

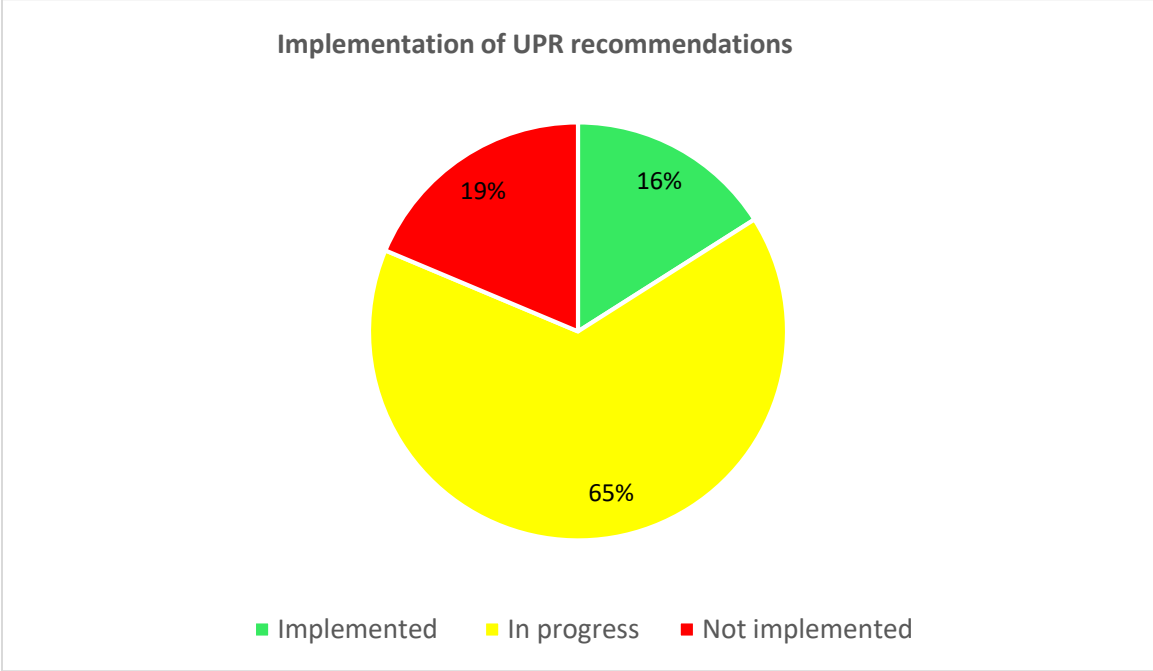
**UNIVERSAL PERIODIC REVIEW**  
**MIDTERM PROGRESS REPORT BY MONGOLIA ON**  
**ITS IMPLEMENTATION OF RECOMMENDATIONS**

**Report by the Human Rights Forum**

**May 2018**

**ONE. INTRODUCTION**

Mongolia submitted a second national report on its human rights situation to the UN Human Rights Council and received 164 recommendations out of which it committed itself to 150 recommendations. Please see the chart below for information on the implementation of the recommendations.



**TWO. BACKGROUND**

Mongolia participated for the second time in the Universal Periodic Review (UPR) of the UN Human Rights Council (HRC) and committed itself to implement 150 recommendations during the plenary session of UN HRC on 5 May 2015. The remaining 14 recommendations were not accepted as they were concerned with the parliamentary legislative power. Since the different opinions of government and non-governmental organizations on the translation of the recommendations after the first session hindered the implementation stage, the second session, conducted by the Ministry of Foreign Affairs (MFA), concluded the integration of the translated recommendations, finalized in consultation with civil society organizations.

Development of an implementation plan, again, with input from civil society organizations during the second stage, proved to be a good practice and helped to correct previous mistakes. The plan was approved on 11 May 2016, by Government Decree No. 204. For the monitoring of the implementation progress an ex-officio council chaired by the Minister for Justice and Home Affairs (MoJHA) was established with State Secretaries, heads of agencies, and representatives from the civil society. Requirements of the plan for the submission of a mid-term report on the implementation of the recommendations to the UN HRC by January 2018, as well as submission of an implementation report to the non-executive council every January and to the Government every February, help to enforce the implementation. Respective ministries and agencies are all included in the plan.

Information on the 14 recommendations to which the Government did not commit is not included in the report since there has not been any implementation.

### **THREE. METHODOLOGY**

For the preparation of the midterm report on the implementation of UPR recommendations, the Mongolian Human Rights NGO's Forum (HRF) worked in 5 groups on civil and political rights, economic, social and cultural rights, children's rights, women's rights and the rights of other vulnerable groups. Upon acceptance of the recommendations, the Open Society Forum together with UPR-Info, an international NGO, organized a workshop "CSO Strategic Workshop on the Implementation of UPR recommendation" in May 2015 to discuss the expected outcomes from the implementation and strategic plan for the implementation. Preparation of the midterm report commenced in October 2017 and Working Groups delivered an official request for information to all respective ministries and agencies. Based on the information received, a round table meeting with government organizations was organized on 2nd February 2018, conjointly with the Ministry of Justice and Home Affairs (MoJHA), the Ministry of Foreign Affairs (MFA) and the National Human Rights Commission (NHRC).

In addition, instruction was given to a NHRC local officer to organize consultation sessions in 21 *aimags* (local provinces) and included government, non-governmental organizations and 322 citizens from 19 *aimags*. Discussions raised issues in the local community concerning children, persons with disabilities, domestic violence and health services. HRF in collaboration with UPR-Info organized a series of consultation meetings including four regional meetings in the western, eastern, central, and Gobi regions, and two meetings at the national level. The meetings facilitated collection of information on the implementation of recommendations on a national scale. Participation of officials from MoJHA, MFA, NHRC to present information on the implementation progress was productive. Representatives from local government, NGOs and civil society who took part in the regional meetings totaled around 130 people. The meetings helped to increase the awareness and knowledge of local people concerning the UPR mechanism. Subsequent to the meetings a draft UPR mid-term report was finalized, and a validation meeting with representatives from government organizations, NGOs, and embassies, totaling around 100 people, was organized, during which recommendations and criticisms were raised.

The implementation of the recommendations are evaluated as "implemented", "in progress", and "not implemented". The evaluation is based on the "Indicators of and strategy for the implementation evaluation of UPR recommendations" issued during a joint workshop which OSF and UPR-Info organized in May 2015.

<sup>1</sup>Full implementation of recommendations made by UN member states are evaluated as "implemented", recommendations with partial implementation and/or results that yet have to be seen are considered "in progress", and recommendations without any actions undertaken – "not implemented". For instance, there have been cases where the implementation of recommendations related to the enactment of law on certain human rights issues is considered as "in progress" and "implemented".

For instance, recommendations on the criminalization of certain issues, which have been criminalized in the Criminal Code, are considered "implemented"; recommendations on creating a legal framework to improve certain rights are considered to be "in progress" if restoration of violated rights and punishment procedures are not incorporated in the relevant law. Recommendations where the issue remains challenging despite measures undertaken by the government are considered to be "in progress". The

Working Groups on each recommendation can provide further information if clarification is needed on the implementation of recommendations<sup>2</sup>.

#### FOUR. COLOUR CODE FOR IMPLEMENTATION PROGRESS OF UPR RECOMMENDATIONS

##### 4.1. Colour code

Implemented
In progress
Not implemented

##### 4.2. Statistics on implementation progress

Implemented – 23
In progress – 98
Not implemented – 29

##### 4.3. Colour coded assessment of implementation progress of UPR recommendations accepted by Mongolia

108.2. Take all necessary actions to comply with its obligations as set out in OP2-ICCPR (Namibia)
108.3. Amend its legislation in accordance with OP2-ICCPR, in the briefest delay, with the aim of abolishing the death penalty /Portugal/
108.7. Establish a robust and well-resourced national preventive mechanism in accordance with the OP-CAT /Czech Republic/
108.8. Ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure /Montenegro; Portugal; Thailand/
108.17. Fully align its national legislation with the Rome Statute of the ICC and ratify the Agreement on Privileges and Immunities of the Court /Estonia/
108.18. Transpose the Rome Statute of the International Criminal Court into national law /Portugal/
108.19. Adopt a comprehensive anti-discrimination legislation to avoid all forms of discrimination on the basis of ethnicity, religion, sexual orientation or gender identity, language, political belief, mental or physical disability /Chile/
108.20. Adopt comprehensive legislation to counter discrimination, and take steps to ensure that equality enshrined in such legislation or in existing law is achieved in practice /Ireland/
108.21. Introduce comprehensive anti-discrimination legislation that would protect the rights of all members of minority groups including LGBT persons /United Kingdom of Great Britain and Northern Ireland/
108.22. Accelerate the enactment process of the new Criminal Code /Turkey/

108.23. Hasten its positive work on revising the Criminal Code and other necessary legal framework, followed by its effective implementation, to ensure a legal framework and human rights culture that promotes equality and security for all /Norway/
108.24. Continue to protect and promote the rights of vulnerable groups of population, including children, the disabled, the elderly and women /Russian Federation/
108.25. Revise the law governing the National Human Rights Commission and develop its capacity to bring it in line with the Paris Principles /Sierra Leone/
108.26. Continue its efforts in the field of education and human rights training particularly for law enforcement officers /Morocco/
108.27. Incorporate training on human rights training and the application of international treaties in the permanent and mandatory training programme for judges and magistrates /Mexico/
108.28. Strengthen the mandate of the Commission of Human Rights in view of its full independence and conformity with the Paris Principles /Chile/
108.29. Provide greater support to the National Human Rights Commission to ensure its independence /Australia/
108.30. Give continuity to strengthening of national human rights institutions and mechanisms /Nepal/
108.31. Take the necessary steps to enhance the capacity of the National Human Rights Commission of Mongolia to enable it to carry out its mandate freely and independently for it to comply with the Paris Principles /Namibia/
108.32. Improve the work of the National Human Rights Commission with a view to conform it to the Paris Principles, and to reinforce its legal framework to better fight against discrimination /Niger/
108.33. Continue its efforts for further strengthening of human rights institutions for the effective realization of all human rights in the country /Pakistan/
108.34. Apply the commitments undertaken under the national legislation for the protection of the most vulnerable citizens, notably children, senior citizens and persons with disabilities /Romania/
108.35. Continue efforts for provision of human rights education and training at all levels including for government functionaries /Pakistan/
108.36. Examine the possibility for creating a follow up system for international recommendations, including accepted UPR recommendations /Paraguay/
108.37. Work on strengthening international cooperation in the field of human rights /Turkmenistan/
108.38. Submit its first report to the UN Committee against Torture, which is overdue since 2003, in order to initiate the valuable dialogue with the Committee /Denmark/
108.39. Consider further cooperation with the international human rights monitoring mechanisms including treaty bodies and Special procedures of the Human Rights Council /Turkmenistan/
108.40. Participate actively in the international programmes of technical assistance and capacity building in the field of human rights /Turkmenistan/
108.41. Introduce new legislation to fight discrimination on any grounds /Uruguay/
108.42. Adopt a comprehensive law against discrimination on all grounds, including legal protection of victims /Czech Republic/

108.43. Further pursue measures for the protection of the rights of women and children /Japan/
108.44. Step up its efforts in enhancing the impact of the measures taken to address traditional discriminatory practices and persisting stereotypes about the roles and responsibilities of women and men /Slovenia/
108.45. Deepen the actions that ensure the effective implementation and legislation that guarantee the equality and protection of women /Argentina/
108.46. Continue its efforts in improving protection of women's rights /Democratic People's Republic of Korea/
108.47. Continue to promote gender equality and involvement of women in public services /Lao People's Democratic Republic/
108.48. Continue to implement policies that would further encourage women's full and active participation in its society and economy /Singapore/
108.49. Consider adopting a national action plan on Security Council Resolution 1325 on Women, Peace and Security /Portugal/
108.50. Fight against the hate speeches that provoke racial and ethnical discrimination and to fight against the relevant violence /China/
108.51. Take effective measures to combat direct and indirect discrimination against persons living in the ger districts /Sweden/
108.52. Step up efforts to ensure the protection of foreign nationals from any forms of attacks and to hold offenders accountable /Republic of Korea/
108.53. Combat all forms of discrimination, including based on sexual orientation or sexual identity /France/
108.54. Develop pertinent legislation to guarantee the effective protection of the human rights of LGBTI persons, as well as undertake impartial investigations on the allegations of attacks against them in accordance with the Special Rapporteur on extreme poverty and human rights /Honduras/
108.55. Prohibit all forms of discrimination, including discrimination on the basis of sexual orientation and gender identity /Slovenia/
108.56. Ensure that all forms of discrimination are prohibited, including on the basis of sexual orientation, gender identity and health status /Timor-Leste/
108.57. Promote equality in the enjoyment of human rights of LGBTI persons incorporating it into national legislation /Uruguay/
108.58. Amend its criminal legislation to include crimes of hatred and of discrimination on the grounds of sexual orientation and gender identity /Spain/
108.59. Launch a public awareness-raising campaign to fight and prevent discrimination and violence against LGBT persons and to promote tolerance /Brazil/
108.60. Step up its efforts to counter discrimination and violence on the basis of sexual orientation or gender identity, and to structurally collect data and provide statistics and information in this regard /Netherlands/
108.61. Adopt quick and effective measures, as well as necessary legislation, in order to explicitly prohibit, prevent, punish and abolish discrimination on any grounds, including on the basis of HIV/AIDS status, as previously recommended /Mexico/

108.62. Confirm by law the abolition of the death penalty in line with the Second Optional Protocol to ICCPR aiming at the abolition of the death penalty, which Mongolia has ratified /France/
108.63. Adopt legislation to explicitly abolish the death penalty /Australia/
108.64. Amend the Criminal Code with a view to fully abolish the death penalty /Italy/
108.65. Introduce a complete abolition of the death penalty through legal reform /United Kingdom of Great Britain and Northern Ireland/
108.66. Review its criminal law legislation to abolish the death penalty in order to reflect its international commitment done by the ratification of the Second Optional Protocol to the ICCPR /Sweden/
108.67. Adopt legislation, including a new Criminal Code with the aim of abolishing the death penalty in law /Slovakia/
108.68. Abolish de jure the death penalty for all crimes /Montenegro/
108.69. Abolish the death penalty and provide the families of the executed persons with relevant declassified information/Lithuania/
108.70. Declassify State secret information on the death penalty/Portugal/
108.71. Incorporate the international framework on the prevention of torture and other cruel, inhuman or degrading treatment in the training of law enforcement officials and other public officials, as well as in the permanent training programme of judges and lawyers /Mexico/
108.72. Improve prosecution of all allegations of torture as well as conditions in detention and prison facilities and strengthen legal safeguards available to victims of torture /Czech Republic/
108.73. Put in place awareness raising programmes targeting the police forces in order to prevent torture and other cruel, inhuman or degrading treatment or punishment, as well as to create effective investigation mechanisms to combat impunity in this area /France/
108.74. Consider the amendment of its Criminal Code in order to include a definition of torture as a crime /Hungary/
108.75. Establish an independent mechanism for the investigation of allegations of torture and ill-treatment in line with the requirements of the recently ratified OPCAT /Austria/
108.76. Ensure that torture and ill- treatment by public officials would not be tolerated and that all alleged perpetrators of the acts of torture would be investigated /Timor-Leste/
108.77. Establish an independent investigation mechanism for allegations of torture and other cruel and inhuman or degrading treatment committed by police forces and to prevent such violations by public agents /Switzerland/
108.78. Ensure that all complaints and reports of torture and other ill-treatment are investigated thoroughly by an independent agency, and that those responsible are held to account. Such investigations should be conducted by personnel who are competent, impartial and independent of the alleged perpetrators and the agency they serve /Sweden/

