



## **Economic and Social Council**

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### **Committee on Economic, Social and Cultural Rights**

## **Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights**

**Fourth periodic reports of States parties due in 2003**

**Mongolia\***

[22 February 2012]

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\* The present document is being issued without formal editing.

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\*\* The annex can be consulted in the files of the Secretariat.

## Methodology for developing the national report and consulting activities

1. The Fourth National Report was developed according to the revised instructions on the content and form of national reports in line with provisions 16, 17 of the International Covenant on Economic, Social and Cultural Rights. The report includes an analysis of the national laws and legislation with regard to their compliance with the provisions of the pact, progress on the realization of special rights, problems and mistakes faced in the process of implementation, proposals related to further measures to be taken and policies to be developed.
2. A working group of representatives from related ministries, agencies, non-government organizations (NGO) operating in the field of human rights was set up by the order of the Minister for Social Welfare and Labor. An action plan was developed and approved and the group started its activities.
3. According to the plan, the working group had five meetings.
4. Two discussions of the first draft of the report were organized among government agencies and NGOs with over 30 representatives from NGOs, related ministries, agencies, UN agencies and experts.
5. Special attention was paid to the transparency of the report, with placement of the revised versions of the report on the websites of the related organizations.

## I. General background

### *Geographic location and climatic conditions*

6. Mongolia is a landlocked country in central Asia, situated between Russia and China, with a territory of 1,562,000 square kilometers. The territory is greater than that of Great Britain, France, Germany and Italy put together and ranks by size as 7th in Asia, and 18th in the world.
7. The climate is severe and harsh with significant differences in day and night temperatures as well as in hot and cold seasons, fluctuating between -45°C in winter to +40°C in summer. The amount of rainfall is low, averaging 250-400 mm in the northern part of the country and 100-150 mm in the southern part.
8. The majority of the territory is occupied by a desert and steppes with forests accounting for less than 10%. Water resources of rivers are insufficient compared to the total territory of the country, soils are thin with average fertility, vulnerable to erosion and pollution. However, the majority of soils are virgin lands due to their use only as pasture for livestock.
9. There are abundant resources of minerals and raw materials such as gold, copper, uranium, coal, deposits of which have an international value.

### *History and culture*

10. Humans started inhabiting the territory of the present Mongolia nearly one million years ago. In 2011, a 2000th anniversary of the first Hunnu Empire State established on the territory of present Mongolia was celebrated. The 800th anniversary of the Great Mongolian Empire established by Chinggis Khan and his heirs in 12-13th century was commemorated in 2006. At the end of the 17th century Mongolia went under Manchu rule

along with China for 200 years. An independent Mongolian Republic under the rule of Bogd Khan was declared as a result of a national liberation movement. Although a national democratic revolution took place in 1921, since the 1940s Mongolia became a satellite of the USSR and a part of a socialist block for nearly 40 years, which brought progress as well as setbacks. The main achievements of that period include improved public health, public education and culture as well as UN membership in 1961. With a victory of a democratic revolution in 1990, Mongolia became a democratic state with modern civilization.

11. Mongols are people with an ancient culture. Mongolian language is of the Altai family and is a well-developed language with a rich vocabulary. Mongolians use the ancient Mongolian script that has a thousand-year history along with the Cyrillic alphabet. Mongolian wrestling, horse racing, archery, long songs, throat singing and dances are a valuable contribution of Mongols to the global cultural heritage.

#### *Population*

12. Mongolia has a population of 2.7 million people and is considered a country with a small population with low density. Except for a small number of people of Kazakh or Turkish origin, the population is in general homogenous, consisting of Mongols. In the last half of the last century, the population of the country grew by 66.1%. In the first decade of the present century the population growth decreased to 13.7%, but the 2010 WHO comparative data showed that the birth rate was 238 promilles (global average = 203), the mortality rate was 56 (global average = 86), net growth was 182 (global average = 118), which are fine indicators.

13. Of the total population, young people under 35 account for 66.7% and those over 60 years old account for 33.3%. The process of aging of the population is predicted to be slow in the next 15-20 years, which makes the demographic load favorable and gives an opportunity for a “demographic window” to be open for a quite long time. As of 2009 the average life expectancy was 68 (men - 64 and women - 72). In 2010, the human development index was 0.622.

#### *Economic situation*

14. Nearly 20 years have passed since the transition of Mongolia from the centrally planned to the market economy. The first three years of transition were those of collapse. In the subsequent four years the decline stopped and a slight growth was observed. Since 2000 the growth accelerated and reached 10.2% in 2007. However, in 2009 it went down by 1.3% reaching 6.1% in 2010. Experts believe that the Mongolian economy will grow twofold in the next 3 to 4 years as a result of intensive development of mining and substantial growth will continue in the next 10 years.

15. Although Mongolia is ranked second in terms of economic growth among 15 comparable countries, it is ranked only 14th in terms of growth of employment, i.e. second to last, which shows that benefits of growth should translate into high-income employment, spreading benefits to all population groups, which is a pressing issue in our society today. In the past years poverty has not decreased below 36%, real unemployment remained at a double-digit figure, the poverty depth grew from 8.8 in 2006 to 11.3 in 2007.

16. Proper, insightful management of mining development with regard to national interests, development and diversification of labor-intensive sectors, such as infrastructure, the processing and food industry and the service sector, will help to avoid the resource curse, thus providing the basis for long-term sustainable development. One of the specifics of economic development of our country is due to the fact that the majority of production and services (over 70%) is produced by the private sector. Development of the private sector and privatization made an impact on the social life in two ways. Researchers noticed

that while badly-managed privatization of state factories led to rise in unemployment and poverty, newly established private enterprises and services became a factor for increasing demand for workforce, thus affecting unemployment in a positive way.

*Constitution, political and legal structure*

17. The new Constitution passed in 1992 declared that Mongolia is a parliamentary republic. The public authority in Mongolia is distributed by sectors with the State Great Khural as the highest law-making institution, the government as the highest executive body, and the Supreme Court as the highest judicial power. The State Great Khural has one chamber and consists of 76 members elected by citizens eligible for election, on the basis of universal, free, direct suffrage. It is the highest organ of state power and has an exclusive power to enact laws.

18. The Government comprises the Prime Minister and its members, the ministers. General and specialized ministries have the power to elaborate policies and implement comprehensive measures with special coordinating and implementing agencies of the government. Judicial power is vested in courts of all levels, Prosecutor's Office and the Supreme Court.

19. The President is the Head of State, elected by universal elections and he/she shall exercise a power to initiate or to veto against a law, to appoint and dismiss judges, to propose to the State Great Khural the candidature for the appointment to the post of Prime Minister.

20. The territory of Mongolia is divided administratively into aimags and a capital city; aimags are subdivided into soums; soums into baghs; the capital city is subdivided into districts, and districts into khoroo. The self-governing bodies in the above units are Khurals of representatives of the citizens and public meetings of citizens of the respective territories and Governors of all levels.

21. Non-government organizations represent civil society in Mongolia. They are established and operate in line with the 1997 Law on NGO. At present, there are 8,329 registered NGOs that operate in different fields.

22. Relations between religions, churches and temples are regulated by the law and principles of mutual non-involvement of the state and church in state affairs and in religious activities that guarantee freedom of religious worship and provide conditions for introduction of different religious movements.

23. At present, different Buddhist, Christian, Muslim, Bahia, Shamanist and Moon religious organizations have been registered, of which over 50% are Buddhist and nearly 40% are Christian.

24. Civil society organizations, political parties and trade unions conduct their activities on the basis of special laws. Fascist and communist parties are prohibited.

25. There are at present 27 registered parties in Mongolia. The Mongolian Democratic Party, the Mongolian People's Party, the Civil Will and the Green Party have seats in the Parliament. In the 2008 elections the Mongolian People's Party won 59.2% and the Democratic Party - 38.9% of seats in the parliament. Of 76 parliament members only 3 are women.

26. Judiciary authority is included in a special chapter in the Constitution of Mongolia, with articles 47-56 regulating basic judicial power relations such as the court and the prosecutor's system, their basic duties and principles of their operations. They are examined in detail in the Law on the Court and the Law on Prosecutor's Office. Article 16 of the Constitution states that every citizen has "the right to appeal to the court to protect

his/her rights if he/she considers that the rights or freedoms have been violated; to self-defense; to receive legal assistance; to have evidence examined; to fair trial. Every person shall be presumed innocent until proved guilty by a court by due process of law”, which is a concept followed by the judiciary of the country.

27. Article 40.1.4 of the Law on Criminal procedures indicates that if a person is incapable of exercising his/her right for self-defense because of speech, hearing, vision impairments or mental illness, a lawyer and an interpreter, the sign-language interpreter should be present at court, which is followed at all levels of case registration, investigation, prosecution and court. However, there is lack of data on the percentage of cases concerning persons with disabilities out of total number of cases at court.

28. In the last few years there is a trend for the rise of crime, which worries the society, but it is necessary to notice that detection of criminal cases has improved.

### **Protection and support of human rights**

#### *Recognition of international standards and norms of human rights:*

29. Information on main international documents related to human rights that were acceded by Mongolia is shown in the following tables.

**Table 1. UN fundamental conventions and protocols related to human rights ratified by Mongolia**

<i>Names of conventions</i>	<i>Acceded/ratified in</i>
Convention Against Discrimination in Education(1960)	1964
International Convention on the Elimination of All Forms of Racial Discrimination(1966)	1969
International Covenant on Civil and Political Rights(1966)	1974
International Covenant on Economic, Social and Cultural Rights (1966)	1974
Convention on the Elimination of All Forms of Discrimination against Women (1979)	1981
Convention on the Rights of the Child and its Optional Protocol (1990)	1990
Optional Protocol to the International Covenant on Civil and Political Rights (1976)	1991
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962)	1991
Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993)	1998
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)	2000
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	2003
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)	2004
Convention on the Rights of Persons with Disabilities (2006)	2009
Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006)	2009
Optional Protocol to the International Pact on Economic, Social and Cultural Rights (2008)	2010

**Table 2. ILO conventions ratified by Mongolia**

<i>Names of conventions</i>	<i>Acceded/ratified in</i>
Right to Organise and Collective Bargaining Convention (98)	1969
Freedom of Association and Protection of the Right to Organise Convention (87)	1969
Equal Remuneration Convention (100)	1969
Discrimination (Employment and Occupation) Convention (111)	1969
Workers' Representatives Convention (135)	1974
Tripartite Consultation Convention (144)	1998
Employment Policy Convention (122)	2005
Forced Labor Convention (29)	2005
Abolition of Forced Labor Convention 105)	2005
Worst Forms of Child Labor Convention (182)	2000
Occupational Safety and Health Convention (155)	1998
Vocational Rehabilitation and Employment (Disabled Persons) Convention (159)	2002
Minimum Age Convention (138)	1981
Minimum Age (Underground Work) Convention (123)	1981
Maternity Protection Convention (103)	1969

*Protection of human rights as reflected in national legislation:*

30. The Constitution of Mongolia has a separate chapter on rights and freedoms of Mongolian citizen, which include the right to life (16), the right to free choice of employment, favorable conditions of work, remuneration, rest (16-4), the right to material and financial assistance in old age, disability, childbirth and childcare and in other circumstances as provided by law (16-5), the right to protection of health and medical care (16-6), the right to education with provision of basic general education free of charge (16-7).

31. Implementation of the above rights reflected in the Constitution, detailed legal coordination is shown in laws and regulations in each field. These laws will be mentioned in detail in parts on implementation of related articles of the Covenant.

32. One of important instruments of human rights protection is liability for those, who violated the law. All laws mentioned previously include compensations for victims and liabilities of persons, who violated the law.

*Support of human rights at national level*

33. The government of Mongolia understands that protection of human rights and freedoms by law depends in great measure on capacity of citizen to realize their rights and support by the state and community in this aspect. The government has taken significant measures such as development of policies and strategies by law- making and implementing agencies, development of specific programs and legislation, allocation of necessary budget and resources, organization of training, promotion in mass media, cooperation with public and non-government organizations operating in the field of general and special human rights, in interest of different social groups.

34. Such offices as the National Commissioner for Human Rights, the National Authority for Children - a government implementing agency, operate in the structure of the executive organizations. The National Council for Human Rights, the National Council on Gender Equality, the National Council for Children, the Tripartite National Committee on

Labor and Social Consensus, the National Council on Employment, the National Council on Vocational Education and Training headed by the Prime Minister and other high officials at the level of Ministers are among organizations that operate to protect rights and interests of citizen. There are agencies in charge of implementing human rights in such ministries as Ministry of Education, Science and Culture, Ministry of Social Welfare and Labor and the Ministry of Health.

35. In order to raise awareness on human rights, including rights of vulnerable, special groups, protection and support of their rights, such activities as distribution of hand-outs and printed materials, organization of training are conducted among civil servants and management.

36. The Government of Mongolia pays special attention to importance of cooperation between the state, community and private organizations, mass media, their close relations and assistance in protection and support of human rights and freedoms, especially of interests of vulnerable groups of population. Special measures taken by the Government in this field are described in the part of the report related to specific provisions of the Covenant.

## **II. General provisions of the Covenant**

### **Article 1**

37. Article 1 of the Constitution of Mongolia passed in 1992 declared that Mongolia is an independent republic and Article 3 stated “In Mongolia state power shall be vested in the people of Mongolia. The Mongolian people shall exercise it through their direct participation in state affairs as well as through the representative bodies of the State authority elected by them”. The rights of Mongolian citizens to elect and be elected are guaranteed by the Law on Election to the State Great Khural of Mongolia and the Law on Local Elections passed according to the above provision to the Constitution. For instance, legally capable citizen of Mongolia, who have reached the age of 18 have a right to vote, those, who have reached the age of twenty five and are eligible for elections have a right to be elected to the State Great Khural. The voter shall cast the vote directly, by secret ballot, him/herself. Persons with disabilities have a right to be assisted by his/her authorized person. Citizen of Mongolia, who were proved to be legally incapable by the court decision or those serving a prison term are not eligible for participation in elections.

38. The Constitution of Mongolia passed in 1992 declared the right of an individual for ownership. Laws on economic, social, cultural and other relations coordinate in detail legal relations on possession, ownership, protection of private property, its use, and access to benefits. Article 6 of the Constitution of Mongolia states “In Mongolia the land, its subsoil, forests, water, fauna and flora and other natural resources shall be subject to people's power and State protection. The land except that given to the citizen of Mongolia for private ownership, as well as the subsoil with its mineral resources, forests, water resources and wildfowl shall be the property of the State. The State may give for private ownership plots of land, except pasturage and land under public utilization and special use, only to the citizens of Mongolia”. In order to implement the above provisions of the Constitution such measures as privatization of land plots to citizens free of charge, privatization of housing and livestock free of charge have been taken. According to the Civil Code of Mongolia, citizen of Mongolia are entitled to freely possess, use, dispose of their ownership subjects at own discretion and protect them from any encroachment in the frame determined by the above law.



## Article 2

39. Article 14 of the Constitution of Mongolia states that “All persons lawfully residing within Mongolia are equal before the law and the court. No person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and position, religion, opinion and education. Every one shall be a person before the law”. Articles 19 and 18 state that “The State shall be responsible to the citizens for creation of economic, social, legal and other guarantees to ensure human rights and freedoms, to fight against violations of human rights and freedoms and to restore infringed rights”, “The rights and duties of foreign citizens residing in Mongolia shall be regulated by the Mongolian law and by the treaties concluded with the State of the person concerned. Mongolia shall adhere to the principle of reciprocity in determining the rights and duties of foreign citizens in an international treaty being concluded with the country concerned. The rights and duties of stateless persons within the territory of Mongolia shall be determined by the Mongolian law.

40. In allowing the foreign citizens and stateless persons under the jurisdiction of Mongolia to exercise the basic rights and freedoms provided for in Article 16 of this Constitution, the State may establish by law relevant restrictions upon the rights other than the inalienable rights spelt out in international instruments to which Mongolia is a Party, out of the consideration of ensuring the national security, the security of the population, and public order”.

41. In line with the above provisions of the Constitution laws of Mongolia regulating economic, social and cultural relations coordinate in detail issues related to provision of human rights and freedoms of foreign nationals and persons without citizenship. For instance, the Labor Law, the Law on Employment Promotion, the Law on Culture, the Law on Health, a package laws on Social insurance and Welfare have standard provisions stating that “If the international agreements state otherwise than the law of Mongolia, the international agreement shall be followed”.

42. Article 6 of the Constitution of Mongolia states that “The State may give for private ownership plots of land, except pastures and land under public utilization and special use, only to the citizens of Mongolia. The state may allow foreign citizen, legal bodies and stateless persons to lease land for a specified period of time under conditions and procedures as provided for by the law”, which is related to special subjects of the provision on non-discrimination under the Mongolian legislation.

43. As a member of an organization on development cooperation, Mongolia makes certain efforts to respect human rights and freedoms, while participating in international activities in the economic and trade fields. For instance, when a trade agreement with EU countries was signed, a provision was included not to use forced and child labor in order to stop use of products manufactured with use of labor exploitation. Mongolia ratified ILO Conventions No. 29 on Forced Labor and No. 105 on Elimination of Forced Labor in 2005.

