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## **Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1**

### **Mongolia\***

The present report is a summary of 14 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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\* The present document was not edited before being sent to United Nations translation services.

## **I. Background and framework**

### **A. Scope of international obligations**

1. Amnesty International (AI) noted that Mongolia had yet to ratify several international instruments.<sup>2</sup> AI called on Mongolia to ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)<sup>3</sup>, the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,<sup>4</sup> the 1951 Refugee Convention, and the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>5</sup> The National Human Rights Commission of Mongolia (NHRCM) also recommended the ratification of the OPCAT and the ICCPR-OP2.<sup>6</sup>

2. AI expressed disappointment that Mongolia has not yet enacted legislation implementing its obligations under the Rome Statute to cooperate fully with the International Criminal Court and investigate and prosecute genocide, crimes against humanity and war crimes before its national courts. AI also noted that Mongolia has yet to ratify the Agreement on Privileges and Immunities of the International Criminal Court, which is vital to ensuring full cooperation with the Court.<sup>7</sup>

### **B. Constitutional and legislative framework**

3. Joint Submission 4 (JS4) noted Mongolia's reluctance to fully incorporate the concepts and principles of international human rights treaties into the national laws.<sup>8</sup> AI made similar observations.<sup>9</sup> The Centre for Citizen's Alliance (CCA) recommended that domestic legislation be in compliance with international treaties.<sup>10</sup>

4. Joint Submission 5 (JS5) noted that the lack of laws essential for human rights protection, the existence of laws inconsistent with human rights standards, and inadequate implementation of legislation were root causes of human rights violations.<sup>11</sup> It recommended that Mongolia develop laws key to the realisation of human rights, including laws on: protection of the rights of victims/witnesses; gender equality; and combating gender based violence.<sup>12</sup>

5. Joint Submission 3 (JS3) noted that the right to food was not guaranteed by the Constitution and recommended that Mongolia amend the Constitution to include a provision guaranteeing the right to food.<sup>13</sup> JS3 stated that, although several laws concerning food safety were in place, there was no holistic legislation that provided for protection of the right to food and prevented violation of this right.<sup>14</sup>

6. JS4 stated that the right to equal suffrage was not stipulated in the Constitution and legislation and recommended that Mongolia incorporate it in the Constitution and revise the legislation to ensure its conformity with this principle.<sup>15</sup>

### **C. Institutional and human rights infrastructure**

7. JS5 stated that public institutions and mechanisms responsible for human rights consisted of the Parliamentary Subcommittee on Human Rights, the National Human Rights Commission (NHRCM), and the Committee for the Implementation of the National Human Rights Action Plan.<sup>16</sup>

8. Joint Submission 1 (JS1) indicated that: (a) the Law on the NHRCM did not conform with the Paris Principles, (b) the selection and appointment of the NHRC members were politically motivated and (c) members lacked relevant human rights experience or expertise.<sup>17</sup> JS5 made similar observations and further noted that the Law did not ensure the independence of the NHRCM.<sup>18</sup> JS1 recommended to Mongolia to revise the Law on the NHRCM to ensure its conformity with the Paris Principles, to improve the nomination and selection process of members of the NHRCM in order to ensure their independence, human rights experience and expertise, and to authorise the NHRCM to investigate complaints on human rights violations.<sup>19</sup>

9. JS1 noted that the Constitutional *Tsets* (Court) which was established as a mechanism to ensure human rights protection, did not have the authority to review decisions of the Supreme Court, and was not given authority to review court decisions based on complaints by citizens over the issue of consistency of courts' decisions with the Constitution.<sup>20</sup> JS5 mentioned that citizens did not have a right to appeal to *Tsets*.<sup>21</sup>

#### **D. Policy measures**

10. The NHRCM noted the adoption of the National Human Rights Action Plan (NHRAP) in 2003.<sup>22</sup> According to JS5, NHRAP was developed with broad public participation. However, the NHRAP did not have much effect because of insufficient implementation and the lack of use of its oversight mechanisms.<sup>23</sup>

11. Joint Submission 2 (JS2) noted that Mongolia, in 2005, adopted the Program for the Protection of Women and Children from Human Trafficking and Sexual Exploitation and established a national council to monitor its implementation.<sup>24</sup> JS2 recommended revision of this Program and allocation of sufficient funds in the State budget for its implementation.<sup>25</sup>

12. Joint Submission 7 (JS7) noted that there were no economic or social programs and services to assist migrants from rural areas in adapting to urban life and in accessing education, health and social benefits. It also mentioned a need to develop and implement programs aimed at providing workplace and basic social services to migrants voluntarily returning home from overseas and for those deported back to Mongolia.<sup>26</sup>

