



INFORMATION ON THE STATUS OF HUMAN RIGHTS SUBMITTED TO THE UNITED NATIONS HUMAN RIGHTS COUNCIL

WHAT IS THE UNIVERSAL PERIODIC REVIEW?

The Universal Periodic Review (UPR) is a unique process which involves a review of the human rights records of all 193 UN Member States once every 4,5 years. The UPR was created by the UN General Assembly on the 15th of March 2006 by resolution 60/251. This resolution established the Human Rights Council, and authorized it to review the implementation of the obligations and commitments concerning the enjoyment of human rights by all citizens in the State under review. The review is based on objective information submitted from diverse stakeholders.

The UPR is unique in that it does not limit its review to certain treaties, but instead reviews the human rights condition of the State under review as a whole. Moreover, the process covers all member states despite the status of their ratification of human rights treaties. Currently, no other universal mechanism of this kind exists.

The ultimate aim of this new mechanism is to improve the human rights situation in all countries and to address human rights violations wherever they occur. The Council's method is designed to ensure equal treatment for every country whose human rights situation is being assessed, and, at the same time, to remind States of their responsibility to fully respect and implement all human rights and fundamental freedoms.

The UPR, a collaborative enterprise, affords the opportunity to exchange best practices and to provide technical support to improve the capacities of States to implement positive changes in the human rights situation worldwide. Furthermore, in accordance with the principle of equal treatment with respect to and cooperation among all states, the Human Rights Council works to provide technical assistance to states, promote sharing of best practices and learning from each other in the field of human rights, and enhance states' capacity to effectively deal with human rights challenges.

For more detailed information please visit websites at www.upr-mongolia.mn and <http://www.ohchr.org>.

THE MONGOLIAN HUMAN RIGHTS FORUM

Cartoons made for the 70th anniversary of the Universal Declaration of Human Rights by the National Human Rights Commission of Mongolia were used in the factsheets.

NATIONAL HUMAN RIGHTS MECHANISM



Mongolia received 13 Recommendations within the area of strengthening its human rights mechanism from the First and Second UPR cycles of the UN Human Rights Council, from which 5 Recommendations are deemed as fulfilled. To this regard newly adopted legislation aiming to ensure public participation, to promote and protect the rights of vulnerable groups, and to enhance transparency and accountability of the government are welcomed by the civil society.

ACTION POINTS

In 2017, the NHRC brought up an initiative to implement the Recommendation on adopting a law on human rights defenders, however the legislation is not approved to date. Forensic conclusions issued to the discovered corpse of a missing 20-year-old environmental protector, who was fighting to revoke a mining license issued on land inhabited by worldwide endangered snow leopards – health and safety being threatened several times before his disappearance – to be a “suicide”, to the sudden death at home of a female reporter covering corruption cases to be an “accidental death, by falling down without external influence” are testaments to improper investigation practices on assaults endured by human rights defenders in our country.

The draft legislation encompasses several important provisions to align the Law on the NHRC with Paris Principles. However, a merit for “high qualification in jurisprudence” as a competency requirement for a Commissioner of the NHRC is non-compliant with international standards.

Although the Recommendation to improve the implementation of the National Program on Promotion of Human Rights had been accepted, practical steps had not been undertaken. Furthermore, a decree by the Minister for Justice and Home Affairs, issued after the 2012 general elections, had dissolved the Secretariat of the National Human Rights Program Implementation Committee placed at the ministry, eventually leading to the disruption of committee operations and implementation of the national program all together. Actions to remedy the national program had not been undertaken ever since; moreover, a provision to abolish the said program is outlined in the proposed accompanying legislation under the draft Law on the NHRC.

Recommendations related to the adoption of legislation against discrimination and gender-based violence, and regulations on accountability and for recall of members of parliament are not implemented.

By the initiative from the President of Mongolia, endorsed by the Cabinet, amendments were made to relevant legislation enabling the National Security Council (NSC) to recommend suspension of judicial powers, premature termination of the General Prosecutor’s and its Deputy’s mandate, and removal of the Chief and Deputy Commissioners of the Independent Agency Against Corruption (IAAC) from office. In practice, Mongolian courts and prosecutors have been incapable of resolving numerous corruption cases related to illicit dealings with mining licenses and land titles, and to public procurement. However, the strive to resolve the situation by removing judges or prosecutors based on recommendations delivered from the NSC, which consist of the President, Prime Minister and Speaker of Parliament, instead of enhancing and ensuring implementation of relevant laws to improve agency functioning, is not consistent with integrity.

An impediment to strengthen the national human rights mechanism is that the election process had turned out to become a business for those with means – the right to elect and be elected is not implemented when political parties secure their campaign financing through private and corporate donations, and offering of public office positions, while they are inept to devise development policies and to promote democratic values to the public, and are associated with failings to detach from officials marred in corruption scandals, and all against the backdrop absent of regulations on accountability and recall for members of the State Great Khural breaching principles of democracy, human right and ethics.

The state of investigating corruption and malfeasance crimes, and imposing punishment, is remarkably unsatisfactory. For instance, the “Buyout of Civil Service for MNT 60 billion (USD 22.3 million)”, “Ripping of the Small and Medium Enterprise Development Fund thru Office Abuse” and other scandalous cases are about to fade away. According to the study conducted by the IAAC, 29 cases were closed during the period from 2016 to 2018 based on expiration of statute of limitations.

Incidents occurred when the State impinged property using force. These enforcement raids took place at mining and meat processing plants, and the fact that these operations were led by the Chief of Cabinet Secretariat is of particular concern. Further such abuse of power urges caution on whether the state may accustom itself in perpetrating human rights violations.