## III. Specific rights

### Article 6

44. Article 6 of the Covenant states that “The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work, which he freely chooses or accepts, and will take appropriate steps to safeguard this right”. In line with the above article, Mongolia ratified the Convention on Elimination of all Forms of Racial Discrimination in 1969, the Convention on Elimination

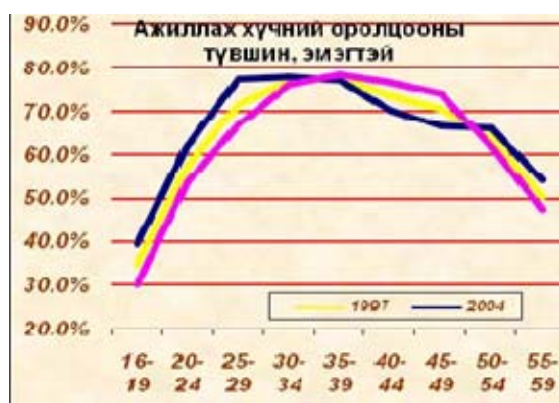
of all Forms of Discrimination against Women in 1981, ILO Convention No. 122 on Employment Policy in 2005, ILO Convention No. 111 on Discrimination (Employment and Occupation) in 1969. With ratification of the above conventions, Mongolia enhanced its national legislation to comply with them and has taken measures to implement them with regard to its own economic potential and specific situation. Information on implementation of ILO Convention No. 122 can be found in 2002, 2005, 2008 and 2010 reports, information on implementation of ILO Convention No. 111 can be found in 2006, 2008 and 2010 reports, and information on implementation of CEDAW is included in 5th, 6th and 7th State Reports of Mongolia.

45. Population of labor age accounts for over 60 per cent of total population of Mongolia. The participation level of workforce was 63.5-66.8 per cent in the last 5 years. Students account for nearly 15.0 per cent of population of labor age. By the number of unemployed, officially registered at the Labor exchange, the unemployment rate of Mongolia equaled 3.0 per cent of economically active population. Since 2009 the unemployment rate has been determined by workforce surveys, so in 2009 it was 11.6 per cent and in 2010 it went down to 9.9 per cent. When the participation level of workforce was examined by sex that of women was slightly lower compared to that of men. A fact that the level of women's participation is comparatively low can be explained by a trend to put their family duties such as taking care of children and elderly over economic activity. That the labor participation level among women aged 54-59 is relatively low is related to their right to take retirement at the age of 50, if a woman has 4 and over children, or a right to take a retirement at the age of 55 regardless of the number of children. The unemployment level is higher compared to other age groups among young people aged 15-24, who make a transition from studies to work. According to workforce surveys, the unemployment rate among young people aged 15-24 was 22.0 per cent in 2009 and 19.5 percent in 2010, which is nearly twice higher than the national average. Employment of herders, who account for over 30 percent of total workers, has become more vulnerable due to climate change, economic crisis and increasing mining production. Especially in the last years, many herders lost their livestock and moved to the ranks of unemployed because of draughts and dzud, natural and climate disasters, the frequency of which has increased in the past years.

**Figure 1. The workforce participation level**



### Workforce participation level - women



Source: MSWL. Facts and figures. 2010.

46. The issue of employment has an important place in the policy of the Government of Mongolia. In order to implement this policy, in 2001 the State Great Khural passed a Law on Employment Promotion according to which public employment agencies shall provide persons seeking employment with services on employment promotion free of charge. The services in employment promotion may be in form of providing professional orientation and information; mediating jobs; providing small loans; providing training and re-training; organizing works involving general public; supporting employers. Financing for such measures is allocated from the Fund on Employment Promotion, which is one of special public funds.

47. A share of herders and self-employed is quite high among total workers in Mongolia due to the economic structure of the country. Herders are considered to be household producers, so self-employed and herders account for over 50 per cent of total workers. The Government pays special attention to support of these groups by reflecting provision of employment services to herders and self-employed persons in the legislation on employment promotion. It provides assistance to citizens to engage in any form of employment.

48. The Constitution of Mongolia states, “No person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and position, religion, opinion and education. Citizens have the right to free choice of employment, favorable conditions of work, remuneration, rest and private farming. No one shall be subjected to forced labor” (Articles 14 and 16). The above articles of the Constitution are regulated by the Labor Law and the Law on Employment Promotion.

*Article 7. Prohibition of discrimination, establishment of limitations or privileges in labor relations*

*7.1 Nobody may be illegally forced to work.*

*7.2 Discrimination, setting of limitations or privileges in labor relations based on nationality, race, sex, social origin or status, wealth, religion, or ideology shall be prohibited.*

*7.3 If an employer has limited an employee's rights and freedom due to specific requirements of the job duties when employing an employee, the employer shall be obliged to justify the grounds for doing so.*

*7.4 Unless related to work or duty to be performed, when recruiting an employee, no questions pertaining to the private life, ideology, marital status, political party membership, religious beliefs, or pregnancy of the employee are allowed.*

*7.5 In case a question was put in breach of 7.4 of this Code, the employee shall not be obliged to reply.*

49. Professional and vocational training is one component of the educational system of Mongolia. The Government of Mongolia paid special attention to the issues of professional and vocational training in the past years, and in 2009 the State Great Khural passed a revised Law on Vocational Education and Training. According to the law, Vocational Training Centers (VTC) provide professional training and technical colleges provide vocational education. VTC students study for about 2.5 years and receive monthly allowance of 45,000 MNT, i.e. about 40 USD. Public VTC and technical colleges are set up by the decision of the Government and are financed from the Fund on Support of Vocational Education and Training (FSVET). FSVET is one of the Government special funds as a Fund on Employment Promotion (FEP). Private VTC and technical colleges can be set up by legal bodies with a special license. They provide financing and pay allowance to the students on the basis of variable costs per student. In 2009, in total 38.7 billion MNT were allocated from the national budget on educational activities, costs of dormitories for students and student allowances in the vocational education sector.

50. Technical and vocational education and training (TVET) schools can have different types such as: training centers at the factories, employment training centers, employment education centers, special needs education and training organizations. The above educational institutions organize skills training based on short-term modules for unemployed and staff of economic entities with financing from the FEP or the economic entity, or fees paid by the individual. Intensive measures have been taken in the past years to improve the quality of the professional and vocational training, to revise training standards in order to meet the needs of employers, to conduct accreditation of educational institutions, to organize in-service temporary training. For instance, since 2009, in-service training programs have been piloted in mining, road building and construction sectors with financing of 3.0 billion MNT from FEP.

51. Although the Government of Mongolia has taken certain measures on support of employment and provision of professional and vocational education, it has not succeeded in creating full, effective employment of population. There are a number of problems and difficulties that affect the situation. First, although in the past years a high economic growth was observed in the economy of the country, it had low employment sensitivity due to the fact that it depended mostly on development of mining. Second, a “demographic window” is taking place in Mongolia. At the time when the number and the share of population of labor age is the highest, the main sectors that create workplaces such as processing factories, are underdeveloped, which constrains employment of population. Third, the effect of the global economic crisis of 2008-2009 has not been fully eradicated in our country and the present achievements are still fragile, which affects negatively employment of the population. Fourth, natural disasters, droughts and dzud caused by global warming, bring great harms and damage to the national economy and employment. Because of frequent droughts and dzud that covered the whole territory of the country in the past years, many herder households lost their source of livelihood and migrated to urban areas, thus increasing the numbers of unemployed.

52. There is lack of law provisions that create discrimination, limitations in the issue of employment and equal rights and opportunities. However, some employers include age limits, sex, height and shape as criteria for applicants, when placing vacancy announcements in mass media. The general public rightfully views it as discrimination, so measures are taken to improve legal coordination on this issue.

53. Labor statistics of our country are divided by such indicators as sex, age group, economic sector, professional classification, employment status, but such indicators as nationality, race and religion are not included.

54. As of 2006-2009, the level of workforce participation in Mongolia is 63.5-66.1 per cent.

55. Due to shortage of workplaces, practice of holding a second job in addition to the main one is not widespread among population and there is lack of reliable data on this issue.

56. To implement fully the rights mentioned in Article 6 of the Covenant, the Government cooperates with such organizations as the International Labor Organization (ILO), Asian Development Bank (ADB), the US Millennium Challenge Corporation (MCC), taking measures on improving legal coordination, revising contents of professional and vocational education, strengthening its material basis. For instance, the US MCC is implementing a project on technical and vocational education and training. In the frame of the Education Development Program-3 implemented with a loan from ADB, 6 local VTC were selected to be developed as regional vocational education centers and investment of USD 3.0 million was made to repair school buildings and install necessary equipment in them. Equipment and tools, simulation training software for laboratories and workshops for six basic and the most popular trades were procured in December 2009.



## Article 7

57. Mongolia ratified the ILO Convention No. 101 on Equal Remuneration in 1969 and Convention No. 155 on Occupational Safety and Health in 1998. However, our country has not acceded to conventions No. 131 on Minimum Wages, No. 14 on Weekly Rest (Industry), No. 106 on Weekly Rest (Commerce and Offices), No. 132 on Holidays with Pay. These conventions are used as recommendations in the process of developing and improving the national legislation. The question on accession to Convention No. 81 on Labor Inspection and No. 129 on Labor Inspection in Agriculture is being studied. Information on the implementation of ILO conventions No. 100 and No. 155 can be found in the 2010 Report submitted to the ILO.

58. The Labor Law of Mongolia states that the worker's wages/salary may be on a piecework basis, on an hourly rate, or in other forms and paid according to the work results. According to the above provisions, economic entities and organizations pay salaries and wages on the basis of work hours or performance. A system of payment based on work hours is in the form of a tariff salary per hour or a monthly salary according to the official position. The payment system based on performance is based on the work norm per a unit

of time and the tariff salary per hour with the unit evaluation. If the worker does not implement the norm due to reasons beyond his/her control, the difference between the basic salaries are added to the wages for accomplished work.

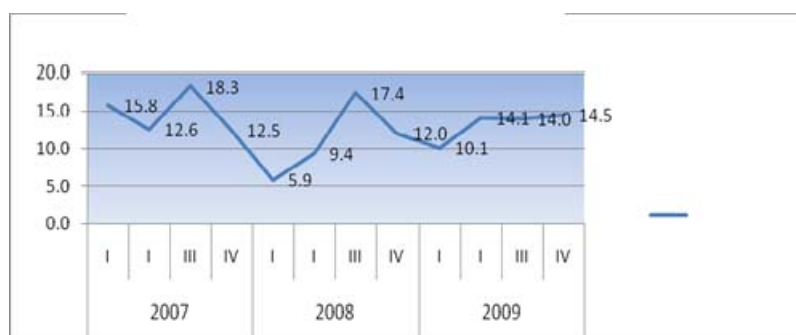
59. Mongolia started defining and using the minimum wages since 1992 and in 1998 the State Great Khural passed a Law on Minimum wages. According to the law, the Government revises the amount of minimum wages at least once a year taking into account suggestions of representatives of employers and employees' association. The Law does not determine a group of workers, who are not subject to minimum wages. In 2010, the above law was revised and approved by the State Great Khural, so the minimum wages are determined by regulations by the National Tripartite Committee on Labor and Social Consensus, with representatives from the Government, employers and employees. It is viewed that with introduction of new regulations there are greater opportunities for provision of participation of and consensus between stakeholders on the issue of minimum wages. There is no group of workers that is excluded. Minimum wages are determined at national level with a right to introduce higher wages on the basis of an agreement within a certain sector. As of 2010, the minimum wages equaled one third of an average salary. This is an amount to sustain the minimum level of livelihood. In 2011, a decision was made to increase minimum wages by 30 percent.

**Table 3. Average salary and minimum wages, 2006-2010**

<i>Nº</i>	<i>Indicators</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
1	Minimum wage (MNT)	53,000	90,000	108,000	108,000	108,000
2	Average salary (MNT)*	127,700	173,000	274,200	300,200	341,000
	Ratio (%)	41,5	52,0	39,4	36,0	31,7

60. A survey on the structure of salaries and wages carried out by the National Statistics Office and the Ministry of Social Welfare and Labor (MSWL) in 2009, showed that 8.0 per cent of workers covered by the survey were paid minimum wages or a salary lower than that. The majority of workers, who were paid salaries lower than minimum wages, worked fewer hours than the regular hours per month, so it can be concluded that in general, economic entities and organizations follow the concept of minimum wages. At present, there is lack of an effective mechanism to monitor if the minimum wages principle is followed in an informal sector or household economies, so attention should be paid to these issues.

61. The Article 49.2 of the Labor law of Mongolia passed in 1996 states that men and women performing the same job shall be paid the same salaries and wages. There is lack of reliable documentary evidence that men and women were paid different salaries for performing the same jobs. However, the average salary among women is relatively lower compared to that of men.

**Figure 2. Differences in average salary of men and women**

62. The main reason for that is the fact that employment of men is much higher in highly productive, financially capable, well-paid sectors such as mining, construction, transportation, energy, public administration and defense. Women mostly work in implementing positions or common professions, which explains the difference in average salaries of men and women. For instance, the majority of staff in the educational sector is women, but the percentage of female staff differs by the level of educational institutions. While in primary school women account for 94 per cent of staff, in secondary school 71 per cent of staff are women, in high school 68 per cent, in technical and vocational school 60 per cent, and in universities 52 per cent of staff are women.

**Table 4. Percentage of men and women working in sectors, except agriculture (by sectors of economic activities), 2008**

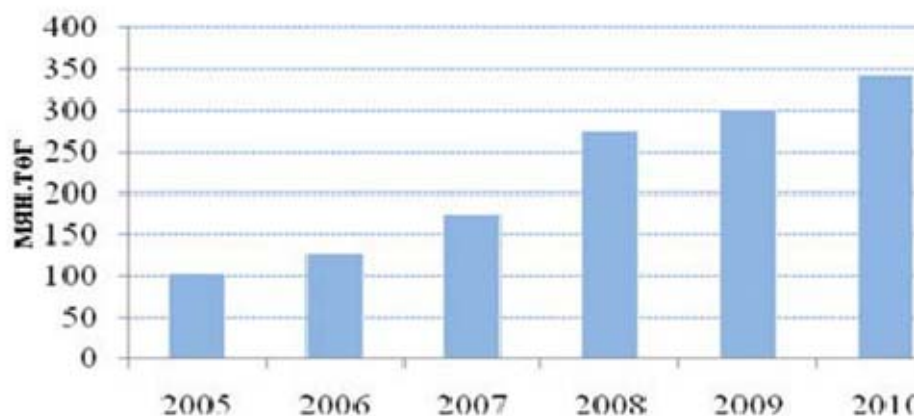
<i>Nº</i>	<i>Indicators</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
1.	International organizations	0.6	0.6	0.6
2.	Households production that hires paid workers	1.3	1.0	1.2
3.	Services to the society and individuals	3.2	2.8	3.0
4.	Health, social welfare	4.4	8.1	6.4
5.	Education	6.9	12.7	10.0
6.	Public administration, defense, social, insurance	9.3	6.2	7.7
7.	Real estate, rent, business	1.9	1.8	1.8
8.	Financial transaction activities	2.5	3.4	3.0
9.	Transportation, warehouses, communication	9.7	4.6	7.0
10.	Hotels and catering	3.8	6.4	5.2
11.	Wholesale, retail trade, repair of domestic appliances	21.4	29.2	25.5
12.	Construction	12.2	8.1	10.1
13.	Power and gas production, water supply	5.8	3.4	4.5
14.	Processing industries	7.3	7.0	7.0
15.	Mining and extraction industry	9.6	4.7	7.0
16.	TOTAL	100%	100%	100%

63. According to the Labor Law of Mongolia, salaries of workers consist of the basic salary, additional pay, extra pay, awards and bonuses. As for civil servants, the amount of basic salary and kinds and amounts of additional pay are regulated by the Law on Civil



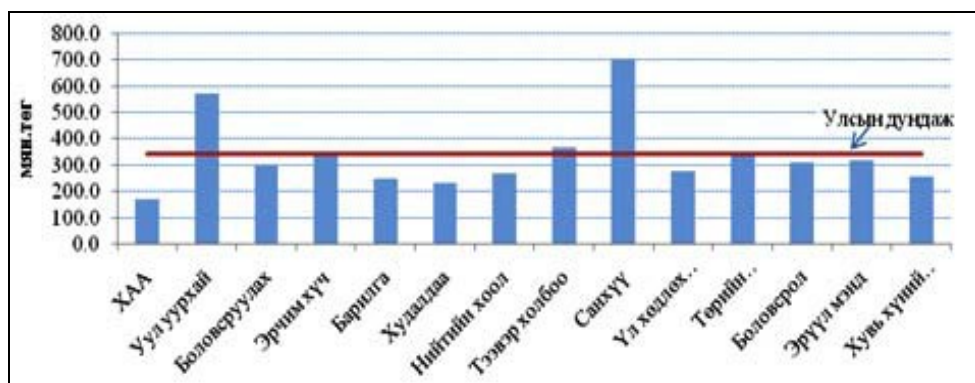
Service. Extra pay and bonuses are paid according to the Labor Law. Private enterprises are required to develop and follow their own system of salaries and wages. As of 2010, the average salary at the national level reached 341.0 thousand MNT, which is 3.4 times greater compared to 2005. Economic growth and measures taken to increase salaries of civil servants influenced this increase.

