



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights Seventy-second session

### Summary record of the 35th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 28 September 2022, at 10 a.m.

*Chair:* Mr. Abdel-Moneim

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Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

*Fifth periodic report of Mongolia (continued)*

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*The meeting was called to order at 10 a.m.*

**Consideration of reports** *(continued)*

**(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant** *(continued)*

*Fifth periodic report of Mongolia (continued)* (E/C.12/MNG/QPR/5; E/C.12/MNG/5; HRI/CORE/MNG/2015)

1. *At the invitation of the Chair, the delegation of Mongolia joined the meeting.*
2. **Mr. Unurbayar** (Mongolia), responding to questions posed by members of the Committee the previous day, said that the number of people employed in the informal sector had fallen from 205,000 in 2016 to 175,000 by 2022. In 2022, there were 464,000 people working as herders, of whom 41 per cent were women. The Government had provided financial support to 242,000 people living in rural areas, of whom 65 per cent were women. Between 55 and 80 per cent of the workers in the health, education, service, insurance and real estate sectors were women. The list of occupations prohibited for women had been abolished. Women were permitted to work in all sectors, including mining and road transport. As a result, the gender wage gap had been eliminated.
3. A new policy had been adopted to allow fathers of children under 3 years of age to take leave from work to care for their children. Pregnant women, mothers of children under 3 years of age and mothers of children with disabilities under 16 years of age could not be employed in night work or for long hours. The right to maternity leave was enshrined in law. Fathers could take at least 10 days of paid paternity leave. Employment in the agricultural sector had fallen from 33 per cent of total employment in 2010 to 20 per cent in 2022. That shift had brought with it increased formalization of the economy.
4. **A representative of Mongolia** said that her country had set a goal of restoring 8,000 hectares of pastureland that had been damaged by mining activities by 2024. Between 2020 and 2022 some 5,000 hectares had been restored. The public could access information on pollution caused by mining activities through a database on the website of the Ministry of Environment and Tourism.
5. With respect to safe drinking water, there were 150 water monitoring points where water pollution, usage and supply were measured. Over 150 deep wells had been dug thanks to investment from the State and private companies. Reservoirs had been established in 21 locations with administrative units that were responsible for their management. Meetings were held with the local population twice a year to inform decision-making processes. The public could find information on water quality on the website of the Ministry of Environment and Tourism.
6. The adoption of a revised water pollution fee law in 2019 had led to a reduction in water pollution. In 2022, the agricultural sector, including herders, accounted for 23 per cent of national water usage. Herders were not obliged to pay the water pollution or consumption fees. The mining sector accounted for 20 per cent of national water usage, but 75 per cent of mines used grey water. Income from water pollution fees had fallen during the coronavirus disease (COVID-19) pandemic because mining and light industry activities had slowed or stopped. Efforts to improve water and sanitation in line with Sustainable Development Goal 6 had led to a significant decrease in viral water contamination.
7. **A representative of Mongolia** said that the prevalence of communicable diseases per 10,000 people had fallen to 101 in 2020. However, as a result of the COVID-19 pandemic, it had risen to 643 in 2021 and 875 in 2022.
8. Under the Healthy Liver National Programme, 1.3 million people had been tested for hepatitis B and C between 2016 and 2020. Treatment had been provided to 20,800 people with hepatitis C and 14,400 people with hepatitis B. Rates of acute hepatitis had been falling since 2011, when there had been 62.8 cases per 10,000 people. In 2020, there had been only 1.1 cases of acute hepatitis per 10,000 people. There had been a decline in cases of hepatitis B because vaccinations against that disease had been administered to all people born after 1992.

9. Infection control was a priority in hospitals, tattoo and beauty salons, private medical clinics and dental clinics. The Ministry of Health undertook regular inspections in those establishments.