THE HUMAN RIGHTS FORUM PROPOSES THE FOLLOWING RECOMMENDATIONS

1. Mongolia’s national human rights mechanism requires further strengthening. For this the following action needs to be undertaken: a) to enhance and swiftly adopt draft legislation protecting and promoting the human rights defenders’ activities; b) to fast-track the process of revising the Law on the National Human Rights Commission, consistent with the Paris Principles; c) to reinstate and implement the National Human Rights Program.
2. Although several legislations to ensure public participation were enacted, common awareness on them are low and skills of civil servants to apply them are weak. Thus, priority should be given in promoting these laws to the public, and in establishing and funding capacity development training programs for civil servants, with mobilization of civil society resources.
3. Revision of clause 3.1.7 of Article 3 of the General Administrative Law and amendments to the Law on the Legal Status of Judges, Law on the Prosecutor’s Office and Law on Anti-Corruption made by the State Great Khural on March 27th, 2019 imposes negative consequences to the implementation of human rights by deepening public mistrust and disagreement, by weakening the impartiality of judges and prosecutors, and of the IAAC, and as such should be reviewed and quashed
4. Entangling in corruption and bribery mischiefs in the civil service for advancing personal gain is commonplace. This connected to system distortions in elections, political parties and MPs. undertakings carried by members of the State Great Khural, and distortions in political parties and in the election system. The following are suggested as remedial measures: a) to establish regulations on accountability and recall for members of the State Great Khural in breach of ethics and integrity; b) to make political party financing transparent, and to provide policy support enabling political parties to devise and execute development policies; c) to develop regulations that would support the General Election Commission’s efforts against vote-buying and giveaways, and in raising voter education, would reduce unproductive campaign costs, and would encourage voting based on political party’s program and performance by raising political awareness of voters.
5. Incidents that took place at the Salkhit deposit and at a meat processing plant, where the State engaged in special operations, in other words abused its authority to resolve a situation with force, due to the inability of the tax and professional inspection authorities, judiciary and prosecutor’s office to enforce the law and discharge their duties, calls for disappointment. It is necessary to draw up conclusions to this precedent of non-enforcement, take relevant action, and exercise caution to avoid reiteration of such incidents in the future.

INCOHERENT DEVELOPMENT POLICIES & HUMAN RIGHTS



Mongolia received 8 Recommendations within the area of environment and nomadic herders, and of rural migrants, from the Second UPR cycles of the UN Human Rights Council, with inadequate implementation to date. In adherence to a mining reliant rapid economic growth policy, a favorable legal and taxation environment was established to attract investments, overlooking matters for assessing the impact on the environment and on human livelihoods in the process. Along with this, Mongolia has joined over 10 conventions on combating climate change and desertification, environmental and biodiversity protection and their optional protocols, developed implementation commitments. However, the UN Economic Commission for Europe's (UNECE) Environmental Performance Review (ERP) report concludes that "...while Mongolia has a comprehensive body of environmental protection laws, implementation is delayed... though a Green Development Policy is in place, nevertheless the Strategic Impact Assessment (SIA) have not been applied in sectorial impact assessments".

THE FOLLOWING RIGHTS ARE BREACHED DUE TO INCOHERENT DEVELOPMENT POLICIES:

1. Right to development, right to enjoy benefits of SDGs'
2. Right to protection against forced eviction, right for fair compensation
3. Right to land, housing and basic income
4. Right to mobile pastoralism
5. Right to an effective remedy for violated rights
6. Right to health
7. Right to be protected from chemical and hazardous waste
8. Right to freedom of movement and residence

CHALLENGES

The Law on Environmental Impact Assessment, adopted in 2012, is not enforced. While conceiving sectorial development policies and programs, especially in the mining, heavy industry, energy and infrastructure sectors a strategic impact assessment is never carried out. This results in licenses being issued on pastures, water sources, plantations and settlements –living environment and means of livelihoods – pushing the agricultural sector to the margins, thus extending the flow of rural migrants heading to the metropolis, and the number of people and households with lost housing and subsistence is not abating.

The legal environment to restore rights, remedies in form of adequate compensation, protection from forced eviction especially for nomadic herders who lost their access to pastures, is not complete.

CASES & FACTS

The infrastructure capacity of Ulaanbaatar city is overstretched, and the environmental pollution had reached disaster levels. The ADB, EIB, Green Climate Fund and IFC are jointly implementing program to resolve pollution through debt financed housing and infrastructure development. In order to provide heating and electricity to the new residential development capacities of coal combustion engine CHP plants #2, #3 and #4 are planned to be increased by 48% plus add new heat-only plants, in which case the current CO₂eq emissions of 7.2 million tons will be expanded by an additional 6.3 million tons. Prohibiting burning of raw coal, and hastening the use of processed coal, without social and health impact assessments, had caused fatalities.

The projects financed by international development organizations are also not human rights based, do not conduct impact assessments, and are without livelihood restoration programs. The urban development program, implemented within this framework by IFIs, is not consistent with the decentralization policy and does not take into account the projection of the Water Resource Group that Ulaanbaatar city will run out of all water resources by 2030 regardless of which development scenario is pursued.

The adoption of the Mid-Term Energy Plan (MEP) contradicts with Mongolia's pledge to the international community. Moreover, the method for calculating the air quality index as prescribed in MNS 4585:2016 standard of Mongolia is misleading at the least.

While rural communities attempt to hold accountable lawbreaking companies, access to the courts and legal aid at sub-provincial level is inadequate, arbitrary application of law allows case jurisdiction often to be assigned based on the company's registration rather than on the location where the violation occurred which results in claimants of mining cases having to travel mainly to Ulaanbaatar to litigate.

From over 900 households with land titles displaced by the ADB and GCF housing projects (around 3,000 including those co-residing on the same plot) affected by the ADB project resettlement, only 130 affected persons filed a complaint to the ADB grievance mechanism to negotiate and improve the compensation package, however the improved compensation is not enough to retain livelihoods and purchase housing, and remains unjust.

Mongolia's Nationally Determined Commitments (NDC) to reduce carbon dioxide emissions by 14% will not be met due to production of 60 million tons of CO₂e resulting in doubling of current emissions. The Mid-Term Energy Plan (MEP) envisages a 150% increase in coal capacity and reduction of solar and wind power capacities by 65%, that will undermine the achievement of the promised 30% renewable energy mix by 2030. This energy program, which will result in considerable increase of PM_{2.5} and other toxic emissions from large combustion plants with potential serious impact on the health of population, was not subjected to a strategic impact assessment process, and is in contradiction to the pledges for attaining SDG-3.9 and 13.2.

A citizen from Gурvantes soum of Umnugobi Aimag filed a petition to the Metropolitan Administrative Court against SGCT LLC in 2018 regarding their illegally obtained mining license, travelled 33 times a 910 km oneway route to attend pre-trial meetings, with the judge in the end dismissing the case denying standing in court.

THE HUMAN RIGHTS FORUM PROPOSES THE FOLLOWING RECOMMENDATIONS

- 1) Carry out a strategic impact assessment on all current energy, mining and heavy industry, transportation and infrastructure policies and programs to improve and bring into compliance with human rights and environmental conventions, climate change Nationally Determined Contributions (NDC) and SDGs, as well as with the recommendations of the UNECE EPR report.
- 2) Adopt national standards on resettlement and compensation compliant with international standards to be applied as part of a social impact assessment prior to provincial and metropolitan land planning and urban development, and prior to licensing of mining, infrastructure and other projects.
- 3) Establish and enforce a legal environment requiring projects with high negative impact (A Category) to carry out a human rights impact and human rights defender risk assessment.
- 4) Create a legal framework establishing the jurisdiction for trial to be at the location where the violation had occurred or may occur.
- 5) Create a mandate of an independent environmental Ombudsperson to receive and resolve environmental cases and complaints.
- 6) Include in the National Action Plan for Business and Human Rights mechanisms for protecting traditional nomadic culture, ensuring the need of nomadic people for mobile livestock farming and their rights for traditionally managed pastures, and creating legal remedies for violated rights.
- 7) Renew MNS state standards for hazardous chemical substances applied in mining, energy, construction and other infrastructure sectors in compliance with the World Health Organization standards.



