for Food Sovereignty in 2014.

12. The food prices are constantly rising as a result of inflation and MNT depreciation, which in its turn, negatively affect the purchasing power of the population, and pushes poor citizens into hunger.

RECOMMENDATIONS:

⁴<http://documents.wfp.org/stellent/groups/public/documents/communications/wfp229328.pdf>

⁵ Shanty towns made of yurts, traditional Mongolian dwellings.

- Make an assessment of the food consumption of poor and vulnerable citizens and guarantee their right to be free from hunger. Improve access to the food voucher program to cover all poor and vulnerable households.
- Undertake measures to eliminate malnutrition in the population and systematically publish data to demonstrate the progress in this field.
- Ensure that the food being distributed within the framework of the “Afternoon Tea Programme” to primary school students of general education institutions meets nutrition standards, and take steps to improve the quality of the products used.
- Determine the percentage to which the food program designed for children of vulnerable groups meets the daily physiological nutritional requirements for children, and ensure coordination with other measures taken to eliminate child malnutrition.

The right to adequate food

13. The participants of the national consultative meeting on “Fostering Human Rights-Based Approach in Food and Agricultural Policy” have concluded that the fulfillment of commitments undertaken by the state to progressively realize the citizens’ right to adequate food was unsatisfactory.⁶ The main reasons cited by the participants were weak monitoring of food quality and safety, diminished food purchasing power, and impossibility to obtain true and accurate information about food.
14. The monitoring of the quality of food products, food hygiene, packaging and expiration dates is inadequate. Uncertainty as to the reliable source of information about food is caused by such factors as weak capacity of the food quality control laboratory, small number of accredited laboratories, and lack of an autonomous laboratory to perform independent analysis.
15. The local food factories, including “Gazar Shim,” “Urbanek,” “Vagro,” and “Shar doctor” satisfy the population’s demand for canned vegetables. These factories are located in the vicinity of a sewage water treatment facility and use water which fails to meet hygienic requirements. However, neither the State Professional Inspection Agency (SPIA) nor Food Producers implement monitoring over these activities.
16. Despite improved capacity of the laboratory to control the quality and safety of imported and other foods, its capability for detecting shortcomings is limited, guarantees issued by the laboratory are questionable, and no reliable information can be provided to the public. In 2014, the laboratory affiliated with the Health Sciences University (HSU) publicly announced that the amount of pesticides contained in vegetables exceeds the established safety standards. However, the state laboratory denied the announcement, and imposed restrictions on the laboratory activities up to prohibition on tests and public statements.

⁶The consultative meeting took place on 5-6 March 2014 in Ulaanbaatar.

17. The general laboratory of SPIA refuses to admit tests and findings made by other laboratories. Despite repeated demands and recommendations regarding the establishment of an independent laboratory by the Mongolian People's Coalition for Food Sovereignty, no measures toward this end have been taken.

RECOMMENDATIONS

- Take steps to improve food control, including through the involvement of citizens and NGOs, strengthen their capacities, and support these measures by creating favorable financial and legal environments.
- Conduct an assessment of the capacities and accessibility of food control laboratories, increase the number of laboratories, and make improvements in terms of personnel qualifications and supply of necessary equipment and materials.
- Accord accreditation to laboratories affiliated with educational and scientific institutions, and issue them the right to provide information to the public.
- Create and broadcast a regular TV programme on the Mongolian National Public Radio and Television to disseminate to the public a scientifically-based knowledge and accurate information about food.

The right to food and employment

18. Due to the shortage of employment opportunities in the countryside, many rural residents migrate to the capital city to work in the services sector, including construction, road building public food catering sectors, and hotels. These people do not conclude employment contracts with employers, and even if contracts are made, they are not abided by employers. These migrants do not have a right to make contracts and demand the fulfillment of contract obligations. The Labor Law does not oblige employers to establish trade unions to protect the rights of employees. The survey conducted by the Center for Human Rights and Development (CHRD) in 2012 among 100 members of the Community Saving Group in Yarmag,⁷ revealed that one fourth of the survey participants work without employment agreements, and half of those who have agreements said that employers do not abide by them. The findings of the survey show that employees are unable to demand the implementation of employment contracts, and no organization exists to support the employees and protect their rights.
19. Due to the fact that the right to conclude an employment contract and demand its implementation is not guaranteed, labor exploitation is becoming a common phenomenon. 70% of citizens who applied to the National Legal Institute for assistance in the first 6 months of 2014 were involved in labor disputes. For example, “Natur 2” car wash service station had failed to pay salaries of a married couple for 3 months, and the court refused to consider the

⁷ A district at the outskirts of Ulaanbaatar City.

complaint because the couple did not have employment agreements. This couple came to the city from Bayankhongor province to earn money to pay for their children's school tuition, but ended up working for free for 90 days and having their labor exploited. Similar incidents are widespread in the construction sector. The existence of such happenings can be seen from two cases dealt with by the students of the Law Clinic of CHRD. They involve rural residents who worked at construction sites in Ulaanbaatar, and were not able to receive remuneration for their labor.

20. Even big mining companies with many employees violate employee rights because the existing legislation does not guarantee the right of the latter to form trade unions. In May 2014, by a single decision, Rio Tinto suddenly fired 300 employees from the Oyu Tolgoi mine, but not a single move has been made by the employees to fight for the protection of their rights. The employees of "South Gobi Sands" Limited Liability Company (LLC) formed a trade union and went on strike in 2012 to demand improved labor conditions, and implementation of their right to holidays prescribed by the law. However, the dispute was closed after 45 employees were fired from the company. This case illustrates the need for paying attention to the failure of citizens to realize their right to freedom of association to protect their rights.
21. There are numerous instances of labor exploitation in the public food catering sector, where a person is made to work without a pay for the "trial period," and then refused to be provided with any remuneration on the grounds of "failing the trial period." This kind of labor exploitation is the main cause of poverty and hunger.
22. The employment wages are low and fail to provide for the basic living needs of people, and employment does not guarantee freedom from poverty and hunger. The main reason for such situation is the lack of established labor remuneration tariffs.

RECOMMENDATIONS:

- Introduce and implement labor remuneration tariffs.
- Ensure that employment contracts are concluded with the employees working in private sector, and an effective regulation to guarantee implementation is introduced.
- Modify the Labor Law and other relevant legislation to include provisions requiring employers to establish trade unions for protecting the rights of employees and prohibiting the violation of employee rights.