10. In 2022, a nationwide early prevention and health check programme had been launched. Some 420,000 people had undergone a health check as part of the programme, and 2,600 cases of hepatitis B and 5,100 cases of hepatitis C had been detected. The health check included screening for tuberculosis and sexually transmitted infections. A range of different medications were used for the treatment of hepatitis C, for which 70 per cent of the costs were covered by health insurance.

11. Fewer cases of tuberculosis had been detected during the COVID-19 pandemic because the doctors who had previously worked with tuberculosis patients had been reassigned. Testing rates had dropped significantly. Contact tracing activities had begun to facilitate the early detection of tuberculosis cases. Persons living with tuberculosis received treatment in their homes from Mongolian Red Cross Society volunteers. In 2021, government funding to address tuberculosis had been increased threefold.

12. The 2016 to 2020 national programme for maternal and child health had set a goal of reducing the number of abortions per 1,000 live births from 224 to 200. By 2021, the number of abortions per 1,000 live births had fallen to 161.1. During the reporting period, the number of abortions performed in his country had fallen from 17,000 to 12,000 per year. Access to contraception was being improved with a view to preventing unwanted pregnancies. Contraception was provided through primary health-care programmes, for which government funding had been doubled in 2019 and again in 2020. Government funding of the health service had been extended to health insurance companies and thus to private hospitals, leading to improvements in maternal health care and a reduction in abortions among women under 20 years of age. In 2017, special medical cabinets had been established in all regions of the country to offer health services to adolescents. Counselling and care had been provided to 33,000 adolescents by those cabinets, including in relation to reproductive health and the prevention of unwanted pregnancies.

13. Regarding obesity prevention, studies were carried out every few years on food consumption and health. The most recent study had been conducted in 2016 and the next would be conducted in 2022. The 2016 study had revealed problems with obesity in all age groups and a range of measures had been taken to address the situation. Children's weight was monitored in schools and legislation had been adopted on food and nutrition for infants and on the provision of school meals. A national programme to support nutritious food and healthy diets for infants and small children had also been launched. A regulation had been introduced on the mandatory inclusion of nutritional information on food labels. Regulations and guidance on food advertising directed at children had been adopted. A national strategy to reduce salt consumption had also been adopted, covering the period from 2015 to 2025. A list of foods that were not allowed be sold within 150 metres of schools had been published. A healthy and active lifestyles programme had begun in 2021 and would continue until 2024. Another programme, known as the Early Bird Mongolia Programme, offered free access to public gyms and swimming pools before 8 a.m. The Programme had already benefited 536,000 people. The 2022 food consumption and health study would help the Government to evaluate the impact of the measures taken in that area.

14. **A representative of Mongolia** said that, as of 2020, 70 *soum* (counties) had been connected to the mains water supply. Water supply infrastructure had been installed in 59 *soum* in 19 provinces in 2021, and in 15 *soum* in 9 provinces in 2022. With assistance from the Millennium Challenge Corporation, water supply points had been installed in the west of Ulaanbaatar. Between 2015 and 2022, 26 wastewater treatment plants had been renovated. A total of 3,200 families had been provided with new sanitation facilities, and clean water and indoor toilets had been supplied to kindergartens and schools in rural areas through a public-private partnership. In 2022, kindergartens and schools in 368 *soum* had been connected to the water supply and wastewater network, with a further 718 educational establishments to be added by 2024.

15. **A representative of Mongolia** said that it was very difficult to provide water and sanitation facilities to everyone in a country covering an area of 1.5 million square kilometres.

Nevertheless, the Government was investing aggressively in such infrastructure. One of the goals of the project supported by the Millennium Challenge Corporation was to achieve, by 2026, a 20 per cent reduction in the amount of groundwater used by central heating plants.

16. The high prevalence of hepatitis B and C in Mongolia was accounted for in part by the large number of people who had contracted those diseases before single-use syringes had been introduced in the health-care system in 1992. Many infections were being identified through screening as part of the Healthy Liver National Programme. Once detected, 95 per cent of cases of hepatitis C were treated successfully.