HEALTH INSURANCE AND FINANCING SYSTEM

Mongolia received 5 recommendations within the area of improving basic healthcare services for the population from the Second UPR cycle of the UN Human Rights Council, and while efforts have been made to reduce maternal mortality, government action has been insufficient in terms of strengthening basic healthcare service delivery systems, increasing the scope of and access to the services, and in addressing challenges in the healthcare system.

CHALLENGES

CASES, FACTS & COMMENTS

Out-of-pocket expenses for healthcare costs are continuing to rise leading to impoverishment. The WHO estimated that when direct payments of expenses by individuals exceed 25%, health-related costs exacerbate poverty and income-dependent inequality.

Currently, 40% of healthcare services are financed from the state budget, 20% from the Health Insurance Fund (HIF) and up to 40% from direct payments made by citizens.

Funding allocations from the state budget to health care and services, and state payable premium subsidies to the HIF are both too low.

Only 2.6% of GDP is allocated to finance the healthcare sector. The health insurance of 58.4% of all policy holders is subsidized by the state, and this constitutes 11.2% of the health insurance fund revenues, whereas employed policy holders account for 25.7% of all policy holders, and their contributions constitute 80.5% of the health insurance fund revenues.

Mongolia ranks high in cancer-related mortality rates, and air pollution brings additional challenges leading to increased burden on the healthcare budget.

According to the 2018 study by UNICEF, the failure to reduce air pollution will result in an annual increase of healthcare expenditures for children by MNT 5 billion (USD 1,877,582).

The Health Insurance Fund is unable to mitigate health related risks. Though the health insurance coverage now partially extends to chemotherapy, ambulatory radiation treatment and high-cost drugs and supplies, clients in emergency are still not able to access these services due to the high workload at public hospitals.

However, every year the Health Insurance Fund closes its accounts with a balance of MNT 200 billion, all because the Finance Ministry requires the Fund to place deposits at banks to accumulate revenues from interest income. The state matches its payable premium subsidies to the fund partially from these revenues. In 2019, the state payable premium subsidies to the fund should amount to MNT 122 billion, however only MNT 84 billion is budgeted for the year.

Health Insurance Fund spending is wasteful and misallocated. The purpose of a health insurance fund is to protect policy holders from financial risks when they face health issues, however spending funds, that are already deficient and incapable of mitigating risks, on fitness, yoga and sport clubs is a violation of the core principle of health insurance.

MNT 2 billion (USD 751,033) were earmarked from the Health Insurance Fund revenues to pay for expenses of 8,3-33,3 thousand policy holders who attend fitness, yoga and sport clubs from January 2020.

The health insurance system had become dependent on the healthcare service provider, and the policy holders' participation and oversight are minimal. Although it is deemed that participation of representatives from employers and policy holders are ensured, the issue of transparency in the nomination and selection processes is outstanding.

The governing body of the fund is chaired by the Health Minister, the budget of the management entity overseeing the insurance fund is included in the portfolio of the Health Minister, and the chair of the management entity is also appointed by the Health Minister.

CASE

STORY OF SH.

I am representing 12 women aged 38-58 who have been receiving breast cancer treatment from March 2018 to February 22, 2019. I went to the National Cancer Research Center for diagnosis, but due to long queues I had to wait for 20 days to have an appointment. I was compelled to turn to the private Intermed Hospital and had a surgery, underwent chemotherapy there for 8 times, and paid MNT 30 million (USD 11,265.5) in total. Afterwards, whenever further treatment was needed, I still had to wait for a month for an appointment, so in order to save time I always had to pay for additional expenses. As the likelihood of a cancer relapse is very high, I was advised to receive 2 injections for a year that would have cost me MNT 4 million MNT (USD 1,502). Not being able to afford it, I decided to buy hormonal oral medicine, 30 pills cost MNT 139,000 (USD 52.2), I must take them for 5 years. My monthly salary is MNT 700,000 (USD 262.9), and in the last 5 years I have paid MNT 22 million (USD 8,261) to social and health insurance. However, in real life, this insurance is not mitigating my health risk.

THE HUMAN RIGHTS FORUM PROPOSES THE FOLLOWING RECOMMENDATIONS

1. Amend the Law on Health, Law on Health Care & Services, Law on Health Insurance and the Law on Health Insurance of Citizens based on the concept that policy holders should be protected from financial risks when in need for healthcare services.
2. Ensure universal coverage by maintaining the principles for cohesion and equity while balancing contributions by employers and policy holders and maintaining the principle of state responsibility for health insurance contributions of children, the elderly, and vulnerable social groups.
3. Improve the structure of health financing by: 1) expanding subsidies for healthcare costs by increasing the state budget allocation for health services to match 5-6% of the GDP, 2) increase the contribution amounts for state-financed policy holders who make up nearly 60% of all policy-holders, i.e. for pensioners, children, pregnant women, military personnel, and to approximate the average contribution amount.
4. Develop an independent health insurance system that is client-centered and that procures quality health care and services based on the actual needs of policy holders.
5. Separate the procurer of health care and services (the health insurance fund) from the service provider (the MOH), and hand the oversight role over the service provider to policy holders.
6. Introduce private health insurance schemes and develop a legal environment for a dual health insurance system to provide citizens with additional options when faced with health risks.
7. Ensure the transparency of expenditures of the health insurance fund and develop civil society oversight over the fund.
8. Legislate to broaden opportunities for policy holders to select from products covered by Health Insurance Fund.
9. Develop a system for effortless access to required health care and services covered by health insurance.



VULNERABLE GROUP'S HUMAN RIGHTS

Mongolia received 39 Recommendations within the rights of women, 45 Recommendations within the rights of the child, 10 Recommendations within the rights of the disabled and 4 Recommendations within the rights of the elderly from the Second UPR cycle of the UN Human Rights Council, and together with welcoming implementation efforts, initiated by adopting new legislation and strengthening of the system, the civil society organizations are submitting challenges faced by these vulnerable groups, and recommendations on further measures that needs to be delivered.

CHALLENGES

Inter-sectorial policy coordination for the promotion of child rights is weak. Although the Legal Committee on Child Rights is established, however due to lack of information exchange protection services could not be made available to adolescents. Weak alignment between Article 20 of the Law on Domestic Violence and Article 15 of the Law on Child Protection leads to inability for providing child protection services in all problem areas in the society. There are no regulations for child protection in the criminal procedure and administrative offence review laws.