108.79. Strengthen the measures aimed at preventing cases of torture and ill-treatment by public officials, and ensure that all allegations are promptly and thoroughly investigated in order to bring to justice those responsible /Italy/
108.80. Continue to take measures to eradicate the use of torture and other forms of ill-treatment, including through training and education of law enforcement authorities/Costa Rica/
108.82. Take appropriate steps to improve the treatment of detainees /Japan/
108.83. Adopt legislation to prevent and end all forms of violence against children /Timor-Leste/
108.84. Continue active work in combating domestic violence /Belarus/
108.85. Step up its efforts to curb the occurrence of domestic violence /Philippines/
108.86. Continue to put forward more efforts to eliminate domestic and gender-based violence and discrimination against women and ensure greater representation of women in all sectors of society by fully implementing the Law on Gender Equality /Republic of Korea/
108.87. Strengthen efforts to prevent gender-based and domestic violence by criminalizing marital rape and sexual harassment providing victims with access to justice, assistance and protection, and by ensuring that cases are properly investigated and perpetrators duly prosecuted /Slovenia/
108.88. Adopt and actively pursue a focused national strategy on combating all forms of violence against women, which would promote awareness – raising activities related to the Law to Combat Domestic Violence /Turkey/
108.89. Continue to strengthen protections for domestic violence survivors, and extend an invitation to the Special Rapporteur on violence against women, its causes and consequences to visit Mongolia /United States of America/
108.90. Continue its efforts in the field of combating domestic violence /Latvia/
108.91. Reinforce mechanisms to detect and investigate cases of domestic violence and train law enforcement officials to deal with such cases /Republic of Moldova/
108.92. Effectively implement existing laws in the area of domestic violence and strengthen the prevention activities and protect victims including through the establishment of protection facilities in remote areas /Switzerland/
108.93. Pass the draft domestic violence legislation before Parliament to criminalise domestic violence, better protect victims and ensure perpetrators are prosecuted /Australia/
108.94. Strengthen mechanisms to prevent domestic violence, particularly, focusing on awareness-raising to heighten awareness of this issue /Spain/
108.95. Remove barriers in accessing legal remedies against domestic violence including by improving the collaboration between relevant institutions and revisiting evidentiary requirements , and to ensure that restraining orders are enforced /Austria/
108.96. Improve access of victims of domestic violence to effective protection and redress, strengthen the capacity for prosecution of perpetrators of domestic violence and criminalize marital rape /Czech Republic/
108.97. Ensure the effective implementation of the existing legislation aimed at fighting discrimination and violence against women and domestic violence /Italy/



108.98. Consider wider establishment of shelter houses for women and children seeking protection from domestic violence /Malaysia/
108.99. Continue to strengthen national legislation to combat domestic violence /Russian Federation/
108.100. Develop a well-defined legal framework to prevent and combat violence against women and build a social protection system for victims of domestic violence /Serbia/
108.101. Amend the criminal legislation to criminalize domestic violence and ensure that authorities pursue prosecution of domestic violence to hold offenders accountable and provide adequate funding of all services for victims of domestic violence /Slovakia/
108.102. Modify criminal legislation to ensure that domestic violence becomes a crime /Spain/
108.103. Adopt the revised Law against Domestic Violence, enhance awareness -raising campaigns about domestic violence, and expand services and protection for victims /Canada/
108.104. Consider criminalising domestic violence, sexual harassment and ensuring that perpetrators are duly prosecuted /Hungary/
108.105. Adopt legislative measures to make domestic violence a crime, understanding all forms of violence in the home, including threats, sexual harassment and sexual abuse, and ensure that perpetrators are brought to justice and that victims receive care, including in the rural areas /Paraguay/
108.106. Explicitly prohibit corporal punishment to children in accordance with the recommendations of CAT /Chile/
108.107. Explicitly prohibit all corporal punishment of children, including in the home /Sweden/
108.108. Take steps to effectively prevent child labour and protect children from exploitation, especially from work in hazardous labour conditions /Germany/
108.109. Strengthen the implementation of the National Plan of Action 2012-2016 on Eliminating the Intolerable Forms of Child Labour and to consider follow-up mechanisms /Italy/
108.110. Enhance the efforts to combat child labour and ensure that children do not work in hazardous labour conditions, including artisanal /informal/
108.111. Continue its efforts in combating child labour, as well as including by bringing the employers to justice, and to introduce new non-violent forms of discipline for children at home and in schools /Lithuania/
108.112. Explore strategies to combat child labour /Norway/
108.113. Combat child labour, including by criminalizing employers who exploit child labour and bringing them to justice /Poland/
108.114. Continue efforts to ensure that children are protected from all forms of violence and exploitation, particularly from child labour in hazardous conditions /Republic of Korea/
108.115. Continue its efforts in the field of the protection of child rights /Morocco/
108.116. Improve the enforcement of the Law on Combating Trafficking in persons by strengthening the capacity of law enforcement to detect and prosecute perpetrators, and by expanding services for victims /Canada/
108.117. Implement the Law on Combating Human Trafficking of 2012 and strengthen the law enforcement and the judicial system, in order to ensure effective investigation and prosecution of perpetrators and to prevent trafficking /Brazil/
108.118. Criminalize all forms of human trafficking of children by enacting the strict anti-trafficking legislation /Sierra Leone/

108.119. Enhance measures in combatting trafficking in person, particularly women and children, through proper investigation and prosecution in all cases of human trafficking /Malaysia/
108.120. Allocate all necessary human and material resources to combat the trafficking of persons /Honduras/
108.121. Take budgetary, administrative and legislative measures to guarantee access to witnesses and victims of trafficking in persons to legal aid, protection and rehabilitation services /Mexico/
108.122. Continue to provide adequate human and other resources to its anti-human trafficking programmes /Philippines/
108.123. Provide training to stakeholders involved in the administration and delivery of justice, to prosecute trafficking in persons pursuant to the new regulating framework, article 113 of the Criminal Code, especially to ensure investigation of all allegations of trafficking in persons, including those against law enforcement officials and to implement mechanisms for compensation and rehabilitation of victims /Mexico/
108.124. Continue the reform of the judicial system in line with Mongolia's international commitments /Russian Federation/
108.125. Further improve access to the legal aid through the established centres in all provinces by providing them with necessary financing and qualified human resources /Lithuania/
108.126. Ensure independent and effective investigations in cases of torture and ill-treatment in order to combat impunity in such cases, and to ensure that victims of torture obtain adequate compensation and rehabilitation /Germany/
108.127. Ensure that all perpetrators are prosecuted and victims have access to immediate redress and protection /Lithuania/
108.128. Establish a comprehensive framework on juvenile justice which is in conformity with international standards /Sierra Leone/
108.129. Continue to take steps to prevent and fight corruption to bring about equitable and sustainable growth for its people /Singapore/
108.130. Investigate all cases of corruption in the judicial system/Lithuania/
108.131. Harmonise its national legislation regarding freedom of expression with the International Covenant on Civil and Political Rights, and ensure the independence of the Regulations Commission of Communications /Switzerland/
108.132. Ensure that laws and regulations related to freedom of expression fully comply with Mongolia's obligations under the ICCPR and consider decriminalizing defamation /United States of America/
108.133. Guarantee freedom of expression, including in the Internet /France/
108.134. Ensure full respect of human rights, including the right to privacy and the right to freedom of expression, in all aspects of internet regulation, and adherence of any restrictions of those rights to the principles of legality, necessity and proportionality /Germany/
108.135. Ensure that journalists, media workers as well as civil society activists are able to practice their activities freely without any fear for punishment in accordance with international standards /Estonia/
108.136. Decriminalize defamation and put in place safeguards ensuring that criticism of or reporting on the activities of state and regional authorities do not lead to persecution or harassment /Czech Republic/
108.137. Decriminalise defamation and place it under the civil code in accordance with international human rights standards /Ireland/
108.138. Ensure that criminal defamation law is not used to silence critics, and to protect journalists' sources and whistle-blowers /Austria/

108.139. Implement a national plan of action that would strengthen the participation of women in the decision-making level of politics /Serbia/
108.140. Strengthen its efforts to include women in decision-making processes and high level positions, and to ensure the inclusion of disabled persons in education and employment /Norway/
108.141. Intensify its efforts in increasing women's representation in decision-making positions /Rwanda/
108.142. Take measures to ensure participation of women in politics, including through affirmative action and quota requirements /Costa Rica/
108.143. Continue strengthening successful social programmes to improve the quality of life of their people particularly the most marginalized /Venezuela/
108.144. Undertake the necessary measures to ensure sustainable development in its urban centers, ensuring that there is basic public services for the most vulnerable people, particularly, migrants coming from rural areas /Spain/
108.145. Consider strengthening the delivery of primary health care with national and subnational health systems, to expand coverage and access; and to address the challenges related to the health system /Bhutan/
108.146. Continue efforts to promote the rights of women and children, and address the still high level of maternal mortality /Nepal/
108.147. Continue its efforts to reduce maternal morbidity /Democratic People's Republic of Korea/
108.148. Continue its efforts in taking practical steps to further reduce the rates of maternal morbidity, particularly in the rural areas /Singapore/
108.149. Continue making efforts to reduce disparities in infant mortality rates between rural and urban areas in the country /Honduras/
108.150. Continue improving the "One Mongolia" open national education programme /Latvia/
108.151. Continue its efforts in order to ensure the right to education for all children /Romania/
108.152. Redouble its efforts in finalizing the Draft Law on the Rights of Persons with Disabilities to guarantee the promotion and protection of rights of disabled persons, in particular to ensure their participation, to increase their employment, and to enhance their rights to education /Indonesia/
108.153. Continue its efforts in favour of persons with disabilities /Argentina/
108.154. Adopt specific legislation to address all kinds of discrimination, particularly taking into account the rights of persons with disabilities and older persons /Turkey/
108.155. Increase the input in education and give importance to the inclusive education for disabled children to ensure their healthy development /China/
108.156. Ensure equal access to education for children with disabilities, by improving public perception on their rights /Turkey/
108.157. Continue to strengthen educational system and ensuring equal access of disabled children to education /Lao People's Democratic Republic/
108.158. Consider giving special attention to the rights of women and girls with disabilities, including their reproductive rights, the right to be free from violence, to work, to receive education and to participate in decision-making /Thailand/
108.160. Work together with UNHCR ensuring that the asylum-seekers have access to their rights, particularly in compliance with the principle of non-refoulement /Uruguay/

108.161. Consider the ratification of the Minamata Convention and update article 4.1.23 of the Law on Minerals of Mongolia, which applies to small-scale mining, to secure mining rights to small-scale miners and formalize their operation as soon as possible /Hungary/

108.162. Develop a National Action Plan on business and human rights, for the implementation of the UN Guiding Principles on Business and Human Rights, with special attention for the situation of nomadic herders and access to remedy /Netherlands/

108.163. Join the Voluntary Principles on Security and Human Rights Initiative in order to promote respect for human rights in the provision of security for extractive industry activities /United States of America/

108.164. Elaborate and implement a national action plan on the use of mercury in the artisanal mining sector in order to protect the health of workers involved in the work of this sector as well as the environment /Switzerland/

## **FIVE. IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS**

### **108.2. Take all necessary actions to comply with the obligations as set out in Optional Protocol II of the Pact on Civil and Political Rights OP2-ICCPR (Namibia)**

Implemented. The new Criminal Code that abolished the death penalty was enacted in December 2015 and came into effect on 1 July 2017. Thus, Mongolia became the world's 105<sup>th</sup> country which eliminated the death penalty. However, on 16 October 2016 the President of Mongolia raised the initiative on reinstatement of the death penalty and delivered his proposal to the Minister for Justice and Home Affairs on 17 November 2017. The Ministry of Justice and Home Affairs (MoJHA) has set up a Working Group consisting of the Supreme Court, the State General Prosecutor's Office, the Ministry of Foreign Affairs, the National Human Rights Commission, the Mongolian Bar Association, and scholars from the Mongolian State University. A Working Group has studied this proposal and reached the conclusion that "it is legally impossible for Mongolia to exit OP2-ICCPR, or cancel, or invalidate it or refuse to comply with its obligations according to it". The President in his speech at the opening of the Spring session of the Parliament on 5 April 2018 stated that "..... the MoJHA has not sent the official response nor raised any initiative, ....I've initiated the proposal according to the power to initiate law, and officially received the citizens' proposals on the www.president.mn website within the period of a month according to the Law on Legislation and will submit it to the Parliament for its discussion during the Spring session", and this takes some heed and concern.

### **108.3. Amend the legislation in accordance with OP2-ICCPR within the briefest delay, with the aim of abolishing the death penalty (Portugal)**

Implemented. Please see 108.2.

### **108.7. Establish a robust and well-resourced national prevention agency/body in accordance with the OP-CAT – Optional Protocol against Torture and Cruel, Inhuman or Degrading Treatment or Punishment (Czech Republic)**

Not implemented. Mongolia ratified OP-CAT in 2014, but thus far a robust and well-resourced national prevention agency has not been established. There is a plan to incorporate the functions of this agency in the amendment to the Law on the National Human Rights Commission (NHRC) and submit it to the Parliament in 2018. Concerning the discussion of the 16th Report of NHRC on Human Rights in Mongolia,

the Parliament's Resolution No.2 of 31 January 2018 tasked the Government with "the implementation of the right to be free from torture": 1) to immediately establish a national mechanism to prevent torture and resolve its budget and staffing issues, 2) to establish an independent investigative body on torture and criminal offences, to resolve the issues on its structure and staffing; and submit the report on the implementation of the above to the Legal Standing Committee of the Parliament within the 4<sup>th</sup> quarter of 2018. The Working Group on drafting the Law on NHRC was established according to the Minister for Justice and Home Affairs Order No. A/66 of 2017. Proposals and recommendations on establishment of the National Preventive Mechanism with the participation of NGOs developed by the civil society organizations have not been considered.

**108.8. Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Montenegro, Portugal, Thailand)**

Implemented. This Protocol was ratified in April 2015.

**108.17. Fully align the national legislation with the Rome Statute of the ICC and ratify the Agreement on the Privileges and Immunities of the Court (Estonia)**

In progress. Work is currently being done to submit a proposal to the 2018 spring session of the Parliament to ratify the Kampala Amendments on the Crime of Aggression and the Agreement of Privileges and Immunities of the International Criminal Court<sup>3</sup>.

**108.18. Incorporate the arrangements of the Rome Statute of the International Criminal Court into national law (Portugal)**

Implemented. The arrangements of the Rome Statute on the planning, preparation, initiation or execution of the war of aggression are incorporated in Chapter 29 of the revised Criminal Law on Crimes against security of mankind and peace<sup>4</sup>.

**108.19. Adopt a comprehensive anti-discrimination legislation to avoid all forms of discrimination on the basis of ethnicity, religion, sexual orientation or gender identity, language, political belief, mental or physical disability (Chile)**

Not implemented. There was no Government initiative on adoption of comprehensive anti-discrimination legislation; however, the incorporation of the "discrimination" offence in the new Criminal Code is a mark of progress. There is a lack of initiative on the training of lawyers and law enforcement officers on this kind of offence, and public awareness of the law. No concrete steps have been taken on the implementation of non-discriminatory principles of any law ensuring equality in practice. Too much discrimination based on ethnicity, ideology, age, sex, language, dialect, ethnic group, social status, and gender in the society negatively affects the formation of character of children and adolescents. The 2016 report of the study conducted jointly by the NHRC and the international organization "Good neighbours" shows that six out of ten children suffer from one or another form of discrimination.

Although sexual orientation and gender identity in the protected/non-discrimination basis are not reflected in the Constitution of Mongolia, according to international standards it is considered that "sex" refers to sexual orientation. However, for the sake of clarity, the Human Rights Council in 2010 and 2015 issued a recommendation specifying that it should incorporate "sexual orientation" and gender identity.

There is a high probability that, in the draft amendment to the Constitution, discussion on this issue will be dismissed.

**108.20. Adopt comprehensive legislation to counter discrimination, and take steps to ensure that equality enshrined in such legislation or in existing law is achieved in practice (Ireland)**

Not implemented. Please see the related information in 108.19.

**108.21. Adopt the comprehensive anti-discrimination legislation that would protect the rights of all members of minority groups including LGBT persons (United Kingdom)**

In progress. Criminalization of “discrimination” in the Criminal Code provides legal grounds to prohibit any actions and inactions of discrimination<sup>5</sup>.

**108.22. Accelerate the enactment process of the new Criminal Code (Turkey)**

Implemented. The Criminal Code was enacted by the Parliament on 3 December 2015, amended on 11 May 2017 and became effective on 1 July 2017.

**108.23. Accelerate positive work on revising the Criminal Code and other necessary legal frameworks, followed by its effective implementation, to ensure a legal framework and human rights culture that promotes equality and security for all (Norway)**

In progress. The Criminal Code was enacted by the Parliament on 3 December 2015, amended on 11 May 2017 and became effective on 1 July 2017. However, there were some setbacks in the amendment of 2017. For instance, the provision which criminalized sexual harassment was repealed. The amendment to the Criminal Code, the Criminal Procedure Code, the Offence Code and the Offence Procedure Code were approved on 11 May 2017. However, these became effective on 1 July 2017, which gave insufficient time to the legislators and law enforcement officers for their preparation to work in the new legal framework. This negatively affects the implementation of the laws.

Following the joint order 28/A-49/A-141 of the Chief Justice, the Prosecutor General and the Minister of MoJHA, 180 trainers were prepared, and five-day training was organized for 8191 officers in 20 regions including the capital city and rural provinces on 11-24 June 2017<sup>6</sup>.

However, this is not enough to prepare lawyers and law enforcers to work in the new legal environment, as proven by issues faced in the implementation of the laws<sup>7</sup>.