17. The reorganization and rebuilding of the *ger* district had given rise to many disputes before the Government had become directly involved in 2015. Since then, landowners had been guaranteed access to housing and services. There was no official record of the number of complaints that had been filed in connection with the reorganization process.

18. **Mr. Hennebel** (Country Rapporteur) said that he wished to learn about the measures being taken by the State party to combat climate change and its direct and indirect effects.

19. He would welcome information on the measures in place to tackle discrimination against refugees, asylum-seekers, stateless persons and unregistered migrants and to ensure that those categories of persons had access to health care, education and employment.

20. Article 14 of the Criminal Code, which had come into force in 2017, banned discrimination on grounds of sexual orientation and gender identity. It was unclear whether the authorities made a clear distinction between those two concepts. He would appreciate the delegation's response to concerns reported to the Committee that there had been no criminal convictions under article 14 and that victims faced difficulties in obtaining access to justice.

21. The Committee had been informed that 25 per cent of the working population was unable to maintain an adequate standard of living. He would welcome the delegation's comments on that issue, including whether that figure was correct.

22. The Committee had received reports that between 2004 and 2017, sexual harassment rates had increased from 20 to 50 per cent in commercial workplaces and from 20 to 40 per cent in health-care settings. He would appreciate an assessment of whether the reforms to employment legislation had had any impact on those figures.

23. According to information submitted to the Committee, human rights defenders had been prosecuted for allegedly engaging in sabotage and collaboration with foreign intelligence services. In August 2022, more than 130 civil society organizations had signed an open letter demanding that the authorities put an end to reprisals against human rights defender Sukhgerel Dugersuren. He would be grateful for the delegation's comments on the issue, together with an update on Ms. Sukhgerel's case.

24. He would welcome details of any measures taken to tackle the reported rise in cases of alcoholism, depression, suicide and mental health issues, as well as emotional and behavioural difficulties in children. He would appreciate information regarding reports that women and girls with disabilities were unable to claim their rights to sexual and reproductive health and that some of them were forced to undergo sterilizations or abortions.

25. He would be grateful for details of the situation of transgender persons, for whom there were reportedly no health-care services in place.

26. Lastly, he wished to know whether the State party planned to adopt the eleventh revision of the International Statistical Classification of Diseases and Related Health Problems.

27. **Mr. Uprimny** said that it was difficult to understand why the poverty rate in the State party had remained unchanged despite the fact that it had experienced good economic growth, with the gross domestic product having doubled over a 15-year period. Had the Government introduced a human rights-based poverty reduction programme?

28. **Ms. Shin** said that it was unclear how the profits from mining projects were used to benefit the population, in particular herders who lost their livelihoods as a result of such projects and were forced to settle in urban areas.