## **II. Promotion and protection of human rights on the ground**

### **A. Cooperation with human rights mechanisms**

13. JS5 noted that timely reporting on the status of the implementation of human rights treaties and actions taken by Mongolia regarding recommendations of treaty bodies had been inadequate.<sup>27</sup> JS4 also noted the issue of timely reporting on the implementation of international human rights treaties.<sup>28</sup>

14. The NHRCM recommended that Mongolia invite the special rapporteurs on the right to food, on toxic waste, and on the right to health.<sup>29</sup>

### **B. Implementation of international human rights obligations**

#### **1. Equality and non-discrimination**

15. According to AI, discrimination on the basis of sexual orientation or gender identity was not prohibited in legislation, including the Constitution.<sup>30</sup> AI called on Mongolia to

ensure that discrimination on the basis of sexual orientation and gender identity is explicitly prohibited in legislation, including the Constitution.<sup>31</sup> Furthermore, AI called Mongolia to amend legislation to include a definition of racial discrimination in accordance with the definition in the Convention on the Elimination of all Forms of Racial Discrimination.<sup>32</sup> Joint Submission 8 (JS8) recommended that Mongolia enact an anti-discrimination law that explicitly reflects non-discrimination based on HIV/AIDS status, and establish a mechanism for monitoring the implementation of the anti-discrimination law.<sup>33</sup>

16. JS8 and Joint Submission 9 (JS9) recommended that Mongolia enact an anti-hate crime law to protect minorities from hate crimes, ensure privacy and confidentiality of information, emphasize education and conciliation, and provide for speedy and effective criminal, administrative and civil remedies.<sup>34</sup>

17. AI noted the information about discrimination against lesbian, gay, bisexual and transgender persons (LGBT), including being fired from employment or forcibly evicted on the basis of their real or rumored sexual orientation or gender identity and reported that in many cases, the victims did not seek support from the police due to fear of reprisal.<sup>35</sup> JS8 also claimed that discrimination and human rights abuses against LGBT were endemic in the public and private sectors, including by the police and the judiciary, health-care services, education, the housing sector and the media.<sup>36</sup> JS9 noted the discrimination against LGBT in the housing sector.<sup>37</sup>

18. JS9 referred to information indicating widespread discrimination in the workplace in both private and public sectors against LGBT, and noted that both sectors were actively engaged in the violations of LGBT's right to work. JS9 also noted reports of harassment, bullying, intimidation and ostracism of LGBT persons in the workplace. JS9 recommended that Mongolia guarantee non-discrimination based on sexual orientation and/or gender identity in the workplace and ensure that the Government and the private sector develop codes of conduct which translates human rights principles into codes of professional responsibility and practice.<sup>38</sup>

19. JS9 noted that same-sex marriages were neither registered nor recognized and recommended that Mongolia review the Family Law to provide for protection and assistance for consenting adults to marry and found a family without discrimination based on their sexual orientation.<sup>39</sup> Furthermore, JS9 and JS8 recommended that Mongolia ensure that a same-sex marriage that was legally recognised elsewhere was afforded the same status or recognition and legal and civil protection as heterosexual marriages.<sup>40</sup>

20. JS8 referred to the mandatory pre-vocation HIV/AIDS testing which violated the rights of HIV positive people to freely choose their employment. It recommended that Mongolia enact legal protections through an amendment to the Labour Law on non-discrimination in the workplace based on HIV-status in order to ensure employment security for people living with HIV/AIDS.<sup>41</sup>

21. JS10 noted that there was no condition in place for children with disabilities to study in a regular school: teachers were not trained; nursing and caring was impossible at school and that there was a negative public attitude towards children with disabilities. JS10 further noted that no school was provided with Braille books and speaking instruments. There were no lesson books for children with hearing difficulties.<sup>42</sup>

## **2. Right to life, liberty and security of the person**

22. AI noted that: a moratorium on executions of the death penalty was announced by the President in January 2010; and death sentences were commuted to 30 year prison sentences according to the President.<sup>43</sup> AI indicated that prior to the moratorium, the death penalty had been classified as a state secret under the legislation, and there were no official statistics on death sentences or executions. Families of those on death row had not been

notified in advance of the execution and the bodies of those executed were not returned to the family.<sup>44</sup> AI called on Mongolia to, inter alia, amend the legislation to abolish the death penalty in law and practice.<sup>45</sup>

23. JS1 noted the insufficient efforts made to bring the legislation in conformity with the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and to develop a legal framework that prevents and punishes torture.<sup>46</sup> AI called for amending legislation to define torture as a crime in accordance with the definition of the CAT.<sup>47</sup> It noted that a draft Criminal Code under consideration by the State Great Khural (Parliament) did not include a definition of torture that meets international standards.<sup>48</sup>

24. NHRCM recommended the establishment of a national preventative mechanism within its structure.<sup>49</sup> The NHRCM also found that it was essential to establish an independent monitoring mechanism within the structure of the Government which includes persons with disabilities and representatives of their organizations, and other stakeholders involved in the implementation of the Convention on the Rights of Persons with Disabilities and its Optional Protocol.<sup>50</sup>