98% of victims of sexual harassment at workplace (SHWP) and 79% of victims of workplace harassment are women. The principle of equal pay for equal work is not realized, and wage inequalities are rising in all sectors except in the financial sector. Women are increasingly economically inactive due to care for infants, elderly and disabled people. Girls and women, especially herder women, work in difficult circumstances for the lowest paid or even unpaid jobs. The rights of men and women to elect and be elected are not equally ensured. The requirement in the Law on Elections stipulating that at least 30% of all candidates should be represented by either gender was decreased to 20% less than a month before the general election. As candidates are nominated by the amount of donation given to their political parties, women are left behind that monetary threshold.

RECOMMENDATIONS

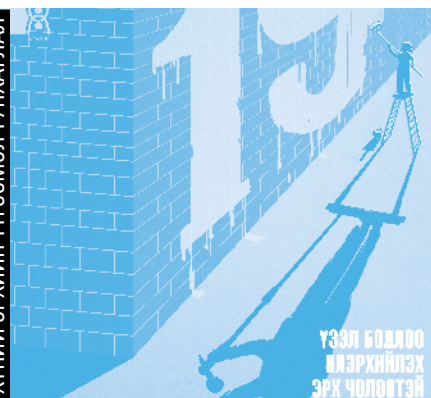
- Evaluate the legal environment of the inter-sectorial policy coordination for the promotion of child rights with sectoral participation, and renew relevant laws.
- Enhance relevant legislation with provisions to ensure options for protection to child and adolescent participants in criminal proceedings are made available.
- Conduct monitoring of the Law on Child protection and the Law on Combating Domestic Violence according to the child protection common principles to improve inter-sectorial coordination.
- Adopt the Law on Labor by ensuring labor rights are not undermined, and raise public awareness of the law.
- Build capacities of all civil servants to implement gender policies.
- Take special measures to promote the right to work and to create a favorable working environment.
- Classify sexual harassment at workplace as a crime, take preventive measures.
- Incorporate a liability provision in the law restricting the right to participate in the general elections political parties not ensuring women's participation in all political decision-making levels.

Pensions not covering subsistence, pension gap among people who were employed at equal work at different periods are the main challenges facing the elderly. For example, elders who retired before 1995 receive an average pension of MNT 322,671 (USD 121), whereas those who retired after 1995 receive MNT 716,123 (USD 268). The rights of the elderly who lived in the socialist society for a certain period have been breached. As of July 2019, senior citizens receiving pensions up to MNT 310,000 (USD 116) were 127,099 or 44.9 percent from the total number of elders, those receiving MNT 310,001-600,000 (USD 116-225) were 130,545 elders or 46.1 percent, and there are only 25,670 elders receiving pensions within the range of MNT 600,001-1,920,000 (USD 225-720) or just 9 percent from the total number of elders. 91 percent of the total elders receive a small amount of pension that negatively affects their livelihoods.

- Restore the rights of affected groups by removing the pension gap between elders who were employed at equal work at different periods.
- Continue with social welfare programs successfully implemented to improve the elders' quality of life.
- Create a comprehensive system of long-term care services for the elderly, create a legal environment for care insurance policy and introduce international best practices

The Law on Rights of People with Disabilities was approved in 2016, however sectoral laws are not been streamlined to date. This has a negative impact on the implementation of the law. In the state budgets for the last two years no expenditures were made to enable for inclusive education. The Law on the Rights of People with Disabilities stipulates that the program for providing adequate necessities to the disabled shall be implemented in a gradual manner. The concepts for accessibility, adequate necessities and promotion in the Law on the Rights of People with Disabilities are overlapping, and the way for their distinct application is unclear. The Law on Rights of People with Disability stipulates the "right to live independently", however this provision is not implemented as financing for servicing to live independently is not included in the law.

- Streamline sectoral laws with the Law on Rights of People with Disabilities, regularly increase the budget and financing for ensuring the rights of people with disabilities.
- Resolve effective and sufficient financing to guarantee the right of disabled people to live independently.
- Organize advocacy work among civil servants at all levels, as a priority, in order to change their ignorant and discriminative behavior towards persons with disabilities.



FREEDOMS OF OPINION AND EXPRESSION

Mongolia received 8 Recommendations within the right on freedom of expression from the Second UPR cycle of the UN Human Rights Council, with no action taken towards implementation. Those include to ensure the independence of the Communications Regulatory Commission, decriminalization of defamation, guarantees for freedom of expression on the internet, adherence of any restrictions on freedom of expression to the principles of legality, necessity and proportionality, protection of journalists' sources and whistle-blowers, that journalists, media workers as well as civil society activists are able to practice their activities freely without any fear for punishment, reporting on the activities of state and regional authorities, and creation of safeguards from persecution or harassment for expressing criticism.

NEW CHALLENGES

Mongolia has not adopted a law on data protection, and regulations for such are not encompassed in the Law on Personal Secrecy (1995).

The implementation of the Law on Information Transparency and Right to Information is insufficient. It is concluded that regime of exceptions is too broad, there is no nodal agency responsible for the monitoring of law implementation, and public bodies have no information officers and no incentive to provide sufficient response to information requests.

- Excessively broad range of restrictions
- Absence of an independent monitoring body
- Public agencies do not staff information officers

CASES, FACTS & COMMENTS

Private companies and banks have introduced fingerprint technology application in their services. "Nomin", a major supermarket chain in Mongolia, offers discount cardholders to use their fingerprints.

Within the implementation assessment of the Law conducted by Globe International Centre, from the 16 public agencies approached with information requests only 5 responded in full.

A resident of the Capital City sent an enquiry to the Governor's Office of Darkhan-Uul province requesting information on the bidding, selection and contract documents for the procurement of air and soil contamination measuring equipment, and did not receive a response within the prescribed 14 days. When a call was made to remind on the enquiry the response was to come over to their office in person, which is not a legal requirement

The State Great Khural enacted the new Law on State and Official Secrecy in 2016. The new law obligates the Cabinet to adopt a Secrecy Procedure and Register of Classified Data, in accordance to which public agencies will adopt internal secrecy procedures and registries of classified information.

The Constitution stipulates that undisclosed information shall be protected by law, however handling of the new regime by the Cabinet, instead of the State Great Khural, contradicts with the stipulation.

The number of classified information under the previous law was 60, which in 2019 increased to 565.

Article 26.2 of the Criminal Procedure Code provides for circumstances permitting surveillance of a telecommunication network. In accordance with this article, investigators could extract the content of a transmitted data from a carrier not with a judicial warrant, but with an authorization letter issued by a prosecutor.