**108.24. Continue to protect and promote the rights of vulnerable groups of population, including children, the disabled, the elderly and women (Russia)**

In progress. Enactment of the Law on the Rights of Children, Law on the Protection of Children, the Law on Persons with Disabilities in February 2016, and the Law on Senior Citizens in January 2017, significantly reformed the legal environment in compliance with human rights. But there is still a lack of implementation of the law.

Within the new legal framework, the mandate of the agency for implementation of children’s rights has expanded to become the Family, Children, and Youth Development Agency with branches in the *aimag* and city districts and with a significantly increased budget in 2018. Many important measures have been undertaken. These include: the launch of a 24-hr hotline for the protection of children; a joint group to

provide help to children under risk and assault in rural areas; a “Committee on the Rights of the Child” for the provision of service and protection to child witnesses and victims of crimes and to suspect children; state inspectors for the protection of children’s rights---also known as “detectives for little ones”--- to prosecute violations of children’s rights; and a new structure within the police department on prevention against juvenile crime. However, there is greater priority in rural areas to support initiatives from citizens, civil society and community to protect children’s rights, and to build collaboration and mutual understanding. For implementation of relevant laws on the protection of children’s rights, respective officers lack knowledge, familiarity with the law, and initiative. The tendency in rural areas is to leave children to live alone without custody, to make them look after the younger ones and the home, and to take responsibility to attend school<sup>8</sup>. Consequently, this results in many violations of children’s rights. The study of NHRC shows violations of the right to education among Kazakh and Tsaatan (Dukha) ethnic groups, and children staying at monasteries.

The Parliament legalized subsidies for pregnant women from 5 months up until birth, monthly allowances for mothers looking after their child up until the age of three, one-off subsidies for twins, quarterly allowances for single parents, and installed an annual budget of 96.8 billion MNT (40 million USD) in the state budget. However, the amount of the subsidy is so low that support provided is not substantial at all. For instance, mothers looking after their children receive around 20 dollars a month. This policy also restricts equal work and income opportunity for women and their rights.

By this procedure, the denial of provisions for other care and social services to persons with disabilities or to senior citizens who receive caregivers’ services, is the major reason for the violation of their rights. This consequently violates the rights of caregivers to education and work. Statistics indicate an increase in the number of unemployed people among the economically inactive population due to child and elder care. Demonstrably, such policies directed towards the vulnerable group are not based on human rights.

Despite progress in the legal environment to improve the protection of the rights of persons with disabilities, measures are not undertaken holistically. The Law on the Rights of Persons with Disabilities merely becomes declaratory due to the omission of penalties for individuals and legal entities in violation of the law. Due to insufficient preventive measures and advocacy work to promote implementation of the law, persons with disabilities and respective government officers still lack knowledge of the law, interpret and apply it incorrectly, and violate the rights of persons with disabilities. Procedures still need to be adopted for enforcement of the law. Sustainable implementation of the state policy to promote the rights of persons with disabilities becomes challenging due to a frequent change of public servants.

**108.25. Revise the law governing the National Human Rights Commission and develop its capacity to bring it in line with the Paris Principles (Sierra Leone)**

In progress. It is appreciable that the Parliament has set up the Working group at the Ministry of Justice and Home Affairs to increase the NHRC budget and amend the law. However, it is still uncertain what steps will be taken towards increasing its independence. Therefore, the law should include provisions on its financial and HR capability for fulfillment of its functions and duties under the law, and for approval of its financing independently from the executive branches. In addition, it would be appropriate to incorporate greater ethical standards and human rights expertise in the requirements for the Commissioner of NHRC, and to make arrangements to ensure the participation of civil society in the nomination and appointment processes, as well as to ensure transparency and openness.

**108.26. Continue efforts in the field of education and human rights training, particularly for law enforcement officers (Morocco)**

In progress. Steps are being undertaken to include human rights in the training programme of law enforcers, but the programme has to be improved based on the evaluation of training quality and impact. The education sector still lacks human rights training.

**108.27. Incorporate training on human rights and the application of international treaties in the permanent and mandatory training programme for judges and magistrates (Mexico)**

In progress. The training programme of the Mongolian Bar Association covers human rights training, but efforts still have to be made to improve its quality and outcome. There is no accessible, quality, adequate training programme on the use of international treaties.

**108.28. Strengthen the mandate of the Commission of Human Rights in view of its full independence in conformity with the Paris Principles (Chile)**

In progress. Please see 108.25.

**108.29. Provide greater support to the National Human Rights Commission to ensure its independence (Australia)**

In progress. Please see 108.25.

**108.30. Give continuity to strengthen national human rights institutions and mechanisms (Nepal)**

In progress. Please see information on NHRC in 108.25. Although the law on human rights defenders has been drafted, there is no progress in its enactment. No certain steps have been undertaken towards strengthening the Parliament's Human Rights Sub-Committee, expanding its functions, accelerating the implementation of the National Human Rights Action Programme in Mongolia, or strengthening the Coordination Council. In addition, for the improvement of the legal framework for activities of non-governmental organizations (NGO), a needs assessment has been conducted, the first version of draft law and concept notes have been developed, a round table meeting was organized, and proposals have been received<sup>9</sup>.

**108.31. Take the necessary steps to enhance the capacity of the National Human Rights Commission of Mongolia to enable it to carry out its mandate freely and independently according to the the Paris Principles (Namibia)**

In progress. Please see 108.25.

**108.32. Improve the work of the National Human Rights Commission with a view to align it with the Paris Principles, and to reinforce its legal framework to better fight against discrimination (Niger)**

In progress. Please see 108.25.

**108.33. Continue the efforts for further strengthening of human rights institutions for the effective realization of all human rights in Mongolia (Pakistan)**

In progress. Please see the related information in 108.25, 108.30.



**108.34. Fulfill the commitments undertaken under the national legislation for the protection of the most vulnerable citizens, notably children, senior citizens and persons with disabilities (Romania)**

In progress. Please see 108.24.

**108.35. Continue efforts for educating people on human rights and conduct training at all levels, including the government implementing agencies (Pakistan)**

In progress. There is a need to organize work on improving and disseminating knowledge on human rights at the level of government implementing agencies, and on respecting human rights at all levels of the government. Work on training budgets and for directing and tasking the agencies' management, as well as supervision of their fulfillment, have fallen behind. The NGOs propose that human rights training should be carried out for the newly appointed civil servants on a regular and continuous basis by the organization and without the disruption of the succession of civil service. It is necessary to make arrangements in major criteria for getting promotion in public service that would be based on a human rights-based approach and methodology. However, the adoption of the "National Programme on Public Legal Education" approved by Government Resolution No. 508 in 2018, the resulting establishment of a system for the improvement of citizens' legal education, as well as the resolution of the budget issue, are crucial steps forward in this area.

**108.36. Examine the possibility of creating a follow-up system for implementation of international recommendations, including accepted UPR recommendations (Paraguay)**

In progress. By Government Resolution No. 204 in 2016 an ex-officio council in charge of overseeing the implementation of the recommendations has been established whereby Government agencies and NGOs are represented. The Minister for Justice and Home Affairs been appointed as its chairman. The ex-officio council was set up in 2016, held its first meeting in January 2017, and has so far convened twice. The functions of this council do not cover the implementation of the international recommendations.

The procedure for the preparation of reports to treaty bodies and schedule of appointed organizations were approved by Government Resolution No. 362 in 2009. Its renewal by Resolution 193 in 2017 marks improvement in delivering reports in due time<sup>10</sup>.

**108.37. Work on strengthening international cooperation in the field of human rights (Turkmenistan)**

In progress. Selection as a member of the UN HRC and participation in the UN HRC 's decision-making process in priority areas is an important step forward.

In addition to supporting the international community's effort to abolish the death penalty, and being an active member of the International Commission against the Death Penalty, Mongolia in collaboration with the European Union and Argentina has initiated the "Global Alliance to end trade in tools of torture and capital punishment"<sup>11</sup>.

**108.38. Submit the first report to the UN Committee against Torture, which is overdue since 2003, in order to provide an opportunity to initiate the valuable dialogue with the Committee (Denmark)**

Implemented. The first report has been sent to the UN Committee against Torture on 23 September, 2009.

**108.39. Consider further cooperation with the international human rights monitoring mechanisms including treaty bodies and Special procedures of the Human Rights Council (Turkmenistan)**

In progress. Delivery of standing invitation to special procedures of the HRC has been an important step<sup>12</sup>. Recent years have seen an improvement in the submission of reports to treaty bodies. In 2017 and 2018 Mongolia received two special rapporteurs of the UN HRC and a delegation of the Sub-committee on Torture and other Cruel, Inhuman or Degrading Treatment or punishment.

However, there is no professional approach to the implementation of the recommendations of the UN HRC's committees on special procedures and treaties. Most of the recommendations are not translated into Mongolian and not disseminated to the public through accessible channels and in a language understandable to the public. In particular, the implementation of recommendations of the UN HRC special procedures goes neglected.

**108.40. Participate actively in the international programs on technical assistance and capacity building in the field of human rights (Turkmenistan)**

In progress. Joint human rights projects with the Office of the United Nations High Commissioner for Human Rights and the European Union are valuable.

**108.41. Enact the new legislation to fight discrimination on any grounds (Uruguay)**

Implemented. Criminalization of "discrimination" in the Criminal law provides legal grounds to prohibit actions and inactions of discrimination<sup>13</sup>.

**108.42. Adopt a comprehensive law against discrimination on all grounds, including legal protection of victims's rights (Czech Republic)**

In progress. Please see the related information in 108.41. It was a setback to dissolve the Takhar Office (similar to a Marshall's Office) in 2016, which had been established in 2013 for the protection of victims and witnesses.

**108.43. Further pursue measures for the protection of the rights of women and children (Japan)**

In progress. Please see the related information in 108.24. The Laws on the Rights of the Child and Child Protection were adopted in 2016. However, their enforcement is weak, there is a lack of knowledge and understanding of the laws among citizens, and violation of children's rights still remains a challenge.

The "paid mothers" programme and the "National Programme II on Gender Equality" are good. However, they do not meet the real needs, consider women and girls as "welfare programme beneficiaries and sources of reproduction", and still halt their right to participate in social and economic activities, and their right to receive wages and to possess their own assets independently.

Many women (one out of three) are suffering from workplace sexual harassment (WPSH) as this provision has been removed from the Criminal Code, and it is now not considered as a criminal offence. It is expected that the responsibility for the WPSHs, which is reflected in the draft Labor Law, could be faded into the Offence Code, and accountability mechanisms will not be specified.

The Action Plan<sup>14</sup> 2016-2020 of the Government of Mongolia includes "creating the legal environment to pay out the same proportion of maternity benefit to all mothers regardless of their social insurance form, to calculate the number of years worked based on the number of children born and raised, to improve the social security of mothers with children aged 3 and below, to implement a "paid mothers" programme, to ensure that payment of social insurance premium is not interrupted, and to give child money to each

child.” Consequently, the Law on Pensions and Benefits provided by the Social Insurance Fund was amended in 2016, and the Law on Issuance of Benefits to Single Mothers and Fathers with Many Children was enacted in 2017. It is commendable that arrangements have been incorporated in policies and laws to improve the social security of single mothers and fathers, but they have omitted provisions on creating a favorable working condition for mothers with children aged 0-3, and some provisions still enforce the old approach which considers “raising children as the responsibility of only women”. In particular:

#### 1. Law on Issuance of Benefits to Single Mothers and Fathers (2017)<sup>15</sup>

Pregnant women will receive maternity benefit (around 17 USD) every month starting from the 5<sup>th</sup> month of pregnancy until birth, mothers with twins aged 4 or below may receive a one-off benefit (417 USD for each child, 1,250 USD for each child of triplets and multiple births). This arrangement is an important step in increasing the protection of the mother since giving birth to a child is inherent in the biological nature of women. In addition, a quarterly benefit equivalent to the minimum wage (around 100 USD) for single mothers and fathers with 3 or more children aged 0-18 is considered to improve the protection of children in vulnerable conditions.

But “a monthly allowance of 50,000 MNT (around 21 USD) for mothers with born and adopted children aged 0-3” breaches the provision of the Labour Law on “giving leave to the mother and father to care for the child until the age of 3.” This reinforces the old attitude that “caring for the child is women’s duty”, deepens the traditional division of gender roles, and limits opportunities for young women to do paid work, earn income, obtain properties, grow professionally and advance in their careers.

#### 2. Amendments to the Law on Pensions and Benefits provided by the Social Insurance Fund (2017)

The previous law provided maternity benefit equivalent to 100 per cent of salary under mandatory social insurance, and 70 per cent under voluntary social insurance. This was amended to provide 100 per cent regardless of the insurance form<sup>16</sup>.

On the surface, arrangements seem to improve the protection of mothers, but reinforce the tradition that “mothers are in charge of caregiving”. For instance, a period of paid leave was changed to “leave to look after the child until the age of 3”. During this period there is no interruption in the number of years worked and payment of social insurance. Social insurance for mothers in paid work is compensated by the employer, and for mothers with voluntary social insurance the Social Insurance Fund covers the social insurance, while for unemployed mothers without income 50 per cent is provided by the State and 50 per cent is covered by the mother herself. Furthermore, the number of years worked is increased by 1.5 years based on the number of children<sup>17</sup>. Such one-sided policies which do not take into account the human rights and life situation of women, only considering them as “mothers”, lead to discrimination of women based on their reproductive role in the workplace and in the labour market, and devalue the investment women put in their education. Allowance for mothers to support population growth equals 20 per cent of the minimum wage (below 20 USD), and has become one of the factors of impoverishment in the long term.

#### **108.44. Step up efforts in enhancing the impact of measures taken to address traditional discriminatory practices and persisting stereotypes about the roles and responsibilities of women and men (Slovenia)**

Not implemented. Nothing is done by the State to develop the training programs on gender equality and non-discrimination and on promotion of public awareness and advocacy. There is still a strong sense of

patriarchy and gender stereotypes among citizens and officials. This, in turn, negatively affects the position and place of women in society and in their working career and life, and puts them at risk of becoming a subject of violence and harassment. In addition, discrimination among adolescents and adults by ethnicity, disabilities, appearance and living standards still exists.

The UN Committee on the Elimination of Discrimination against Women reviewed the 8<sup>th</sup> and 9<sup>th</sup> periodic reports of Mongolia in February 2016. The Committee expressed its concern that a male dominant approach in the role of men and women is still prevalent in families, society and media; strong persistence of discrimination weakens women's role in families and society, affects their choice of profession and education, limits their participation in politics and government, creates unequal accessibility in the labour market and unequal status in family relationships. No consistent measures have been undertaken to change and eliminate the old stereotype<sup>18</sup>. The Committee recommended against the implementation of policies which reinforce traditional stereotypical roles and which encourage birth, and asked the Government to deliver a report on the implementation of its recommendation within 2 years before the end of 2018<sup>19</sup>.

**108.45. Deepen the actions that ensure the adoption of legislation that guarantee the equality and protection of women and its effective implementation (Argentina)**

In progress. Following the enactment of the Law on Gender Equality, the position of a Secretariat of the National Committee was weakened under the line ministry, but it was a sign of progress that the Government brought its position under the Prime Minister in April 2018. Despite the adoption of the Law on Gender Equality and the National Programme, the public awareness is weak and enforcement of the law is inadequate. There is no information regarding whether the civil society or multilateral representatives have participated in updating and approval of the National programme. In addition, information on programme plans, activities and budget is not disclosed to the public. Setting up the National Committee established according to the Law on Gender Equality at the ministry level weakens its effectiveness. The Sustainable Development concept does not address gender equality, nor the elimination of disparity between women and men in the economic sectors. The development priorities are in sectors where a few women are employed. Human resources and work structures in this area are inadequate, particularly in rural areas.

**108.46. Continue efforts in improving protection of women's rights (North Korea)**

In progress. Please see the related information in 108.43, 108.44, 108.45. Measures to protect women have been undertaken only within the framework of protecting mothers. As a result, women are discriminated against in the labour market on account of their reproductive roles and increasingly are placed in vulnerable conditions with limited opportunity to raise their child and to work, earn income, own, and have equal access to social wealth.

**108.47. Continue to promote gender equality and involvement of women in public services (Laos)**

In progress. Please see the related information in 108.45.

**108.48. Continue to implement policies that would further encourage women's full and active participation in the society and economy (Singapore)**

In progress. Please see the related information in 108.45.

**108.49. Consider adopting a national action plan on Security Council Resolution 1325 on Women, Peace and Security (Portugal)**

In progress. Within the framework of approving a national action plan to implement Security Council Resolution 1325, the resolution has been translated into Mongolian and research on “Security Council Resolution 1325 on Women, Peace and Security: Implementation, experience and lessons from National Action Plans” has been conducted. Furthermore, a delegation was sent to the international conference on “Women, peace and security” jointly organized by the Friedrich-Ebert Foundation and Women’s Development Institute of South Korea in 2017, and training on “Women, peace and security” conducted by the OSCE in Vienna on 19-20 April 2018. Experts from the MFA, MoJHA and Ministry of Defence participated in the regional seminar on “Women, peace and security in North East Asia” organized by the UN department of political affairs in Beijing on 24-25 May 2018. For the first time, a female officer from the Mongolian Armed Forces attended the UN specialized training course for women in military services in Entebbe, Uganda in May 2018<sup>20</sup>.