25. AI noted that, in connection with the protest against allegations of widespread fraud in the 2008 parliamentary elections, police arrested over 700 people on the nights of 1 and 2 July 2008 and over 100 more in following weeks for alleged offences committed during the protest. According to AI, police used live ammunition and shot at least nine people, four people fatally and a fifth person died allegedly from smoke inhalation.<sup>51</sup> AI called on Mongolia to, inter alia; ensure that police are trained to refrain from using force, except in exceptional circumstances as set out in international standards.<sup>52</sup>

26. Regarding the riot of the 1 July 2008, JS1 claimed that police officers threatened and beat up detainees coercing them to testify against themselves and that many of these detainees were convicted for crimes that they had not committed. The victims of the 1 July 2008 events were charged with criminal offences based on photo copied files of witness statements and evidential materials.<sup>53</sup> AI noted that complaints of torture and other ill-treatment were consistently ignored or dismissed without adequate investigation.<sup>54</sup>

27. Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment was lawful in the home and that the provisions against violence and abuse in the legislation were not interpreted as prohibiting all types of corporal punishment in childrearing. According to GIEACPC, corporal punishment was prohibited in schools. In the penal system, corporal punishment was unlawful as a sentence for crime but it was not explicitly prohibited as a disciplinary measure in penal institutions. Corporal punishment was lawful in alternative care settings. GIEACPC further noted that proposals had been made to prohibit corporal punishment in care institutions in the revised Family Law.<sup>55</sup>

28. JS9 noted the reported cases of harassment and persecution of LGBT by the General Police Department and the General Intelligence Agency. It also noted that, according to information collected from the LGBT community, sexual violence against lesbian and bisexual women in particular and against transgender persons was common, and that domestic violence, including physical and psychological violence was the most common form of violence that LGBT faced.<sup>56</sup> AI also referred to reports of attacks against LGBT.<sup>57</sup> AI called on Mongolia to ensure thorough and impartial investigation into all allegations of attacks and threats against individuals targeted because of their sexual orientation or gender identity and to bring those responsible to justice.<sup>58</sup> JS8 and JS9 recommended that Mongolia amend the 2004 Domestic Violence Law to include specific references to domestic violence against LGBT and provide legal redress for those who become victims of domestic violence.<sup>59</sup>

29. JS9 recommended that Mongolia provide continued training for the law enforcement and judicial sectors on the prevalence of sexual and gender-based violence against LGBT and codify their obligation to uphold non-discriminatory and inclusive practices, including the preservation of dignity and confidentiality in their dealings with such victims of sexual abuse.<sup>60</sup> JS9 further recommended that Mongolia provide social services and support for sexual minorities who were victims of domestic violence, including state protective shelters for victims, medical care and psychological counseling.<sup>61</sup>

30. JS2 mentioned that in human trafficking cases, courts tend to rely on the Criminal Code provision, which relates to crimes committed by inducing others to prostitution or organising prostitution instead of using human trafficking related provisions. Additionally, about 85 per cent of investigated cases were dismissed by the prosecution because of lack of evidence.<sup>62</sup> JS2 further noted that the legislation did not provide for the protection of victims and witnesses of human trafficking cases.<sup>63</sup> It recommended that Mongolia adopt a comprehensive anti-trafficking law to address issues regarding the protection of and assistance to victims and witnesses of human trafficking, compensation and restoration of the reputation of victims, and prevention and combating of human trafficking.<sup>64</sup>

31. AI noted that overcrowding of prisons was recognised as an ongoing problem, which could lead, in some cases, detainees having to share a bed. It also noted shortcomings in the conditions of detention facilities, including poor ventilation and no access to drinking water in the cells.<sup>65</sup> AI called on Mongolia to, inter alia, review arrangements and resources, including funding, for the treatment and custody of all prisoners and detainees and allow thorough, impartial and independent inspections of prisons and other detention facilities to assist in ensuring that the conditions meet international standards.<sup>66</sup>

32. JS2 noted that young girls and women were vulnerable to cases of sexual exploitation and that Mongolia had not taken any steps either for the protection of victims or for assisting them, for compensating damages, restoring their reputation, or for their rehabilitation.<sup>67</sup>

### **3. Administration of justice, including impunity and the rule of law**

33. JS5 stated that the independence of the judiciary was not ensured and thus, the judiciary was not in a position to fulfil its obligation as guarantor of human rights and the rule of law. It noted that it was important to address the system of selection and nomination of judges, enforcement of ethics norms, and structural changes in judicial reform.<sup>68</sup>

34. JS1 noted that, while the police had the duty to notify members of a detainee's family or a relative or his/her lawyer within 24 hours of the detention or allow the detainee to contact his/her family, friends or lawyer, the police failed to implement this provision.<sup>69</sup>

