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Summary record of the 33rd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 27 September 2022, at 10 a.m.

Chair: Mr. Abdel-Moneim

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The meeting was called to order at 10.05 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 (E/C.12/MNG/QPR/5; E/C.12/MNG/5)

1. *At the invitation of the Chair, the delegation of Mongolia joined the meeting.*
2. **Mr. Unurbayar** (Mongolia), introducing his country's fifth periodic report, said that Mongolia had successfully overcome the difficult economic and social conditions and challenges caused by the coronavirus disease (COVID-19) pandemic. The parliament had adopted a law to prevent, combat and reduce the social and economic impacts of COVID-19. A comprehensive plan had been introduced to stimulate economic recovery and protect the population's health, to which 10 trillion tugriks (Tog) in funding had been allocated. As part of the plan, the value of food vouchers had been increased by 20 per cent and coverage of the scheme had doubled. The monthly allowance for families with children had risen fivefold and over 3 per cent of gross domestic product had been spent on the country's 1.2 million children in 2021. During the pandemic, one-off financial support payments had been made to all citizens and over 500,000 workers had been exempted from national insurance contributions. The Government covered half of the social security contributions of employees on low incomes. Furthermore, low-interest, long-term loans worth Tog 10 trillion had been made available to support companies and retain jobs in the manufacturing and services sectors.
3. According to a World Bank Group survey, the poverty rate in Mongolia had fallen to 27.8 in 2020, which reflected the country's commitment to promoting decent work and economic growth as part of the Sustainable Development Goals. In that vein, Mongolia had approved Vision 2050, a long-term development policy aimed at reducing poverty, generating employment and ensuring sustainable social and economic growth.
4. In response to the Committee's recommendations following the review of the fourth periodic report of Mongolia, the National Human Rights Commission Act had been revised to bring it into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The number of commissioners had been increased from three to five and they were appointed through an open selection process; sufficient funds had been allocated to ensure the Commission's independence; detailed regulations had been published on the Commission's responsibilities; and a special unit had been created to serve as the national preventive mechanism. The Act on the Legal Status of Human Rights Defenders, adopted in 2021, governed the structure, organization and activities of the Human Rights Defenders Committee.
5. In 2021, the country's labour laws had been amended according to the recommendations of the Committee and the International Labour Organization in order to, inter alia, prohibit forced labour and eliminate child labour; safeguard the right to unionize; regulate working time; guarantee equal pay for equal work; and ensure the participation of the relevant civil society organizations; The Urban and Settlement Redevelopment Act had been approved in 2015 to address the challenges that had resulted from the mass migration of people to urban centres.
6. In order to improve transparency and tackle corruption and conflicts of interest, the Government had adopted a law on information transparency and, in 2016, had approved a national programme to combat corruption, together with an implementation plan. Events and activities would be organized to prevent corruption in public institutions, the private sector, civil society organizations, political parties and other groups, with a view to developing a more transparent, open and responsible society.
7. **Mr. Hennebel** (Country Rapporteur) said that he wished to know why the State party, despite its clear commitment to multilateralism, had not ratified key migration-related treaties, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto, the Convention relating to the Status of Stateless

Persons and the Convention on the Reduction of Statelessness. Further information about the legal framework regulating immigration and the treatment of refugees and stateless persons would be helpful.

8. He would be interested to hear what measures had been taken to raise awareness among lawyers, judges and court officials of the application of the Covenant in national law and why the Covenant was not invoked in the national courts. Similarly, he would be keen to learn what measures had been taken to inform civil society, lawyers and other relevant stakeholders of the Committee's individual complaints procedure, and to find out why the Committee had not received any individual communications concerning the Mongolian State. He wondered what was the legal status of the recommendations adopted by the treaty bodies and special rapporteurs of the United Nations, and whether they were binding under national law.

9. With regard to business and human rights, he would appreciate an explanation of the legal framework governing the economic, industrial and commercial activities of multinational companies operating in Mongolia and the provisions of national law governing due diligence. He wished to know what measures were in place to ensure that industrial projects, including for power generation and mining, were approved in consultation with the general public, that their environmental impact was duly assessed, and that the relevant permits and environmental impact assessments were readily available to environmental and land rights defenders, investigative journalists and potential whistle-blowers. He would be grateful for an outline of the steps taken to reduce or eliminate the negative effects of industrial activity, including soil, water and air pollution, threats to the subsistence of nomadic peoples and depletion of scarce water resources. How were the companies responsible for violations of human rights and environmental regulations held to account? It would be useful to have information about measures taken to address environmental issues such as pollution, overexploitation of natural resources and destruction of pasture, which forced nomadic peoples to migrate to major cities.