**108.50. Fight against hate speech that provokes racial and ethnical discrimination and fight against the relevant violence (China)**

In progress. Article 14.1 of the new Criminal Code considers "discrimination" as a criminal offence, and Article 10.1 considers the “murder based on racial, ethnical or nationality hatred” even more aggravating. There is no specific arrangement related to hate speech as of now.

**108.51. Take effective measures to combat direct and indirect discrimination against persons living in the *ger* (tent) districts (Sweden)**

Not implemented. The 1st phase of the investment programme for public utilities improvement in the *ger* area of Ulaanbaatar was planned to be implemented from 2012, and it has been accelerated from 2017<sup>21</sup>. Under this project, over 10,000 people from 6 districts of UB city are affected. The project is not implemented in compliance with the Asian Development Bank's safeguard policy. As a result, 1) no social impact assessment has been undertaken; 2) the information is not disclosed and not accessible as well as not prepared in the native language; 3) it is threatening and pressing; 4) it is not based on agreement with landowners; 5) there was no special attention given to female-headed households and persons with disabilities; 6) there was no supervision over implementation of the Asian Development Bank's safeguard policy; 7) there was no formal documented relationship; and 8) resettlement takes place in spite of cold weather conditions. Due to very serious misinformation some affected households have no place to live and must live in others’ plots or rent an apartment. There is a survey showing that about 80 per cent of the affected people have agreed; however, this is doubtful. During a visit in Mongolia in 2018 the UN Special Rapporteur on the human rights to safe drinking water and sanitation emphasized that there is a huge difference in the safety of drinking water, price and level between households in *ger* districts and households living in apartments.

**108.52. Step up efforts to ensure the protection of foreign nationals from any forms of attacks and to hold offenders accountable (Republic of Korea)**

In progress. Please see the related information in 108.50. It is important progress that there are initiatives to provide free legal aid to foreign citizens in English, German, Chinese, Korean and Russian<sup>22</sup>.

**108.53. Combat all forms of discrimination, including based on sexual orientation or sexual identity (France)**

In progress. Please see the related information in 108.19, 108.41. The new Criminal Code reformulates crimes of discrimination and expands the scope of prohibition of discrimination. In addition the revised Labour Law submitted to the Parliament incorporates “sexual orientation, gender orientation and identity” in the non-discrimination principle.

**108.54. Develop pertinent legislation to guarantee the effective protection of the human rights of LGBTI persons, as well as undertake impartial investigations on the allegations of attacks against them in accordance with the Special Rapporteur on extreme poverty and human rights (Honduras)**

In progress. Please see the related information in 108.41, 108.53. Although it has been incorporated in the Criminal Code, the law enforcement officials have not been acquainted with the new law and there was no training on new types of criminal offences. Due to complaints from the public to NHRC and according to the recommendations of the organisations working in this area, the LGBT Center has conducted training on the improvement of knowledge about sexual minorities at all UB city police units; however, this is not included in the regular training curriculum.

**108.55. Prohibit all forms of discrimination, including discrimination on the basis of sexual orientation and gender identity (Slovenia)**

Implemented. Please see some of information 108.41. Discrimination against sexual orientation and gender identity is criminalized in the new Criminal Code<sup>23</sup>. However, there is still a lack of training for lawyers and law enforcers on the enforcement of the law, and campaigns to advocate the law.

**108.56. Ensure that all forms of discrimination are prohibited, including on the basis of sexual orientation, gender identity and health status (Timor-Leste)**

Implemented. Please see the related information in 108.55.

**108.57. Promote equality in the enjoyment of human rights by the LGBTI persons by incorporating it into national legislation (Uruguay)**

In progress. Please see the related information in 108.19, 108.41, 108.54.

**108.58. Amend the Criminal code legislation to include crimes of hatred and of discrimination on the grounds of sexual orientation and gender identity (Spain)**

Implemented. There is a new provision which criminalizes "discrimination" in the new Criminal Code adopted in 2015. However, law enforcement officials have little knowledge of the new law. The law enforcement officials who have attended the training organized by the LGBT Center highlighted the need to include this subject in the re-training programme of police forces. This is due to large discrepancies in information, and there is an undeniable existence of the old approaches among police officers.

**108.59. Launch a public awareness-raising campaign to fight and prevent discrimination and violence against LGBT persons and to promote tolerance (Brazil)**

Not implemented. The public awareness activities have not been done by the government and its agencies; furthermore, there is interest from the Government agencies to limit LGBT Center activities

aimed at providing information to the public<sup>24</sup>. There is no budget provided by the State on public campaigns.

**108.60. Step up the efforts to counter discrimination and violence on the basis of sexual orientation or gender identity, and to structurally collect data and provide statistics and information in this regard (Netherlands)**

In progress. Following Order 3 of 2018 by the First Deputy Commissioner of the National Police Agency, a Working Group was established to update the software programme of an integrated database of criminal cases and offences. The list of the new database includes crimes of "discrimination"<sup>25</sup>.

**108.61. Adopt quick and effective measures, as well as necessary legislation, in order to explicitly prohibit, prevent, punish and abolish discrimination on any grounds, including on the basis of HIV/AIDS status, as previously recommended (Mexico)**

In progress. Approval of "Procedures for providing assistance and service to STI/HIV/AIDS victims" by Minister for Health's Order A/305 of 2017, has eliminated the wrong practice of discrimination and allows mothers infected with HIV to give birth in their residential area hospitals. In 2017 seven mothers with HIV gave birth in the hospitals of their respective residences.

However, lawmakers and the government have not developed a plan to pass comprehensive anti-discrimination legislation. There is no concrete progress in the prohibition, prevention and elimination of discrimination against people living with HIV/AIDS. The new Criminal Code considers infecting others with HIV/AIDS a criminal offence<sup>26</sup>. Newly married couples have the obligation to go through HIV/AIDS analysis. There are many violations of the rights of female sex workers. A Health Curriculum development team was set up by the order of the Minister for Health, and although its work has started, there are no results. There is talk of teaching health classes in Vocational Training School, colleges and university programs; however, no steps have been taken.

The number of crimes related to the illegal consumption of drugs is increasing; and the National Anti-Drug Programme was approved in March 2017 and within its framework a special anti-Drug Control Unit was set up at the Criminal Police Department with more than 30 staff members; however, increasing crime rates and the number of users show some poor results of the implementation of the programme. In place of the National AIDS Committee a "National Health council" was established by Government Resolution No. 425 in 2013<sup>27</sup>, and is chaired by the Prime Minister with the Minister for Health as his deputy. Its work procedures have been developed and approved, but there has not been any effective work. The Council was re-approved by Government Resolution 288 in 2017; however, it has not convened yet. The first meeting is expected to take place in June 2018<sup>28</sup>. All the services on prevention and diagnosis are still financed by Global Fund. There is a lack of knowledge and understanding, and weak resolve, among health policymakers and service providers towards risk prevention and the protection of the human rights of the sexual minorities, sex workers, and drug users who might have greater exposure and possibly higher rates of infection by HIV/AIDS.

**108.62. Confirm by law the abolition of the death penalty in line with the Second Optional Protocol to ICCPR aiming at the abolition of the death penalty, which Mongolia has ratified (France)**

Implemented. Please see 108.2.

**108.63. Adopt legislation to explicitly abolish the death penalty (Australia)**

Implemented. Please see 108.2.

**108.64. Amend the Criminal Code with a view to fully abolish the death penalty (Italy)**

Implemented. Please see 108.2.

**108.65. Introduce the complete abolition of the death penalty through legal reform (United Kingdom)**

Implemented. Please see 108.2.

**108.66. Review its criminal law legislation to abolish the death penalty in order to reflect its international commitment done by ratification of the Second Optional Protocol to the ICCPR (Sweden)**

Implemented. Please see 108.2.

**108.67. Adopt legislation, including a new Criminal Code, with the aim of abolishing the death penalty by law (Slovakia)**

Implemented. Please see 108.2.

**108.68. Abolish de jure the death penalty for all crimes (Montenegro)**

Implemented. Please see 108.2.

**108.69. Abolish the death penalty and provide the families of executed persons with relevant declassified information (Lithuania)**

Not implemented. Article 1 of the Law on Procedures for compliance with the Law on the State and Official Secrets, enacted by the Parliament of Mongolia on 1 December 2016 that became effective on 1 September 2017, specifies that “before complying with the Law on the State and Official Secrets enacted on 1 December 2016, the procedures for carrying out the death penalty, and the performance and documents on carrying out the death penalty stated in the Law on State Secrecy and the Law on the approval of the List of State secrets, which were valid before the enactment of the Law on the State and Official Secrets, shall be classified as ‘Top secret’ among state secrets. However, the “Action programme 2016-2019 to implement recommendations from the UN HRC,” approved by Government Resolution 204 of 2016, includes declassification of the carrying out of the death penalty from state secrets. The MoJHA is in discussion with respective bodies on these questions, but there are no finalized decisions<sup>29</sup>.

**108.70. Declassify State secret information on the execution of death penalty (Portugal)**

Not implemented. Please see 108.69.

**108.71. Incorporate the international framework on the prevention of torture and other cruel, inhuman or degrading treatments in the training for law enforcement officials and other public officials, as well as in the permanent training program for judges and lawyers (Mexico)**

In progress. 1 credit hour on "Human Rights and Judicial Protection" on optional basis has been allocated in training for judges. Training on the right to be free from torture has been conducted for prosecutors in November 2016. However, this training is not included in the regular curriculum for law enforcement officials. There is no such training for other civil servants. Please see information on the training



programme for police officers in 108.73. The NHRC report states that "training for the police and court decision enforcement officers in this area is conducted on a regular basis". But its availability and accessibility are unclear. In addition, the training is restricted to police and court decision enforcement officers only. Training on prevention against torture for other law enforcement and public officials, such as prosecutors, judges, anti-corruption and intelligence department officials, border guards, and customs officers is not conducted on a regular and accessible basis.

**108.72. Investigate and improve prosecution of all allegations of torture as well as conditions in detention and prison facilities and strengthen legal safeguards available to victims of torture (Czech Republic)**

In progress. It is specified that for cases of torture, the punishment is "a penalty of 5,400,000 to 27,000,000 MNT (2'200USD to 11'200USD) or imprisonment for a term of one to five years". This, however, is not in line with the appropriate punishment for serious and grave crimes defined in the Convention. Despite the progressive reforms of some central and local area detention facilities under the Court Decision Enforcement Office, there are still many prisons and detention facilities whose conditions need to be changed. The provisions of Article 6.1.4 of the Criminal Procedure Code effective from 1 July 2017 specify the regulations on restrictions of the conduct of inquiries and investigations on torture committed by its officials and recording the case as a criminal offence; in 2017 the Prosecutor General revised and approved decree A/67 on the "resolution of complaints and information on criminal offences and investigation of criminal offences and establishment of jurisdiction of prosecutors supervising the case". Repeated proposals from the Division of Investigation of Crimes to the Prosecutor for waiver of torture cases committed by the Special Subject under the National Police Agency show that there would be no specified authority to which victims of torture could send complaints<sup>30</sup>. Thus, it shows a lack of efficient investigative mechanisms for this type of criminal offence.

There are 26 detention centers at the national level out of which 18 were newly built and 7 were renovated in accordance with requirements. This has been an important step towards improving the conditions of detainees. Improvement work on detention centers will be complete with the opening of a detention facility in Uvurkhangai province in 2018. Thus, all 26 detention centers will have rooms and facilities in line with the relevant standards for detainees to meet with their advocates in private<sup>31</sup>. New and newly refurbished detention centers fully meet the basic requirements for detention rooms and facilities specified in Article 9 of the "Standard minimum rule for the treatment of prisoners" approved by the UN. As specified in the Law on the Implementation of the Decision regarding the Arrest and Detention of the Suspect or the Accused, an area allocated per person is 2.5 sq.m, but new detention centers have an average of 3-3.5 sq.m per person with conditions that allow natural light and circulation of air<sup>32</sup>. In addition, 3 hospital buildings were newly constructed and 17 prison detention centers were renovated with lighting, ventilation, humidity level and room area per person in accordance with the regulation, and dining area, study rooms and libraries were installed. Article 20 of the UN Standard minimum for the treatment of prisoners is fully implemented with the approval and application of the "Prototype of food production and service for suspects, accused and prisoners"<sup>33</sup>.

**108.73. Put in place awareness raising programs targeting the police forces in order to prevent torture and other cruel, inhuman or degrading treatment or punishment, as well as to create effective investigation mechanisms to combat impunity in this area (France)**

In progress. It has been a crucial step to have a training centre next to the police department under the police law<sup>34</sup>. The training centre plans to conduct 119 training sessions totalling 5,236 hours for 7,648 police officers, including 36 human rights training sessions for 114 hours<sup>35</sup>. However, quality and accessibility of the training are considered to be inadequate. Based on the number of total training sessions for all police officers, there are 64 participants for one session. This shows that training cannot be conducted on a participatory basis with effective methods. Also topics, hours and agenda of training programmes on prevention of torture and other cruel, inhuman and degrading treatment are not clear. Organization of training of human rights trainers by the National Police Agency in collaboration with the NHRC in 2017 and 2018 has been an important initiative in improving the human rights training programme and its method.

See reference to the investigation system in 108.72.

**108.74. Consider the amendment to the Criminal Code in order to include a definition of torture as a crime (Hungary)**

In progress. It is specified that for cases of torture, the punishment is "a penalty of 5,400,000 to 27,000,000 in MNT (2,200USD to 11,200USD) or imprisonment for a term of one to five years ". This, however, is not in line with the appropriate punishment for serious and grave crimes defined in the Convention.

The new Criminal Code does not consider torture a crime, and its punishment is light compared to the seriousness and gravity of the crime. Thus, it is not in full compliance with the Convention against Torture<sup>36</sup>. Punishment is increased only when the victim loses life<sup>37</sup>.

**108.75. Establish an independent mechanism for the investigation of allegations of torture and ill-treatment in line with the requirements of the recently ratified OPCAT (Austria)**

Not implemented. Please see 108.7 for information on National prevention mechanisms. Please see 108.72 for information related to the independent investigation mechanism.

**108.76. Ensure that torture and ill-treatment by public officials would not be tolerated and that all alleged perpetrators of the acts of torture would be investigated (Timor-Leste)**

In progress. Please see the related information in 108.74. Please see the information related to the investigation mechanism in 108.72.

**108.77. Establish an independent investigation mechanism for allegations of torture and other cruel and inhuman or degrading treatments committed by police forces and to prevent such violations by public officials (Switzerland)**

In progress. Please see the information related to the independent investigation mechanism in 108.72. Please see the information related to the training of civil servants on prevention of this type of criminal offences in 108.71.

**108.78. Ensure that all complaints and reports of torture and other ill-treatment are investigated thoroughly by an independent agency, and that those responsible are held to account. Such investigations should be conducted by personnel who are competent, impartial and independent of the alleged perpetrators and the agency they serve (Sweden)**

In progress. Please see the information related to the independent investigation system in 108.72.

**108.79. Strengthen the measures aimed at preventing cases of torture and ill-treatment by public officials, and ensure that all allegations are promptly and thoroughly investigated in order to bring to justice those responsible (Italy)**

In progress. Please see the information related to the independent investigation system in 108.72.

**108.80. Continue to take measures to eradicate the use of torture and other forms of ill-treatment, including through training and education of law enforcement officials (Costa Rica)**

In progress. Please see the related information in 108.71, 108.73 and 108.74.

**108.82. Take appropriate steps to improve the treatment of detainees (Japan)**

In progress. Please see the related information in 108.72. The new Law on Enforcement of Court Decisions has advanced provisions on improving the treatment of detainees and expanded the rights of detainees<sup>38</sup>. For the purposes of increasing the human rights education of prison officials a book on “Human rights and imprisonment” was written and disseminated. Within the framework of the “Specialized training programme and plan 2018 for Court decision enforcement agencies” approved by Order A/249 of 5 December 2017 by the Head of the General Executive Agency of Court Decision, human rights training is being conducted for officers. Training on “Detention center and human rights” was organized with the NHRC and Mongolian Bar Association in November 2017 for 34 prison officers. Following the recommendation from the UN Sub-committee on Prevention of Torture, introductory training concerning the “Istanbul Protocol” was conducted on 20 October 2017 for doctors and hospital workers working in prisons. On 9 April 2018 the order of the President of the Law Enforcement University of Mongolia renewed and approved a bachelor’s degree curriculum “Security of prisons – law enforcement” and included 96 hours or 2 credits of “Human rights” subject in the compulsory programme<sup>39</sup>.