35. JS1 indicated that the legal provisions that entitled a suspect or a defendant to legal assistance was not implemented and that interrogations were conducted in advocates' absence.<sup>70</sup>

36. AI indicated that following the riots of 1 July 2008, at least 11 complaints of torture and other ill-treatment were submitted to the prosecutor's office and all complaints were reportedly dismissed for lack of evidence. AI called on Mongolia to, inter alia: establish effective mechanisms for receiving complaints of torture or other ill-treatment, ensure that the Special Investigation Unit of the State General Prosecutor's Office is provided with adequate resources and funding to enable it to carry out prompt, independent, impartial and thorough investigations into allegations of offences involving human rights violations against officials; and take urgent steps to introduce video and audio monitoring and recording of all interrogations.<sup>71</sup>

37. AI further noted that the State General Prosecutor's Office began investigating the use of live ammunition by police during the 1 July 2008 riot. However, in February 2010, the State General Prosecutor's Office dropped the charges against ten police officers and four senior officials. While noting the fact that the families of those killed in the riot received compensation, AI stated that the offer of compensation to the families should not prejudice their right to take civil or other legal actions against the officials.<sup>72</sup> AI called on Mongolia to prosecute those suspected of human rights violations in line with international fair trial standards; and ensure that victims of crimes committed by law enforcement officials have access to an effective remedy and to receiving adequate reparation, including restitution, compensation, rehabilitation, and guarantees of non-repetition in accordance with international standards.<sup>73</sup>

#### **4. Right to privacy, marriage and family life**

38. JS8 noted that the confidentiality of HIV-positive status was not respected and recommended that Mongolia amend the Law on Health to ensure the protection of the confidentiality of people living with HIV/AIDS. JS8 further recommended the harmonization of the Law on HIV/AIDS Prevention with the Law on Confidentiality to ensure the right to privacy in relation to HIV/AIDS status.<sup>74</sup> Similarly, AI referred to reports of LGBT individuals being subject to surveillance such as being photographed and phones being tapped, arbitrary arrests and threats by law enforcement officials.<sup>75</sup>

39. While noting the absence of a provision regulating activities of cross-border marriage intermediaries, JS2 stated that mediation of marriages in Mongolia, especially young girls and women with foreign citizens for a certain fee was widespread.<sup>76</sup>

#### **5. Freedom of religion or belief, expression, association and peaceful assembly and right to participate in public and political life**

40. AI called on Mongolia to promote the rights to freedom of expression, association and assembly without discrimination to members of the LGBT community.<sup>77</sup> Similarly, JS9 recommended that Mongolia ensure the full enjoyment of freedom of association and peaceful assembly for members of sexual minorities.<sup>78</sup>

41. JS5 recommended that Mongolia create a legal environment conducive to the development, sustainable and independent activities of civil society organizations; legislate provisions to allow civil society organizations to carry out public interest litigation; and monitor the implementation of laws.<sup>79</sup>

42. With regard to election processes, JS4 noted that electoral committees continued serving the interests of political parties. It also noted the lack of transparency in election and political party financing, the use of public resources by ruling parties' candidates, and restrictions in independent monitoring of voter registration.<sup>80</sup> It stated that monitoring of election processes was carried out randomly and needed to be institutionalized by a legal provision ensuring effective independent monitoring.<sup>81</sup>

43. JS2 noted that Mongolian women who represented 51 per cent of the population made up 3.9 per cent of the legislative branch. It further noted that the provision requiring that the ratio between male and female party and coalition candidates should not be less than 30 per cent was annulled by the State Great Khural (Parliament) prior to the 2008 parliamentary elections. It recommended that Mongolia re-establish the provision of "no less than 30% women candidates" quota set for political parties.<sup>82</sup> NHRCM recommended that Mongolia ensure the participation of women and national minorities in decision-making through setting quotas in legislation.<sup>83</sup>

44. JS8 claimed that ethnic minorities were underrepresented or, in the case of the Dukha, were entirely absent from the policymaking sphere. It recommended that local,

regional and national government bodies develop mechanisms for ensuring the participation of ethnic minorities in policy making, including the introduction of quotas for *soum*, *aimag* and national *khurals* (*parliaments*) that reserve seats for ethnic minorities. Advisory networks, or systems that allow minority groups to nominate policy liaisons, should also be implemented at all levels of policymaking.<sup>84</sup>

45. JS7 stated that migrants from rural to urban areas were not able to exercise their right to elect and to be elected.<sup>85</sup>

#### **6. Right to work and to just and favourable conditions of work**

46. According to JS5, unemployment was not decreasing. The minimum wage established by the State was revised periodically but was not sufficient to cover even the most basic needs of the poor.<sup>86</sup>