10. He wondered whether the delegation might elaborate on the instruments currently in place to combat corruption and provide information on the results that could be achieved, particularly as related to the operations of multinational corporations. He would be interested to learn how the State party's economic and political cooperation with other countries had changed in the current context of international tensions and conflict, and what the consequences had been for the State party's resources and economic development, especially given its landlocked position between the Russian Federation and China.

11. He would welcome clarification of the limitations on the activities of human rights defenders under the Act of 2021. Did human rights defenders enjoy full freedom of expression or were there exceptions? He wondered what was the legal status of the National Human Rights Commission and what resources had been made available to it.

12. He would like to know what efforts had been made to combat discrimination on the basis of sexual orientation, gender identity and disability, and the stigmatization and harassment of lesbian, gay, bisexual, transgender and intersex persons. He would appreciate an explanation of the measures taken to ensure that such groups had access to employment, health care, education and justice, and to tackle stereotypes. Likewise, he would be keen to learn how the State party guaranteed refugees, asylum-seekers and stateless persons access to health-care and education services.

13. It would be helpful to have an indication of the steps taken to close the gender pay gap and increase the number of women in positions of authority, including elected positions in national and local government. He asked what measures had been put in place to combat violence against female herders, sex workers and migrants, to safeguard the reproductive and sexual health rights of women with disabilities, and to halt the practice of virginity testing, which persisted despite being banned. Lastly, he would be interested to hear more about efforts to alleviate poverty and extreme poverty, given that a third of the country's population lived below the poverty line.

The meeting was suspended at 10.40 a.m. and resumed at 10.45 p.m.

14. **A representative of Mongolia** said that the 1951 Convention and the 1967 Protocol thereto had not been ratified because of the country's unique location and geopolitical situation. The rights of refugees, stateless persons and asylum-seekers were, however, covered by the Constitution and the various human rights treaties ratified by Mongolia. In December 2020, the parliament had established a working group to review the gaps between national legislation and various international conventions, including the Covenant. It had identified several challenges, including a lack of awareness of lawyers and judges, who were now being given training on the Covenant. Amendments were currently being drafted to bring the country's laws into line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance.

15. The Committee's recommendations did not have binding effect but the Government was carefully considering their implementation. The Judicial Standing Committee of the Mongolian parliament had submitted a proposal to recognize the jurisdiction of certain committees, which he hoped would be approved in 2023. The Human Rights Defenders Committee, which comprised representatives of the Government and civil society organizations, had been set up to assist human rights defenders.

16. The Ministry of Foreign Affairs was leading a project to improve respect for human rights in the business sector. An action plan was being developed to establish a legal framework for human rights and business.

17. A legal framework was in place to ensure that local communities were consulted regarding potential mining projects.

18. With respect to the ongoing international conflict, his country had a unique foreign policy of neutrality and cooperation with multiple partners.

19. **Mr. Unurbayar** (Mongolia) said that all types of discrimination were prohibited under Mongolian law. Following the submission of the fifth periodic report, the labour legislation had been amended to add specific provisions against discrimination in labour relations, tripartite agreements and the workplace. In the justice system, every citizen had the right to be treated in a fair manner regardless of gender or social status.

20. Progress was being made towards ensuring the right to equal pay for work of equal value. A standardized salary scale had been introduced for public servants and further legislation had been submitted to the parliament.

21. In 2019, his country had adopted legislation ensuring social protection for herders. Of the 34,000 people who had benefited from that legislation, 60 per cent were women. The social protection system took childbearing into account and women were awarded 1.6 "worked years" per child. Employment programmes had been implemented for female herders with positive results.

22. Poverty had fallen by 1.8 per cent since 2016 and, according to a World Bank Group report, it would have fallen even further if the country had not been facing the economic impact of the COVID-19 pandemic.

23. Targeted measures were being implemented for the most vulnerable families, including food vouchers and child support payments. Social protection payments had been increased. Retirement pensions had been increased to take account of inflation. The Government paid the health insurance premiums of 1.9 million people.