**108.83. Adopt legislation to prevent and end all forms of violence against children (Timor-Leste)**

Implemented. All forms of violence in all spheres of the society are completely prohibited by the Laws on the Protection of Children, the Rights of the Child, Children's care services, Education, Law on Combatting Domestic Violence, Offence Code and the Criminal Code. Therefore, it is considered that the recommendation is implemented.

In addition, more than 30 procedures in relation to the implementation of these laws, on the activities of joint teams and their funding, assessment of the situation, domestic violence hazard level assessment, provision of legal assistance to victims of domestic violence, provision of a comprehensive one-stop services, procedures for meetings of victims with the violators, and ethical rules and regulations for professional social workers, accreditation of child protection services have been approved and are being implemented. "One stop service centre" to protect victims of violence have been newly established in several *aimags* and rural areas.

**108.84. Continue active work in combating domestic violence (Belarus)**

In progress. Domestic violence is criminalized, and the Law on Combating Domestic Violence has been revised and enacted. In order to increase public knowledge, a national online campaign “Love – Protect” was organized in November 2017; video PSAs to prevent and stop domestic violence were developed with celebrities and reached 65,149 online users; and a debate entitled “Contribution of students and youth in decreasing domestic violence and protecting children” was organized among university students with 96

teams from 48 universities<sup>40</sup>. In addition to training officers, a subject on “Prevention and elimination of domestic violence” has been made compulsory in the police education programme of the Law Enforcement University. Following the Law on Combating Domestic Violence taking effect, structural change has been made in police departments and special units have been set up. The Crime Suppression Department of the National Police Agency has 3 officers in charge of domestic violence, and it is an important step towards managing prevention of new forms of crime at the national level.

However, the Takhar Office was dissolved in 2016. Witnesses and the victims are left without protection, and this leads to the situation whereby victims of domestic violence can be protected by the police only after the case has been filed. The pressure and violence by police officers become hidden. For example, a local girl named N said to an NGO that she cannot approach the police as her husband is a police detective, and that she is afraid of police.

Furthermore, procedures developed under the Law on Combating Domestic Violence are beyond the concept of the law and create difficulties in enforcing the procedures in practice and impede effective implementation of the new law. The budget for implementation of the law has not been approved (lack of human resources, their training, information sharing, and capacity building) and this is one of the reasons why the new law and regulations are not fully understood and enforced. For instance, there should be 4 police officers in one *aimag* according to the law; however, only one person runs the office who may consider quitting due to work overload. Such cases of high turnover create difficulties in effective implementation of the law.

#### **108.85. Step up its efforts to curb the occurrence of domestic violence (Philippines)**

In progress. Please see the related information in 108.84.

#### **108.86. Continue to put forward more efforts to eliminate domestic and gender-based violence and discrimination against women and ensure greater representation of women in all sectors of society by fully implementing the Law on Gender Equality (Republic of Korea)**

In progress. For information related to domestic violence please see 108.84; for information related to ensuring greater women representation please see 108.45.

#### **108.87. Strengthen efforts to prevent gender-based and domestic violence by criminalizing marital rape and sexual harassment, providing victims with access to justice, assistance and protection, and by ensuring that cases are properly investigated and perpetrators duly prosecuted (Slovenia)**

Not implemented. Criminalization of sexual harassment under the Criminal Code enacted on 3 December 2015 is revoked by the Criminal Code adopted on 11 May 2017<sup>41</sup>. Many activities on prevention of domestic violence and gender-based violence are being implemented; however, it is important to focus on increasing the effectiveness and expansion of the scope of interventions through independent evaluation mechanisms. “Marital rape” is included in the “rape of a person with a family relationship” under the indictable criminal offences of “rape” incorporated in the new Criminal Code, and is punished by 2-8 years of imprisonment. The provision is, however, not effective to prevent crimes of marital rape, as it is considered in the same level as rape committed by kin like biological/stepfather<sup>42</sup>.

**108.88. Adopt and actively pursue a focused national strategy on combating all forms of violence against women, which would promote awareness-raising activities related to the Law to Combat Domestic Violence (Turkey)**

Not implemented. Despite much work done for the fight and prevention against domestic violence, and the development of strategies and plans, there is no evaluation of their effectiveness and impact. On the other hand, there are different interpretations of the law and its procedures, the ways for its implementation are unclear, the rules and regulations are conflicting, the skills and knowledge of the human resources vary, and a lack of inter-sectoral coordination lead to doubt concerning the strategy's effectiveness. Activities on prevention through media and cultural channels are not accessible or not available. In the health and education systems the education programmes need to be developed and implemented to teach behavior free of violence.

**108.89. Continue to strengthen protection for domestic violence survivors, and extend an invitation to the Special Rapporteur on violence against women to visit Mongolia on its causes and consequences (USA)**

In progress. Mongolia is committed to supporting the implementation mechanism of international treaties of the UN HRC, and in 2004 delivered standing invitation to the special procedures of HRC to Mongolia when it is most convenient<sup>43</sup>. The Special Rapporteur may work in Mongolia when it is most suitable. Consequently, the respective government organization should take initiative to invite the Special Rapporteur.

**108.90. Continue efforts in the field of combating domestic violence (Latvia)**

In progress. Please see the related information in 108.84.

**108.91. Reinforce mechanisms to detect and investigate cases of domestic violence and train the law enforcement officials to deal with such cases (Moldova)**

In progress. Organization of training is commendable; however, it is not sufficiently accessible and regular to build adequate capacity. The MoJHA has been implementing a project on "Combating gender-based violence in Mongolia: Capacity building in the justice sector" jointly with the International Law Organization since 2016. Within its framework trainers were prepared to conduct training on "Strengthening capacities and coordination in the justice sector to combat domestic violence", handouts were developed and printed, and over 500 judges, prosecutors, police officers and advocates from 10 provinces were trained<sup>44</sup>. In addition, with the support of UNFPA and World Vision, 1,132 officers from the central and rural regions were trained. In 2017 the Police Agency provided training for its 4,856 officers on combating and preventing domestic violence<sup>45</sup>. Training sessions are usually organized with the financial support of international organizations or within their projects. However, high turnover among public officers lowers the effectiveness of the training.

**108.92. Effectively implement existing laws in the area of domestic violence and strengthen the prevention activities and protect victims, including through the establishment of protection facilities in remote areas (Switzerland)**

In progress. Please see the related information in 108.84, 108.88, 108.91. Ten one-stop service centres are planned to be established in 7 provinces and the capital city within the framework of international

projects, and 2 in 2 provinces with local funds<sup>46</sup>. There is no information on the establishment of new protection shelters in remote areas.

**108.93. Enact the legislation against domestic violence which draft is under reading at the Parliament to criminalise domestic violence, better protect victims and ensure perpetrators are prosecuted (Australia)**

Implemented. The Law on Combating Domestic Violence was adopted by the Parliament in 2016. The new Criminal Code criminalizes “domestic violence”.

Please see the related information in 108.84.

**108.94. Strengthen the domestic violence prevention system, particularly focusing on awareness-raising to heighten awareness of this issue (Spain)**

In progress. Please see the related information in 108.88.

**108.95. Remove barriers in accessing legal remedies against domestic violence including by improving the collaboration between relevant institutions and revisiting evidentiary requirements, and ensure that restraining orders are enforced (Austria)**

In progress. Please see the related information in 108.84, 108.91.

**108.96. Improve access of victims of domestic violence to effective protection and redress, strengthen the capacity for prosecution of perpetrators of domestic violence and criminalize marital rape (Czech Republic)**

In progress. Please see the related information in 108.84, 108.87, 108.91.

**108.97. Ensure the effective implementation of the existing legislation aimed at fighting discrimination and violence against women and domestic violence (Italy)**

In progress. Please see the related information in 108.43, 108.44, 108.45, 108.84.

**108.98. Consider wider establishment of shelter houses for women and children seeking protection from domestic violence (Malaysia)**

In progress. With the support of UNFPA and Asia Development Bank, establishment of 10 one-stop service centres in 7 provinces and the capital city is included in the 2018-2019 work plan of the Crime Prevention Coordinating Council of the MoJHA. Currently there is no budget and funds for increasing the number of shelter houses<sup>47</sup>.

**108.99. Continue to strengthen national legislation to combat domestic violence (Russia)**

In progress. Please see the related information in 108.84.

**108.100. Develop a well-defined legal framework to prevent and combat violence against women and build a social protection system for victims of domestic violence (Serbia)**

In progress. Please see the related information in 108.84. The Law on Social Welfare has a provision on temporary shelter houses for victims of domestic violence. However, the process for non-governmental organizations which provide service to victims to recover cost from the social welfare fund is complicated,

and they often fail to receive reimbursement due to bureaucratic red tape. Government organizations for the protection of victims of domestic violence have better supplies than non-governmental organizations. Whereas a shelter house next to the Police Department in Ulaanbaatar has 30 beds, 24 staff members, and budget provided by the State, the National Center against Violence NGO has 20 beds and 4 staff members. The government does not provide any financial assistance for salaries of NGO staff, operational costs of shelter houses, and basic provisions such as food to victims.

**108.101. Amend the criminal legislation to criminalize domestic violence and ensure that authorities pursue prosecution of domestic violence to hold offenders accountable and provide adequate funding of all services for victims of domestic violence (Slovakia)**

In progress. Please see the related information in 108.84, 108.100.

**108.102. Modify criminal legislation to ensure that domestic violence becomes a crime (Spain)**

Implemented. The New Criminal Code criminalizes domestic violence<sup>48</sup>.

**108.103. Adopt the revised Law against Domestic Violence, enhance awareness-raising campaigns about domestic violence, and expand services and protection for victims (Canada)**

In progress. Please see the related information in 108.84, 108.88, 108.100.

**108.104. Consider criminalizing domestic violence, sexual harassment and ensuring that perpetrators are duly prosecuted (Hungary)**

In progress. Please see the related information in 108.84. Sexual harassment is not criminalized.

**108.105. Adopt legislative measures to make domestic violence a crime, understanding all forms of violence in the home, including threats, sexual harassment and sexual abuse, and ensure that perpetrators are brought to justice and that victims receive care including in the rural areas (Paraguay)**

In progress. Please see the related information in 108.84, 108.93.

**108.106. Explicitly prohibit corporal punishment of children in accordance with the recommendations of the Convention against Torture (CAT) (Chile)**

Implemented. Please see 108.83.

**108.107. Explicitly prohibit all corporal punishment of children, including in the home (Sweden)**

Implemented. Please see 108.83.

**108.108. Take steps to effectively prevent child labour and protect children from exploitation, especially from work in hazardous labour conditions (Germany)**

In progress. The Minister for Labour approved a revised list of jobs forbidden for minors in 2016. The list banned the use of children as jockeys in horse races from November 1<sup>st</sup> to May 1<sup>st</sup>. Following an amendment to the decree by the Minister for Labour and Social Welfare to remove the section on children jockeys, the National Network for Child Protection together with other civil society organizations for the protection of children's rights filed a case to the Administrative Court of the Capital City of Mongolia claiming it led to violation of the Law and children's rights. The Administrative Court of First instance, the Appellate Court and the Supreme Court ruled that the decision of the Government of Mongolia to organize

spring and winter races had no legal grounds. The revised Law on Labour submitted by the Government includes provisions on raising the minimum labour age of children to 15 years and increasing the employers' responsibility on ensuring safety for minor workers. The draft law is currently under discussion by the Parliament where it has been argued that minors aged 13 can enter into labour contracts. Child labour in hazardous conditions and child labour exploitation are high in the informal sector. For instance, teens and senior school students are known to go to South Korea with parents and guardians for work which often involves 12-hour shifts and night shift jobs for 2-3 months.

**108.109. Strengthen the implementation of the National Plan of Action 2012-2016 on Eliminating the Intolerable Forms of Child Labour and to consider follow-up mechanisms (Italy)**

In progress. Intolerable forms of child labour are defined and prohibited by the Criminal Code in compliance with Convention 182 of the International Labour Organization ratified by the Government of Mongolia<sup>49</sup>. Article 93.8 of the draft Labour Law prohibits "intolerable forms of child labour such as engaging children in prohibited work which jeopardizes the mind, physical development, life, health, behavior, morality of a child, exploitation of child labour, payment of unfair wages, conduct of illegal activities under the name of a child".

**108.110. Enhance the efforts to combat child labour and ensure that children do not work in hazardous labour conditions, including artisanal mining (informal)**

Not implemented. Please see the related information in 108.108. In 2016 with support from the "Sustainable Artisanal Mining" project of the Swiss Agency for Development and Cooperation and ILO's Global Action for Prevention on Occupational Safety and Health (GAP), Family, Child and Youth Development Agency of Mongolia implemented local capacity building training and measures to prohibit child labour in informal mines in 2016. Children's working conditions in small-scale mining sites were surveyed with identification of 1,498 children aged 8-18 employed in 11 *aimags*. 82 per cent of children were between the ages 15-18. There has been no additional information on effective and sustainable operations in the small-scale mining and informal sector that would advocate against the employment of children. There is a lack of awareness on the part of officials from the respective sector and organizations which should be working towards determining the root cause of children entering into the labour force and eventually dropping out of school, and combating child labour. There is no new mechanism to bring such employers to justice.

**108.111. Continue efforts in combating child labour, including by bringing the employers to justice, and introduce new non-violent forms of discipline for children at home and in school (Lithuania)**

In progress. Please see the related information in 108.108, 108.109, 108.110. Article 109.5 of the Labour Code of Mongolia specifies that "A list of jobs which are prohibited for a minor shall be approved by the member of government in charge of labour issues" and the Minister for Labour and Social Protection approved an updated list by Order 36 of 2016. Article 16.10 of the Criminal Code 16.10 criminalizes "Intolerable forms of child labour" and penalizes employers engaging children in the listed jobs by a fine of 1,130-2,260 USD, 240-720 hours of community service, 6 months to 1 year of restricted movement and 6 months to 1 year of imprisonment, but the penalties are light. Article 121 of the previous Criminal code penalized "forced child labour" by a fine of 5,000 – 25,000 USD or 4 years of imprisonment, but the new Criminal Code has lighter punishment<sup>50</sup>.



Information on the implementation of the law is currently unavailable. Children forced in petty trade, pornography, working in bars and karaoke clubs, forced into prostitution through online networks, engaged in herding for families in rural areas, working abroad on short and long terms, remain a compelling issue. Under the Law on the Rights of the Child parents, guardians and third parties responsible for child care, treatment, guidance and education are required to resort to non-violent, positive disciplinary methods, and schools are required to follow a policy and procedure for the protection of children. New state inspectors for children's rights to enforce and monitor the norm have been hired, and cases of violation of children's rights are now investigated under the prosecutor's supervision.

**108.112. Explore strategies to combat child labour (Norway)**

Not implemented. There are no officials and organizations that can offer an answer. Children forced in petty trade, pornography, working in bars and karaoke clubs, forced into prostitution through online networks, engaged in herding for families in rural areas, working abroad on short and long terms remain a compelling issue. Thus, there is an urgent need for a follow-up action on the recommendation.

**108.113. Combat child labour, including by criminalizing employers who exploit child labour and bring them to justice (Poland)**

In progress. Please see the related information in 108.111.

**108.114. Continue efforts to ensure that children are protected from all forms of violence and exploitation, particularly from child labour in hazardous conditions (Republic of Korea)**

In progress. Please see the related information in 108.83, 108.108.

**108.115. Continue efforts in the field of the protection of child rights (Morocco)**

In progress. Please see the related information in 108.24.

**108.116. Improve the enforcement of the Law on Combating Trafficking in persons by strengthening the capacity of law enforcement to detect and prosecute perpetrators, and by expanding services for victims (Canada)**

In progress. Police detected and investigated 12 trafficking cases in 2015, 6 in 2016 and 3 in 2017. There is a great need for specialized law enforcement agencies and judicial authorities. It is necessary to implement staged, capacity building measures due to new forms of human trafficking, the need to identify them and their link to other multinational organized crimes, especially in illicit drug trafficking and money laundering. The Law on Human Trafficking has to be improved and implemented. There is currently no allocated budget for the implementation of the Law on Human Trafficking. Article 15 states that compensation for monetary and non-monetary damages caused to the victim to be determined by the court.

The Law on Government Special Funds of 2006 includes a compensation fund for victims of crime in Article 21. Article 21.3 specifies compensation for victims and witnesses of human trafficking and for family members in the case of victim's death, medical expenses stated by a court decision to victims who suffer serious injuries, funeral expenses, and reimbursement for lost salaries and income due to loss of earning capacity. However, the article was repealed in 2015 during the amendment of the law. To date there is no comprehensive activity to provide assistance to victims. Combat and prevention activities against

crimes of human trafficking only take place in the Capital City and only within the framework of projects as a way to respond to violations. It is important to intensify the fight against human trafficking at the national level, to improve the resolution of cases and to impose penalties by improving cooperation between law enforcement agencies, prosecutors and judicial authorities.