The said article includes items such as authorizing to obtain from the relevant entity information on clients and owners, their location, date of connection, appliances, equipment and access, to instruct the relevant entity to limit access to the telecommunication network, and to enter the network and set up surveillance.

The State Great Khural is considering to repeal the 2015 Election Law and to adopt three separate legislation on the elections of the President, State Great Khural and local self-governing bodies, with drafts already prepared. There are indications that the draft legislation suggests to tighten sanctions imposed on the media.

The suggestions include punitive measures for halting operations till the voting day, terminating the broadcasting license and blocking access to a website from the territory of Mongolia.

It is prohibited to organize any contests in whatsoever form to establish political rankings, and to distribute insulting or false information using the internet or through messages.

During the 2018 parliamentary elections 11 news and information websites were blocked.

THE HUMAN RIGHTS FORUM SUBMITS THE FOLLOWING RECOMMENDATIONS

The Government of Mongolia should take immediate actions to implement accepted Recommendations on promoting and protecting freedom of opinion and expression as stated in Article 10 of the Constitution to fulfill in good faith its pledge to the international community. Furthermore, the following additional recommendations are suggested:

1. Invalidate Article 6.21 (Libel) of the Law on Administrative Offenses.
2. Initiate draft legislation calling for tolerance to be exercised by public figures to open criticism, and their acknowledgement to becoming subject of concern to the public as their own choosing.
3. Amend the Law on Information Transparency and Right to Information to specify the range of restrictions and to appoint an independent authority to monitor the implementation of the law.
4. Revise the Law on State and Official Secrecy to ensure restrictions are regulated only by law, and not by cabinet resolution or internal rules of public agencies. For this, the classification should to be based on three-part test of legitimacy, necessity and proportionality. All secrecy laws should incorporate a substantial harm test, as well as a requirement that the harm is greater than the public interest it overrides.
5. Modify Article 19.11 (Illegal acquirement of state secrecy information) of the Criminal Law.
6. Adopt legislation on data protection.
7. Comply provisions on election campaigning in the present three draft election legislation with international standards, and remove sanctions for suspension and termination broadcasting licenses.

FREEDOM FROM TORTURE AND OTHER ILL-TREATMENT

ХУНИЙ ЭРХИЙН ТҮГЭЭМЭЛ ТУНХАГЛАЛ

ЭРҮҮДЭН
ШҮҮХ ЭСГҮЙ



Mongolia received 20 Recommendations from the Second UPR cycle of the UN Human Rights Council within the right to freedom from torture and other ill-treatment – among them, practical steps to implement its commitment to recognize the competence of the Committee Against Torture to receive individual and inter-state complaints has not been taken. Although civil society organizations welcome the amendments made, within the framework of implementing the Recommendations, to Article 21.12 of the Criminal Code (2015), aligning the definition of the act of “torture” with Article 1 of CAT, however remains cautious that sentencing is not fully compliant with the “gravest” nature of the crime, and that the act of “torture” is included as an “aggravating circumstance” in four other types of crimes that may bring ambiguity in the qualification of crimes.

CHALLENGES

CASE, FACTS & COMMENTS

The sentencing in the act of torture is not commensurate with the gravest nature of the crime, however aggravating circumstances included as an element in four other types of crimes that may bring ambiguity in crime qualification.

According to Article 21.12 of the Criminal Code, a fine of MNT 5,4-27 million or 1-5 years of imprisonment is imposed for the act of “torture”.

The Criminal Proceedings Code prohibits “inhuman treatment”, however does not classify such act to be a crime.

Compensation for damages from mental distress caused by torture not regulated.

A practice by courts to compensate only for material damages has been established.

The NHRC annual reports clearly indicate that since the abolishment of the independent investigation unit in January 2014 impartial investigation of torture cases had become unsatisfactory. The state of affairs may provide impunity for the perpetrator.

According to the briefings from the Judicial Research, Information and Training Institute of the General Judicial Council, in the years 2017 and 2018 torture cases were not tried at courts. However, Mr. Ts. Nyamdorj, Minister for Justice and Home Affairs, had officially admitted to the press on the actual precedent of the act of torture in Mongolia.

Although Mongolia ratified the Optional Protocol to the Convention against Torture on 11 December 2014, it has not followed through on its obligation to establish a National Preventive Mechanism.

Under its obligation, the National Preventive Mechanism should have been established within one year from the enactment of the Optional Protocol, which falls on the 12 February 2016.

Although inclusion of the principle that statements of the accused or defendant alone could not serve as grounds for a guilty verdict in the Criminal Procedure Code is a substantial breakthrough, however there is no strict regulation on the inadmissibility of evidence obtained by torture.

Article 16.12 of the Criminal Procedure Code states that evidence obtained from torture is inadmissible subject to guidance in Article 16.11, however the latter article provides that the matter of admissibility is at the discretion of the judge, which is not fully compliant with the provisions of the CAT.

In regard to our country, advances are made to train lawyers and enforcement officers on the subject of torture, however training for other practitioners, including medical professionals, psychologists, care and welfare staff, and military personnel is insufficient.

Deaths and mutilation among servicemen at military corps had occurred several times.

Undercover investigation authorizations issued by the prosecutor, and not warrants issued by the judge, is inappropriate. Furthermore, advancements in the prevention and elimination of torture shall not be made without conclusive prohibition of undercover investigation in detentions centers.

The torture case publicly disclosed by Mr. Ts. Nyamdorj, Minister for Justice and Home Affairs, is based on an intelligence operation footage recorded in a detention center.

With the common procedure on detention in place, there is still no alternative to detention as a measure of restraint.

Recently, attempts were made to provoke the public in believing that detention for defendants in relation to corruption and malfeasance offences is mandatory, to blame prosecutors for not requesting restraint orders, and to influence judges through media outlets.

THE HUMAN RIGHTS FORUM SUBMITS THE FOLLOWING RECOMMENDATIONS

1. Make a declaration to recognize the competence of the Committee against Torture to receive individual and inter-state complaints.
2. Promptly establish an independent investigation unit in compliance with all UN common standards, with a mandate to investigate only torture and ill-treatment acts perpetrated by the subject, and to be set up as a specialized, professional and compact entity.
3. Devise detailed adjustments in the legislation for comprehensive alignment of the National Preventive Mechanism with provisions of the OPCAT that ensures participation of civil society organizations, grants a mandate enabling functional independence, and enforce ability of its decisions and recommendations.
4. Merge the acts of "torture" found in Articles 10, 11 and 21 of the Criminal Code and designate it as one type of crime, and classify acts of "cruel, inhuman, degrading treatment or punishment" as a crime and establish its qualification.
5. Amend the Criminal Procedure Code to ensure inadmissibility of evidence obtained by torture and non-exemption from criminal liability for discharging illegal orders and instructions, and make provisions to prohibit "intelligence operations" in detention centers, to ensure warrants for undercover investigation is issued by a "judge", and that the scope and limitations of the warrant is regulated by law and not set by procedure.
6. Promptly establish a national damage compensation system and approve methods for assessing and calculating non-material damages, place an expert with functions for non-material damages and mental distress at a professional appraiser entity, or establish a service with such functions and strengthen its human resource capacities through on-the-job professionalization trainings.
7. Develop a training program for capacity building in compliance with the Istanbul Protocol, make special effort to train professionals from diverse fields, e.g. medical personnel, in addition to lawyers and law enforcement officers, and to ensure that the quality of such trainings is evaluated by an independent organization.