24. **A representative of Mongolia** said that in 2017 special medical cabinets had been established throughout the country to offer health services to adolescents. In 2020, the Ministry of Health had ordered that virginity tests could only be carried out on adolescent girls if their parents consented. Since then, there had been only one case of a girl undergoing virginity testing without the permission of her parents.

25. **A representative of Mongolia** said that in 2016 the Independent Authority against Corruption had established a national anti-corruption programme, with 11 targeted goals that covered political parties, social organizations, the private sector and the public service. Implementation of the programme would be completed in 2023. The legislation on corruption had been updated. Between 2017 and 2019, all State agencies and offices had undergone a

corruption check. A new training module on corruption had been developed for public servants. The number of investigations into corruption and cases brought before the courts had increased significantly in recent years. The public sector was undergoing a process of digitalization with a view to fighting corruption.

26. His country was making efforts to improve international cooperation. Mongolian law enforcement officials had worked with the United Nations Office on Drugs and Crime and the anti-corruption agencies of Azerbaijan, the Russian Federation and Switzerland. As a result of that work, almost Tog 2 trillion of stolen assets had been returned.

27. **A representative of Mongolia** said that the right to freedom of expression was guaranteed under a number of laws, especially for human rights defenders. In general, they were able to carry out their work without restrictions. However, if they had a conflict of interest, publicly incited to violence or engaged in defamation, their activities could be restricted.

28. **A representative of Mongolia** said that all mining, energy and infrastructure projects underwent a three-stage environmental impact assessment. The assessment included the concept of social safeguards for herders and other affected communities. Public consultation was mandatory. In order to continue their mining activities, enterprises had to produce a management plan with the involvement of stakeholders on an annual basis. If an enterprise was found to be responsible for severe levels of pollution, its mining licence could be withdrawn. Legislation to protect whistle-blowers had been drafted and would be adopted in the context of the ongoing legislative reform.

29. **Mr. Unurbayar** (Mongolia) said that internal migration to urban areas, especially Ulaanbaatar, was increasing. Measures had been taken to address that situation, including by improving the salaries of people working in rural areas. An employment support fund and favourable loan arrangements were in place for people who moved or returned to rural areas.

30. The register of unemployed persons had been digitalized, which would provide better visibility regarding where rates of employment were highest. Unemployed persons were invited to training courses through which they could acquire skills and were offered help in finding a job.

31. **A representative of Mongolia** reiterated that the activities of human rights defenders could only be restricted if they incited to violence, had a conflict of interest or engaged in defamation.

32. There were legal provisions in place that promoted the participation of women in the electoral process.

33. There were plans in place to reduce air pollution in all nine districts of Ulaanbaatar.

34. With a view to protecting personal information, legislation had been adopted on the transparency of public information, the protection of personal information and digital signatures. That legislation had entered into force on 1 May 2022. In addition, a cyberemergency response team had been appointed.

35. **Mr. Hennebel** said that it was still not clear what geopolitical factors prevented the Government from ratifying a number of international treaties concerning refugees and stateless persons. He would appreciate receiving details of the outcome of the analysis that the State party had conducted of possible discrepancies between national law and the international treaties ratified by Mongolia, including the Covenant. In the event that discrepancies had been identified, it would be interesting to know whether legal reforms would be carried out with a view to eliminating them.

36. The Government might clarify its position on virginity tests: it was not clear whether such tests were completely banned or whether they were authorized in certain situations. The Committee would welcome further information on any steps being taken to ensure that businesses, including multinational companies with a presence in Mongolia, respected human rights. It would be interesting to hear about any measures being taken to combat discrimination and ensure that all members of society enjoyed equal rights. Given that human rights defenders were required to operate under certain restrictions, he wondered how often such restrictions were imposed.

37. **Ms. Shin**, noting that Mongolia had ratified the Optional Protocol to the Covenant in 2010, said that she wished to know why no residents of Mongolia had submitted any communications to the Committee under the Optional Protocol. She wondered whether any campaigns were being conducted to raise awareness of the Optional Protocol and the communications mechanism for which it provided. The Government might consider imposing a strict ban on virginity tests, which undermined the dignity and autonomy of teenage girls.

38. **Mr. Amarti** said that he wished to know what status foreign nationals had in Mongolia and what social and economic rights they enjoyed.

39. **A representative of Mongolia** said that virginity tests were completely prohibited in Mongolia. Foreign nationals had enjoyed access to free health care and vaccinations during the COVID-19 pandemic.