General requirements for social services to victims of human trafficking (MNS 6343:2013) have been approved by the Ministry of Labour and Social Protection and the Mongolian Agency for Standardization and Metrology, but lack implementation.

**108.117. Implement the Law on Combating Human Trafficking of 2012 and strengthen the law enforcement and the judicial system, in order to ensure effective investigation and prosecution of perpetrators and to prevent trafficking (Brazil)**

In progress. Training to specialize law enforcement agencies are being organized with the support of non-governmental and international organizations. However, measures to specialize prosecutors and judicial officers in prosecution and combating human trafficking have not been implemented. In addition, the discrepancy between the number of criminal cases registered by the police and cases resolved by the court indicates the need to train judges. In 2016 and 2017 no human trafficking case was resolved by the court.

**108.118. Criminalize all forms of human trafficking of children by enacting strict anti-trafficking legislation (Sierra Leone)**

In progress. The crime of human trafficking is provided for in Article 13.1 of the Criminal Code, but the separation of forms of human trafficking in other provisions, in particular Article 12.3 Sexual exploitation, 13.1 Human trafficking, 13.13 Forced labour, 15.3 Trafficking in human blood and organs, 16.4 Forcing children to beg, 16.6 Trafficking of children, 16.9 Promoting pornography involving children, 16.10 Intolerable child labour, is considered to affect negatively the integrity of the legal decision. For instance, the court has imposed 3 years and six months of imprisonment for sexual exploitation of a victim from the age of 16 for 14 years and seven months, and the Capital City's Appellate Court for criminal cases considered it appropriate<sup>51</sup>.

Article 16.6 of the new Criminal Code stipulates that the selling of one's own children, adopted children and/or children under custody, which does not amount to a criminal offence under Article 13.1, shall be punishable by a fine of 100,000,000 to 400,000,000 MNT (40,700 USD to 162,800 USD), or by imprisonment for a term of two to eight years. But its distinction from the crime of human trafficking is not clear, and no case has been criminalized and resolved by the court.

**108.119. Enhance measures to combat trafficking in persons, particularly women and children, through proper investigation and prosecution in all cases of human trafficking (Malaysia)**

In progress. Please see the related information in 108.116, 108.117.

**108.120. Allocate all necessary human and material resources to combat human trafficking (Honduras)**

In progress. Article 6.1 of the Law on Combating Human Trafficking stipulates the establishment of a Sub-council mandated to combat and prevent human trafficking, provide guidance and monitor the implementation of the Law. The Sub-council operates under the Crime Prevention Coordinating Council, and only one officer is in charge of combating human trafficking. Its activities are limited to monitoring

the National Programme for the implementation of the Law. In 2015 the Criminal Police Department of the National Police Agency approved to set up a “Division for Combating Human Trafficking” with 2 criminal representatives, and in 2017 approved it to have one head and four criminal section representatives. But there is no integrated national policy, organization, structure, or allocated budget.

**108.121. Take budgetary, administrative and legislative measures to guarantee access to witnesses and victims of trafficking in persons to legal aid, protection and rehabilitation services (Mexico)**

In progress. Section 16.3 of Article 16 of the Law on Combating Trafficking in Persons determines the activities on which funding to be spent. This includes funding of shelter houses, research, training, advocacy and support to non-governmental organizations that combat trafficking in persons<sup>52</sup>. The provision of the Law, however, has never been implemented.

To date, social assistance and social reintegration services have been provided to victims of human trafficking by non-governmental organizations with the support of international organizations. Government organizations do not allocate and expend budget for the protection of victims. The abolition of the Takhar Office, or government agency responsible for the protection of victims and witnesses, was a backward move in the provision of protection to victims and witnesses of multinational crimes. The expenses of workers in organizations providing service to victims are not covered.

**108.122. Continue to provide adequate human and other resources to its anti-human trafficking programmes (Philippines)**

In progress. The “National Program on Combating Human Trafficking” was approved by a Government Resolution in 2017 for a period of four years. In 2018 a budget of 709 million MNT (around 300,000 USD) was approved, and funding of 97 million MNT will be allocated to 8 NGOs that work in this area<sup>53</sup>. It is merely a policy document that describes the scope of activities and designates the implementing agency.

The Crime Prevention Sub-Council under the Crime Prevention Coordinating Council is responsible for implementing the program at the national level; has 25 representatives from government organizations, NGOs and international organizations, is headed the Deputy Minister of Home Affairs and Justice, and has 2 officers. In 2015 the Criminal Police Department of the National Police Agency approved to set up a “Division for Combating Human Trafficking” with two criminal section representatives, and in 2017 expanded it to have one head and four criminal representatives. It does not have branches in rural areas. In 2017 it was changed to the Department for Combating Organized Crime and Human Trafficking with 23 positions<sup>54</sup>.

For the implementation of the national programme on combating human trafficking, work undertaken by the Ministry of Foreign Affairs has been important, including training on “Crimes of human trafficking and consular matters”, translation of respective international treaties and protocols into Mongolian and their publication in *Turiin medeelel* (State Gazette), and organization of bilateral meetings<sup>55</sup>.

**108.123. Provide training to stakeholders involved in the administration and delivery of justice, to prosecute trafficking in persons pursuant to the new regulating framework, Article 113 of the Criminal Code, especially to ensure investigation of all allegations of trafficking in persons, including those against law enforcement officials and to implement mechanisms for compensation and rehabilitation of victims (Mexico)**

Not implemented. Please see the related information in 108.117. Based on statistics for 2014-2017 the Police Department investigated 29 alleged cases of human trafficking (Article 113 of Criminal Code), and three perpetrators were sentenced. Article 13.1 of the new Criminal Code specifies all forms of trafficking in persons and imprisonment for a term of two to eight years and a twice longer period of imprisonment under aggravated conditions. However, Article 12.3 on sexual exploitation has created difficulty in detection, investigation and prosecution of human trafficking cases. It is imperative to give a common understanding to law enforcement officials on the distinction between Articles 12.3 and 13.1 of the new Criminal Code due to the general approach among judges to treat in-country human trafficking cases under article 12.3 on sexual exploitation. This results in a misconception that trafficking in persons occurs only abroad. According to the statistics from the Gender Equality Center for 2017, 62 per cent of victims of human trafficking are victims of in-country sexual exploitation. Thus, the loophole must be eliminated.

**108.124. Continue the reform of the judicial system in line with Mongolia’s international commitments (Russian Federation)**

In progress. Under the judicial reform, a set of laws was enacted in 2012. The budget of the judiciary is directly submitted to the Parliament for approval, and the court budget and salaries of judges have been increased. There have been numerous measures undertaken including the establishment of specialized courts, the introduction of the merit principle in judicial selection, the status of the judicial administration and citizen’s representatives, balancing the court workload, and enhancing the transparency of court decisions. The arrangement of the new judicial structure, which did not consider the overall legal system and citizens’ views, was revoked by decision of the Constitutional Court. Despite the selection of an independent judicial administration, the redundancy of members of the Judicial General Council, imbalance in power, disputes around the appointment of judges still raise the need to accelerate judicial reform.

**108.125. Further improve access to legal aid through the established centres in all provinces by providing them with necessary financing and qualified human resources (Lithuania)**

In progress. The state budget for Legal Aid Centres was 846 million in 2016, 891 million in 2017, and 907 million in 2018. There has been no cut in the state budget for this. The current position is to increase the number of public defenders based on their work load<sup>56</sup>.

**108.126. Ensure independent and effective investigations in cases of torture and ill-treatment in order to combat impunity in such cases, and to ensure that victims of torture obtain adequate compensation and rehabilitation (Germany)**

In progress. Please see 108.72 for information on investigation system.

**108.127. Ensure that all perpetrators are prosecuted and victims have access to immediate redress and protection (Lithuania)**

In progress. The new Criminal Code came into force on 1 July 2017. It includes a provision on release from punishment for mild offences and mitigation of punishment for serious offences in certain cases, but information related to its application is not available. The closing of the Takhar Office established in 2013 for the protection of victims was a regression.

**108.128. Establish a comprehensive framework on juvenile justice which is in conformity with international standards (Sierra Leone)**

In progress. Article 18 of the new Criminal Procedure Code specifies the rules of procedure for juvenile suspects, accused and defendants. Article 18.2.2 states “to respect the dignity, to consider the age and to provide the opportunity for rehabilitation and correction of mistakes when dealing with juvenile defendants”. According to the Law on the Protection of Children a Committee on the Rights of the Child has been established next to the Family and Youth organization at the *aimag* and district level. The structure of the Legislative Committee and its operation procedures have been approved by the Minister of Justice and Home Affairs, which govern investigators, prosecutors, judges, lawyers, court decisions, children's families, welfare and education and NGOs. A new legal environment has been created for the protection of the rights of witnesses, victims, suspects of children and the subsequent operation of the case.

Approval of the structure and procedure of the Committee by the Minister for Justice and Home Affairs and the Minister for Labour and Social Protection created a new legal environment where investigators, prosecutors, judges, advocates, court decision enforcement agencies, organizations for family and children, social welfare, health and education, and non-governmental organizations collaborate during and after the trial of cases of juvenile witnesses, victims and suspects. According to information from the General Police Authority, during the period from 1 July 2017 to October 2017 after the new and revised laws took effect, there were 231 juvenile cases out of which 55 per cent were juvenile delinquencies. 67.5 per cent of them were thefts, robbery, fraud, and 18 per cent were offences against the health and safety of others. During this period 199 juvenile suspects were investigated out of which 73 per cent were aged 16-17. 38 per cent had committed group crimes. 38 per cent had committed a gang crime. 38 per cent of 691 children who were attacked were female, 8 per cent died, 26 per cent were aged 8-13. The Court trial report of the General Judicial Council for third quarter in 2017 states that, with the amendment to the Criminal Code, 34 minors were released from punishment. The Law to Combat Domestic Violence assigns the responsibility for provision of legal assistance to children affected by domestic violence to governors of all levels and non-governmental organizations. In July 2017 the Ministry of Justice and Home Affairs (MoJHA) developed a project on a “Protection standard for juvenile witnesses and victims” and submitted it to the Organization for Standardization. The General Policy Authority reports that 58 rooms are in use for interrogation of juveniles to protect their rights and to prevent against torture and ill-treatment.

The special department is working under the Investigation Division to investigate juvenile cases subject to torture and ill-treatment by officers in charge of registration and investigation of cases. In the last 2 years, no cases were recorded. The recent reform in the set of laws established a foundation to bring a juvenile justice system closer to international standards. However, there remains the question of its implementation, promotion and usage. For instance, content on the juvenile justice system was not fully addressed in the training program for law enforcement and court officers. There is also insufficient data and information on committees, newly established in districts and *aimags*, for providing legal services in the juvenile justice system. Thus, parents, guardians and especially juveniles lack knowledge of their privileges provided by the law.

**108.129. Continue to take steps to prevent and fight corruption to bring about equitable and sustainable growth for its people (Singapore)**

In progress. The Parliament adopted a National programme to fight against corruption, and the Government approved an action plan within the framework of its implementation. In the Criminal Code a separate chapter on “crimes of corruption” has been added, and Article 22.5 on “Offer of bribery” states that a voluntary disclosure of bribery by a citizen who has been obligated to give bribery in return for public service releases the offender from punishment and maintains the public services. This has been a progressive legislative provision. Nevertheless, there is a need for intensive measures as negative social phenomena due to corruption continue to exist.

**108.130. Investigate all cases of corruption in the judicial system (Lithuania)**

In progress. Please see some of the related information in 108.129. Related information could not be obtained, and the independence of the resolution of new cases from politics is doubtful. The frequent adoption of the Law on Amnesty affords impunity to offenders of such crime and provides them the opportunity to convert illegally earned money into legal money. This has to be remedied.

**108.131. Harmonise its national legislation regarding freedom of expression with the International Covenant on Civil and Political Rights, and ensure the independence of the Regulations Commission of Communications (Switzerland)**

Not implemented. The Globe International Center conducted an analysis of the domestic legislation and produced a Legal Handbook for policy and decision makers, which was delivered to the Parliament and MoJHA. The concept and draft Law on amendment to the Law on Telecommunications is available. On 20 February 2017, GoM adopted a Public Policy on Guidelines for Development of Information and Telecommunication by its Resolution No 47. Provision 3.2.1 of the policy states its goal as being "To improve the legal acts in the information and telecommunication sector through their harmonization with Mongolian law and international conventions and their enforcement". However, it does not mention assurances to the independence of the appointments of the chair and commissioners of the Communications Regulatory Commission. Law concept and draft law are posted in the government website for public commentary<sup>57</sup>.

**108.132. Ensure that laws and regulations related to freedom of expression fully comply with Mongolia’s obligations under the ICCPR and consider decriminalizing defamation (United States of America)**

In progress. Please see the related information in 108.131. In accordance with the provision 1.4.4 of new version of the Criminal Code, “No criminal offence shall be imposed for a person’s opinion and faith”. The new version of the Criminal Law repealed libel and slander. Now, it is a part of the Offence Code.

Article 11.2 of the new version of the Criminal Code states that new regulations on protecting victims of violence, or those forcibly threatened, or those whose honor and dignity have been damaged. In cases when a victim’s health is seriously damaged, the perpetrator’s right to movement shall be restricted or (s)he will be imprisoned.

Globe International Center reports that the Mongolian courts heard a total of 110 civil and criminal defamation cases in 2016-2017. A total of 14 of these are criminal cases. Regarding civil defamation cases, there were 12 cases in 2016 and 12 cases in 2017 that were against journalists and the media. In 2016, one criminal case was against media and journalists, while in 2017 there were no criminal defamation cases. This can be attributed to the Offence Code that became effective on 1 July 2017.

Article 6.21 of the Offence Code reads “In case, if false information defaming honor, dignity and business reputation is disclosed to the public, or disseminated through media and social media, a person shall be fined with two million MNT (2,000,000 MNT or 840 USD) and a legal entity shall be fined twenty million MNT (20,000,000 MNT or 8,400 USD).

In practice, there is significant risk that the Offence Code can be used for the purpose of economic censorship. Police officers are authorized to investigate defamation cases in accordance with the Offence Procedure Code which was passed on 8 May 2017. The police received a total of 230 defamation complaints from 1 July 2017 until 20 March 2018<sup>58</sup>. A total of 95 of those were against media and journalists. The police redressed 49 complaints and imposed 98 million MNT.

#### **108.133. Guarantee freedom of expression, including on the Internet (France)**

In progress. Positive actions have been taken towards registering the rules and procedures of the CRC in the Unified System of the MoJHA. At the moment, five procedures regulating the technical issues of the broadcast media are registered in the Unified System<sup>59</sup>.

However, the government resolution No 1 of 2013 entitled “Unified System of Web site Comments” is still valid. The CRC’s procedures obliging the IP address of the user to be open and use of the world filtering have remained.

#### **108.134. Ensure full respect of human rights, including the right to privacy and the right to freedom of expression, in all aspects of internet regulation, and adherence of any restrictions of those rights to the principles of legality, necessity and proportionality (Germany)**

In progress. Please see the related information in 108.131 and 108.132.

#### **108.135. Ensure that journalists, media workers as well as civil society activists are able to practice their activities freely without any fear for punishment in accordance with international standards (Estonia)**

In progress. Journalists and media workers, and human rights activists, still lack legal protection. The draft Law on Human Rights Defenders is available by initiative of the National Human Rights Commission, and with support of the Open Society Forum it is expected to be submitted to the Parliament by some MPs. Besides this, there have been some positive actions taken in legal and public policies.

Article 14.2.1 entitled “Interruption of the citizen's right to seek and receive information” of the new Criminal Code' reads: “In cases where implementation of a citizen’s right to seek and receive information is interrupted forcibly or by threatening forcible means, a fine equal to 450,000 unity to 2,700,000 MNT shall be imposed, or community service from 240 hours to 720 hours, or mobility rights shall be restricted from one to six months”.

It is a mark of progress that the National Anti-corruption Programme was adopted on 3 November 2016. Provision 4.1.8.2 reads: “To create the legal regulation to protect journalists who reported corruption and abuse of power by investigations, from any forms of pressures and oppression, change the criminal penalty because of the journalists’ professional activities and create regulation to protect their safety”. The Action Plan on the Implementation of the National Anti-corruption Programme was approved by Government Resolution No. 114 on 12 April 2017.

