



Office for Democratic Institutions and Human Rights

**Information Submitted to the  
Office of the United Nations High Commissioner for  
Human Rights  
as a Stakeholder in the  
Universal Periodic Review of Mongolia**



**WARSAW, 15 SEPTEMBER 2014**

**The following information is submitted by the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) about an OSCE participating State or Partner for Co-operation under consideration in the Universal Periodic Review process:**

**Participating/Partner State:** Mongolia

**UPR Session and Date of Review:** 22d Session, April-May 2015

## **Background**

Mongolia is a participating State of the Organization for Security and Co-operation in Europe (OSCE) and has thus undertaken and has recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.<sup>1</sup> The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) has been mandated by OSCE participating States, including Mongolia, to assist them in implementing their human dimension commitments. OSCE/ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Mongolia and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms.

## **Election-related activities**

Presidential election, 26 June 2013: Mongolia became the 57<sup>th</sup> OSCE participating State on 21 November 2012, following a decision taken by consensus of all OSCE participating States. Mongolia had been an OSCE Partner for Co-operation since 2004. Following an invitation from the Ministry of Foreign Affairs of Mongolia, and based on the recommendations of a Needs Assessment Mission conducted from 4 to 8 March 2013, the OSCE/ODIHR deployed an Election Observation Mission (EOM) on 10 May 2013 for the 26 June 2013 presidential election in Mongolia. The OSCE/ODIHR EOM was headed by Ambassador Audrey Glover and consisted of 14 experts and 24 long-term observers, who were based in Ulaanbaatar and 9 locations throughout the country. For Election Day, the OSCE/ODIHR EOM deployed a total of 210 observers drawn from 33 OSCE participating States.

The final report concluded that: “the election was characterized by a competitive campaign conducted in an environment that respected fundamental freedoms, although restrictive legal provisions prevented media from providing sufficient information to the voters. On election day, voters were able to cast their votes freely and voting was assessed positively in 99 per cent of the polling stations observed, although the secrecy of the vote was not always ensured.” See full report at: <http://www.osce.org/odihr/elections/105150>

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<sup>1</sup> Compendium of OSCE Human Dimension Commitments, vol 1 and 2; Astana Commemorative Declaration, 2010.

## Legislation reviewed by ODIHR

Opinion on the Law of Mongolia on the Promotion of Gender Equality (30 September 2013): The Opinion, prepared in response to a request from the National Human Rights Commission of Mongolia, aimed at reviewing the 2009 Law of Mongolia on the Promotion of Gender Equality for its compliance with OSCE commitments and international gender equality standards. Among others, the Opinion included recommendations to clarify the definition of sexual harassment based on international gender equality standards and criminalize serious cases of gender-based violence and sexual harassment. It was also proposed to review the system of staggered quota percentages in relevant legislation and ensure that gender equality is promoted at all levels of public administration, and in all sectors, including the army, border and domestic military, police, intelligence, court decision enforcement, anti-corruption and emergency agencies. Further, the Opinion noted that the nature of court proceedings leading to administrative fines should be specified and that a shift of the burden of proof to the respondent in any proceedings involving gender discrimination should be introduced. Furthermore, it was recommended to criminalize forced abortion and to specify that the imposition of “mandatory behaviour change training” on those individuals who committed acts of direct discrimination “based on attributes of a sex in family relations” will only be imposed in cases of serious violations of law amounting to criminal acts. Full opinion at <http://legislationline.org/search/runSearch/1/country/60/rows/10/type/2>

## Tolerance and non-discrimination issues, including incidents of and responses to hate crime

OSCE participating States have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and the OSCE/ODIHR supports states in their implementation of those commitments. In this context, the OSCE/ODIHR produces an annual report on hate crime – *Incidents and Responses* – to highlight the prevalence of hate crimes and good practices that participating States and civil society have adopted to tackle them. It also helps participating States to design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of participating States’ criminal justice systems and the law-enforcement officials, prosecutors and judges that staff them; raises awareness of hate crimes among governmental officials, civil society and international organizations; and supports the efforts of civil society to monitor and report hate crimes.

The report relies mainly on information and statistics provided by governments, since such data collection is primarily the responsibility of states, as is the responsibility to respond to hate crimes. As of 2012, 55 of the 57 OSCE participating States had appointed National Points of Contact on Combating Hate Crimes, to support ODIHR in its task of serving “as a collection point for information and statistics collected by participating States”. The bulk of information for the report was gathered through the completion of an online questionnaire by National Points of Contact. The questionnaire for 2012 contained questions about the following areas: data-collection methods; legislation; reported hate crime data; and policies and initiatives.

Information concerning Mongolia in the most recent edition of the annual hate crimes report covering 2012 (<http://tandis.odihr.pl/hcr2012/>) includes the following:

- Mongolia does not have hate crime laws.