SEXUAL MINORITY (LGBTQI) RIGHTS

Mongolia received more than 40 recommendations from the UN Human Rights Council and treaty bodies, urging the increased recognition and protection of rights for lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) persons. The Government has fulfilled a recommendation to include a criminal clause to outlaw hate crimes and hate speech through classifying discrimination as a crime in Criminal Law enforced on July 1st, 2017, with protected grounds including, inter alia, sexual orientation and gender identity (SOGI). However, the criminal justice framework alone is insufficient to address and eliminate social attitudes and prejudices still prevalent against LGBTQI persons. 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. Despite these recommendations, as indicated below, intolerance and discrimination persist.

THE FOLLOWING RIGHTS OF LGBTQI PEOPLE ARE INFRINGED UPON:

- to life
- to bodily integrity and safety
- to equal protection
- to be free from discrimination
- to hold opinions and to express them
- to education
- to labour
- to access to justice
- to be free from torture
- to have personal information kept private
- to access social and cultural life
- to adequate standard of living
- to adequate standard of mental and physical health-care
- to found a family
- to own property

Intolerance, discrimination of and violence against LGBTQI people in Mongolia take various forms, with the documented cases, portraying interrelated and compounded nature of negative effects of discrimination in the lives of LGBTQI people. Because the right to be free from discrimination is not protected for LGBTQI people, one instance of discrimination leads to other instances of discriminations, resulting in systematic oppression of LGBTQI people where most fundamental rights, such as the right to life, the right to liberty and security of person, the right to bodily integrity and safety, the right to equal protection, the right to access to justice, including access to a fair trial and effective redress, the right to freedom of opinion and their expression (especially in relation to gender identity and expression) are denied.

In September 2019, an official ultra-nationalist NGO, “Bo-soo Khukh Mongol” along with TV4-TV station attacked a transgender woman, N, in a hotel and threatened and forced her to give an interview, then broadcasted the interview. The attackers publicly announced that they will continue to discriminate against transgender people and posted a detailed plan of how they would humiliate transgender people. One such hate speech was posted on Facebook by the director of the NGO, “...we will impinge on the “rights” that they talk about so much, and will insult them, we will shave their heads, wash their faces, strip them and take their nude photos to disgrace them...” The same NGO held a press conference and publicly threatened transgender people after the hotel incident.

LGBTQI people are denied housing rental accommodation or are evicted if suspected to be cohabitating with their same-sex partners. Familial violence is present and pervasive against LGBTQI people, resulting in inability to enjoy the right to bodily integrity and safety, the right to adequate standard of living and housing, the right to found a family (where same-sex couples or couples where one is a trans person, are denied recognition of their relationship or their children by members of the family and are violated because of their relationship) and the right to own property.

In 2017, transgender woman, M became a victim of torture by police officers at the detention center. The officers used extremely transphobic language and striped to expose her chest and genital in front of many people. M reported this case of police brutality against her, however, her case was dismissed without investigation. M's complaints have led to the situation of possible retaliation by the police officers and further endangerment of her life.

The heteronormative framework of the health sector, the lack of information, skills and attitudes, non-coverage of each sub-community's specific health concerns under the universal healthcare insurance results LGBTQI persons being denied access to complete medical care, including mental healthcare, affordable access to hormone replacement therapy, gender confirmation surgeries.

During the Equality Walk in 2019, the police demanded that children should not be involved in the Walk which has no legal ground. Before the Walk started, police asked a woman not to participate in the Walk because she brought her children. They could not partake. During the Walk, another woman with a child was asked to leave.

The culturally pervasive notion of heteronormativity is implicit in the education system, which serves to implicitly promote discrimination and denial of access to education, cultural and public spaces. The Government of Mongolia has not undertaken any efforts to educate the public on the equality of people regardless of sexual orientation or gender identity.

In 2016, B, a Christian woman outreached to transgender youth and promised conversion therapy to heal them. After talking to transgender youth and gaining their trust, B 'outed' them to their families and shared their private personal and medical condition information.

THE HUMAN RIGHTS FORUM PROPOSES THE FOLLOWING RECOMMENDATIONS

1. Mongolia should adopt comprehensive equality legislation appropriate for the implementation of the rights to equality and non-discrimination. The state should engage in further meaningful consultations with civil society in the development of such a law and establish an independent equality body with a large mandate and institutional guarantees to secure its enforcement.
2. Enable the LGBTQI people to access culturally competent and needs-based healthcare through comprehensive efforts to identify and cater to the specific needs of each sub-community of LGBTQI people, through the prescription of ethical standards of non-discrimination in healthcare provision, including equal coverage of LGBTQI-specific health concerns under the existing health insurance scheme.
3. Review the legislative frameworks to enable effective recognition and protection of same-sex couples and their children in line with Mongolia's international obligations to provide the widest possible protection and assistance to all consenting adults to marry and found a family without discriminations.
4. Introduce a universal non-discrimination policy inclusive of sexual orientation and gender identity/expression in all educational institutions to ensure a safe environment for LGBTQI youth to develop and express themselves without fear of retribution by faculty or peers.
5. Launch a public awareness-raising campaign to fight and prevent discrimination and violence against LGBTQI persons and to promote tolerance.

DOMESTIC VIOLENCE



Mongolia received and had committed to the implementation of 21 Recommendations within the area of combating and preventing from domestic violence, and protecting victims, from the Second UPR cycle of the UN Human Rights Council. There is certain progress in the implementation process, and the classification of domestic violence as a crime had broadened legal options for victim protection.

CHALLENGES

CASES, FACTS & COMMENTS

There is a rising trend in cases of severe injuries and suicides of victims and of abused children as a consequence of domestic violence.

According to the studies conducted by the National Statistical Office in 2017, one in three women in Mongolia was physically abused and four in ten women were subjected to emotional abuse. In two years since the adoption of the revised Law on Combating Domestic Violence, 15 victims lost life due to domestic violence.