**108.136. Decriminalize defamation and put in place safeguards ensuring that criticism of or reporting on the activities of state and regional authorities do not lead to persecution or harassment (Czech Republic)**

Not implemented. Please see the related information on defamation in 108.132. In 2017-2018, Globe International Center, in cooperation with the Mongolian National Commission of UNESCO, has signed MoUs with the General Judiciary Commission, the General Prosecutor's Office and the Mongolian Bar Association to conduct capacity building training for judges and prosecutors on journalism and on the professional rights and safety of investigative journalists. The training of trainers was conducted in April 2018. Study conducted by Globe International Center reports 182 violations of the rights of journalists in 2017. 61 per cent is related to pressure from court and law enforcement agencies, 14 per cent – refusal to provide information, 11 per cent – threats, 6 – force to disclose sources of information, 4 – censorship and 4 – attacks of professional work tools and equipment.

**108.137. Decriminalize defamation and place it under the civil code in accordance with international human rights standards (Ireland)**

In progress. Please see the related information in 108.132.

**108.138. Ensure that criminal defamation law is not used to silence critics, and protect journalists' sources and whistle-blowers (Austria)**

In progress. Please see the related information in 108.131 and 108.132. Provision 4.1.5.6 of the National Anti-corruption Programme aims "to enable the legal environment for protection of whistle blowers and journalists".

**108.139. Implement a national plan of action that would strengthen the participation of women in the decision-making level of politics (Serbia)**

Not implemented. There is no independent programme.

**108.140. Strengthen its efforts to include women in decision-making processes and high level positions, and to ensure the inclusion of disabled persons in education and employment (Norway)**

Not implemented. It is still challenging for women to run for election. In addition, the relevant laws, programs, institutions, human resource and activities are lagging in effectiveness. For instance, local government offices for gender equality lack the approach, knowledge, skills and capacity. Political parties participating in elections on a national and local level fail to fulfill the quote for gender equality. After the State Great Khural and local elections, the majority of ministers, deputy ministers, state secretaries, agencies, and heads of branch units are male. Furthermore, the percentage of female representatives in rural areas is still disadvantageous to women. In the education sector among policy and decision makers, and at school management level the attitudes for special rather than inclusive education still prevail.

**108.141. Intensify its efforts in increasing women's representation in decision-making positions (Rwanda)**

Not implemented. Please see the related information in 108.140.

**108.142. Take measures to ensure participation of women in politics, including through affirmative action and quota requirements (Costa Rica)**



Not implemented. Please see the related information in 108.140.

**108.143. Continue strengthening successful social programmes to improve the quality of life of their people particularly the most marginalized (Venezuela)**

Not implemented. Social programmes implemented for vulnerable groups are often not targeted at improving the quality of life and fail to reach those who are in real need. The World Bank survey shows that 60 per cent of the beneficiaries of the welfare programmes are not those who are in need<sup>60</sup>. It is not clear from the government mid-term report whether the Family development promotion programme has been assessed, and based on statistics it does not appear that it is done on a human rights-based approach. Based on the assessment, a new "Methodology for Evaluation" was approved in January 2016. The implementation is supposed to be reviewed annually; however, the report is not open and accessible. Since the implementation report is not produced, it could be considered that the programme's implementation has not started yet.

There is no information on the public discussion of the methodology for "calculation of income using substitutes" for determination of poverty, as well as no information on independent experts' annual assessments. Only the methodology for "calculation of income using substitutes" is used to define the living standard. Although a unified database has been established, there is no information at all on how effective it is, how much it costs, how long it takes, how it is being used, and where it is open and accessible.

Employment contracts are mostly not used in the informal labor sectors, especially in the catering industry, trade and agriculture. The hourly work rate is differentiated by sectors; however, it does not cover all sectors. Due to low hourly work rates, even double-income couples, both working ten hours a day, cannot improve their quality of life. There is still a divide in hourly rates for the same position for foreign and domestic employees, and male and female employees in the same sector. This violates Conventions No. 100 and 122 of the International Labor Organization. The government is working on all these issues not on its own initiative, but under pressure from trade unions and some non-governmental organizations. The State Professional Inspection Agency does not regularly monitor and supervise the implementation of the labor legislation, that is not accessible, and the supervision of which report is not transparent and has no follow-up. The National Committee on Labor and Social Consensus at the Government and its local branches have no financial and methodological support to carry out their activities efficiently on a regular basis.

The work on the new drinking water supply and sewage in *ger* districts is not being done. There is a big difference between drinking water consumption and access among *ger* districts and apartment dwellers, as well as too great a disparity in sanitation. There is a big divide between *ger* districts and apartment dwellers also in drinking water price. The "National Programme on Improving Family Development and Protection" approved by Government Resolution No. 16 in 2016 will be implemented in 2016-2020 and will cover 25 per cent of the poor; however, the implementation is not sufficient. The household survey involving 28,470 people has been criticized for missing out necessary population groups due to faulty methodology. Therefore, the methodology needs to be changed.

**108.144. Undertake the necessary measures to ensure sustainable development in urban centers, ensuring that there is basic public services for the most vulnerable people, particularly migrants coming from rural areas (Spain)**

Not implemented. The government's decision to stop migration from the rural areas to the capital city does not stop the movement of citizens, but hides human rights violations, especially of the citizens from vulnerable groups. Citizens living in remote districts and *khoroos*, and in the vicinity of the Tsagaandavaa dumpsite, cannot access public services. They are "no-ones or nobodies" now<sup>61</sup> because they do not have any registration.

Due to the absence of a comprehensive State policy on the protection of people affected by mining activities, lack of implementation of some of the law in this regard, lack of accountability for non-rehabilitation of environmental damage, most of the territory suffers from overall degradation, desertification, soil degradation and a decreasing capacity of the pastureland. These lead to reduction of the biomass yield and are the main factors that lead to migration. Although the gap between the urban and rural development cannot be eliminated, there are no effective remedial measures to reduce this gap, and the state budget does not channel funds in this direction. Work has been done only within the framework of international credits and grants. For the migrants there is no assistance or plans or organizational arrangements on socioeconomic issues, such as their adaptation to the new environment and establishment of the basic livelihood and providing education and health services to them. No migrants-friendly policy documents exist. Since they do not register as newcomers they lack access to health and social services, have no access to schools or kindergartens, their rights are violated when they work, and they suffer from violence and harassment if they live in dormitories or with their relatives. The children and youth are subject to peer discrimination due to difference in cultural behavior. There is no incentive policy to move from urban to rural areas. Due to a lack of policy on migration as a result of mining development, and without a flexible budget allocation for education, health and social policies consistent with the mechanic growth of the population, the quality of and access to public services in rural areas is decreasing.

A study on "Occupational safety of workers in dumpsite areas" conducted by the Mongolian Women's Labor Support Union in 2017 shows that 90 per cent of those living in dumpsites sorting out the garbage were poor and 60 per cent out of them were not covered by social welfare and household surveys and cannot get the child money. A survey by the Gunj Center conducted in 2017 shows that 60 per cent of migrants to the capital city cannot receive health care. Out of them, 70 per cent considered UB city as an unfriendly and dangerous city for migrant women and girls.

**108.145. Consider strengthening the delivery of primary health care with national and subnational health systems, to expand coverage and access; and to address the challenges related to the health system (Bhutan)**

Not implemented. The health services are not accessible irrespective of distance.

1. A baseline study on strengthening primary health services at the national and regional levels has been conducted, however this study covers only the availability of health service personnel in health service organizations. The work plan based on the results of the survey has been developed; however, there is no information on its implementation in the government's report. Therefore, problems and failures still remain. Only study on human resources has been conducted.

2. The Family health group practices (FGPs), which are the closest services to the citizens, especially to the marginalised groups, are overloaded and understaffed. The FGPs produce reports on implementation of more than 20 government programs resulting in extensive paper work, yet they lack equipment, and often

provide services in non-designated premises. The FGPs are not reimbursed for providing services to the migrants and passersby, therefore they always suffer from budget shortage.

3. The equipment in regional medical and diagnostics centers are obsolete. For instance, in Khovd *aimag*, the disinfection equipment is outdated and has not been replaced, thus increasing the risk of spreading infectious diseases from the medical facility<sup>62</sup>.

4. Information on malnutrition, nutrition of children under 5 years of age, and information on anemia in pregnant and lactating women, which relate to the basic indicators of the health sector, is not transparent.

5. Lack of budget for drug cycles in the health organizations in rural areas results in regular shortage of the simplest drugs. This leads to risk as they buy the drugs from unlicensed and unprofessional drug sellers without any prescription, as if buying bread from the grocery store.

**108.146. Continue efforts to promote the rights of women and children, and address the still high level of maternal mortality (Nepal)**

In progress. The maternal mortality rate was equal to 32 in 2016 and 15 in 2017, indicating a decreasing trend. The study “Why mothers pass away, 2012-2015” on maternal mortality has been conducted with the participation of relevant experts who analyzed all maternal deaths in 2016 and made recommendations. Work on training of obstetricians and gynecologists domestically and abroad, and upgrading the equipment have been undertaken, as well as an assessment of the capital city maternity houses has been carried out regarding midwifery and obstetric infections which are the main causes of maternal mortality. Work on “Mother and Child, the National Reproductive Program”, and redefining the midwifery job description have been undertaken. The State Policy on Population Development (2016), which will be implemented until 2025, sets the goals of preventing unwanted pregnancies and early birth giving among adolescent girls. The National Program on Motherhood, Child and Reproductive Health (2017) also aims to increase the birth rates among adolescent girls to 30 per 1000 live births by 2020. It is highly appreciable that the issue of prevention of adolescent girls from unwanted pregnancies and early birth giving has been considered at the state policy level. However, unfortunately, the rate of girls giving birth is not decreasing. 79,900 children were born in 2016, of which 4.8 per cent were borne by girls aged 15-19. Compared to the previous year in 2015, the birth rate of adolescent girls has increased by 244 points. Out of the total number of girls aged 15-19, 3.3 per cent of them are giving birth. Out of 549 children covered by a survey in Ulaanbaatar city, 12.4 per cent admitted that childbirth is one of the key issues of sexual and reproductive health of adolescents.

**108.147. Continue efforts to reduce maternal morbidity (North Korea)**

In progress. Please see the related information in 108.146.

**108.148. Continue efforts in taking practical steps to further reduce the rates of maternal mortality, particularly in the rural areas (Singapore)**

In progress. Please see the related information in 108.146.

**108.149. Continue making efforts to reduce disparities between rural and urban areas related to infant mortality rates (Honduras)**

In progress. According to the Health Indicators report, 2016, produced by the Health Development Center at the Ministry of Health, the infant mortality rate was equal to 2.5 per 1,000 live births; 2.3 in rural areas; and 2.6 in the capital city; the national average mortality rate for under-five year olds was 20.8. These indicators are increasing since 2012 by 0.2-3.5 points per year. The urban and rural disparity was equal to 0.2-3.8 points in the last 2 years. The project on distance diagnostics to assist mothers and their children is being implemented; the electronic conferences involving each *aimag* are held on challenging issues related to child care and services, and professional and methodological advice is provided. According to the Government's Resolution No. 215 of 2016 a 3-day paid leave has been provided to the working parent or guardian to look after a child under 5 years of age who is suffering from influenza in a hospital or at home. The guidelines on surfactant treatment are approved by Order A 102 of 2017, and the hospitals have been tasked to allocate funds in their annual budgets and to oversee the implementation of the allocation. According to Resolution No. 1 of 2017, 30 kinds among 10 types of drugs for children under the age of five are provided with a 100 per cent discount on the cost of the health insurance fund, and 29,440 children have received the drugs for 457 million MNT.

In *aimags* with high maternal and infant mortality rates, the experienced physicians have worked on an exchange basis and conducted the workplace training. The information to the citizens on "Unwanted pregnancies", "Family Planning", "Dangerous signs during pregnancy", "Importance of Antenatal Care" and "Common Diseases of Pregnant Women" have been disseminated through social networks.

Under the "Distance diagnostic project" for maternal and newborn care" project implemented jointly by the Ministry of Health and the UNFPA, new equipment totaling 1.2 billion MNT has been purchased.

#### **108.150. Continue improving the "One Mongolia" open national education programme (Latvia)**

Not implemented. There is no information on the implementation of the "One Mongolia" open national education programme approved by Government Resolution No.105 in 2014.

#### **108.151. Continue efforts in order to ensure the right to education for all children (Romania)**

In progress. In order to improve the legal framework to reduce and prevent violence in schools, procedures on "Prevention against Violence in Schools and Dormitories" and "Continuous general education for child victims of domestic violence", as well as projects on "Child protection policy for educational institutions", and "The Standard for dormitories of general secondary education", have been developed. Research was conducted on online bullying and harassment that teenagers face. There are 20 general secondary schools in the capital that work in three shifts. The nationwide plan for 2018 is to build 55 schools and extensions to 38 schools.

Many of the schools built in the period 1960-1980s are old and do not often meet the required standards. But there is no establishment of new schools based on population growth, migration and settlement regions. A case study conducted by the Mongolian National Coalition for Education mentions that despite the approval of respective regulations and procedures at the ministry level, there is no knowledge at the primary and secondary levels among teachers, social workers, managers and deans of schools, no training conducted on the enforcement of regulations and procedures, and there is a common, negative tendency to consider it the responsibility of social workers. A study in 2017 supported by the UN Children's Fund on the current water supply and sanitation system of state kindergartens and schools found that 639 state

schools and 54 per cent of the 131 non-state schools were linked to the central supply. Nationwide 11 per cent of the total number of schools do not use reliable sources of water.

138 schools not linked to the central supply spend at least half an hour to carry water and use the traditional squat toilet. Half of rural schools do not have access to a central supply from well water sources. According to the MNS5924:2015 standard, toilets have to be built at 15-20 meters of distance, but 151 schools have toilets farther than 70 meters. This puts children at risk of cold, freezing and assault.

**108.152. Redouble its efforts in finalizing the Draft Law on the Rights of Persons with Disabilities to guarantee the promotion and protection of rights of disabled persons, in particular to ensure their participation, to increase their employment, and to enhance their rights to education (Indonesia)**

In progress. It is commendable that the Law on the Rights of Persons with Disabilities was enacted. However, 27 months have passed since then, and due to a lack of commitment, decrees, regulations, and procedures necessary for its enforcement have still not been approved. In practice the Law has not been enforced yet. Respective ministries stated that they were working on its development. In order to make progress in the promotion of the rights to education it is necessary to establish an inclusive education system and reject a segregate, special education system. However, no real progress has been made with previous laws, regulations and procedures still in force. No progress has been made in the promotion of the right to education.

**108.153. Continue its efforts in favour of persons with disabilities (Argentina)**

In progress. Please see the related information in 108.152.

**108.154. Adopt specific legislation to address all kinds of discrimination, particularly taking into account the rights of persons with disabilities and older persons (Turkey)**

In progress. Please see the related information on the elimination of discrimination in 108.19. The Law on the Rights of Persons with Disabilities was enacted on 5 February 2016, and the revised Law on the Elderly was approved on 26 January 2017. But there is a lack of commitment to enforce the laws and the old approach to work still persists. Article 6 of the Law on the Rights of Persons with Disabilities deals extensively with issues of discrimination but is ineffective as it omits penalty in cases of discrimination. The Offence Code imposes a fine of 300,000 MNT (125 USD) for discrimination of children with disabilities.

**108.155. Increase the input in education and give importance to inclusive education for disabled children to ensure their healthy development (China)**

In progress. The transition is being made from a health and welfare model to a social model. According to Government Resolution No.200 in 2016 “Branch Commissions for Health, Education and Social Welfare of Children with disabilities” in rural areas have a mandate to determine whether a child is disabled, and may provide education, health services and social welfare if necessary. In 2017 the service was provided to 2,185 children, and 200 members of the Commission received capacity building training and workshops. A National Development Centre for Children with Disabilities is currently under construction with a grant of 60 billion MNT from the Government of China. The National Center will have an outpatient rehabilitation center with 250 beds and will provide services including identification of developmental delay in children, early rehabilitation treatment for children with disabilities, providing basic orthopedic support, and training for parents and families.

The Government policy on education for children with disabilities does not comply with the policy on inclusive education. Following the Law on the Rights of Persons with Disabilities, respective regulations and procedures on inclusive education must have been approved. There have been discussions on establishing a National programme for inclusive education during the past four years but work currently undertaken is directed towards support and development of special needs schools, and does not comply with the concept of “equal access to education”.

**108.156. Ensure equal access to education for children with disabilities, by improving public perception of their rights (Turkey)**

In progress. Please see the related information in 108.55. Creation and dissemination of a book to generate mindset in children and teenagers to support their friends with disabilities. A sign language book “Talking hands” for all junior high school students with complementary materials for parents and custodians has been a progressive step towards reducing discriminatory attitude towards persons with disabilities and improving relations in the society. However, many of the progressive measures based on a human rights approach are being undertaken by international projects and programmes.