47. JS2 stated that there were numerous cases of exploitation of Mongolian citizens by Mongolian and foreign companies and entities operating in Mongolia. Working conditions were inadequate and the pay was insufficient.<sup>87</sup>

#### **7. Right to social security and to an adequate standard of living**

48. AI stated that the *ger* districts in Mongolia suffered from poor access to basic standards of living and services, including inadequate housing, infrastructure, sanitation and drainage. AI welcomed the efforts of the Office of the Capital City Governor to address concerns of those living in *ger* districts in Ulaanbaatar.<sup>88</sup> In this connection, AI called on Mongolia to: combat direct and indirect discrimination against people living in *ger* districts by providing legislative and practical provisions to ensure their equal access to clean water, sanitation, healthcare, adequate housing, and education; and ensure the active participation of people living in *ger* districts in any upgrading, planning and budgeting processes that affect their lives directly or indirectly.<sup>89</sup>

49. JS3 stated that the Government continued to fail to provide its citizens with sufficient amount of safe, nutritious food, satisfying traditional dietary needs at reasonable and affordable prices. It referred to reports indicating that 60 per cent of households were undernourished. The right of citizens to food and to be free of hunger was violated owing to low income levels and high consumer prices on food products.<sup>90</sup>

50. JS3 further stated that due to the lack of experts and low technical capacity of laboratories, the overall quality of food has diminished leaving citizens unaware and consuming unsafe food, which results in food-poisoning and related digestive system diseases.<sup>91</sup> Similarly, NHRCM noted that loose quality controls over domestic and imported food products were shown by persistent cases of illness, poisoning and death.<sup>92</sup> JS3 recommended improving food safety monitoring and inspection capacity through technical improvement of laboratories and other inspection facilities.<sup>93</sup>

51. The Joint Submission 10 (JS10) further noted that as most medical services and drugs were costly, persons with disabilities could not access to quality medical service. Hospitals, sanatoriums and other medical facilities were not accessible to persons with disabilities.<sup>94</sup>

52. JS9 recommended that Mongolia ensure healthcare providers are informed about the physical and psychological issues that pertain to sexual minorities and that they must provide healthcare without discrimination or ostracism.<sup>95</sup>

53. According to the Joint Submission 6 (JS6), the use of toxic chemical substances in mining has led to contamination of soil and air in several settlements counting hundreds of dead and many more still suffering from various forms of illnesses.<sup>96</sup>



54. JS10 referred to problems experienced by persons with disabilities in accessing public services and buildings, including educational establishments and hospitals, and using public transportation because of the lack of adequate physical requirements of the buildings and public transportation.<sup>97</sup> It noted that many people with disabilities lived in the homes of relatives or in traditional dwelling *gers* with no heating, clean and hot water, or a toilet.<sup>98</sup>

55. JS7 noted that the movement of citizens from rural areas in search of better conditions and opportunities for education, health-care and improved livelihood has intensified since the 1990s, and continues to date. It stated that migrants from rural to urban areas had no access to decent housing and safe and adequate living conditions were not ensured for these citizens.<sup>99</sup>

56. JS7 further noted that migrants from rural to urban areas faced lengthy and bureaucratic registration process with local authorities to obtain residency ID's. Without registration migrants were denied the right to land, access to decent housing and medical care. These migrants lived in *gers* (traditional housing) that lacked access to water supply, sanitation and waste removal services.<sup>100</sup>

57. JS5 expressed concern at the high poverty rate, high level of unemployment, increased number of 'working poor' among employed people and increased number of poor, homeless and working children, and female-headed households.<sup>101</sup>

## **8. Right to education and to participate in the cultural life of the community**

58. According to JS7, children of migrants from rural to urban areas lacked access to kindergartens and primary schools. Schools serving these children faced overcrowding and had to work in three shifts. Parents who sent their children to a school with better conditions ended up paying additional money to cover the transportation cost.<sup>102</sup> AI noted that schools in *ger* districts were poorly resourced and maintained, and they reportedly had three to four daily shifts to accommodate the high number of students.<sup>103</sup>

59. JS8 further recommended that Mongolia review the secondary education and teacher training curricula in order to mainstream human rights, with particular attention paid to the inclusion of sexual minorities.<sup>104</sup>

## **9. Minorities and indigenous peoples**

60. JS8 stated that ethnic minorities remained culturally, linguistically, economically, and politically marginalised, and disadvantaged as compared with their ethnic majority counterparts in Mongolia. JS8 noted that public policy failed to effectively understand and respond to the interests of ethnic minorities.<sup>105</sup>

61. According to JS8, the lack of sufficiently trained minority-language educators, the shortage of minority-language textbooks and resources, and the absence of an effective minority-centred education policy hindered educational achievements among non-Mongolian speaking minorities.<sup>106</sup> JS8 recommended that Mongolia revise its implementation of education in minority languages, and ensure that the delivery of non-Mongolian language education adheres to the same standards and performance requirements as Mongolian language education.<sup>107</sup>