The State had not allocated dedicated funding in its annual budget for the implementation of the Law on Combating Domestic Violence.

The one-stop service centers and temporary shelter houses founded through international development projects and a few local community initiatives are unable to provide sustainable services due to lack of funding sources.

The inter-sectoral cooperation in the prevention from domestic violence, in promoting the law, in changing attitudes of the general public, in training and capacity building of specialists and in responding to victim needs is weak. Trainings are conducted without a common program and content, and not on a regular basis for police, doctors, teachers, social workers, and other specialists who are responsible for combating domestic violence.

The specialists are incapable of providing effective responses to domestic violence cases, while performing their duties without job stability, and there is a general shortage of human resources. For instances, the police force is operating with 4,585 vacancies not filled.

The delivery of mandatory behavior change program for perpetrators is inadequate. Although the police and court order enforcement authorities are prescribed to be responsible for conducting the mandatory behavior change program for perpetrators, that have committed and are sentenced by restraining order for domestic violence, the implementation is deficient.

The issue with professional trainers, teaching facilities and aids, and costs for trainers at the provincial level are not resolved.

FACT

Shortage of police officers, professional social workers and psychologists in provinces, and the high turnover rate among them, impedes the effective combat against domestic violence. Some soums do not have professional social workers.

As specialists work without job stability and constantly shuffle after the elections, it becomes difficult to enforce the law.

Notes from focus group discussions held in June 2019 at Umnugobi, Dornod, Khuvsgul, and Khentii Aimags in preparation for the UPR submission

THE HUMAN RIGHTS FORUM PROPOSES THE FOLLOWING RECOMMENDATIONS

1. Take effective measures to cultivate an attitude of preventing from domestic violence and intolerance to violence.
2. Allocate dedicated funding in the state budget for the implementation of the Law on Combating Domestic Violence and for the delivery of victim protection services.
3. Support financing and sustainable operations of one-stop service centers and temporary shelter houses.
4. Improve inter-sectoral coordination and collaboration within the area of combating domestic violence.
5. Conduct trainings for police, doctors, teachers, social workers, and other specialists responsible for combating domestic violence, with a common program and content, and on a regular basis.
6. Enhance headcount and ensure job stability of police, social workers, doctors, teachers, and other specialists responsible for the enforcement of the Law on Combating Domestic Violence.
7. Increase headcount of patrol officers, local inspectors and investigators, and improve the availability of technical supplies.
8. Resolve funding and take logistical arrangements for conducting effective mandatory behavior change program for perpetrators of violence.

HUMAN TRAFFICKING



Mongolia received 8 recommendations directly related to human trafficking from the Second UPR cycle of the United Nations Human Rights Council. Mongolian Human Rights NGO Forum is introducing the brief report prepared on the implementation of these recommendations.

CHALLENGES

It is required to build sufficient human capacity and other resources to fight against and prevent from human trafficking: The National Sub-Council against Human Trafficking headed by the Minister of Justice and Home Affairs doesn't operate permanently, there is only one full-time staff at the Ministry of Justice and Home Affairs. The "Countering Human Trafficking and Illegal Circulation of Cultural Heritage" unit at the Criminal Police Department consists of the head and 4 investigators and operates only in Ulaanbaatar city.

All participants of the trial process need to be trained: Majority of capacity building trainings are organized with the support from international organizations. It can be viewed that the government officers' capacity building trainings cease after the project is closed. Anti-human trafficking trainings are not included in the mandatory training programs for government, law enforcement and judicial staff. There is no planned or approved budget for capacity trainings by the government.

Human trafficking cases need to be detected and perpetrator need to be punished: As mentioned in international reports, due to lack of understanding of the new Criminal Code passed in 2015, prosecutors dismissed 26 pending trafficking cases, and competent civil servants not only decreased the number of penalties for human trafficking cases, but also had not imposed punishment to the perpetrators..

CASES, FACTS & COMMENTS

Due to insufficient human capacity, only not more than 4-5% of all investigated human trafficking cases were from rural provinces.

Capacity building trainings in combating human trafficking have been conducted by non-government and international organizations to date. For example, the Gender Equality Center organized two capacity building trainings on contemporary issues in human trafficking in 2018 in cooperation with the Coordination Council of Crimes Prevention. Also, a total of 709 law enforcement officers, police, judges, prosecutors, border protection and immigration officials were trained under a project "Victim-centered prosecution of human trafficking cases" conducted by the Asia Foundation.

According to the statistics released by law enforcement agencies between 2010 and 2016, 15 people were indicted for 8 human trafficking cases, and 54 people were indicted for 36 cases of involving to and organizing of prostitution.

All forms of child trafficking need to be classified as crime: Besides child sexual exploitation issues, forced labour, labour exploitation, worst forms of child labour are still issues to be considered.

Criminal cases such as labour exploitation by forcing children to work in the informal sector, serve as jockeys in horse racing, work as contortionists, housemaids, beggars and herders have been registered at the police, with the investigation still ongoing, however none of the cases were classified and sentenced as a type of human trafficking.

Allocate budget for enhancing the services provided for victims, such as legal assistance, protection and rehabilitation for victims and witnesses: Two protection shelters for the security of victims of human trafficking at the national level have been established and operated by the Gender Equality Center since 2010. There has been no financial support by the government during the last 5 years: Two protection shelters for the security of victims of human trafficking at the national level have been established and operated by the Gender Equality Center since 2010. There has been no financial support by the government during the last 5 years.

support is not directed to the operational expenses of the shelters, but was only enough for supporting rehabilitation of 15 victims of trafficking. However, financing of expenses for operational costs and human resources have not been solved yet.

Compensation for victims of trafficking: Compensation for damages of victims of trafficking is not solved yet.

When approving the Revised Criminal Code in 2015 an amendment had been added to the Government Special Fund. However, victims of human trafficking defined in Article 13.1 of the new criminal code have been excluded and voided to receive compensation, which was a major step back in protecting victims and providing compensation.

RECOMMENDATIONS FROM MONGOLIAN HUMAN RIGHTS NGO FORUM:

1. Expand the operations of the National Sub-Council under the Coordination Council of Crimes Prevention at the Ministry of Justice and Home Affairs, establish a permanent structure, and improve inter-sectorial coordination through active operations of the sub-council.
2. Create a training system for law enforcement and judicial organizations to train their officers on human trafficking issues on a regular basis, create and strengthen the capacity building trainings for officers on detecting all types and forms of human trafficking.
3. Enhance control over labour exploitation, pregnant women crossing borders, raise attention on detecting sexual exploitation crimes around mining sites.
4. Consider appropriate punishment for perpetrators of human trafficking cases and prevent impunity.
5. Conduct assessment in Mongolian laws and regulations on compensation to victims, investigate duplications and loopholes in the laws, include amendments in the criminal and civil laws to fully compensate damages for victims of human trafficking.
6. Create a system for direct assistance and rehabilitation services for victims of trafficking, approve annual state budget for these services.
7. Reinstate the provision of human trafficking, as defined in Article 13.1., in the Compensation Fund for Victims of Crimes.