On the other hand, the attitude towards children with disabilities among parliament members, officers of the Ministry of Education, Culture, Science and Sports (MECSS), heads of the local governor’s office and citizens representative *khural*, school deans, and parents remains unchanged. In particular, the specification of a state budget only for special needs kindergarten and schools in Order of the MECSS No.A/195 of 2017 is not in compliance with the principle of equal access to education. No work is done to change the current attitude.

**108.157. Continue to strengthen the educational system and ensuring equal access of disabled children to education (Lao People’s Democratic Republic)**

Not implemented. The Government of Mongolia still maintains the position of providing education to children and youth with disabilities through special needs schools. Development of and support for special needs schools and kindergartens are prioritized. The Law on the Rights of Persons with Disabilities incorporates the principle of “equal access to education” in compliance with international standards, but the old approach persists in its enforcement. Training for teachers on methods to work with children with disabilities has not been conducted, and ramps, signs, guide marks and toilets in schools remain inaccessible<sup>63</sup>. MECSS has established a department in charge of education for children with disabilities, but rural educational agencies do not have responsible officers. In order to develop and promote equal access to education in Mongolia, it is necessary to develop a long-term National Programme.

**108.158. Consider giving special attention to the rights of women and girls with disabilities, including their reproductive rights, the right to be free from violence, to work, to receive education and to participate in decision-making (Thailand)**

Not implemented. The Ministry of Labour and Social Welfare (MLSW), the Ministry of Education, Culture, Science and Sports (MECSS) and the Ministry of Health (MoH) jointly developed a National Programme “Support for the development and inclusion of persons with disabilities” approved by the Government on 29 November 2017. Proposals can be added to the plan through a council directly under the Minister, sub-councils next to the ministries and the governor’s office. However, the operation has not yet been

stabilized and has not yet generated any results. There are currently no activities for the inclusion of persons, especially women with disabilities in decision-making.

It is commendable that the Law on the Rights of Persons with Disabilities and National Programmes on Support for the Development and Inclusion of Persons with Disabilities have been approved; yet, they have not reflected any provisions on hospital and health services to women with disabilities, their empowerment, development, independence and self-reliance. Women with disabilities have poor knowledge or information on family planning and reproductive health. Women in wheelchairs do not have access to hospitals and do not have special beds for them during labour. Doctors and hospital staff treat them unpleasantly with offensive remarks such as “You can’t even look after yourself, can you take care of the baby?” Violations of tubal ligation and abortion committed by families occur among women with visual impairments.

The provision of utilities suitable for persons with disabilities in shelter houses included in the National Programme has not been applied yet. Women and girls with disabilities are heavily affected by all forms of violence and even rape because they are not able to defend themselves. Even so, police and social workers still lack an approach to work with persons with disabilities.

**108.160. Work together with UNHCR to ensure that asylum-seekers have access to their rights, particularly in compliance with the principle of *non-refoulement* (Uruguay)**

Implemented. In 2007 Mongolia signed a memorandum of understanding with the UN High Commissioner for Refugees (UNHCR), and has been collaborating since then in accordance with the respective laws and regulations. For instance, as of January 2018 the cases of 5 refugees were resolved in compliance with the respective legislation of 2017<sup>64</sup>. Officers from the MFA, MoJHA, NHRC, the Immigration Agency and NGOs participated in the UNHCR training on the protection of refugees in November 2017. In addition, joint training with the UNHCR on measures to take in relation to refugees during emergency situations for local organizations is planned for the fourth quarter of 2018<sup>65</sup>.

**108.161. Consider the ratification of the Minamata Convention and update article 4.1.23 of the Law on Minerals of Mongolia, which applies to small-scale mining, to secure mining rights to small-scale miners and formalize their operation as soon as possible (Hungary)**

In progress. Mongolia ratified the Minamata Convention on Mercury on 8 September 2015 in order to prevent the use of mercury, to protect the health of the people, and to prevent pollution of the surrounding environment and soil.

Within its implementation framework, the "National Programme on Combating artisanal gold mine emissions", is being implemented jointly by MNET and UNEP. The Global Environmental Fund spends 500,000 USD on project funding. A working group to draft a National Plan on Combating artisanal gold mine emissions has been established by Decree A/268 of 12 September 2017 by the Minister for Nature, Environment and Tourism as stipulated in Annex “C” to the Minamata Convention<sup>66</sup>. However, it has no significant impact on the adverse environmental and social impacts from the pollution caused by artisanal mining.

While mercury is commonly used by the artisanal miners in Selenge *aimag*, in Uvs *aimag*, there was a case in which a child poured and distributed mercury in school dormitories and kindergartens; this shows that the government cannot effectively control the import and consumption of mercury.

Work on amending Article 4.1.23 of the Minerals Law has not been carried out. However the "Procedures on extraction of minerals in artisanal mining" which was approved in 2010 by Government Resolution No. 308, has been revised and approved by Government Resolution No.153 in 2017. Although researching the possibility of joining the Voluntary Principles on Security and Human Rights initiatives and planning to make certain decisions, still the government is not yet engaged in any significant activities or concrete change. Therefore, it can be considered that two of the three measures have been implemented. Although the Parliament ratified the Minamata Convention on Mercury it has not approved the national program and budget for it. In order to formalize the activities of the artisanal miners, Article 4.1.23 on Artisanal Mining of the Minerals Law has been revised and amended, and the new procedures approved by Government Resolution 151 of 2017 is being implemented. While implementing these procedures, the *Aimag* Governors' offices have established a partnership with the pocket artisanal miners which are not in the target group.

**108.162. Develop a National Action Plan on business and human rights, for the implementation of the UN Guiding Principles on Business and Human Rights, with special attention to the situation of nomadic herders and access to remedy (Netherlands)**

Not implemented. The CSOs have repeatedly demanded the implementation of this recommendation; and the NGOs expressed their willingness to cooperate on the monitoring of the implementation of the recommendations given by the ICCPR Committee's 6th Report as this report is relevant to this recommendation. Nevertheless, no studies have been conducted on the United Nations Business and Human Rights governing principles, to develop a national programme for nomadic herding families' business, sources of living and pastureland protection. However, the government reported that studies are being conducted. This, however, appears unreasonable. Although the CSOs have undertaken impact activities since 2014 to join the Aarhus Convention this has not been supported by the Government; the Ministry of Foreign Affairs has done nothing except offering the explanation that it is still studying the issue.

In the case of adverse impact on sustainable development from business activities, and when rights are violated, the Law on the Administrative Court proceedings assures the right to appeal to the court for restoration of those rights. However, the State cannot protect its citizens from business activities because the knowledge and attitude of the judges to the public interest is still outdated and the judges work to protect the interests of the entities dismissing the claims. Often the influence of public bodies on the court is still strong.

**108.163. Join the Voluntary Principles on Security and Human Rights Initiative in order to promote respect for human rights in the provision of security for extractive industry activities (USA)**

Not implemented. The Government has accepted this recommendation. Although it means that there is an understanding to implement the recommendation there are no activities planned in the Action Plan for implementation of the Recommendation. The "Law on the Protection of Human Rights Defenders" has been drafted and a working group was established.

**108.164. Elaborate and implement a national action plan on the use of mercury in the artisanal mining sector in order to protect the health of workers involved in this sector as well as the environment (Switzerland)**



Not implemented. "Procedures on extraction of minerals in artisanal mining" was revised and approved by the Government Resolution No.153 of 2017. The issues that cannot be resolved by the Minerals Law and Procedures on extraction of minerals in artisanal mining have been reflected in the draft Mining Law. However, the approach in developing the draft was not human rights-based and governs more the relationship with the Mongol Bank regarding the sale of the extracted gold. There are no policies or actions dealing with oversight of extraction of other minerals other than gold, such as mining of fluorspar, coal, color stones and salts extracted by the artisanal miners, provisions for delivering the public services to them, or their transfer to other workplaces. It is impossible to register and monitor the profits of the resellers who use the name of the artisanal miners, just as it is impossible to determine the origin of the natural resources exported by the resellers and fully collect taxes. People with no income, no sources of living, and who lost their livestock, continue to do hard work for little pay.

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<sup>1</sup> HRF, "Indicators of and strategy for the implementation evaluation of UPR recommendations, joint workshop of HRF and UPR-Info NGO, 27-29 May 2015;

<sup>2</sup> B.Battogtokh (battogtokh1371@yahoo.com), group leader, civil and political rights, N.Bayarsaikhan (swb\_bayar@yahoo.com), group leader, economic, social and cultural rights, P.Tseveen (tzeveen@yahoo.com), group leader, children's rights, Sh.Ariunaa (ariunaa.shag@gmail.com), group leader, women's rights, Munkhtuya (munkhtuya@lgbtcentre.mn), group leader, working group against discrimination;

<sup>3</sup> Clarification delivered from MFA to HRF, Recommendation 108.17;

<sup>4</sup> Clarification delivered from MFA to HRF, Recommendation 108.18;

<sup>5</sup> Clarification letter delivered from MoJHA to HRF, Recommendation 108.41, 108.55, 108.56;

<sup>6</sup> Clarification letter delivered from MoJHA to HRF, Recommendation 108.23;

<sup>7</sup> Law Review, newsletter, issue no.21, 22, 23, 24, June 2018, www.forum.mn;

<sup>8</sup> Minutes of local meetings jointly organized by HRF and NHRC, regional and national meetings jointly organized by HRF and UPR-Info;

<sup>9</sup> Clarification letter delivered from MoJHA to HRF, Recommendation 108.30;

<sup>10</sup> Government resolution 362 of 2009 and 193 of 2017, www.legalinfo.mn;

<sup>11</sup> Clarification delivered from MFA to HRF, Recommendation 108.37;

<sup>12</sup> Clarification delivered from MFA to HRF, Recommendation 108.39;

<sup>13</sup> Clarification letter delivered from MoJHA to HRF, Recommendation 108.41, 108.55, 108.56;

<sup>14</sup> Provision 3.3.14 of the Action Plan: To implement a programme "Paid mothers" to improve the social security of mothers with children aged 3 and below, to create a legal environment which ensures that payment of social insurance premium is not interrupted;

<sup>15</sup> The purpose of the law is to regulate the payment of social benefits and allowances to pregnant women, mothers looking after children aged 0-3, mothers and fathers with twins aged 4 and below, single mothers and fathers with three and more children;

<sup>16</sup> Article 19 of the Law on Pensions and Benefits provided by the Social Insurance Fund, Parliament, 1994;

<sup>17</sup> Amended on 2 February 2017, to become effective on 1 January 2019 (Article 3.3 of the Law on Pensions and Benefits provided by the Social Insurance Fund);

<sup>18</sup> Concluding observations on the eighth and ninth periodic reports of Mongolia, CEDAW, CEDAW/C/MNG/CO/8-9, para 16;

<sup>19</sup> Please see vi, para 45;

<sup>20</sup> Clarification delivered from MFA to HRF, Recommendation 108.49;

<sup>21</sup> "Review of Program Design and Beneficiary Profiles of Social Welfare Programs in Mongolia", 2017, World Bank, Ministry of Labour and Social Protection;

<sup>22</sup> Clarification delivered from MFA to HRF, Recommendation 108.52;

<sup>23</sup> Article 14.1 of the Criminal Code, Parliament, 3 December 2015, www.legalinfo.mn;

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- <sup>24</sup> Report by LGBT Center to UN HRC, Articles 21, 22, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCO%2fMNG%2f24697&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCO%2fMNG%2f24697&Lang=en);
- <sup>25</sup> Clarification letter delivered from MoJHA to HRF, Recommendation 108.60;
- <sup>26</sup> Article 15.6 of the Criminal Code, Parliament, 3 December 2015, [www.legalinfo.mn](http://www.legalinfo.mn);
- <sup>27</sup> Integrated database of legal information, <http://www.legalinfo.mn/law/details/9617>;
- <sup>28</sup> Interview with an officer from the Ministry of Health, 22 May 2018;
- <sup>29</sup> Letter 1-3/3141 delivered from MoJHA to HRF on 21 June 2018;
- <sup>30</sup> 16<sup>th</sup> Report on Human Rights situation in Mongolia, NHRC, Side 144, NHRC, 2017;
- <sup>31</sup> Interview with Mr. Munkh-Erdene, Lieutenant Colonel and Head of Security, General Executive Agency of Court Decision;
- <sup>32</sup> Interview with Mr. Munkh-Erdene, Lieutenant Colonel and Head of Security, General Executive Agency of Court Decision;
- <sup>33</sup> Clarification letter delivered from MoJHA to HRF, Recommendation 108.82;
- <sup>34</sup> Article 17 of the Law on Police Force, Parliament, 9 February 2017, [www.legalinfo.mn](http://www.legalinfo.mn);
- <sup>35</sup> Clarification letter delivered from MoJHA to HRF, Recommendation 108.73;
- <sup>36</sup> Recommendations, UN HRC, para.21, file:///C:/Users/khishgee.OSFORUM/Downloads/G1724345%20(1).pdf;
- <sup>37</sup> Article 10, Provision 10.1.2.12 of the Criminal Code, Parliament, 3 December 2015, [www.legalinfo.mn](http://www.legalinfo.mn);
- <sup>38</sup> Provision 210 of the Law on Court Decision Enforcement, Parliament, 9 September 2017, [www.legalinfo.mn](http://www.legalinfo.mn);
- <sup>39</sup> Clarification letter delivered from MoJHA to HRF, Recommendation 108.82;
- <sup>40</sup> Clarification letter delivered from MoJHA to HRF, Recommendation 108.84;
- <sup>41</sup> Article 11, Provision 12.4 of the Criminal Code, Parliament, 3 December 2015, [www.legalinfo.mn](http://www.legalinfo.mn);
- <sup>42</sup> Article 11, Provision 12.1 and 12.1.2.3 of the Criminal Code, Parliament, 3 December 2015, [www.legalinfo.mn](http://www.legalinfo.mn);
- <sup>43</sup> Clarification delivered from MFA to HRF, Recommendation 108.89;
- <sup>44</sup> Clarification letter delivered from MoJHA to HRF, Recommendation 108.91;
- <sup>45</sup> Clarification letter delivered from MoJHA to HRF, Recommendation 108.98;
- <sup>46</sup> Clarification letter delivered from MoJHA to HRF, Recommendation 108.92;
- <sup>47</sup> Clarification letter delivered from MoJHA to HRF, Recommendation 108.98;
- <sup>48</sup> Article 11, Provision 11.7 of the Criminal Code, Parliament, 3 December 2015, [www.legalinfo.mn](http://www.legalinfo.mn);
- <sup>49</sup> Article 16, Provision 16.2, 16.6, 16.8, 16.9, 16.10 of the Criminal Code, Parliament, 3 December 2015, [www.legalinfo.mn](http://www.legalinfo.mn);
- <sup>50</sup> Provision 121 of the previous Criminal Code, Parliament, 3 January 2002, [www.legalinfo.mn](http://www.legalinfo.mn);
- <sup>51</sup> Court decision 95 on penalty, Bayanzurkh District Court, 12 January 2018, [www.shuukh.mn](http://www.shuukh.mn), Resolution 336 of 5 April 2018, the Capital City's Appellate Court for criminal cases;
- <sup>52</sup> Provision 16.3 of the Law on Combating Human Trafficking, Parliament, 19 January 2012, [www.legalinfo.mn](http://www.legalinfo.mn);
- <sup>53</sup> Clarification letter delivered from MoJHA to HRF, Recommendation 108.122;
- <sup>54</sup> Clarification letter delivered from MoJHA to HRF, Recommendation 108.122;
- <sup>55</sup> Clarification delivered from MFA to HRF, Recommendation 108.123;
- <sup>56</sup> Clarification letter delivered from MoJHA to HRF, Recommendation 108.125;
- <sup>57</sup> Government of Mongolia, <http://cabinet.gov.mn/news.php?n=503>;
- <sup>58</sup> Information from the National Police Academy;
- <sup>59</sup> Integrated database of legal information, [www.legalinfo.mn/law/?subcat=185&cat=35](http://www.legalinfo.mn/law/?subcat=185&cat=35);
- <sup>60</sup> "Review of Program Design and Beneficiary Profiles of Social Welfare Programs in Mongolia", 2017, World Bank, Ministry of Labour and Social Protection;
- <sup>61</sup> "Occupational safety of workers in dumping grounds", Association to support Mongolian Women's Labour NGO, Mongolia, 2017
- <sup>62</sup> Minutes of meeting in Khovd aimag;
- <sup>63</sup> "Children with disabilities and education", JICA institute, Mongolia, 2014
- <sup>64</sup> Clarification letter delivered from MoJHA to HRF, Recommendation 108.160;
- <sup>65</sup> Clarification delivered from MFA to HRF, Recommendation 108.160;
- <sup>66</sup> Letter 03/3584 of the State Secretary of the Ministry of Environment and Tourism to the State Secretary of the Ministry of Justice and Home Affairs.