62. JS8 stated that ethnic minorities who qualify under international standards as indigenous or tribal groups were provided with no special rights or protections.<sup>108</sup> JS5 indicated that around 30 per cent of the population consisted of nomadic herders who were giving up their nomadic lifestyle and land, and were deprived of their rights to preserve their traditional culture.<sup>109</sup> JS8 recommended that Mongolia ratify ILO Convention 169 which recognises the special circumstances and entitlements of the indigenous and tribal groups.<sup>110</sup>

63. JS7 noted that the rights of indigenous people to live the traditional nomadic lifestyle and engage in nomadic livestock husbandry were violated, as their fertile pasture and hay and camp lands, and best fresh water source sites were lost to owners of mining licenses and concessions.<sup>111</sup> JS5 indicated that licences were issued on pasture land with no compensation for the loss of pasture. Herders that were pushed out of nomadic herding were forced to move to urban areas.<sup>112</sup> JS8 recommended that Mongolia adopt pro-ethnic-minority land tenure policy in consultation with minority groups to ensure that customary use of and access to pasture land is ensured.<sup>113</sup>

64. JS8 mentioned the lack of special protection for the Dukha reindeer-herding minority, whose reliance on hunted wild game for food was threatened by aggressive hunting laws that made no concessions for subsistence use of natural resources by minority groups.<sup>114</sup> It recommended that Mongolia, inter alia, award qualifying groups such rights and concessions as the privileged use of natural resources, particularly those on which groups have an historical, and subsistence dependence.<sup>115</sup>

#### **10. Migrants, refugees and asylum-seekers**

65. JS8 stated that ethnic minorities risked statelessness particularly noting documented cases of Kazakh individuals who became stateless as a result of moving between Mongolia and Kazakhstan in the early 1990s.<sup>116</sup>

#### **11. Right to development**

66. According to JS5, while the Government was taking hundreds of millions dollars in development credit and assistance aimed at reducing poverty, these measures were not achieving visible results. The reason behind this seemed to be the lack of a human-centred approach and the lack of participation of especially poor people in the design and implementation of development projects and programmes. Information related to development credit and assistance was not always available in the Mongolian language and not readily accessible making it difficult for people to participate in the implementation and monitoring of development projects and benefit from these in order to exercise their right to development.<sup>117</sup>

### **III. Achievements, best practices, challenges and constraints**

67. AI noted that a moratorium of the execution of death penalty was announced and no execution has been carried out in 2009.<sup>118</sup>

68. JS7 stated that the number of impoverished population who lost their herds during natural disasters, and those pushed out from their jobs due to inadequate mining regulations, was growing.<sup>119</sup>

69. JS5 noted that mining had an immediate and direct adverse impact on citizens' right to live in a safe and secure environment, protection from loss of ecological balance, right to preserve and transmit indigenous cultural traditions, right to water and decent standard of living, freedom of choice of livelihood style, right to information and participation in decision-making, right to social welfare and services, right to development and right to redress.<sup>120</sup>

### **IV. Capacity-building and technical assistance**

70. JS5 stated that Mongolia may need technical assistance in building capacity in relation to: introducing human rights based approaches into all levels of policy

development and programme planning; building capacity for analyzing the content and implementation of policies, programmes and laws from human rights perspectives; strengthening national human rights protection institutions and mechanisms; and establishing a fund for supporting the sustainability of civil society organizations.<sup>121</sup>