**Figure 3. Average monthly salaries (thousand MNT), 2005-2010**



64. In 2010, average salaries examined by the sectors showed that the highest salaries were paid in the mining and financial services sectors, and the lowest salaries were paid in agricultural and trade sectors.

**Figure 4. Average monthly salaries, by sectors (thousand MNT)**



65. Relations related to provision of working conditions meeting safety and health requirements were regulated by the Labor Law until 2008 and since 2008 they have been coordinated by a stand-alone Law on Occupational Safety and Health. The Law on Occupational Safety and Health (OSH):

- Determines the state policy and basic principles on provision of work safety and hygiene;
- Establishes a system of management and monitoring of public organizations;
- Provides for safety and hygienic requirements and standards put to the workplace;
- Creates conditions for workers and staff to work in safe, healthy environment.
- Following regulations and legal acts are followed in order to implement the law;
- Regulations on registration and study of industrial accidents and acute poisoning;



- Normative on establishing OSH councils and employing full-time staff;
- Regulations on organizing training on work safety and hygiene, taking examinations;
- Regulations on evaluation of working conditions.

66. Since no workers' groups, who are not subject to the Law on Occupational Safety and Health (OSH) and related legal acts, were mentioned, workers of all categories are subject to the law. The Professional Inspection Authority, a government implementing agency, is responsible for enforcing implementation of the Law on OSH in economic enterprises and organizations. In 2010, the Deputy Prime Minister and the Minister for Social Welfare and Labor signed a joint order approving a concept of reform of labor inspection. The main contents of the reform are directed towards organization of work safety and hygiene on the principle of risk assessment and prevention. A fact that the number of industrial accidents has not declined substantially is related to expansion of high-risk production such as mining and domination of small enterprises and household production in national economy.

67. In the public sector, issues related to promotion are regulated by the Law on Civil Service. Article 16 of the Law on Civil Service states that rights of citizen, who meet requirements put to the given official position to work in civil service shall not be discriminated on the basis of ethnic origin, race, age, sex, social origin, status, wealth, work, official position, religion, views, membership in political parties or other organizations. In order to implement the above provision such methods as competitive selection and selection based on work performance and the level of specialization are used in hiring persons for civil service as well as in their promoting. In private sector, there is a lack of a common law on regulations to coordinate such relations, so each enterprise or organization follows regulations developed by them within their authority.

*Article 17. Filling vacancies for civil servants positions, hiring for an official position*

*17.1 In case of a vacancy has opened for an official position in a civil service, it is filled by the way of selecting from civil servants, who work in the given organization or other related public organizations on the basis of their work performance and the level of specialization.*

*17.2 A citizen of Mongolia, who meets general requirements stated in Article 10.1 of the Law, special requirements in Article 33.5 and conditions stated in Article 16, has a right to work on an official position of a civil servant.*

*17.3 In order to select from persons, who wish to work in the given official position and who meet general requirements stated in Article 10.1 of the Law and special requirements in Article 33.5, a specialized examination on civil service, called the specialization test, is administered, then candidates are ranked by their grades and...*

68. In 1997, a 5-day work week was introduced in Mongolia. In addition, Mongolia has 9 days of public holidays. Every worker has a right to take an annual vacation of 15 workdays. If the worker has worked over 6 years, he/she has an additional vacation of 3-18 days depending on duration of employment and working conditions. The vacation is paid on the basis of an average salary in the last 12 months. The Labor Law states that working hours per week can be up to 40 hours, the length of a regular workday is up to 8 hours, the continuous rest between 2 consecutive work days shall be no less than 12 hours. Moreover, it is stated that working hours for workers aged 14-15 shall not exceed 30 hours per week, working hours for workers aged 16-17 and workers with disabilities shall not exceed 36 hours per week. If the above daily and weekly working hours cannot be followed due to

specifics of the occupation or industry, rules on aggregation of working hours approved by the Government can be used.

69. If the employer makes the staff work overtime he/she shall pay the amount at least 1.5 times greater than the average wages. According to the Labor Law of Mongolia employees are paid for the days of public holidays, and if the staff worked during the public holidays or on days of the weekly rest without being given days off afterwards, he/she should be paid twice the amount of the average wages.

70. An employee or an organization that represents his/her interests can address a complaint about the violation of Labor Law or related legislation to the State Inspectors of the Professional Inspection Authority or the court. If the violation is not punished with criminal liability, the guilty party is given an administrative punishment.

71. State Inspectors of the State Professional Inspection Agency are responsible for the implementation of the above law, inspection of violation of related provisions, elimination of detected violations. In 2009, in total 1421 violations related to the working hours and wages were detected, of which 83 per cent or 1187 cases were resolved and appropriate measures were taken.

72. In order to strengthen the capacity of monitoring implementation of labor laws and regulations, training on wages, labor contracts, resolution of labor conflicts is organized jointly with ILO for inspectors of the Professional Inspection Authority and staff of trade unions in charge of monitoring.

## **Article 8**

73. Mongolia ratified the International Covenant on Civil and Political Rights in 1991, the ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise, and Convention No. 98 on the Right to Organise and Collective Bargaining in 1969. Mongolia has not yet ratified the ILO Convention No. 151 on Labor Relations (Public Service), but the above convention is used as a recommendation for development and improvement of the Law on Civil Service. As a country that ratified the Convention No. 87 on Freedom of Association and Protection of the Right to Organise and Convention No. 98 on the Right to Organise and Collective Bargaining, Mongolia has taken certain measures to reflect concepts of these conventions in the national legislation and implement them. Information about the implementation of these conventions can be found in the Government reports of Mongolia submitted to the ILO.

74. The right to establish trade unions, to protect legal rights and interests by the way of making agreements on the basis of association into trade unions is guaranteed by the Law on the Rights of Trade Unions and the Labor Law. Laws do not contain any provisions that limit the right of certain groups of workers to associate in trade unions and make collective agreements. However, the Law on Civil Service states that civil servants, administrative and special officials are prohibited to participate in activities of political, non-government and religious organizations with regard to the issues not related to their official duties, as well as to participate in planning, organization and participation in other activities such as strikes or activities directed to disruption of normal activities of public organizations. It is related to the fact that common duties and responsibilities of civil servants, their social guarantees are regulated specifically by the Law on Civil service.

### *Article 3. The right to associate in trade unions*

*1. Citizens have a right to associate freely in trade unions in order to realize their right to work and to protect their legal interests related to it without any special permission, on voluntary basis, without any discrimination.*

*2. No one can be compelled to become a trade union member or cancel his/her membership.*

*3. It is prohibited to limit rights and freedoms of citizen or discriminate them with regard to their membership in trade unions. The Law on the Rights of Trade Unions*

75. According to the Law on Trade Unions and their own regulations, trade unions have the right to establish their branches, associations at the local and national levels or join other associations, become members of international and regional trade union associations. There are no legal provisions or limitations by the Government that restrict this right.

76. At present, one trade union - the Confederation of Mongolian Trade Unions (CMTU) operates at the national level. The Federation has 22 territorial associations and 13 branches with over 250 thousand members. The basic principle is "one factory-one trade union". CMTU is a member of an international trade union, its Asia-Pacific regional organization.

*The Labor Law of Mongolia guarantees the rights of workers to strike.*

77. Representatives of the employees shall have the right to initiate collective labor disputes on the differences that occur during negotiation of collective agreement and bargaining pursuant to the Labor Law, and to submit claims and demands for compliance with the provisions of collective agreement and bargaining. Collective labor disputes shall be reconciled and settled by engaging intermediaries; or by considering the matter in a labor arbitration court. If the dispute is not reconciled with use of the above methods, representatives of the workers have a right to call for a strike.

*Article 119. Exercise of the right to strike*

*119.1. Representatives of workers have a right to strike in the following cases:*

*119.1.1. An employer fails to participate in reconciliation stated in article 116.1 of the Law;*

*119.1.2. An employer fails to comply with a settlement reached with participation of an intermediary;*

*119.1.3. An employer fails to fulfill own decision based on acceptance of a recommendation of the labor arbitration court;*

*119.1.4. Even though the collective labor dispute was considered by the labor arbitration court, no decision was issued to accept its recommendation. 119.2 An employee shall participate in the strike voluntarily.*

*119.3. An employee may not be compelled to participate in a strike, or to not participate in a strike, or to continue a strike, or to stop a strike, except as otherwise provided by law.*

*119.4. Representatives of an employer may not organize or participate in a strike. Labor Law of Mongolia*

78. The Labor Law of Mongolia includes regulations to prohibit a strike, to postpone it or to suspend it temporarily with regard to the national security, public order and protection of rights and freedoms of others. For instance,

- It is prohibited to organize strikes in organizations in charge of national defense, provision of national security, enforcing public order.
- It is prohibited to organize a strike at the stage of negotiations of a collective dispute, or while the dispute is being considered by an intermediary, or labor arbitration or the court.

- In case a threat to human lives or health has emerged, the court has a power to postpone a strike for up to 30 days or, if the strike has already started, to suspend it temporarily stop for the same period.
- If a strike at a business entity or organization in charge of power supply, heating, water, public transportation, international or inter-city telecommunications or railway traffic, endangers security of the state, human rights and freedoms, the Government may postpone the strike until the court issues a decision in this regard, but in no event for more than 14 days.

## Article 9

79. Mongolia has not yet ratified the ILO Convention No. 102 on Minimum Standards of Social Security, Convention No. 121 on Employment Injury Benefits, Convention No. 128 on Invalidity, Old Age and Survivor's Benefits, No. 130 on Medical Care and Sickness Benefits. However, the contents of the above conventions are reflected in legislation on social welfare. For instance, in 2009-2010, MSWL jointly with ILO made an evaluation of how the legislation of Mongolia on social welfare complies with the ILO Convention No. 102 on Minimum Social Welfare and a question of accession to the Convention is studied.

80. The social welfare system in Mongolia is comprised of two basic parts, namely, social insurance and social welfare. Social insurance relations are regulated by the package laws on Social Insurance. According to the law, the social insurance has five types such as pension insurance, benefit insurance, industrial accidents and occupational diseases insurance, unemployment insurance and health insurance. An insured person, who is covered by a compulsory form of social insurance, receives following assistance and allowance:

- Costs of secondary and tertiary level of medical assistance and services are paid from the Health Insurance Fund according to the tariffs and medicines included in the Essential medicines list can be bought at the reduced prices. In 2009, in total, 2,122.0 thousand insured were covered by medical insurance, an income of insurance premiums worth 72.4 billion MNT was accumulated and 56.9 billion MNT was spent from the Fund on costs, assistance and services to 1,736.6 thousand insured persons.
- An employee, who paid the pension insurance premium for 3 or over years prior to loss of labor ability, receives an allowance on temporary loss of labor ability in the amount equal to 50-75 per cent of wages depending on the number of years he/she paid the insurance premium. The insured can receive it in total 132 work days a year. If the insured has temporarily lost labor ability due to an industrial accident or occupational disease, he/she is paid an allowance equal to 100 per cent of average wages regardless of the time he/she paid premium. The highest time limit for receiving the allowance is 180 days.
- An insured person, who paid the benefit insurance premium in the course of 12 months prior to the maternity leave, with the last 6 months of continuous payment, has a right for a pregnancy and maternity benefit in the amount of 100 per cent of the average salary or wages in the last 12 months for the duration of 4 calendar months.
- An insured person, who paid the pension insurance premium in the course of no less than 20 years, has a right for a pension at the age of 60. A woman can receive a pension at the age of 55 on her wish. Such insured as mothers, who gave birth and raised many children, those, who worked in unfavorable working conditions

(underground, hazardous, hot, difficult), professional artists of classical arts or those in specific artistic professions have the right to early retirement before the normal retirement age according to the conditions indicated in the Law. The amount of the pension is calculated as 45 per cent of the average salary or wages in the 5 consecutive years prior to retirement and an addition of 18.5 per cent is added to each year in case one worked over 20 years. The insured, who paid the pension insurance premium for 10 to 20 years has a percentage-based pension. The minimum amount of a full pension should not be less than 75 per cent of the minimum wages and the minimum amount of the percentage-based pension should not be less than 50 per cent of minimum wages. As of 2009, in total, 196789 persons received pensions and the average pension equaled 96.6 thousand MNT. In 2004-2009 the Government of Mongolia took measures to increase the amount of pensions for 11 times, so the average pension in 2009 was 3.6 times greater compared to that in 2002.

- An insured person, who paid the pension insurance premium for in total no less than 20 years or paid it for 3 years of 5 years prior to becoming disabled has a right to receive a disability pension in case he/she lost his/her labor ability by no less than 50 per cent due to illness or accident, for a long term or for lifetime. If the insured did not meet these conditions, but paid the premium for at least 3 years, he/she can receive a disability pension for the total period of premium payment. The pension is calculated based on same formula as the retirement pension. The minimum amount of a full pension should not be less than 75 per cent of the minimum wages and the minimum amount of the percentage-based pension should not be less than 50 per cent of minimum wages. As of 2009, 53,341 persons received disability pensions and the average pension was 96.6 thousand MNT. If the insured became disabled due to an industrial accident or an occupational disease, a disability pension is paid from the Insurance Fund on Industrial Accidents and Occupational Diseases at the amount of 10 per cent of the average monthly salary or wages, if the insured lost his/her labor ability for up to 10 per cent and according to the percentage of lost labor ability, if it is over 10 per cent. The insured, who lost his labor ability for 30 and over per cent and became disabled shall have a minimum disability pension of no less than 75 per cent of minimum wages. The insured, who lost 30 or over per cent of labor ability due to an industrial accident or an occupational disease has a right to receive costs of rehabilitation, ordering prosthetics and orthopedic devices from the Insurance Fund on Industrial Accidents or Occupational Diseases as well as costs of treatment at sanatoriums or payment of pension insurance premiums.
- If an insured person paid a pension insurance premium for no less than 20 years in 5 years prior to his/her death due to a common disease or an accident, his/her family members, who were in his/her care, have a right to receive a pension on the loss of a breadwinner. If the insured did not meet the above conditions, but has paid the pension insurance premium for over 3 years, he/she can receive a pension levied for the total duration of his/her payment. Born or adopted children under 16 years old (under 19 years old if he/she is a student), grandchildren, siblings, who do not have other caregivers, disabled persons, who have been under care of the deceased or children, grandchildren, siblings, who have become disabled at the age under 16, parents, spouses, who are disabled or are aged over 60 for men and 55 for women, grandparents, siblings, who do not have other legal caregivers are included in family members incapable of labor. The amount of the pension on the loss of a breadwinner is calculated on the basis of the part allocated for retirement pension on the following percentage:

<i>Number of incapable family members</i>	<i>Percentage for pension (percent)</i>
3 and over	100
2	75
1	50

81. The lowest amount of the pension on the loss of a caregiver is equal to the minimum amount of the pension or disability allowance. As of 2010 in total 29176 persons received a pension on the loss of a breadwinner with a monthly pension of 126500 MNT. If the insured person died due to industrial accident or occupational disease the pension on the loss of a breadwinner is calculated on the basis of average wages of the deceased and its percentage is calculated as indicated above.

- An insured person, who paid an unemployment insurance premium for in total 24 months with continuous payment in the last 9 months, has a right to receive a benefit in the course of 76 days. The amount of a monthly allowance depends on the salary received by the insured and the duration of payment as shown below. The minimum should not be less than 75% of the minimum wages.

<i>Length of premium payment and employment (years)</i>	<i>Percentage of calculating the pension (percent)</i>
1. Up to 5 years	15
2. 5-10 years	50
3. 10-15 years	60
4. 15 and over	70

82. Along with an unemployment benefit provided to the insured from the Unemployment Insurance Fund costs of professional training are provided according to regulations. In 2009 in total 11,900 persons received unemployment benefits worth 6.1 billion MNT. If it is compared to 2007, the number of persons, who received benefits, grew 1.4 times and the expenditure increased 3 times.

- Family members of an insured person, who paid the benefit insurance premium for in total no less than 36 months, receive a bereavement benefit (for funeral) in case of death due to a common disease or an accident. If an insured died of an industrial accident or an occupational disease a bereavement benefit is provided regardless of the number of years the premium was paid. A citizen, who received pensions or benefits according to the Law on Social Insurance, is entitled to a bereavement benefit, the amount of which shall be determined by The National Council on Social Insurance.