- Mongolia has not nominated a national point of contact on hate crimes.
- Mongolia has not provided official data or information to ODIHR since becoming a participating State in 2012.

## **Roma and Sinti issues**

**NTR**

## **Country-specific ODIHR monitoring, assessment, co-operation and assistance activities (other than elections)**

**NTR**

## **Other assessments and recommendations contained in ODIHR reports on thematic human issues**

Gender Equality and Democratic Governance: In Mongolia, ODIHR provided policy advice and assistance in building the capacities of democratic institutions to help them become more responsive, responsible to and representative of their citizens. Currently, women's representation in the parliament of Mongolia stands at only 14.9% per cent, which is significantly below the 1995 UN Beijing Platform for Action target of 30 per cent women in decision-making and below the Council of Europe recommendation for a minimum 40 per cent representation of women in parliaments and other elected assemblies by 2020. In 2013-2014, ODIHR implemented activities in the newest OSCE participating State, Mongolia, focusing on supporting the Women's Parliamentary Caucus of Mongolia and the National Human Rights Commission in advancing gender equality and women's rights in Mongolia as well as promoting international standards and OSCE commitments on political party regulation, as follows:

- A Strategic Planning Training for the Women's Parliamentary Caucus was held from 12-14 April 2014 in Ulaanbaatar. Organized in co-operation with the Women's Democracy Network of the International Republican Institute, the intensive three-day training gathered all members of the cross-party women's caucus, working together to introduce gender equality aspects into the parliamentary and legislative processes in Mongolia. The training also included a SWOT analysis of the caucus and a discussion on its planned legislative efforts. ODIHR's *Comparative Study on Structures for Women MPs in the OSCE Region* was presented, outlining a concrete Eight-Step Action Plan for the establishment of effective parliamentary women's caucuses. In follow-up, the Mongolian caucus was provided with samples of statutory documents and publication materials from other women's caucuses in the OSCE region, for the purposes of knowledge exchange.
- A Study Visit on Democracy and Gender Equality was held for Mongolian women parliamentarians from 3-5 June 2014 in Stockholm, Sweden, funded by ODIHR and organized in co-operation with the Women's Democracy Network of the International Republican Institute. Five members of the Parliamentary Women's Caucus of Mongolia were provided with the opportunity to discuss with Swedish counterparts strategies for strengthening women's role in parliaments and advancing gender equality. In terms of follow up, the Parliamentary Women's Caucus of Mongolia will continue to work on ensuring effective laws and policies towards advancement of women and gender equality in Mongolia. Focus will be on reviewing laws related to combating domestic violence and

sexual exploitation of women as well as ensuring inclusion of gender aspects in electoral and political party finance reforms.

- Upon a request of the National Human Rights Commission of Mongolia (NHRCM), a Workshop on Women's Rights, Gender Equality, and Human Rights Monitoring was held for the NHRCM, on 14-15 October 2013 in Ulaanbaatar. Delivered jointly by ODIHR's Human Rights and Democratization Departments, the workshop gathered 25 staff members of the Commission, along with representatives of the National Gender Committee and civil society. The event focused on the various aspects of the Commission's work, examining ways to further improve the handling of complaints, the documenting and reporting on human rights violations, and the monitoring of the implementation of gender equality legislation. An expert from the Swedish Equality Ombudsman shared the Swedish experiences and good practices in terms of compliance monitoring. While NHRCM has committed staff, the workshop revealed that they have rather limited skills in human rights monitoring and reporting, and ODIHR is available to further strengthen the capacity of the Commission in various areas related to human rights.
- An Implementing Partner Agreement was signed between ODIHR and the NHRCM in January 2014, facilitating the preparation of the Mongolian language version of the ODIHR *Handbook for NHRIs on Women's Rights and Gender Equality*. The publication was launched by the Mongolian National Human Rights Commission on 15 April 2014 in Ulaanbaatar.
- ODIHR has also supported the Mongolian Parliament in the area of political party regulation, upon a request received from UNDP Mongolia and following discussions with the Parliamentary Standing Committee on Petition of the Mongolian Parliament. During a visit to Mongolia on 25-26 June ODIHR presented the ODIHR/Council of Europe Venice Commission Guidelines on Political Party Regulation to chairs of parliamentary working groups and over 25 members of Parliaments. The presentations and discussions with members of Parliaments underlined the importance of independent financial oversight and monitoring, particularly regulator's powers and mandate. The members of Parliaments showed a strong interest towards issues related to financial disclosure, contributions and spending limits as well as election dispute resolution, the composition of the election administration, and the role of political parties in local elections. The Parliament has established two working groups to work on political party funding and the unified electoral code. Legislative amendments in this field are expected in 2015 ahead of the 2016 elections.