## V. Capacity-building and technical assistance

N/A

### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

#### *Civil society*

AI	Amnesty International*, London, U.K;
CCA	Center for Citizens' Alliance, Mongolia;
GIEACPC	Global Initiative to End All Corporal Punishment of Children;
JS1	Joint Submission submitted by: Centre for Law and Human Rights, Mongolia, NGO Coalition for Documentation and Protection of Human rights, and Coalition, "July 1", Mongolia;
JS2	Joint Submission submitted by Human Security Policy Studies Centre, Centre for Human Rights and Development, Human Rights Centre for Citizens, Mongolian Gender Equality Centre, The Asia Foundation, Advocacy Centre for Children, Mongolian Women Lawyer's Association and End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes Global Network;
JS3	Joint Submission by Huns (Food) Coalition, Centre for Human Rights and Development, and Steps without Border, Mongolia;
JS4	Joint Submission submitted by Women for Social Progress movement; Voter Education center; and Philanthropy Centre;
JS5	Joint Submission submitted by: Research Centre on Human Rights and Democracy; Citizens' Alliance Centre; Environmental Citizens' Council (Network of 300 member organizations); Land of My Mongolia; Coalition of Mongolian Citizens' Movements for Protection of Nature (Network of 15 member movements); Mongolia LGBT Centre; National AIDS Foundation; Itgel Foundation; Youth and Health Centre; ARULAR Association of Kazak women; Centre of Buriad Research; Mongolian Women's Foundation; Democracy Education Centre; Mongolian Women's Federation; Open Society Forum; Confederation of Mongolian Trade Unions; Mongolian People's Coalition for Food Sovereignty (Network of 20 member organizations); Oyu Tolgoi Watch; Human Rights Centre for Citizens; Voters' Education Centre; Law and Human Rights (NGO network on State of Emergency and Human Rights); MONFEMNET – Mongolian women's NGOs network; Princess Center; Mongolian National Children's Rights Centre; Mongolian Association of School Social Workers; Child and Litigation Centre; United Association of People with Disability; Association of People with Disability; Zorig Foundation; Environment and Health Centre; Steps without Border; Centre for Human Rights and Development; Globe International; Men's Association; Women for Social Progress Movement; Association of citizens with wheel chair; National Federation of for Protection of Tuul River; Human Security Policy Studies Centre; Gender Equality Centre; Consumers' Foundation.
JS6	Joint Submission submitted by: Open Society Forum; Human Rights – Development Centre; Steps Without Border; Network of Mongolian Environmental NGOs; Oyu Tolgoi Watch; Owners of Huvsgul Lake Movement; Mongolian Environmental Protection Federation; Ikh Baga Bayan Sharga; Salhi

Sandag; United Movement for Lakes and Rivers; Gachuurt Association; Mon-Ame Mongol-American Scientific Research Center; Onon-Ulz River Movement; Human Rights-Environment-Sustainable Development; Nature-Development Association; Ger District Century Association; Association of Combating Air Pollution; Center for Research of Air and Environment Pollution; Ger Stove Project Association; Global Air Pollution Reduction Sustainable Development Foundation; National Disaster Prevention Center; New Generation Leadership; Eguur – Ehnutag; Bright Perl; Save Mother Nature Foundation; Ambassador of Ecology; Eternal Green Life Association; Human Center Environmental Protection; Huduu Aral Movement; Asian Retired Association; Forest Research Student Union; Hongor Gobi; Green Gold Foundation; Association for Protection of Citizens from Crime; Summer Camp Friends; Nature Future Foundation; Ecological Education Centre; Nature Protection Youth & Student Association; Revered Root Association; Hairkhan Erdene Foundation; Mongolian Foundation for Protection of Desert and Steppe; Union of Mongolian Environmental NGOs; Teel Mandal; Climate Change, Renewable Energy Centre; Food Coalition; Parachute Association for Support of Nature Conservation; Technical Business Incubator Centre; Ecology Education Centre, National University of Mongolia; Selenge-Mother Ocean NGO; Baganuur, Toson Zaamar, Ariunsuvraga Coalition of Environmental Movements; Citizens' Cooperative for Protection and Restoration of Nature; Han-Uul District Association of Disabled Persons; and Animal Rights Protection Foundation;

- JS7 Joint submission submitted by: Human Rights Center to Support Citizens, Mongolia, Center for Gender Equality, Mongolia, Zorig Foundation, Mongolia, and Child Protection Center, Mongolia;
- JS8 Joint Submission submitted by: Arular Association of Kazakh Women, Itgel Foundation, Mongolian LGBT Center and National AIDS Foundation;
- JS9 Joint Submission submitted by: Mongolian LGBT Center and Sexual Rights Initiative;
- JS10 Joint Submission submitted by: Unified Federation of Disabled People's Organizations, "Aivuun," Equal Society," Association of the Wheel-chair users, New Messenger Association, and the City Council of Disabled People's Organization.

*National human rights institution*

NHRCM National Human Rights Commission of Mongolia, Ulaanbaatar, Mongolia.

- <sup>2</sup> AI, p. 3.
- <sup>3</sup> See also JS1, para. 6 of the recommendations' part.
- <sup>4</sup> See also JS7, p. 5.
- <sup>5</sup> AI, p. 7.
- <sup>6</sup> NHRCM, p. 5.
- <sup>7</sup> AI, p. 3.
- <sup>8</sup> JS4, para. 2.
- <sup>9</sup> AI, p. 3.
- <sup>10</sup> CCA, p. 3. See also JS5, para. 5.
- <sup>11</sup> JS5, para. 10.
- <sup>12</sup> JS5 para 41. See also JS6, para. 5.
- <sup>13</sup> JS3, paras. 5–29.
- <sup>14</sup> JS3, para. 6.
- <sup>15</sup> JS4, paras. 9–14.
- <sup>16</sup> JS5, para. 11. See also JS6, para. 4.
- <sup>17</sup> JS1, para. 15.
- <sup>18</sup> JS5, para. 13.
- <sup>19</sup> JS1, para. 5 of Recommendations' part, see also JS3. para. 32, JS5, para. 42.
- <sup>20</sup> JS1, para. 16. See also JS5, para. 7.
- <sup>21</sup> JS5, para 7.
- <sup>22</sup> NHRCM, para 2.