83. Citizen from some groups of the society, who did not fulfill conditions for receiving pensions from the social insurance system, are provided with assistance according to The Law on Social Insurance. For instance,

- Lone seniors, who did not fulfill conditions for reception of pensions from the Social Insurance Fund, or seniors whose caregivers are not able to provide support to them, persons with disabilities, who reached the age of 16, parents of a household with a large number of children, orphans, whose caregivers deceased, receive a monthly welfare pension. At present the amount of pension is 53,800 MNT or is equal to 80% of the pension provided by the Social Insurance Fund.
- A monthly allowance is paid to all pregnant women for 12 months starting from the 5th month of pregnancy regardless of payment of social insurance premium by them. The amount of allowance is at present 24,000 MNT.

- Persons, who look after bedridden, lone seniors or persons with disabilities or children, who cannot live in their own families due to different reasons, receive a monthly allowance. The amount of it equals 30,000 MNT.
- With regard to income level elderly and persons with disabilities are provided with different kinds of assistance such as fuel and coal at reduced prices, reduced prices for sanatoriums or order of prosthetic and orthopedic devices and measures are taken to place them in nursing homes or cover with social welfare programs. Since 2009 every citizen receives a monthly benefit from the mining income according to the Law on Human Development Fund passed by the Parliament. The above social welfare activities are financed from the state budget.

84. The economy of Mongolia has grown rapidly in the last years, so resources allocated in the social welfare sector have increased.

**Table 5. GDP, national budget and social welfare expenditure**

<i>Nº</i>	<i>Indicators</i>	<i>Units</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
1	GDP	Million MNT	3,639,987.7	3,963,960.0	3,913,673.2
2	National budget expenditure	Million MNT	1,367,668.0	1,761,190.6	1,788,157.6
3	Social welfare expenditure	Million MNT	367,101.5	570,389.3	602,367.3
4	SWE/GDP	Percent	10.1	14.4	15.4
5	SWE/NBE	Percent	26.8	32.4	33.7

85. Participation of non-government organizations and the private sector in the social welfare system is low. In the last years personal pensions and life insurance have been introduced, but there is lack of data on their effect on citizen.

86. Some groups of individuals are not able to access the social insurance and the social welfare system of Mongolia. For instance, there are some calculations that over 10,000 seniors did not fulfill conditions to receive pensions from the Social Insurance Fund and do not meet conditions for social welfare pensions. The number of such people might grow in the future because of the present employment conditions. Therefore, in order to provide for the right of senior citizen to access social welfare, a question of introducing universal pensions with financing from the state budget is being studied. There is a need to develop and implement targeted welfare programs directed to certain groups of population such as the poor, orphans, lonely elderly without caregivers, persons with disabilities. A draft law is being developed in this field.

87. In order to realize rights reflected in article 9 of the Pact, the Government of Mongolia cooperates with the ILO, the World Bank and ADB on the issue of developing a pension system, improving social welfare, directing it to target groups. In the frame of this cooperation a concept for reform of the pension and the welfare system has been developed, technical assistance projects on support of the social sector have been implemented and assistance on strengthening capacity of the Government and its social partners has been provided.

## Article 10

88. Mongolia ratified to the International Covenant on Civil and Political Rights and its Optional Protocol in 1991, the Convention on the Rights of the Child and its Optional Protocol in 1990, the Convention on the Elimination of All Forms of Discrimination against Women in 1981, the ILO Convention No. 103 on Protection of Maternity in 1969, the ILO Convention No. 182 on Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor in 2000, the ILO Convention No. 138 on Minimum Age for Admission to Employment, the UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages in 1991. Information about implementation of the International Covenant on Civil and Political Rights and its Optional Protocol can be seen in the 2010 National Report of Mongolia, information about implementation of the CEDAW in 2008 Report, information on implementation of the Convention on the Rights of the Child in 2009 Report, information on implementation of ILO Conventions Nos. 103 and 138 in the Government reports of Mongolia.

89. Article 16 of the Constitution of Mongolia states that “men and women shall enjoy equal rights in political, economic, social, cultural fields and in family relationship. Marriage shall be based on the equality and mutual consent of the spouses, who have reached the age determined by law. The State shall protect the interests of the family, motherhood and the child”. Article 4 of the Family Law states that marriage shall be established on the basis of equal, voluntary relations and discrimination of citizen on the basis of ethnic origin, language, race, religion is prohibited. Article 6 of the Law states that citizen of Mongolia, who reached the age of 18 can marry a foreign national or a stateless person in Mongolia on the basis of mutual consent, marriage of two Mongolian citizen or a marriage of a Mongolian citizen to a foreign national or a stateless person in a foreign country according to the laws of the given country is regarded as valid in Mongolia, if it does not breach provisions of the Family Law of Mongolia on circumstances preventing entering marriage. A man and a woman, who reached the marriage age determined by the Mongolian laws, have the right to have their marriage registered on voluntary, free, equal basis by a competent state registry authority.

### *Article 3. Legal definitions*

*3.1. The below mentioned definitions used in this law shall be contemplated in the following meaning:*

*3.1.1. “Marriage” is registration of a man and a woman of the age defined by the law by a state competent organization according to the law with a purpose of creating a family on the grounds of equal and voluntary principles;*

*3.1.2. “Family” is family members, who are related by property, personal rights and obligations created as a result of consummation of marriage;*

*3.1.3. “Spouses” are husband and wife, who are connected by marriage bonds and have equal rights and obligations;*

*3.1.4. “Family members” are spouses, born, stepchildren and adopted children and relatives, who live with them;*

90. Civil legal capability to acquire rights and obligations by own conduct or full legal capacity emerges with reaching the age of 18. Minors can realize following rights independently, without consent of official representatives:

- Administering own salary, student stipend, other similar incomes, or any asset transferred to them for administering at own discretion;
- Concluding transactions harmless or of utility nature with immediate execution;



- Depositing in banks or credit institutions incomes stated in article 16.3.1 of this Law;
- Citizens of 16-18 ages may be cooperative members.

91. According to the Labor Law of Mongolia a person, who reached the age of 16 can sign a labor agreement. A person, who reached 15, can sign a labor agreement for jobs not prohibited by the law, with consent of parents or caregivers. A labor agreement with an aim to provide professional orientation or work practice can be made with a person, who reached the age of 14, with consent of parents, caregivers or public administrative organizations in charge of labor issues.

92. According to the Civil Code of Mongolia and the Law on the Rights of the Child, who reached the age of 18, including women, can marry only on voluntary basis. Violation of the right to marry on voluntary basis or any other illegal practices to force women marry is fully eliminated in our country.

93. In line with provisions of the Constitution of Mongolia that states protection of interests of the family, mother and child, in 2005-2010 the Government of Mongolia has implemented following activities:

- A “Child benefit program”. Since January 2005 to July 1st of the same year every child aged 0-18 in families with over 3 children, with incomes lower than livelihood minimum, received a 3,000 MNT benefit. Since July 1st 2006 the above benefit was given to every child aged 0-18 in households with incomes lower than a livelihood minimum. Since July 2006 to January 2010 the benefit was given to all children aged 0-18 regardless of the income levels of their families.
- A “Child Development” program. In 2007, Law on Fund of Development of Mongolia was passed a new with financing of the program from sources such as income from taxes on prices of some products (such as gold, copper and other mining income), the state budget profit, unused resources of the Risk Fund. Every child aged 0-18 received 100 thousand MNT annually until January 2010.
- A “Newborn child” program. In the period from January 1, 2006 to January 1, 2010 a benefit of 100 thousand MNT was paid once to every newborn child. As a result of implementation of the above measures, school attendance of children has improved. The World Bank survey mentioned that especially attendance of high school by children of poor households has improved. Positive effects were observed in child development, including increased coverage by inoculation, better lives of children in family environment, prevention of malnutrition of children. It also made a certain contribution to provision of better care and attention to children by parents, to their improved duty for child upbringing.
- A “New family” program. In order to encourage responsible attitudes of young people to marriage, to promote officially registered, stable families as the primary unit of the society, a benefit of 500,000 MNT was paid once to young families under 35 for their first marriage. This program was implemented in the period from January 1, 2006 to December 31, 2009. At the time the above programs were implemented such positive trends as improved school attendance and inoculation of children, especially those from poor households, was observed, the number of unattended children declined, and parents took better care of their children. However, the state budget and other revenues declined due to the 2008-2009 global economic and financial crisis and these programs were halted.
- Since 2010 a new program covering the general population is being implemented. It is providing benefits to all citizens from the income derived from the strategic mineral deposits via the Human Development Fund (HDF). Citizen can access the

benefit from the HDF in forms of pension and health insurance premium payments, compensation for newly purchased housing, in cash, payment of fees for medical and educational services. The cash allowance program paid 10,000 MNT monthly to every citizen in Mongolia, and in 2011 the monthly cash allowance grew to 21,000 MNT. In addition, in 2011 the HDF provided 500,000 MNT for tuition fees of full-time students, and 8,040 MNT as a health insurance premium for every herder, student and unemployed person. A fact that the program provides equal opportunities to everyone is a beneficial factor. However, since low-income, vulnerable groups need greater assistance and support, work on revision of legislation started in order to direct social welfare to target groups.

94. It was previously mentioned that Mongolia ratified the ILO Convention No. 103 on Maternity Protection. Mothers have following rights under the Labor Law of Mongolia and other related legislations:

- A mother shall be granted a maternity leave for a period of 60 days or two months before delivery and the same period after delivery. The amount of allowance in this period is equal to 100 % of average salary. The mother, who gave birth to the next child during the leave on child care shall the pregnancy and maternity benefits.
- A mother, who has adopted a newborn child, shall be granted the same leave as a mother, who gives birth to a child, until the child reaches 60 days of age. This provision equally applies to a single father, who adopts a newborn child.
- On the expiration of the period of child care leave, or prior to such expiration if requested by the employee, the employer shall be obliged to employ the mother or father in her or his previous work or position and, if her work or position has been eliminated or the number staff has been reduced, the employer shall provide her or him with another job or position.
- In addition to the regular rest breaks, an additional break of two hours for child care and feeding shall be provided to a woman with a child under six months of age or with twins under one year of age; and an additional break of one hour shall be provided to a woman with a child between the ages of six months and one year, or with a child, who is more than one year of age, but requires special care as determined by medical conclusion. This provision shall equally apply to a single father. The additional break times for feeding and childcare shall be included in the employee's working hours.
- An employer may not require a pregnant woman, or a mother with a child under 8 years of age, or a single mother with a child under 16 years of age, to work at night hours, to work overtime, or to take business trips away from the location of her workplace without obtaining the employee's consent in advance. This provision shall equally apply to a single father with a child under 16 years of age.
- Mothers have access to all stages of prenatal and delivery medical assistance at all levels of health care institutions regardless of their health insurance payment. In other words, the state finances medical assistance and services for pregnant women and infant care. The payment of health insurance premiums for all children aged 0-18 shall be borne by the state. Other social welfare assistance provided to mothers is examined in details in the implementation of Article 9 of the Covenant.

95. The Labor Law of Mongolia determines the minimum age of admission to paid work as 16. However, it states that a labor contract may be signed with the citizen at age of 15 and 16 with consent of parents and caregivers.

96. Findings of a 2006-2007 random survey on child labor showed that in total 71.3 thousand children aged 5-17 participated in economic activities, i.e. worked. Of them

89.4% were employed in rural areas and 10.6% in urban areas. Of total working children 88.9% were employed in agriculture, 5.1% were engaged in wholesale and retail trade sector, 63.1% of working children studied at schools, 29.9% had attended school previously, and 14.0% had never attended school.

97. When working children were examined by their employment status, 89.5% were unpaid participants of the household business and 8.8% were self-employed. Since household production, self-employment and informal sector dominate in agriculture, wholesale and retail trade sector, the majority of working children participated in the household business and some children, who reached the labor age, were engaged in small business.

98. Mongolia passed a Law on the Rights of the Child in 1996. The Law defines basic principles to be followed in realizing the rights of the child and states that children shall not be discriminated against by the family origin or other grounds, the interests of the child shall be a priority, rights of the child to live, develop, to be protected, to participate in social life shall be provided. In addition, assistance and services to children living in difficult and emergency conditions were determined. For instance, children victims of natural disasters, infectious diseases outbreaks, sudden public accidents, armed conflicts are viewed as children in emergency conditions, while full orphans, disabled, very poor, unattended children, those, who received psychological and physical trauma related to pornography, abuse and insult or those, who are engaged in work hazardous for their health and lives are defined as children in difficult conditions.

*Article 15. Social welfare and assistance to children in emergency and difficult conditions.*

*15.1 Children victims of natural disasters, infectious diseases, sudden public accidents, armed conflicts are viewed as children in emergency conditions. The government shall decide on provision of emergency assistance to children in such conditions in each case.*

*15.2 Full orphans, disabled, very poor, unattended children, those, who received psychological and physical trauma related to pornography, abuse and insult or those, who are engaged in work dangerous for their health and lives are determined as children in difficult conditions. If it is not stated otherwise in legislation, following assistance, care and privileges are provided to children in difficult conditions:*

- 1) Assistance in obtaining education and profession;*
- 2) Rehabilitation, treatment in sanatorium, free provision of artificial limbs and other devices to children with disabilities;*
- 3) Provision of a benefit to a family that adopted children in difficult conditions;*
- 4) Transfer to a child care center, coverage with welfare services;*
- 5) Provision of support to families, who voluntarily care for such children. Law on the Rights of the Child*

99. The National Authority for Children is responsible for the protection of the rights of the child and the Labor and Welfare services office is responsible for their social welfare. The above organizations are the government implementation agencies at the national level and implement work on provision of information via their network and in cooperation with NGOs and mass media.

100. Mongolia has a vast territory with low density of population in rural areas and over-concentration of population in urban areas. Due to these specifics problems are faced in

monitoring protection of the rights of the child, provision of appropriate assistance and services to children in emergency and difficult conditions. It is especially difficult to provide population, including children, with help at the time of dzud and heavy snow, covering large parts of the country. Since it is impossible to plan in advance allocation of expenditure in such situations, there is constant shortage of financing when necessary. As unemployment and poverty is on the rise among total population, there is a need to increase expenditure on assistance and services to children in difficult conditions. In relation to that a question of revision of welfare services in order to direct it in greater measure to poor, vulnerable groups is being studied. Some measures have been taken with regard to children in difficult conditions, especially children engaged in work in dangerous, risky conditions. For instance, the Fund on Employment Promotion and Education finances measures on withdrawal of children from work, and their coverage with training on re-education, skills and vocational training.

101. In 2011, the State Great Khural passed a Law on Ensuring Gender Equality. The Law determined concepts of gender equality and basic principles for provision of gender equality, introduced ban on gender discrimination, guaranteed gender equality in political, economic, employment, cultural, educational, health care and family relations. It is viewed that a substantial progress will be made in implementation of the Article 10 of the Covenant with the enactment of the Law.

102. The Government of Mongolia in cooperation with the UNFPA, UNICEF, ILO and other international organizations took measures on improving laws a legislations on ensuring gender equality, implementing a project on delivery of comprehensive social services to rural areas and implementing a program on elimination of child labor. As a result, a Law on Ensuring Gender Equality was passed, forms of assistance and support to the population, especially mothers and children, were improved and next stage programs and projects are being developed.

## Article 11

103. Although in the last years a substantial economic growth took place in Mongolia, the population is not able to access its benefits evenly and there is a trend not for reduction, but growth of the poverty.

**Table 6. Poverty level**

<i>Indicators</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Poverty level (percent)	29.3	35.2	38.7	39.2
Poverty depth (percent)	8.8	10.1	10.6	11.3
Percentage of consumption of population with the least consumption in total national consumption	6.4	7.2	8.5	7.8
GDP per capita (by the prices of given year, in thousand MNT)*	1,895.5	2,465.1	2,432.3	2,992.8**

*Source: NSO, Statistic yearbook 2010 www.nso.mn.*

104. Special attention is paid to creation of workplaces and support of employment in order to improve opportunities for socially vulnerable, poor groups of the society to access benefits of the economic growth. For instance, 2007 was declared as a Year of Great production and Creation of work places, and over 70,000 workplaces were created. However, due to the global financial crisis, frequent natural disasters, droughts and dzud taking place in Mongolia, livelihoods of the population have not improved and poverty has

not declined. In addition, the number of workplaces has not increased significantly, because economic growth is dependent only on one sector, namely mining. Therefore, to promote growth of labor intensive economy the Government has intensified measures on support of small and medium enterprises (SME), self-employment and household production, partnerships and cooperatives. Loans worth 30.0 million MNT were provided annually from the state budget on support of small and medium enterprises in 2009 and 2010. In 2011, it is planned to spend 300.0 billion MNT on support of SME and 26.0 billion MNT on employment promotion.

105. Achievements in the frame of the objective on poverty alleviation, urban-rural disparities, and recommendations on further measures to be taken can be found in the Third National Report of Mongolia on MDG (2009).

106. A one component of security of any country is provision of population with quality, safe and accessible food and it is an issue of special consideration by the State. The Constitution of Mongolia states that citizens have the right to healthy and safe environment, and to be protected against environmental pollution and ecological imbalance. Although the right to appropriate, safe food is not included in the Constitution as a separate provision, it is a part of the right to live in a healthy, safe environment and to protect one's health.