29. **A representative of Mongolia** said that the Government had ambitious plans to tackle climate change, including through a scheme to plant 1 billion trees.
30. Everyone had equal rights under the Constitution, irrespective of their national origin or migration status, and all persons were entitled to basic services and to obtain access to justice.
31. The case involving Sukhgerel Dugersuren was being given careful consideration. The law prohibited officials from providing any details of a case until the final court decision had been handed down.
32. The Government was making efforts to progressively reduce the poverty rate, which had remained unchanged owing to the effects of the COVID-19 pandemic.
33. **Mr. Unurbayar** (Mongolia) said that the salaries of civil servants rose in line with inflation. Since 2016, the wages of teachers, health-care workers and scientists employed by the Government had increased by around 50 per cent. The national minimum wage had also risen significantly since that year.
34. An ongoing national programme was in place to support the employment of persons with disabilities. Under the Labour Code, businesses with more than 25 workers must employ at least one person with disabilities or, alternatively, purchase goods manufactured or services rendered by such persons.
35. The poverty rate was measured every two years and, while it had shown an overall decline since 2010, it fell in times of economic growth and rose when the economy performed poorly. Had it not been for the COVID-19 pandemic, the current poverty rate would have been three percentage points lower, according to the Government's estimates. The Ministry of Labour and Social Protection, with the support of various State agencies, had implemented a programme to reduce poverty and unemployment. Efforts were focused on areas and segments of the population that suffered the highest unemployment and poverty rates.
36. **A representative of Mongolia** said that, pursuant to article 7 of the Act on the Legal Status of Foreign Nationals, all foreign nationals living in the country enjoyed the same rights as Mongolian citizens, subject to certain exceptions as set out in the Act. There were around 20,000 foreign citizens from many different countries living in Mongolia. Under the Health Insurance Act, migrants, refugees and stateless persons were entitled to access health-care services on an equal footing with Mongolian nationals, without discrimination. Between 2019 and 2021, approximately 2,500 foreign or stateless persons had received some form of medical treatment. Long-term foreign residents were provided with vaccinations by the Ministry of Health. No complaints had been received from migrants, stateless persons or refugees regarding access to social, education or health-care services.
37. In 2018, modules on mental health had been introduced as part of the curriculum for adolescent schoolchildren. Psychologists were being assigned to secondary schools and programmes were in place to train more school psychologists. Forced abortion did not exist in Mongolia. Abortions had been legal in hospitals on the advice of a doctor since 1989. They were carried out on a voluntary basis and, in the case of adolescents, with the permission of their parents or guardians.
38. Lesbian, gay, bisexual, transgender and intersex persons faced no discrimination in terms of accessing health-care services. Cosmetic or gender reassignment surgery was generally unavailable in Mongolia and was not covered by the Mongolian health insurance programme. Persons wishing to undergo such procedures therefore had to travel abroad at their own expense.
39. **A representative of Mongolia** said that the Government was working to increase renewable energy production. By 2024, 18 per cent of the country's power was expected to be generated from renewable sources, particularly wind and solar energy. The Government had also introduced a programme to encourage intensive cattle farming and thus reduce its environmental impact. In a move to make waste management more sustainable, the Government had banned single-use plastic bags.
40. **Mr. Abashidze** (Country Task Force) said that he wished to know whether the State party had conducted any research to determine the extent to which its legislation, policies

and strategies ensured inclusive education for persons with disabilities, in line with its obligations under the Covenant, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. He would be interested to learn whether the project to establish a model kindergarten and school for the inclusive education of children with disabilities was merely an experiment or whether it would serve as the basis for the entire education system in the long term. He wondered what the specific achievements of the model had been and what insights it had provided.

41. It would be useful to know whether the State party had a strategy and mechanism to enrol all children with disabilities in the mainstream education system. If so, what did the mechanism entail? He was keen to hear whether up-to-date and disaggregated data were available on all categories of children with disabilities, and what percentage of such children did not attend school.

42. He wondered whether educational institutions for children with disabilities had enough teachers and support staff with the necessary qualifications and specialist training. He wished to know why institutions such as the Development Centre for Children with Disabilities operated separately from the mainstream education system and how that apparently segregated form of education fitted in with the new inclusive model. He would appreciate an explanation of the criteria according to which the salaries of teachers who worked with children with disabilities were increased, and how they compared with pay rises for teachers and staff in the mainstream education system. Were there enough national financial and technical resources to make up any staffing shortfalls? If that was not the case, he would like to know to what extent the Government could call upon international cooperation and assistance mechanisms boost staff numbers. He would be interested to hear whether the Vision 2050 programme and the economic revival policy contained priorities and aims in the area of education, particularly with regard to children with disabilities.

43. He wondered whether the existing procedure for the registration of Mongolian cultural heritage and the Mongolia State Policy on Culture reflected the ethnic diversity of the country. He would be grateful for clarification of the nature of support for cultural development given by the 34 companies that received foreign investment. Lastly, he would appreciate receiving further details of the requirements imposed under national laws on foreign investors operating in territories where ancient nomadic cultural practices were followed.