- 23 JS5, para. 14.  
24 JS2, para. 18.  
25 JS2, para. 19.  
26 JS7, paras. 12–22.  
27 JS5, para. 5.  
28 JS4, para. 2.  
29 NHRCM, p. 5.  
30 AI, p. 3.  
31 AI, p. 7. See also JS8, para. 14 and JS9, para. 6.1.  
32 AI, p. 7.  
33 JS8, para. 32.  
34 JS8, para. 16 and JS9, para. 6.2.  
35 AI, p. 6.  
36 JS8, para. 13.  
37 JS9, para. 19.  
38 JS9, paras 15 and 16.1.  
39 JS9, para. 28.1.  
40 JS9, para. 28.2 and JS8, para. 15.  
41 JS8, paras. 27 and 31.  
42 JS10, p. 4.  
43 AI, p. 3. See also NHRCM para. 7.  
44 AI, p. 4.  
45 AI, p. 7.  
46 JS1, para. 9.  
47 AI, p. 7.  
48 AI, p. 3. See also NHRCM, para. 8.  
49 NHRCM, p. 5.  
50 NHRCM, para. 17.  
51 AI, p. 4.. See also JS1, paras. 3–5.  
52 AI, p. 8.  
53 JS1, para. 25.  
54 AI, p. 4. See also JS1, paras. 5–6.  
55 GIEACPC, paras. 1.1–1.3.  
56 JS9, paras. 6–8.  
57 AI, p. 6.  
58 AI, p. 8.  
59 JS8, para. 19 and JS9, para. 10.4.  
60 JS9, para. 10.4.  
61 JS9, para. 10.5.  
62 JS2, para. 6.  
63 JS2, para. 7.  
64 JS2, para. 19.  
65 AI, p.4.  
66 AI, p. 7.  
67 JS2, para. 5–7.  
68 JS5, para. 17.  
69 JS1, para. 19.  
70 JS1, para. 18.  
71 AI, p. 7.  
72 AI, p. 4.  
73 AI, p. 8.  
74 JS8, paras. 29, 33, 34.  
75 AI, p. 6.  
76 JS2, paras. 14–15.  
77 AI, p. 8.  
78 JS9, para. 14.1.

- <sup>79</sup> JS5, para. 41.  
<sup>80</sup> JS4, paras. 3–5.  
<sup>81</sup> JS4, para. 4.  
<sup>82</sup> JS4, paras. 8–18, see also NHRCM, para. 15.  
<sup>83</sup> NHRCM, p. 5.  
<sup>84</sup> JS8, paras. 4–7. See also NHRCM, para. 19.  
<sup>85</sup> JS7, paras. 6–7.  
<sup>86</sup> JS5, para. 22.  
<sup>87</sup> JS2, para. 12.  
<sup>88</sup> AI, p. 6.  
<sup>89</sup> AI, p. 8. See also JS5, para. 24.  
<sup>90</sup> JS3, paras. 13, 14, 20.  
<sup>91</sup> JS3, para. 18.  
<sup>92</sup> NHRCM, para. 11.  
<sup>93</sup> JS3, para. 36.  
<sup>94</sup> JS10, p. 9.  
<sup>95</sup> JS9, para. 24.1.  
<sup>96</sup> JS6, para. 16.  
<sup>97</sup> JS10, pp. 2–3.  
<sup>98</sup> JS10, p. 8.  
<sup>99</sup> JS7, paras. 6–7.  
<sup>100</sup> JS7, paras. 13–15.  
<sup>101</sup> JS5, paras. 21–22.  
<sup>102</sup> JS7, paras. 24–25.  
<sup>103</sup> AI, p. 6.  
<sup>104</sup> JS8, para. 22, see also JS9, para 18.1.  
<sup>105</sup> JS8, paras. 3–4.  
<sup>106</sup> JS8, para. 5.  
<sup>107</sup> JS8, para. 8.  
<sup>108</sup> JS8, para. 6.  
<sup>109</sup> JS5, para. 30.  
<sup>110</sup> JS8, para. 10, see also JS6, para. 38.  
<sup>111</sup> JS7, para. 8, see also JS5, para. 30.  
<sup>112</sup> JS5, para. 31, see also JS3, para. 24.  
<sup>113</sup> JS8, para. 11.  
<sup>114</sup> JS8, para. 6.  
<sup>115</sup> JS8, para. 10.  
<sup>116</sup> JS8, para. 6.  
<sup>117</sup> JS5, para. 24.  
<sup>118</sup> AI, p. 3, See also NHRCM, para 7.  
<sup>119</sup> JS7, para. 8.  
<sup>120</sup> JS5, paras. 27–33. See also JS6, para. 16.  
<sup>121</sup> JS5, para. 45.
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