107. Relations with regard to provision of food and its safety are regulated in our country under such laws as Law on Food, Land Law, Law on Water, Law on Protection of Livestock Health and Gene pool, Law on Quarantine and Control when entering products of animal and plant origin through the state border. In general, the above laws are directed to improving food provision and its safety. Since legal coordination related to provision of citizen with accessible and secure food is not well-developed, work on revision of Law on Food has started.

108. The objective of reducing the number of undernourished population is included in Millennium Development Goals of our country and detailed information is shown in the Third national report of Mongolia on implementation of MDG.

109. The real level of food product supply is determined by caloric intake of food and its nutritional value. The average level of caloric intake of food by the population in the last 3 years is greater than the appropriate level. At the national average, the amount of protein and fats in food products consumed by the population constantly has higher than appropriate indicators. However, meat and flour products dominate in food consumption of Mongols and fruits and vegetables that are the main source of minerals and vitamins take up a small part. A person from vulnerable group consumes 33% less caloric food compared to the standard daily average caloric intake at national level.

110. In the report period no changes that might influence negatively opportunities for sufficient food consumption by the population or in any sector or regions with difficult conditions were introduced in national policies, laws and practice.

111. The Global famine map developed by UN FAO showed that 36% of Mongolian population were poor and had nutrition problems. That is why the national program on Food Safety included implementation of a sub-program on providing socially vulnerable groups with food and nutrition support. The program was approved by the Resolution 25 (2008) of the Government of Mongolia.

112. A physiological norm of nutrition of population was approved by the Resolution 257 (2008) by the Minister for Health. The norm determines an appropriate amount of 13 staple food products to be consumed in the summer and winter seasons. In calculating the food balance at national level the above norm is taken as a basis.

113. According to the monthly random survey on the household income, expenditure, living standards, conducted by the National Statistics Office, standard demand for meat,

milk, flour and sugar per person was met fully, need for eggs, vegetable oil, rice and potatoes – by 56-80%, but only 12.8-28% of necessary vegetables and fruits were consumed.

114. The Government of Mongolia renewed the Program on Safety of food supply and nutrition implemented since 2001 to provide for food security of population and introduced a national program on Food Safety and Security. In doing so, it took into account the present situation with food supply in Mongolia, its future trends, food shortage at global level, price rise, and resolutions and recommendations developed by the UN and other international organizations on these issues. The program aims to provide the population with nutritious, safe food in an even, accessible, sustainable way, to create conditions for healthy living and increase their labor productivity. In order to maintain sustainable supply of staple foods for population such programs as Virgin lands-III, Green revolution, Milk, Organic products, Fighting iodine deficiency, Livestock health, Support of intensified livestock breeding, Improving the quality of livestock are implemented. The above programs have a great importance in providing the population with sufficient, safe food. For instance, as a result of implementation of above programs, in 2010, demand for meat, milk, flour and potatoes were met fully, and 54% of demand for vegetables was provided by domestic production.

115. One basic component of the program on Food Safety and Security, approved in 2009, includes implementation of total 8 packages of measures to improve nutritional quality of food, to support appropriate diets, to reduce shortage of food and nutrients, to prevent from major non-contagious diseases, which are reflected in main directions of economic and social development. For instance, measures were taken on establishment and regular operations of a centre on support of introducing an appropriate diet on the basis of urban and rural educational and health care organizations, promotion and support of movements and initiatives on support of appropriate diets among individuals, households, at administrative and territorial units, public and private enterprises and economic entities. Programs on prevention and monitoring of non-contagious diseases and on provision on nutritional support to socially vulnerable groups are implemented.

116. According to 2010 Population and Housing Census of the total 713,780 households, 45.2% reside in gers, 53.7% in residential apartments and 1.1% in other kinds of housing. By location, of urban households, 65.9% live in apartments and 32.7% live in gers, which shows that a share of households that lived in apartments during the previous census declined and the number of households living in gers increased. Of total households, 12.4% do not own any housing and of those, 73.8% live in urban areas. The large number of households without own housing is related to migration and the growth of urban population.

117. Kinds of housing among population differ with regard to their living standards. Nearly half of populations, living in gers in urban as well as rural areas, are poor. Detailed information about the availability of housing and housing of vulnerable groups can be found in the Third National report of Mongolia on Implementation of MDG.

118. Basically, there is lack of detailed legal coordination that affects realization of the right of Mongolian citizen to be provided with housing. That is why it is necessary to pay attention to this issue in the future.

119. Although a ger plays an important role in meeting housing needs of population, especially in rural areas, it does not meet requirements for comfortable living in urban areas. That is why the government of Mongolia is taking measures to provide cities with housing apartments and building modern residential apartment buildings. For instance, a 40,000 household Housing program was implemented in 2004-2008, and a 100,000 household Housing program has been implemented since 2009 with a quota for civil

servants and households with low or lower than average income. A Housing Financial Corporation was set up with the state investment and work on construction of housing for general public was organized. Since 2011, a new method has been piloted in the capital city. Private land is freed to build new residential apartment districts. The land owners are paid compensation or are entitled to purchase a flat in a newly built apartment at an adjusted price. Some measures have been taken to reduce the interest rate for mortgage and maintain it at a certain level.

120. The Government of Mongolia developed successful cooperation to implement Article 18 of the Covenant. For instance, in cooperation with the World Bank, Asian Development Bank, International Food Association and European Union it has implemented projects and programs on poverty alleviation, construction of housing, establishment of a Housing Fund, improving food supply of population, especially that of the poor, vulnerable part of the population. As a result of implementation of the above projects and programs, a substantial progress has been made in such fields as improving poverty statistics in Mongolia, reducing water shortage that affected negatively sustainable livelihood of rural population, appropriate use of pastures, repair and maintenance of buildings in the social services sector such as schools, kindergartens and hospitals, renewal of equipment, support of small businesses run by women, introduction of housing loan services.

## Article 12

121. Article.12 of the International Covenant on Economic, Social and Cultural Rights states that the States Parties thereto recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

- (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
- (b) The improvement of all aspects of environmental and industrial hygiene;
- (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

122. The Ministry of Health of Mongolia is taking following measures to achieve above objectives. Actions are being taken for the provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child.

### *Reduction of child mortality*

123. The National Program for Child Development and Protection (2002-2010) approved by the Government Resolution No. 245 of 2002 outlines the core policies for overcoming challenges in child health and reducing the under-five mortality rates. Specifically, this program addresses priority issues such as:

- Establishment of a human resource system ensuring sustainability of health professionals working in rural areas of the country;
- Implementation of the WHO Integrated Management of Childhood Illness (IMCI);
- Improving professional knowledge and skills of medical professionals that provide primary health care services to children and infants;

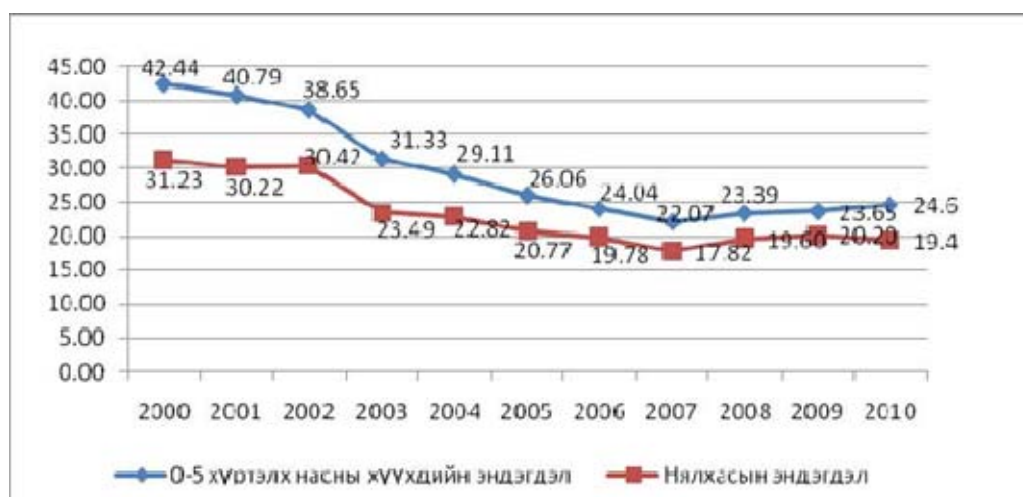
- Creating a credibility system to monitor the status of micronutrient and vitamin deficiency in children; and
- Improving neonatal and fetal diagnostic and treatment services.

124. Particularly, within the framework of the “Integrated Management of Childhood Illness” (IMCI) program implementing since the year 2000, effective measures are being taken to improve the capacity of health care organization, the quality and accessibility of care services, and education on childcare of parents and family members. These measures have been greatly influencing on the reduction of the under-five child mortality.

125. In collaboration with the WHO and other international organizations, Mongolia has been implementing programs targeting at child survival, namely, the Child Survival Program, the Maternal and Child Health Program, the Program on Preventing Malnutrition in Children, and the Expanded Program on Immunization and so on. These programs also help to drive down the child mortality.

126. The infant mortality rate in Mongolia per 1,000 live births has dropped from 64.4 in 1990 to 19.4 in 2010, while the under-five mortality rate per 1,000 live births has dropped from 88.8 in 1990 to 24.6 in 2010, both of which reflects a significant reduction, thus Mongolia has been taking measures to achieve its newly set MDG goals targeted to reduce the infant mortality rate to 15.0 and the under-five mortality rate to 21.0 per 1,000 live births by the year 2015.

**Picture 1. IMR and U5-MR per 1,000 live births (2000 to 2010)**



Source: Department of Health, Implementing Agency of the Government, 2010.

127. The fact that the majority of morbidity and mortality of children under five occur in rural areas and in poor families is drawing attention, thus the Government of Mongolia has been taking following measures to achieve its Millennium Development Goals by 2015:

- Intensifying of activities aimed at promoting breastfeeding, and providing education on child nutrition, adequate food intake, and healthy diets to parents and caregivers;
- Equipping healthcare facilities with the necessary medical equipment, supplies and pharmaceuticals, and providing knowledge and hands-on skills training to medical professionals in aimags where child mortality rates remain high;
- Improving the quality of prenatal and fetal care, thus, preventing from neonatal mortality;



- Providing every soum hospital with essential medical equipment and supplies, and improving prenatal and neonatal care services;
- Implementing family planning policies, and expanding programs targeted at educating parents on childcare; and
- Strengthening of pregnancy check-up services, and improving the health of women of reproductive age under the strategy of “Healthy Mother-Healthy Child”.

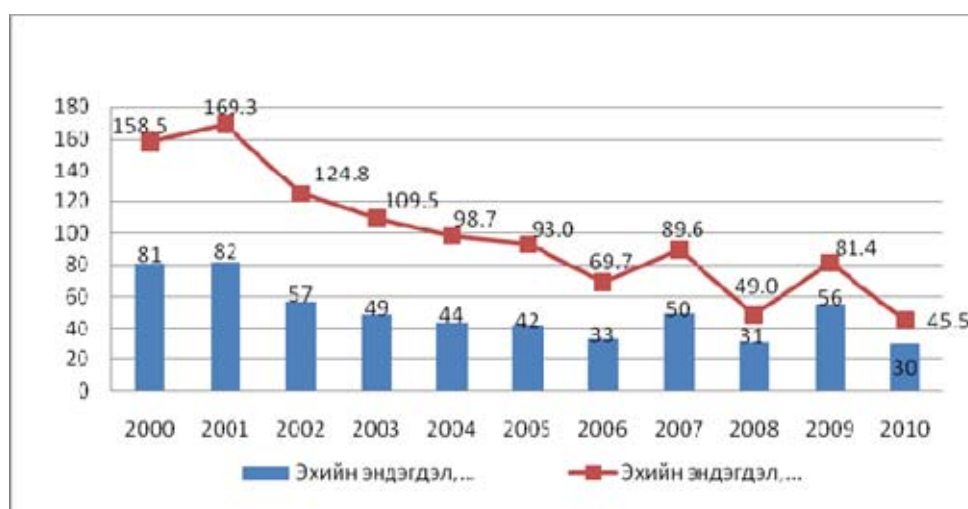
*Reduction of maternal mortality*

128. The Government is currently implementing the State Policy on Population Development, the Third National Program on Reproductive Health, the second Strategy on Maternal Mortality Reduction, and the Strategy on Maternal and Infant Health (2011-2015). These policies and strategies aim to:

- Improve the quality of healthcare services to pregnant women at risk;
- Improve the diagnostic capacity for known pregnancy-related risks and the referral system;
- Establish care houses for expecting women;
- Improve the coverage and delivery of healthcare services to women living in rural areas;
- Maintain the readiness of healthcare providers to render emergency medical services for mothers and newborns;
- Ensure healthcare providers follow and implement the “Standards of organizational structure and function of maternal house” and clinical guidelines for providing said services; and
- Improve health education of the general population and strengthen partnerships.

129. As a result, the maternal mortality rate (MMR) per 100,000 live births has decreased to 98.9 in 2004 from 156 in 2000, with 44 maternal deaths compared to 81 maternal deaths in 2000, and Mongolia has become to be classified as a country with middle level of MMR moving from its previous classification of high MMR country.

130. Millennium Development Goals-based Comprehensive National Development Strategy set by the Government in 2006, targets to reduce MMR to 50 per 100,000 live births and infant mortality rate (IMR) to 22 per 1,000 live births by 2015. MMR has been fluctuating as it continuously decreased in the years 2005, 2006 and 2008, and increased in the years 2007 and 2009 compared to the previous year patterns.

**Picture 2. Maternal mortality per 100 000 live births (2000 to 2010)**

Source: Department of Health, Implementing Agency of the Government, 2010.

131. It needs to be emphasized that degraded medical services due to social determinants like world economic crisis, poverty (32 per cent of the entire population is poor) and women's general health status and other factors related to emergency situations such as floods, dzud (harsh winter or otherwise known as heavy blizzard), and pandemic influenza are some driving forces to increase maternal and infant mortality.

132. For instance, in 2009, MMR increased dramatically (81.4 per 100.000 live births) as a result of the 17 deaths from respiratory distress syndrome (RDS). 4 out of those 17 pregnant mothers were confirmed to have been infected by pandemic influenza A (H1N1) virus.

133. The MMR structure of the year 2009 shows that 66.1 percent of the MMR occurred by non- obstetric causes, whereas 33.9 percent were caused by obstetrics care services. Because of poor health status of women, increased complications during pregnancy, delivery, and post partum period are occurring among women causing maternal deaths.

134. Over 20 percent of all maternal mortality is caused by Type I DEALYS, where pregnant women (and their family members) lack the health education to take care of themselves and to follow doctors' advice, and they go to lamas and shamans following their superstitious belief.

135. Approximately 4 to 5 percent of mortality further occurs because of Type II DELAYS, which are primarily caused by failure to reach medical facilities in time due to long distances, lack of communication and transportation and lack of means to pay for transportation costs. Failure to reach medical facilities was mainly caused by various factors like unknown home address, seasonal migration to distant territory in search for better pasture for livestock, setting up a home in a mountain, snow and heavy blizzard and the un-affordability to pay for flight ticket.

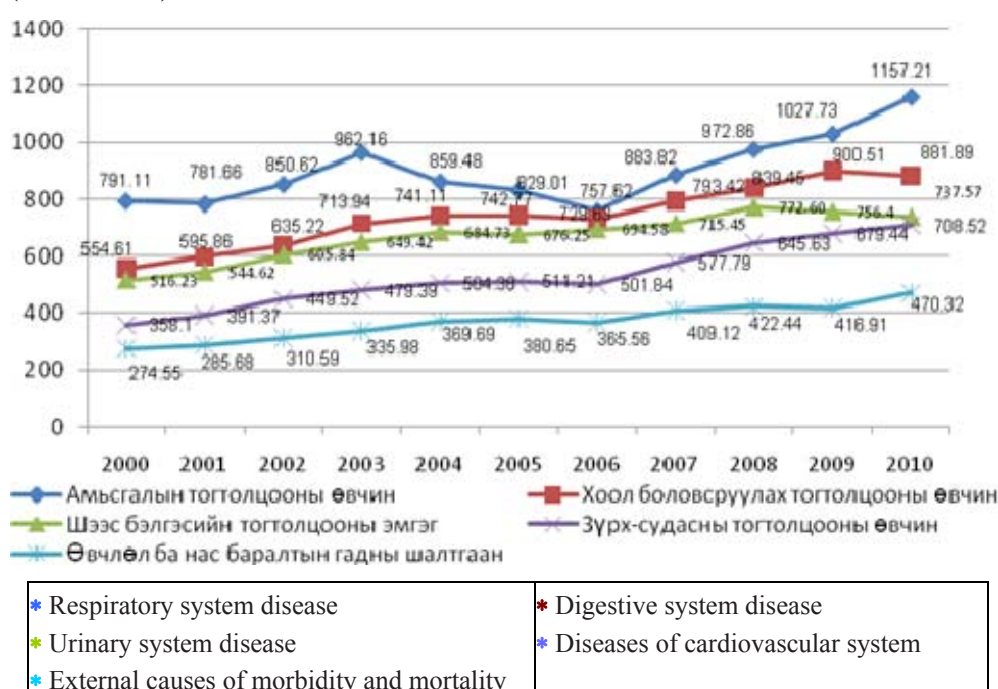
136. Also, maternal mortality occurs among women who took medicines from the market to abort pregnancy and had complications resulting from the abortion without telling their family members. As of 2010, 14.8 abortions per 1000 women of reproductive age and 189.6 abortions per 1000 live births are allotted. It is attracting attention that of all women who had abortion, 16 percent are students and 54 percent are having re-abortions.