*The meeting was suspended at noon and resumed at 12.20 p.m.*

44. **A representative of Mongolia** said that the model kindergartens and schools were funded by a combination of foreign investment and State funds, and over 100 model schools and kindergartens had been established since 2019. They were intended to serve as a standard for the entire education system.

45. The provisions of the Covenant, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities had been incorporated into national law. Additional provisions to be incorporated in the laws on the protection of children's rights would be submitted to the parliament in October 2022.

46. Under its inclusive education policy, the Government intended to transfer children with disabilities from specialized to mainstream schools. Individual training modules were provided to children with disabilities within the mainstream education system. Teachers received training to enable them to work with children with disabilities in that setting. All children with disabilities were registered with the Ministry of Education and Science and 70 per cent of them were enrolled in inclusive primary and secondary schools. There were six categories of disabilities, including visual, hearing, cognitive, physical and combined forms, and detailed data were available on all of them. In 2018, visual impairment had been the most common form of disability among children in the inclusive education system, whereas in 2022 it was combined forms of disability.

47. Development centres for children with disabilities provided support for the psychological and emotional development of children and offered assistance to their parents. They had been established in six districts of Ulaanbaatar. Learning materials and school premises for children with disabilities were provided with funding from international donors.

48. The Vision 2050 policy document contained a whole chapter on human development. It set out goals such as ensuring quality education and lifelong learning for all. Government services would be digitized in line with the economic revival policy of Mongolia, and the Ministry of Education and Science provided a website where children could access e-learning materials. Parents were also able to enrol their children in schools and kindergartens online.

49. **Mr. Unurbayar** (Mongolia) said that teachers received additional pay if they worked overtime or evening hours, had special skills or qualifications or resided in rural areas. Those who worked with children with special needs had additional qualifications and their wages were therefore higher than the average. A special commission dealt with the specific issues related to children with disabilities, including health care and education.

50. The six development centres for children with disabilities had been set up and equipped using funds from the Asian Development Bank. The centres provided support for independent living and helped any children who had fallen behind in their education. Regarding accessibility, State institutions provided documents in audio format for persons with visual impairments.

51. **A representative of Mongolia** said that, as a result of research conducted to identify gaps between national and international laws, the parliament had adopted two sets of legislation on the protection of children's rights, which incorporated the principles set out in the Covenant, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

52. **A representative of Mongolia** said that ethnic minorities were not specified in the Act on the Protection of Cultural Heritage, which covered mostly immovable assets. The 34 companies with foreign investment were involved in culture-related areas of business, not in the protection of cultural heritage.

53. **Ms. Shin**, noting that women could now participate in archery and horse racing events during Naadam, a traditional festival, asked whether there were plans to have a women's category for the wrestling events, and whether there were measures in place to protect the rights of child jockeys who raced horses during the festival and ensure that they were not forced to participate against their will.

54. **Mr. Nonthasoot** said that he would appreciate more information about the unionization of workers in the mining industry, efforts to mitigate the negative impact of the mining sector on the cultural heritage of Mongolia, and the current status of the case against the human rights defender Sukhgerel Dugersuren.

55. **Mr. Hennebel** said that he would be interested to learn what differences existed in terms of quality of education between schools in urban and rural areas, and what programmes were in place to close any gaps. He wondered what the impact of the COVID-19 pandemic had been on the education system in rural areas and what measures had been taken to compensate for any school time lost. Turning to the issue of the human rights defender who was on trial, while he understood the need for secrecy in criminal investigations, he failed to see how that prevented the State party from answering the Committee's legitimate questions about the situation of the person concerned. Lastly, he wished to express his gratitude to the members of the Mongolian delegation for their active and constructive participation in the dialogue with the Committee.

56. **Mr. Unurbayar** (Mongolia) said that he thanked the Committee, and the members of the country task force in particular, for their questions and valuable insights concerning the economic, social and cultural rights of the Mongolian people.

*The meeting rose at 1.05 p.m.*