THE CRIME OF SEXUAL ABUSE AND RAPE

During the last three years, a total of 947 cases of sexual abuse were reported to the police. 80% of all victims were girls and young women between 10 and 29 of age, 46.8% of them were girls between 8-17 of age. Although official statistics claim that crimes against sexual freedom and right to personal inviolability increased by 30%, this number could not fully represent the reality of sexual abuse and rape, as most cases are unreported, dismissed when reported, left unsolved when victims return their claims, compromised or negotiated with the offenders, thus a separate report had been submitted to the Third UPR cycle of the United National Human Rights Council.

CHALLENGES

The number of rape cases against children and minors, especially incest cases, has increased. The legal environment to protect the rights of children, especially girls who became victims of rape, is inadequate. Victims don't report to law enforcement agencies after becoming victim of rape or sexual abuse by a family member, a relative or someone they know. When reported, adults "compromise" on the issue and children are left victimized. It is a concern whether the victim is fully represented and their interests protected (General Prosecutor's Offices' 2019 study report).

There is lack of adequate legal environment to fight against sexual abuse. According to the new Criminal Code, the fine decreased 5 to 22 times for "a person who has attained the age 18 and had sexual intercourse with a person whom he or she knew as younger than 16, whether the person could have known the age of the child". Therefore, if the victim became pregnant or is infected by sexually transmitted diseases as a result of rape, it is punishable by imprisonment between 6 months and 3 years. In the previous law the sentence had to be aggravated in such cases. This is a step back in protecting the sexual freedom of the minor.

The crime "to inflict sexual harassment" has been voided with the revised Criminal Code of 2015, which is a major step back.

CASES, FACTS & COMMENTS

One out of 2 cases (45,2%) investigated by the police had been indicted by the court. According to the data by the National Institute of Forensic Science, "out of all examined people due to sexual abuse and rape, 45.6% of them, in other words, 881 people were children between 0-19 ages".

As of October 2010, due to an amendment to the Criminal Code, cases on commitment of sexual intercourse with minors between 14-16 of age had increased by 70% from previous year. For instance, a case in Umnugobi province in January 2018, "26-year-old A committed sexual intercourse with 14-year-old Ts knowingly that she had not reached 16 years yet. The victim became pregnant. The victim miscarried the baby at 5 months of pregnancy". The accused was sentenced by 8 months of imprisonment.

Rights of victims of sexual abuse to be protected and the right to have their privacy protected are being violated during the hearing process. There is no one-stop center that provides all required services for victims of sexual abuse and rape. Victims are re-victimized financially and psychologically, and wasting their time, because they must go through all separate services at different organizations by themselves. There is lack of experienced professionals in Mongolia. Current professionals lack understanding about the trauma-informed system/care.

A 5-year-old rape victim couldn't get medical examination because the service cost was MNT 10,000. This case became viral on social media, and citizens got information on the service charges and actively protested. After this case, the Ministry of Justice Home Affairs decided to free children from 0 to 18 from these charges. However, victims over 18 years old still need to pay service fee or if not able to pay then the victim needs to get an official reference from the local administration to prove the financial hardship status, which is conflicting with the basic principles to protect the victim's reputation and safety.

The court decides to reimburse financial expenses only based on the financial receipts such as health service receipts. The psychological damage caused by sexual abuse and rape and the rehabilitation expenses are not being assessed or calculated through financial means.

RECOMMENDATIONS FROM MONGOLIAN HUMAN RIGHTS NGO FORUM:

1. Renew Article 12.5 of the revised Criminal Code of 2015.
2. Restore the provision for "inflicting sexual harassment" into the revised Criminal Code.
3. Develop and approve standards on investigation and prosecution of rape and sexual abuse cases.
4. Create a legal mechanism to calculate and compensate the non-material damages such as psychological damages of the victims of sexual abuse, and the rehabilitation treatment expenses to be covered by the criminals.
5. Develop and approve methodologies to assess, calculate and establish psychological damages due to crimes of rape and sexual abuse, and create regulations to compensate the damages.
6. Develop and deliver training programs on a regular basis, in order to prevent from sexual abuse, and prevent victims from psychological re-victimization, for health practitioners, teachers and other related specialists on working methods with victims, optimal sequence of required services and assistance, gender equality, discrimination, victim's rights, characteristic of sexual abuse.
7. Free the charges for medical examination and check-ups for victims of sexual abuse of all ages, who refer to forensics, improve the reporting system and data analysis methods, release data on the crime to the public except the private information of the victims, and provide with required equipment and human capacity.
8. Enable minors' (both girls and boys) participation in all levels of the activities in disseminating knowledge and information, educate the general public to change victim blaming attitude and to suppress sexual abuse and conduct these activities country wide through formal and informal means.
9. Enhance sexual education among boys and girls.
10. Discontinue mistreating the reputation and safety of girls at secondary schools during health check-ups.

On the 05th of May, 2020 the UN Human Rights Council, at its periodic review of human rights records, shall consider the implementation of obligations and commitments taken by the Government of Mongolia in 2015 to improve the human rights situation in the country.

The Mongolian Human Rights NGO Forum (Human Rights Forum) had prepared submissions to this periodic review within the below mentioned thematic areas, and delivered those to the UN Human Rights Council on the 03rd October, 2019. The submissions were prepared by non-governmental organizations, specialized in the subject matter, after several consultations with relevant government institutions, discussions with over 1,000 rural residents in 20 Aimags, and reviewing numerous studies and analytical reports, and were endorsed by the Human Rights Forum.

1. National Human Right Mechanism
2. Incoherent Development Policies & Human Rights
3. Health Insurance & Financing System
4. Vulnerable Group's Human Rights
5. Freedom of Opinion & Expression
6. Freedom from Torture & Other Ill-Treatment
7. Sexual Minority Rights
8. Domestic Violence
9. Human Trafficking
10. The crime of sexual abuse and rape

The Human Rights Forum had assessed the implementation of the Governments human rights commitments, and with reference to the above submissions, developed on human rights challenges in Mongolia, had prepared this information package. As these factsheets contain summaries of the Human Rights Forum's submissions, please visit our website at www.upr-mongolia.mn for the full reports.

The Human Rights Forum was founded in 2010, uniting in its ranks over 50 NGOs working in the field of human rights, and represents a voluntary network recognized both nationally and internationally.



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