137. The Government of Mongolia developed the Strategy on Maternal and Infant Health and set following strategic goals in order to achieve its MDG targeted results to reduce MMR and IMR by 2015:

- Strategic goal-1. To mobilize social resources by creating social, economic and political positive environment and improving education on child survival of family members, the community, decision makers, policy developers/makers and targeted groups;
- Strategic goal-2. To reduce the obstacles (transportation costs, registration, insurance coverage, financial and cultural hardships, remoteness and so on) to reach maternal and infant health care services, and increase its accessibility;
- Strategic goal-3. To introduce the latest technology of evidence-based medicine, and improve the quality of maternal and infant health services delivery.

138. Moreover, it needs to intensify activities to ensure the safety of genetic fund of the population; compound the continuity of maternal and infant health care services by implementing appropriate childbirth policy; ensure the preparedness and readiness of medical services during new and emerging infectious diseases, disasters and emergency situations; increase the funding for childbirth or maternity-related services; strengthen the salary and promotion scheme for the most in- need health professions, such as obstetrics-gynaecologists, paediatricians, neonatal specialists and anaesthesiologist-intensive care specialists; introduce the latest medical technology into infant and fetal diagnostics and treatments; and intensify telemedicine services. The improvement of all aspects of environmental and industrial hygiene is needed.

**Picture 3. Five leading causes of morbidity of the population, per 10 000 population (2000 to 2010)**



Source: Department of Health, Implementing Agency of the Government, 2010.

139. The World Bank survey (2008) revealed that the content of PM2.5 and PM10 (particulate matter) affects the morbidity of cardiovascular and respiratory tract by 19.5 and 23.5 percent respectively.

140. Incidence of cancer among population has increased from 283.6 to 469.2 per 100,000 population between the year 2000 and 2010, and death caused by cancer has been constantly increasing as it reached up to 118.3 per 100,000 population by the year 2010 where it was 92.3 per 100 000 population in 2000. Incidence of lung cancer has been increasing over the past years. 35-40 percent of all lung cancer incidences occur in Ulaanbaatar City alone and over 100 people per year die from it.

141. Therefore, the Government is taking measures and actions in addressing the issue. An emphasis is given at improving the legal environment and the Law of Mongolia on Air was amended. In addition, the Law of Mongolia on Fees for Air Pollution was adopted, and the Law to Reduce Air Pollution in the Capital City initiated by the President of Mongolia was approved by the Parliament, and regulations and standards related to the newly adopted laws are developed and enforced as well.

142. Regulation on informing the air quality index by monitoring the quality of air and its effect on human health, defining the air pollutants' effect on human health in urban areas, and informing health recommendations for the public is approved by the Order No. A/53 of the Minister for Nature, Environment and Tourism and is under implementation.

143. Environmental health is not only a challenge for a country, a region, or a continent, it is one of the pressing current global challenging issues, and thus tackling the issue is the footstep to achieve the Millennium Development Goals.

144. In Mongolia, households in rural and remote suburb areas do not have access to safe-drinking water and live in unsanitary conditions, as well as chemical exposure, inadequate labor safety, and other issues related to air pollution in urban area have been increasing year by year. Air pollution in Ulaanbaatar is a consequence of complex of factors including gas or smoke, dust, odor, noise, radiation and so on. However, main sources of the air pollution in Ulaanbaatar are three major Power Plants, 1,178 minor and medium steam boilers, and over 175000 households discharging 260 thousand tons of pollutants to air by burning 5.9 million tons of coal and 250 thousand cubic meters of wood per year.

145. In 2010, average yearly content of sulphur dioxide and nitrogen dioxide in Ulaanbaatar air was increased to 27 mkg/m<sup>3</sup> and 35 mkg/m<sup>3</sup>, which are 2.7 and 1.2 times higher than the air quality standards MNS 4585:2007, respectively. Average yearly content of particulate matter smaller than 10 mikrons was reached to 243 mkg/m<sup>3</sup>, 4.8 times higher than the standards and its maximum daily content in ger district area in November 2010 was reached to 1,850 mkg/m<sup>3</sup>, 18.5 times higher than the standards. According to a survey conducted in 2008 with support of the World Bank, Ulaanbaatar became one of the most polluted cities in the world by the content of particulate matter in the air.

146. It is known that air pollution increases the chance of morbidity and mortality of population, particularly, the incidence of respiratory tract diseases, lung cancer, allergies, cardiovascular diseases, ophthalmologic diseases, rhinitis, otitis, genetically and hereditary disorders, and birth defects.

147. According to health statistics reports, respiratory diseases were ranked as the leading cause of the population morbidity in Mongolia and it is constantly increasing year by year. Diseases of the respiratory tract system accounted for 23.4 to 26 percent of the total morbidity.

148. Safe drinking- and household-water supply for people's daily use is considered the root for population health status. As of today, 41 percent of rural households use insufficiently sanitized water in their daily life, and households of 115 soum centers in 17 aimags use water that do not meet the drinking- and household-water hygiene standards. Content of minerals and hardness level of drinking water shown by a study as follows:

magnesium in 94 soums, hardness level in 102 soums, mineralization in 64 soums, and fluoride in 22 soums exceed the standards.

149. As a result of measures taken over the past few years to solve the water supply issues and expand the scope of services in conjunction with development perspectives of urban areas, the capacity of water supply facilities in city and aimag centers has increased by 6 times, and total capacity to waste water recycling and purification facilities has increased by 4 times and over 400 thousand cubic meter of waste water is being recycled per day.

150. Drinking water standards UST 900:92 Mongolia was reset in 2005 and 2010 in accordance with the WHO guidelines for drinking-water quality standards.

151. As outlined in the WHO guidelines for drinking-water quality, the water safety plan is the most effective means of consistently ensuring the safety of a drinking water supply, Mongolia newly set its water safety plan with objectives to improve the safety of drinking water and health status of the population.

152. In conjunction with establishment of many small and medium enterprises/businesses as a result of industrial privatization during the transition from centrally planned to market-oriented economy in Mongolia, the issue of organizing and implementing activities to improve labor safety and hygiene control, as well as to develop them in line with its national characteristics, international policies and global trend is becoming a priority.

153. At present, the Ministry of Social Welfare and Labor, Ministry of Health, State Professional Inspection Agency of Mongolia, the Governors' offices, National Committee for Trilateral Labor and Social Agreement Committee and its sub-committees are primarily involved in the management and coordination of labor safety and hygiene control.

154. According to report of the State Professional Inspection Agency, Mongolia (2008), of 32000 registered entities nationwide, 46.6 percent or 14,922 entities went under labor and hygiene control and 50 percent of workers of those entities have benefited from occupational health services at their workplace by regular medical check-ups from labor hygienist or physician, and labor condition check-ups.

155. There are 34 labor hygienist working at national level and 3.3 labor hygienists are allotted per 100 000 workers. Including inspectors in labor safety, there are 8.8 labor safety and hygiene inspectors allotted per 100 000 workers.

156. Between 1974 and 2009, 8,883 cases of occupational diseases were registered, and its components are: externally caused lung disease – 2,608 (46%); musculoskeletal and joint disease – 2,226 (41%); chronic chemical exposure – 511 (9%); noise-induced hearing loss – 184 (3%); upper respiratory tract pathology – 21 (0,4%); ophthalmologic diseases caused by physical and chemical substances – 9 (0,2%); and diseases caused by radioactive substances – 25 (0.4%).

157. Occupational diseases could be classified according to industries as follows:

- Diseases among workers in coal mining industry – 2,230 (40%);
- Diseases among those in colored metal and flour spar mining industry – 1,726 (31%);
- Diseases among workers in electricity and power plant industry – 673 (12%);
- Diseases related to construction and construction material industry – 468 (8%);
- Diseases related to agricultural industry – 33 (1%);
- Diseases related to food industry – 308 (5%); and

- Diseases related to other industries (education, health and public service) – 146 (3%).

158. Studies on environment risk factors leading to poor health and causing diseases have been conducted. Consequently, measures to reduce their causes, consequences, and to prevent from environmental factors have been taken step by step. For instance, the National Program on Environmental Health by the Government Resolution No. 245 of 2002, the National Program on Safe Drinking-water Supply, the National Water Program and the Government Resolution on measures to be implemented for reducing the air pollution have been approved and are under implementation.

159. Also, the Law on Occupational Safety and Health was approved, the Law on Fees for Air Pollution and the Law on Water Supply to Urban areas and Sewerage Use were amended, and the Law on Environmental Impact Assessments and the Law on Hygiene are currently being amended.

160. The National Program on Improving Occupational Safety and Health was updated 4 times in order to strengthen the occupational safety and health management, coordination and monitoring system as well as its legal environment; prevent from injuries and accidents, determine the negative impacts of industrial environment and eliminate them; heighten/increase the responsibilities on OSH of employees and employers of all sectors.

161. In 2009, the National Strategy on Health Care waste management was approved and is under implementation supporting environmentally friendly non-burn technology. As part of this strategy, waste management facilities in major cities were set up and over 40 percent of soums are using steam disinfection technology instead of burning the waste.

162. In 1996, Mongolia launched the “Healthy City” Initiative in accordance with the WHO recommendations and joined the Alliance for the Healthy Cities of the Western Pacific Region of the WHO in 2003. Mongolia has been elected as a member in the Executive Board of the Alliance, and been actively participating in its activities. At present, 4 cities of Mongolia have been implementing “Healthy City” Initiative and more than 70 organizations and communities have been awarded with “Health-promoting sub-district, soum, workplace, hospital, school, kindergarten, and marketplace” and so on. In addition, numerous NGOs, such as the Association of Mongolian Cities, the Association of Mongolian Healthy Cities were established. In order to expand the “Healthy City” Initiative, the Minister for Health has issued an Order No. 176 in 2002 (amended by Order No. 184 in 2008) on the Regulation for nomination of health-promoting organization and community, to select health promoting organizations at local and national levels and evaluate works of the selected organizations and communities; and as of today, 10 organizations nationwide have been awarded as “Health-promoting organization”. The National Program on Healthy City is being developed with objectives to promote tendency of healthy city by expanding the participation of people, organizations and the community, and manage inter-sectoral collaboration in relation to the “Healthy city”.

163. Although a number of activities have been carried out towards reducing air pollution, no visible significant result has been achieved yet. It is caused by many complex factors on one hand, including environmental health monitoring system that does not meet the standards, inadequate legal environment, poor capacity of human resource, laboratory diagnostic equipment are under standards, and inadequate/insufficient funding, scope, types and amount of study and research works related to environmental health, whereas on the other hand the result of SWOT analysis on occupational health system of Mongolia indicates that there have been poor level of labor monitoring and management, absence of independent study and research center/organization of occupational health, poor level of diagnostic capacity of occupational health, weak registration and information system of industrial accidents and occupational diseases, low level of research laboratory capacity,

irregular delivery of occupational health services for small and medium businesses and informal sectors, as well as low coverage of workers' health check-up (planned and routine) and its indifferent or poor outcomes.

164. Therefore, the following activities need to be implemented in order to improve environmental and occupational health:

- Promote activities of inter-sectoral working group on improving environmental health, under the National Council of Public Health, in consideration of increasing water, soil, air and chemical pollution- related diseases;
- Improve occupational disease monitoring/surveillance system, inter-sectoral collaboration and efficiency on workplace hygiene, registration and information, and capacity of diagnosis and treatment;
- Strengthen the Center of Poisoning Surveillance and information of The Institute of Public Health, training of Specialists on Toxicology, as there is an increasing misuse of poisonous and hazardous chemicals;
- Strengthen the human resource and laboratory capacity, and improve quality of training and research on environmental and workplace hygiene;
- Allocate the funding for improving medical and other waste management at urban, aimag, and soum level, as waste is one of confronting issues of environmental pollution;
- Reflect the issue of environmental impact on human health in the draft Law on Environmental Impact Assessments;
- Enforce the regulations on urban planning and construction, and provide healthy and safe living and environmental conditions for the population; and
- Improve public awareness and education towards environment and workplace hygiene, increasingly involve communities, private and other sectors' participations in the training and dissemination activities, improve the quality of training, organize public campaigns regularly, and expand the Healthy City Initiative, into soum, district and workplace levels.

*Prevention, treatment and control of epidemic, endemic, occupational and other diseases*

165. Prevention and control of communicable disease is one of the main public health challenges. Many factors including our surrounding environment, climate change, centralization of population, and socio-economic development have been influencing on the outbreak of new infectious diseases and greatly damaging the world's economy and human health. For instance, in 2003, SARS rapidly spread across the world and over 8000 cases were reported in over 30 countries. Influenza A virus subtype H5N1 or known as avian flu has spread since 2004 in over 20 countries including the PRC, Indonesia, Thailand, Vietnam and Egypt, and has infected hundreds of millions of poultries, birds, and over 500 people, and 262 people have died of it, as well as, there have been high potential of pandemic outbreak in the future.

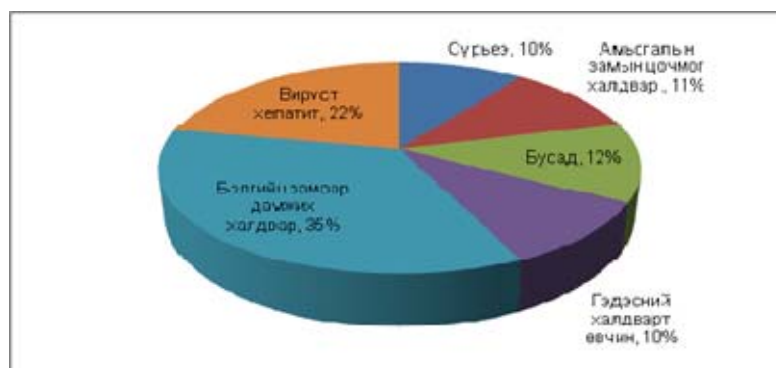
166. Since the influenza A virus subtype H1N1 was first reported on 15 April 2009, its pandemic outbreak spread all over the countries in the world.

167. Reported cases of infectious diseases over the past 6 years at national level per 10 000 populations are as follows: 129.0 percent in 2005, 140.8 percent in 2006, 157.3 percent in 2007, 164.8 percent in 2008, 146.2 percent in 2009 and 151.2 percent in 2010.

168. Although the incidences of infectious diseases have been decreasing, some diseases, particularly cases of new and emerging infectious diseases (flu, human anthrax, hand, foot

and mouth disease etc.) have been increasing and their percentage in total cases of infectious diseases tends to go up.

**Picture 4. Infectious diseases, by structure, 2010**



*Source: Department of Health, Implementing Agency of the Government, 2010.*

169. Of total registered cases of infectious diseases at national level in 2010, 35 percent is sexually transmitted diseases, 10 percent is tuberculosis, 10 percent is abdominal infectious diseases and 22 percent is viral hepatitis.

170. Between 2005 and 2010, there had been outbreaks of dysentery, salmonellosis, hepatitis A, and typhus covering large number of people in schools, kindergartens and the community, in relation to contaminated water and food in urban areas. The structure of the total registered cases of abdominal infectious diseases at national level in 2010 is as follows: 54.5 percent is hepatitis A, 23.2 percent is dysentery, 17.4 percent is hand, foot and mouth disease and 3.4 percent is food poisoning.

171. Over the past years, natural sources of zoonosis infection have been rapidly activating and the incidences of human anthrax and acariasis are increasing.

172. Within the framework of integrated national policy for prevention and control of commonly occurring infectious diseases among population and in line with the integrated approach to the issue, the National Program for Infectious Disease Control 2002-2010 have been implemented by its 6 subprograms, namely, Prevention and Control of Vaccine-preventable infectious diseases, Prevention and Control of Abdominal infectious diseases, Prevention and Control of Zoonosis infection and Infectious diseases with Natural Foci, Prevention and Control of Tuberculosis, Prevention and Control of HIV/AIDS/STI, and Prevention and Control of other infectious diseases.

173. Action plan for the National Program on Infectious Diseases to be implemented between 2011 and 2015 was approved by joint order of the Minister for Health and the Director of National Development and Innovation Committee and is under implementation.

174. Moreover, the Government has approved and been implementing the Plan for early detection and response to infectious disease outbreak, the Strategy on readiness of prevention and combat with bird and avian flu, and the Strategic plan on safe immunization.

175. Mongolia has started introducing the nationwide surveillance system for early detection and response to infectious disease outbreak since 2007 in order to ensure the implementation of the International Health Regulations (2005) and the Asia Pacific Strategy for Emerging Infectious Diseases.

176. As part of the National Immunization Program, an annual campaign entitled, Ten days of vaccination, is organized in the months of May and October across the country.

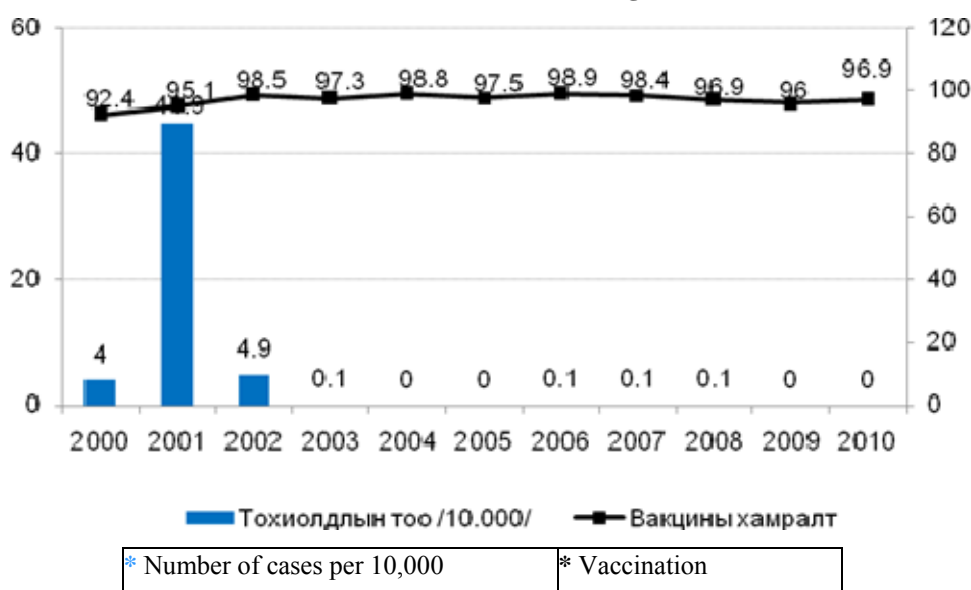


Governors of every administrative units, non-governmental organizations and communities are actively involved in the campaign and the participation is increasing significantly. Last year, additional 2000 children who fell behind the scheduled campaigns were vaccinated.

177. The status of vaccination coverage among children less than one year of age as of 2010 is as follows: tuberculosis vaccination – 98.5 percent, polio vaccination – 96.5 percent, pentavalent vaccine or five-in-one combination vaccination (Diphtheria-Tetanus-Pertussis-Hepatitis B-Haemophilus influenzae type B) – 96.1 percent, hepatitis B vaccination – 98.1 percent, and trivalent vaccination (Measles-Mumps-Rubella) – 94.9 percent.

178. As a result of the successful implementation of the National Immunization Program and other public health interventions, vaccine-preventable diseases, namely, measles, diphtheria, tetanus and pertussis has not been reported.

**Picture 5. Incidence of measles and vaccination coverage (2000-2010)**



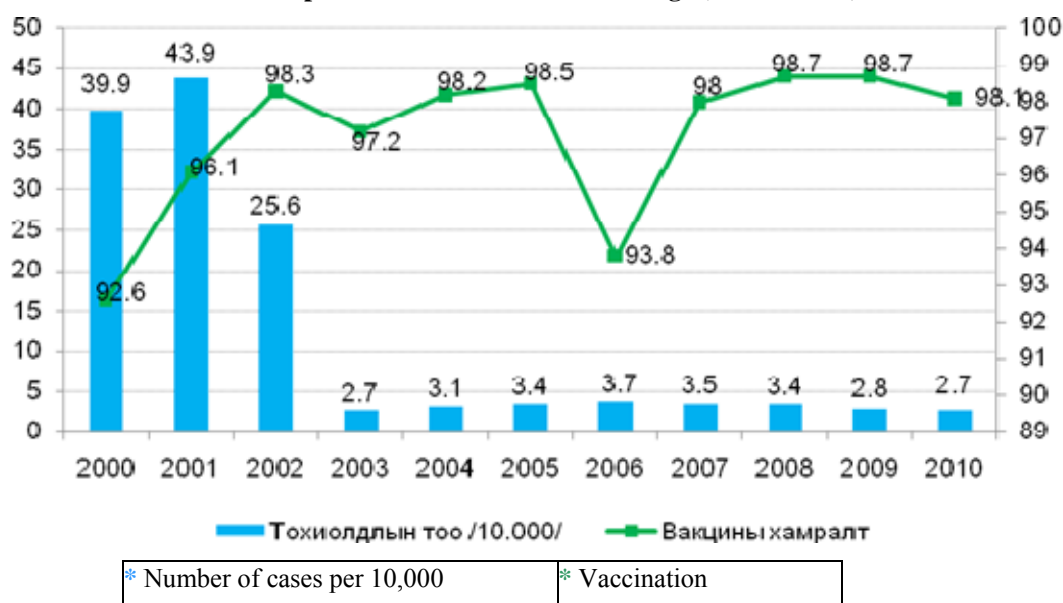
179. With the support of the Global Alliance for Vaccines and Immunization (GAVI), pentavalent vaccine or five-in-one combination vaccine (Diphtheria-Tetanus-Pertussis-Hepatitis B-Haemophilus influenzae type B) was introduced, thus, a single shot is administered against 5 different childhood diseases. In 2008, over 200,000 children were vaccinated against meningococcus under additional and extended vaccination campaign. As a result of this, meningitis was prevented for over 30,000 children and about 4,000 children's lives were saved.

180. In 2010, children between 5 months and 6 years of age were vaccinated against poliomyelitis, with coverage of 92 percent under additional vaccination in order to prevent transfer of wild poliovirus (type I) which caused the reported cases of poliomyelitis in Irkutsk, the Russian Federation.

181. Since September 2009, a trivalent vaccine (Measles-Mumps-Rubella) was introduced into the National Immunization Program as well. With the introduction of the trivalent vaccine, one shot is administered against 3 different childhood diseases and thus measles and rubella could be eradicated in the country.

182. As an outcome of the nationwide immunization program, tetanus and poliomyelitis have been eradicated and the vaccination coverage (for children under the age of one) against 7 different diseases is being constantly high (>95 percent).

**Picture 6. Incidence of Hepatitis B and vaccination coverage (2000 to 2010)**



Source: Department of Health, Implementing Agency of the Government, 2010.

183. While the prevalence of HBsAg among children aged under five was 5-7 percent according to studies conducted in 2005 and 2007, it has reduced to 0.58 percent, the WHO targeted level, as a result of “The second national survey on the outcome of mass vaccination against hepatitis B in Mongolia” in 2010.

184. Although there is an increase in the vaccination coverage and significant decrease in vaccine- preventable diseases incidence, some soums and baghs have not reached the targeted level of vaccination coverage.

185. 70 percent of all children living in remote areas receive vaccination by mobile team. This way of delivering immunization is not cost-efficient; in addition, in every soum, some 20-30 children are usually left behind the scheduled vaccinations each year, and have to be covered under an additional round of vaccination campaign during “Ten days of vaccinations”. Moreover, there are some downsides still being existent, such as, lack of funding for maintenance and repair services of cold chain equipment, national scheduled vaccinations and its equipment and devices, and mobile vaccinations.

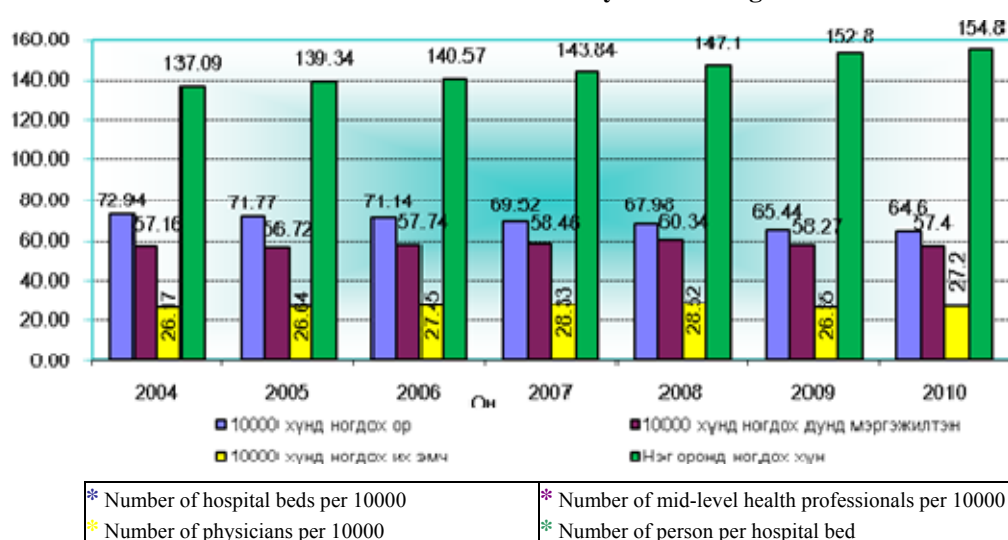
186. Henceforth, the following needs to be done:

- To introduce hepatitis A vaccine into the national immunisation program step by step;
- To maintain the eradicated status of polio
- To strengthen the early warning and response system to infectious diseases outbreak and eliminate measles;
- To strengthen the capacity of professional organizations;
- To improve the laboratory capacity and readiness; and
- To provide health education and raising awareness on healthy lifestyle among the public.

*The creation of conditions which would assure to all medical service and medical attention in the event of sickness*

187. According to laws and regulations enforced in Mongolia, medical care services are delivered at three levels: primary, secondary and tertiary health care. Primary health care is delivered at family group practices in Ulaanbaatar city, whereas in aimags (provinces) it is delivered at soum and inter- soum hospitals. Secondary health care is provided by district hospitals in Ulaanbaatar and aimag and rural general hospitals in aimags respectively. Tertiary health care is delivered by major public hospitals and specialized medical centers in Ulaanbaatar, whereas regional diagnostics and treatment centers in aimags. As of the year 2010, there are 16 hospitals and specialized medical centers, 4 regional diagnostics and treatment centers, 17 aimag general hospitals, 12 district general hospitals, 6 rural general hospitals, 37 inter-soum hospitals, 274 soum hospitals, 218 family group practices and 1113 private hospitals and clinics operating in Mongolia.

**Picture 7. Some indicators of medical service delivery and coverage 2004 – 2010**



Source: Department of Health, Implementing Agency of the Government, 2010.

188. As of current situation of medical care services by its delivering organizations and in-patient services: 36 percent is delivered at central hospitals, specialized medical centers, and the regional diagnostics and treatment centers, 30 percent is provided at general hospitals, and 33 percent is delivered at family group practices, soum and inter-soum hospitals.

189. Mongolia has set a goal to properly utilize costly tertiary health care services delivered at central hospitals, specialized medical centers, and the regional diagnostics and treatment centers by improving the quality and coverage of medical services provided by primary and secondary health care providers operating at family group practices, soum, district and aimag levels.

190. In order to achieve the goal, health care providers are actively working in following directions:

- Increase the number services provided at family group practices, soum, inter-soum, and general hospitals based on the burden of diseases and the needs for services;
- Introduce daily treatments/procedures and broaden the number of outpatient services; and

- Organize substantial activities at organizational level to improve the quality and control of services for chronic diseases.

## **Article 13 and 14**

191. Article 16 of the Constitution of Mongolia states “The state provides basic general education free of charge. Citizens may establish and operate private schools if these meet the requirements of the State”. Implementation of Article 16 of the Constitution of Mongolia is regulated by the Education Law, Law on Primary and Secondary Education and the Law on Higher Education. According to the Constitution of Mongolia, basic general education is provided free of charge and every citizen of Mongolia must have basic education (9 years of school).

192. Technical and vocational education is provided free of charge. Students in vocational training centers are provided a scholarship of MNT 45,000 every month. Approximately 11,200 students were graduated from vocational training centers of Mongolia in 2009.

193. The state does not provide higher education (diploma, bachelor’s, master’s and doctorate) for free. However, orphan students and students who come from poor or herder families are granted scholarships and tuition loans if they satisfy certain qualification requirements. Moreover, the state provided MNT 500,000 to tuition fees of all students who go to afternoon courses. The President’s and the Prime Minister’s scholarships are to be granted to students who reach certain achievements.

194. Mongolian education system consists of formal and non-formal education. Therefore, even though some people did not complete primary and secondary education courses, they are still able to obtain non formal education. Article 17 of the Education Law states “Non formal education will be obtained at non formal education centers or training centers of formal education centers where various education trainings are organized. Those centers must be built in cities, centers of aimags and soums.” There are currently a total of 370 non formal education centers operating in Mongolia. 92.7% of those centers are operating with the help of other formal education centers, 3.5% are independent centers and the rest are operating with the help of non-educational organizations. These non-formal education centers provide education to those who did not attend school, dropped out or left with no primary and secondary education.

195. In the framework of the United Nations Literacy Decade and the Millennium Development goals, “Literacy Education” program is implemented in Mongolia in 2004-2012. The goal of the program is to create a fully literate population and improve people’s literacy level.

196. The amendment to the Education Law in 2006 states “Primary and secondary education can be provided free of charges with unofficial, but appropriate education program to those who did not attend school, dropped out or left with no primary and secondary education.” This amendment is of great significance in improving people’s education and supports those who need the education. In accordance with the amendment to the law, the Minister for Education, Culture and Science issued “The Guidelines for Providing Unofficial Primary, Secondary and Basic Education with Appropriate Education Program” in 2007.

197. According to the guidelines, the minimum age to receive unofficial primary education is 10 and that for secondary and basic education is 15.

198. Providing non formal education with appropriate program also helps to tackle difficulties faced in the secondary education system. The program intends to provide

education, prepare people for the next stages of their career and increase their skills of learning independently. The program involves 75% of general education program and one thirds of the program is designated to take place in classroom while the rest is to be obtained by independent learning. Furthermore, the program is intended to increase students' communicating, learning, living and socializing skills as well.

199. Public views on "Providing Unofficial Primary, Secondary and Basic Education with Appropriate Education Program" came out positive as the number of people enrolling in the program is growing. In the academic year 2008/2009, a total of 924 basic education students and 957 general education students were graduated from the education centers becoming ready to attend universities and colleges.

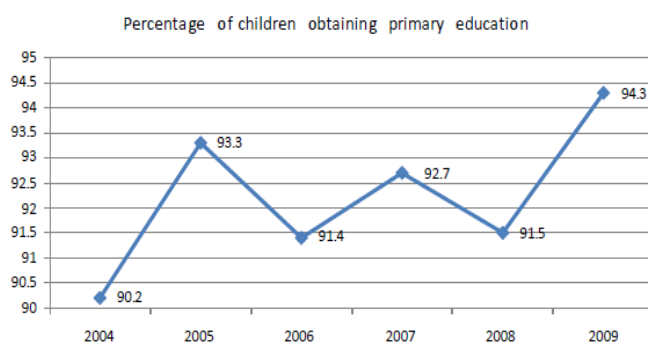
200. More than 11,000 students between 9 and 24 years of age participated in the program to obtain education in 2010. According to the statistics, 64.3% of the students were male and 46.7% came from herder families. A total of MNT 1.2 billion is spent on the program by the state each year.

201. In accordance with Article 12 of the Law on Primary and Secondary Education, students are enrolling in extramural courses and evening classes to acquire primary, basic and general education in high schools not only in Ulaanbaatar but also aimags. Article 39 of the Education Law, states that extramural courses and evening classes for primary, basic and general education are free of charge.

202. There were 23 schools giving evening classes in 9 aimags and 5 schools giving extramural courses in 16 aimags in the academic year 2009/2010. Out of 3,428 students enrolled in those courses, 69.6% were in intramural courses and 30.3% were in evening classes. Moreover, 77.7% of the students obtained general education certificates. Furthermore, a program to support Kazakh children's education was implemented in 2010.

203. Education is considered to be a leading, significant sector in Mongolia. Based on the Millennium Declaration, which was passed by the United Nations in 2000, Mongolia is implementing the Millennium Development Goals ratified by the Parliament. One of the Millennium Development Goals is to provide primary education to all children in Mongolia by 2015.

204. The reason why education level in Mongolia is higher than most of the other developing countries is that the government in the period of centrally planned prioritized primary and secondary education greatly. Primary and secondary education has been paid a lot of attention in the market economy as well. A total of 522,000 students went to 755 general education high schools, private and public, in the academic year 2009/2010. However, 5.7% of children (between ages of 6 and 11) are not able to obtain primary education. Number of children going to school to obtain primary education has been increasing since 2004 but the percentage had a few fluctuations.



205. Furthermore, the percentage of children obtaining primary education in eastern part of Mongolia is the highest (96.4%) while that of Ulaanbaatar is the lowest with 92.9%. The difference between these two percentages is 3.5%, which can be explained by growing poverty and lack of high schools when more and more people moving to Ulaanbaatar from the rural area.

206. The percentages of children who are 7.9 and 11 years old obtaining primary education are high. Children who are 6.8 and 11 years old have the least access to primary education as statistics show that the percentage of children obtaining primary education is 91.6%, 92.9%, 93.1% respectively. In other words, children in the first, third and fifth grades are dropping out or they are unable to enroll. These fluctuations might be caused by dropping out and lack of dormitories.

207. In order to ensure that everyone has equal education under equal conditions, the government of Mongolia has been implementing policies such providing housing fee to students who live in dormitories, granting various scholarships to students from vulnerable groups and providing textbooks free of charge to primary school children.

208. A Snacks Program has been implemented since the academic year 2009/2010 to encourage primary school students to go to school and decrease their absences. The cost of a lunch for one student was increased from MNT 300 to MNT 400. This policy not only supports family budgets but also influences on creating equal opportunities for everyone.

209. A Lunch Program was started in 2010 to improve the previous program that served snacks to primary school students. This program is intended to provide general education students with healthy food and good service.

210. Things needed for school such as schoolbag and uniform were given out for free to students who come from vulnerable groups. This policy is intended to create equal opportunities and conditions for students and decrease the number of dropouts. However, the right to obtain education is still being violated due to various factors such as poverty, unemployment, movement of people, overcrowded schools, lack of dormitories and many others.

211. The Law on Education states that "No less than 20% of the state budget must be spent on education sector". As of today, 18.5% of the state budget is spent on education sector.

#### **Expenditure in education sector**

	2007	2008	2009	2010**
Total state budget expenditure, MNT million	1,747,310.5	2,466,774.4	2,336,629.7	3,076,262.8
Expenditure in education sector*, MNT million	273,271.5	414,243.6	430,533.9	523,949.6
Percentage of education sector spending in the total expenditure	15.6	16.8	18.5	17.0
Education sector spending per capita, MNT thousand	103.7	154.4	157.4	190.8

\* Budget pack for the Minister for Education, Culture and Science

\*\* Preliminary data

Source: *National Statistics Book-2010*, National Statistical Office of Mongolia [www.nso.mn](http://www.nso.mn)

212. Widening gender gap in education has become a big issue in Mongolia. The percentage of women acquiring education is higher than that of men in Mongolia as well as many other countries. This gender gap is greater in higher education institutions. According

to the statistics of the academic year 2010/2011, 51.8% of students in all schools and universities of Mongolia are women. Therefore, the Millennium Development Goals of Mongolia included a task of decreasing the gender gap to an appropriate level by 2015.

213. The Law on Education states that every citizen must acquire general education. People are being educated through formal and non-formal education institutions in cities and aimags. General education system of Mongolia shifted to a 12-year system (primary education – 6 years, basic education – 9 years, general education – 12 years) in the academic year 2008/2009.

214. In the academic year 2009/2010, general education was obtained from 44.6% of 755 high schools. Moreover, a total of 63 vocational education centers graduated 13,900 students. The program “A computer for every primary school student” has been implemented since 2008. In the framework of this program, primary school students are provided computers in order to use information technology in their learning process. Furthermore, the Ministry of Education, Culture and Science planned to set up high-speed internet network in high schools.

215. The following tasks are being implemented by the government in order to increase availability of general education, and improve quality of education:

- With the purpose of preparing high school students for their professional career, a new curriculum has been created so that students can choose from professional classes while attending mandatory classes. Moreover, English and Russian languages have become mandatory classes and students can also choose one more language to study.
- A task of teaching general education classes through television channels and radios was carried out for the first time. A total of 180 hours of television courses and 60 hours of radio courses were given and the courses are also available on [www.khicheel.mn](http://www.khicheel.mn) website.
- General education schools began to use same textbooks for their courses starting from the academic year 2008/2009. The state is providing textbooks for primary school students free of charge and is paying for up to 40% of textbooks for high school students. This year, a total of 2 million textbooks with cost of MNT 4.9 billion were provided to students from vulnerable groups.
- A total of 18 learning facilities, 5900 new seats, 11 dormitories 22 kindergartens, 17 cultural centers and 15 sport gyms opened in 2009. Moreover, 185 construction works were done to improve school buildings. As a result, kindergarten and primary school attendances increased by 1.6% and 2.0% respectively.

216. According to the Law on Higher Education, private higher education institutions and its branch schools can be established with approval of the government. This action supports the task of improving quality of higher education in Mongolia.

217. Universities and colleges admission procedure was approved by Decree No. 69 of the Minister for Education, Culture and Science in 2006. A new system of examination called “General University Entrance Examination” was introduced.

218. Proposal of 26 universities to open 96 bachelor’s programs, 9 universities to open 11 master’s and 4 universities to open doctoral programs was received in the academic year 2010/2011. The government approved a total of 19 programs of engineering, technology, agriculture and natural studies. A total of MNT 22.9 billion was provided to the government fund to support undergraduate students in 2009 while a total of 315 graduate students studying abroad were granted MNT 2.8 million. Furthermore, a total of MNT 550

million was spent on travel expenses of students coming to Ulaanbaatar from remote regions.

<i>Year</i>	<i>Number of students</i>	<i>Travel expenses (MNT million)</i>
2007	11302	333,8
2008	11313	422,5
2009	10548	550,0
2010	11313	550,0

219. In order to improve living conditions of students and create a general standard, "Living standard in dormitories" was passed by the National Center for Standardization and Measurement in January, 2009.

220. "Regulations on providing education loan to undergraduate and graduate students in higher education institutions of Mongolia and its repayment" was approved by the Government resolution No. 177 in 2008. A total of 61 people who acquired master's degree in developed countries and worked for five or more year in Mongolia were repaid their tuition fees. Also, the President's, Prime Minister's and other scholarships are given to best students.

221. A total of 33,007 students were graduated from colleges and universities in the academic year 2008/2009. According to latest statistics, number of undergraduate students is constantly increasing while number of graduate students is stabilizing. Moreover, female graduates make up 63.7% of total graduates. In other words, two of every three graduates are female.

222. In the academic year 2008/2009, 13.7% of graduates majored in education, 9.5% in humanitarian, 44.4% in social sciences, 5.4% in natural sciences, 11.4% in technology, 2.4% in agriculture and 7.2% in health sciences. Compared to the previous year, number of students majoring in education and technology increased by 0.5-1.1%. Over 44,700 students are currently acquiring education in vocational education centers. This year, a total of 6 vocational education centers opened and, as a result, 6,800 more students are attending them.

223. In the academic year 2009/2010, there were 10 public universities, 10 public institutes and 22 public colleges while a total of 4 universities, 53 institutes and 42 colleges were private. Out of 164,773 students registered, 100,581 went to public education institutions, 63,835 attended private ones and the rest acquired education abroad.

	<i>Bachelor's</i>	<i>Diploma</i>	<i>Master's</i>	<i>Doctorate</i>
Percentage	89,5	2,7	6,4	1,3
Number of students	147,586	4,423	10,621	2,143

224. Moreover, 60.4% of all students were female in the academic year 2009/2010. Out of 43,829 freshmen, 32,569 were graduated from high school that year. Compared to the previous year, the number of freshmen was decreased by about 2,900. Furthermore, the total number of students was increased by approximately 3,700 students, which is a small number compared to the previous year. The number of undergraduate students was increased by 2,400 while the number of doctorate students went down.

225. According to the statistics, 35.8% of postgraduate students were acquiring higher education in social sciences, 13.3% in education, 8.6% in humanitarian science, 7.0% in natural studies, 17.1% in technology, 2.8% in agriculture and the rest in other fields.



226. Currently, 7,219 of 12,849 people employed in higher education institution are full-time teachers, 67.8% of which have doctor's and the rest has master's degree. The total number of full-time teachers was increased by 199 than that of the previous year.

227. It has been planned to increase the percentage of students studying engineering, technology, natural studies, education and agriculture from 32% to 41% and decrease the percentage of students studying humanitarian science, law and medicine from 30% to 29%.

228. A set of reforms in primary and secondary education has been carried out since 2005 in order to provide everyone with equal opportunities to acquire education, lay foundations for 12-year education system, introduce the use of information technology in teaching process and develop creativity of students.

229. In accordance with those reforms, a law amendment was made in 2006 to financially support primary and secondary school teachers. According to the law, teachers of schools and kindergartens in the rural area are granted an allowance equal to 6 months' salary once in every five years. A total of MNT 8 billion, MNT 1.1 billion, MNT 1.4 billion was spent on teachers' allowances in 2007, 2008 and 2009, respectively.

230. According to the Government resolution No. 219/2007, salary of teachers who have professional degrees such as "advisory" and "leading" was increased by 10-20%. In addition, teachers of public schools and kindergartens have been granted an allowance equal to up to 45% of one month's salary since the academic year 2008/2009. A total of MNT 15.6 billion was granted to 53,667 teachers in 2009.

231. Article 42 of the Law on Education states that buildings and equipment of an education institution must be safe, user-friendly and meet the professional needs of teachers and workers. A task of creating a school-centered learning system for teachers was included in the master plan to develop education in 2006-2015 and, in the framework of the master plan; tasks of creating an environment for teachers to develop professionally and introducing the use of information technology at schools are being carried out. Moreover, "National plan to prepare primary and secondary school teachers and improve their skills" was approved by the Government resolution No. 316 (2008) to create standards needed to build an environment where teachers can develop themselves professionally.

232. "Teacher development hall", the list of rooms and equipment needed for teacher development, was approved by decree No. 114 of the Minister for Education, Culture and Science of Mongolia in 2008. As a result, a total of 67 halls opened in schools by World Bank.

233. The Education Law of Mongolia included "Choosing schools for children by the guideline" and "Having children acquire basic education before the age of 16 and not violating their right to obtain education" in rights and responsibilities of parents and guardians. According to this law, citizens of Mongolia are having their children obtain education in general education school in and out of Mongolia.

234. There were a total of 755 general education schools in the academic year 2009/2010, 80.1% were public and 19.9% were private schools. Moreover, 82.1% of public schools were located in the rural area and the rest were in Ulaanbaatar. Approximately 522,000 students are currently attending general education schools, 94.7% of which attended public schools.

235. Content of subjects such as civism, history and social knowledge have included ethics, human rights, freedom, justice, equality and tradition since the academic year 2004/2005. For instance, students learn about concepts of ethics, values and tradition in civism class and study social relations in social knowledge class.

236. A total of three general education schools that provides religious education in addition to conventional education operated in the academic year 2009/2010. Those schools include Gandantegchinlen's public school established in 1991, Bakula Rinpoche Monastery's Betub School established in 1992 and a Muslim school in Bayan-Ulgii province established in 2000. A total of 438 students attended these schools in the academic year 2009/2010.

237. Even though the law states that education and religion must be separate, those religious schools are providing religious education in addition to conventional education.

238. According to Article 18 of the Law on Education, an organization can establish an education institution following the guidelines stated by law. Moreover, 19.9% of 755 general education schools were private schools in the academic year 2009/2010. 67.3% of private schools are located in Ulaanbaatar while 32.6% are operating in rural area. Furthermore, about 27,800 students are attending those private schools. 48.6% of private schools students are primary, 29.3% are secondary and 22.1% are high school students.

239. The state is funding general education students regardless of school's ownership. A total of MNT 5,071,213 was spent on private general education schools in 2009.

240. The Ministry of Education, Culture and Science has been cooperating with international organizations in order to reform education system, improve quality of education and upgrade skills of teachers.

## **Article 15**

241. Article 16 of the Constitution of Mongolia states "Every citizen has the right to engage in creative work in cultural, artistic, and scientific fields and to benefit thereof. Copyrights and patents are protected by law." The law also allows people to actively participate in cultural life and be introduced to technological developments.

242. Legal and operational regulations have been made in the framework of government policy on culture. Law on Culture (1996) and Law on Protecting Cultural Heritage (2001) were passed. Programs such as Protecting and restoring immovable heritages, Supporting traditional performing arts, Classic arts, Mongolian traditional folk long song, horse headed fiddle, Using numeral system in saving cultural heritage and Mongolian throat singing are being implemented by the government to protect and preserve traditional heritage of Mongolia.

243. Cultural centers, museums, libraries, theatres and cinemas are being opened in order to encourage people to engage in cultural activities regardless of where they are living.

244. Programs such as Protecting and restoring unmovable heritages, Supporting traditional performing arts, Classic arts, Mongolian traditional folk long song, horse headed fiddle, Using numeral system in saving cultural heritage and Mongolian throat singing are being implemented by the government in order to protect and preserve nomadic culture and extend the spread of classic art.

245. Since the democratic changes and reform in 1990, Mongolia has introduced multilateral foreign policy and been cooperating with many countries in the field of culture and arts. There have been many projects where the Government of Mongolia cooperated with other countries and international organizations in protecting and restoring cultural heritage. Mongolian cultural days have taken place in many countries as cultural days of other counties were organized in Mongolia.

246. Cultural cooperation with other countries has broadened and the participation of non- governmental organizations and people in those events is on the rise. Mongolia has

been cooperating with many more countries such as the United States, Germany, Japan, France, South Korea and Turkey since 1990.

247. There have been many great developments in Mongolian arts and culture since 1990.

248. Mongolian bands toured to more than 20 countries such as Japan, Russia, China, India, South Korea, North Korea, Germany and the United States. Exhibitions where Mongolian cultural artifacts were displayed were organized in Japan, the United States, France, South Korea and Italy. Also, Mongolian artists have been participating in international festivals and those who had success have been rewarded by the government since 1999.

249. Science and Technology Law of Mongolia regulate the use of technological developments, copyright of products and introduction of technology to production. Also, the following tasks have been carried out in the framework of programs such as “Master Plan to develop Mongolian science and technology in 2007-2020”, “Program to develop national innovation system (2008-2015)” and “Program to reform science and technology management”.

- A total of 15 core technologies in human development, quality of life, protection and use of natural resources, intensification of agriculture and information technology will be introduced in the near future. This will contribute to increasing benefit of technologies for people’s life. A total of 57 projects were implemented in 2008-2009. There were 589 results which produced 40 end products, 130 standards, 21 blueprints, 39 concepts, 105 manuals, 57 books, 150 articles and 223 presentations. Moreover, 62.9% of the results were in education sector, 21.9% in science sector and 15.1% in culture. These projects were aimed at creating methodology and conditions for implementing legal acts and conducting research necessary for economic and social reforms. In overall, implementation of projects in education sector was good. Projects in science and technology played a great role in improving people’s education and increased the number of books, magazines, exhibitions and museums.
- Mongolian scientists created 107 technologies, 100 end products and product models, 267 catalogues and manuals and 105 standards in 2009. Furthermore, there were 890 books, 3300 scientific articles, 3400 presentations, 41 patents and 89 certificates of efficient products and 76 copyright certificates. Mongolian geographical scientist created the National Atlas of Mongolia and discovered more than 40 archaeological findings that were essential for studying Hunnu culture.
- A total of 85 preparation works were selected and funded by MNT 1.774 million in 2001-2010. As a result of preparation works carried out in 2001-2008, 33 small industries and workshops opened and more than 20 equipment and about 100 new products were introduced into production.
- A total of MNT 300 million was invested for equipment in science and technology sector in 2010. Mongolia is cooperating with more than 30 countries in science, technology and innovation sectors in order to encourage international cooperation.
- Article 16 of the Constitution of Mongolia states “Every citizen has the right to engage in creative work in cultural, artistic, and scientific fields and to benefit thereof. Copyrights and patents are protected by law.”

*1. The following persons shall copyright:*

*1) Citizens of Mongolia, foreign nationals and stateless persons permanently residing in Mongolia and who have created work;*

2) *Foreign nationals whose work has been first made available to the public in Mongolia.*

3) *Authors of graphic works being component of sculpture, architecture or in buildings which they have permanently located in the territory of Mongolia;*

4) *Legal persons who are entitled to copyright under the conditions and within the scope set by the legislation on copyright;*

5) *Foreign nationals, legal persons and stateless persons who are entitled to protection under an international treaty to which Mongolia is a party*

250. The subject matter of copyright shall include the following works irrespective of their content, purpose, form, merit, mode of creation or availability to the public:

- Literary works in the scientific or literary domain whether verbal or written;
  - Musical works;
  - Graphic works and works of applied art;
  - Works of architecture and construction design;
  - Choreographic works, works of contortionists and pantomime;
  - Dramatic works;
  - Cinematographic works and all works expressed by a process analogous to cinematography;
  - Photographic works and all works expressed by a process analogous to photography;
  - Plans, sketches, designs, and models relative to the scientific and technical domain;
  - Computer programs;
  - Encyclopedia, dictionary, other database compilation that compose an intellectual creation by its content and purpose. However, the copyright in the original works shall not be affected;
  - Derived works such as adaptation, translation, arrangements of musical and other artistic works based on pre-existing works;
  - Any other works expressing the intellectual creative activity of the author.
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