40. **A representative of Mongolia** said that the Government had not ratified conventions on migrants, stateless persons and refugees owing to its geopolitical location between two major powers. However, it had ratified other conventions and was fully meeting its obligations under them. It was planning to localize the Guiding Principles on Business and Human Rights and had organized regional consultations with businesses, in order to raise awareness of the connection between business and human rights.

41. The working group responsible for conducting an analysis of the discrepancies between domestic law and the international treaties ratified by Mongolia had already reviewed four international treaties and would shortly be reviewing others. To date, it had found that some of the terminology and definitions used in the International Convention on the Elimination of All Forms of Racial Discrimination had not yet been incorporated into national law. A report on the analysis had been drawn up and submitted to the parliament. As part of that assessment, the working group had discussed the question of recognition of the jurisdiction of various human rights treaty bodies; the parliament would decide on the matter. The Criminal Code would be amended to eliminate any discrepancies between national law and international treaties.

42. No restrictions had ever been imposed on the operations of human rights defenders in Mongolia.

43. **Mr. Nonthasoot** (Country Task Force) said that he wished to know what impact the COVID-19 pandemic had had on the unemployment rate and what the Government had done to tackle unemployment and support unemployed persons, including persons working in the informal sector and herders. In that connection, he would be grateful to receive up-to-date information on the provision of microcredit to self-employed persons, cooperatives and small businesses.

44. The delegation might describe any policies in place or measures being taken to promote women's entrepreneurship and access to the labour market for young persons and persons with disabilities, including in rural areas. He wondered whether a quota system had been established to promote the employment of persons with disabilities, and whether any targeted training programmes or child support schemes would be established to enhance women's access to employment. The Committee would welcome information on the salary scales established for different categories of civil servants and the health and safety measures put in place since the outbreak of the COVID-19 pandemic.

45. It would be interesting to learn whether miners had the right to form and join trade unions and whether any such unions had taken industrial action during the reporting period. He wondered when the Government would implement a national action plan on business and human rights, what obstacles might hinder the adoption of such a plan and what measures would be taken in the meantime to ensure that all workers, including miners, enjoyed the rights provided for in the Covenant. He would be grateful to receive data on the number of persons living below the poverty line, disaggregated by geographical area, sex and age. He was curious to know what social security programmes had been established to support persons on low incomes, whether older persons and unemployed persons had access to such programmes and how sustainable such programmes were.

46. **Mr. Unurbayar** (Mongolia) said that the Government had used funds from the State budget and the social insurance fund to protect jobs and support unemployed persons during the COVID-19 pandemic. During the lockdowns imposed to curb the spread of COVID-19, every person had received Tog 300,000 and over half a million persons registered with the social insurance fund had been granted relief from paying contributions to social insurance. The parliament had also adopted a law providing for relief from penalties for failure to pay social insurance contributions. During the pandemic, a significant amount of funding had been allocated to protecting jobs and promoting employment. In that connection, loans had been granted to over 45,000 companies, of which 35 per cent were owned and run by women.

47. Under a programme to promote employment, a total of Tog 30 million was allocated to small and medium-sized enterprises in rural areas every year. In 2022, a programme specifically intended to promote women's employment had been implemented. Loans were granted to herders to enable them to buy livestock. Companies that employed at least 25 persons were required to employ at least one person with a disability and fines were imposed on companies that failed to comply with that requirement. Any fines collected were paid into a fund that was used to make loans available to companies that employed persons with disabilities. Information on vocational training and loans was provided through employment offices established in the country's 21 provinces and the 9 districts of the capital city. The Government was conducting research to determine which jobs would be most in demand over the following 10 years. Once that research was complete, training would be provided to unemployed persons to prepare them to work in the areas identified.

48. A total of 1.1 million persons were covered by mandatory and voluntary social insurance schemes, which played a key role in preventing older persons from falling below the poverty line. All older persons were entitled to receive a pension. Pensions had been adjusted in line with inflation and the lowest pension was currently Tog 500,000. Around 5,000 older persons received a pension from the social protection fund, while around 360,000 received a pension from the social insurance fund.

49. The number of labour inspectors operating in the country had increased from 63 to 80 between 2015 and 2022. Labour inspectors promoted occupational safety in mining, construction and other industries and conducted inspections every year in high-risk workplaces. A total of 450 such inspections had been conducted in 2020. Training was provided to stakeholders to enable them to identify and prevent occupational hazards.

50. **A representative of Mongolia** said that in response to the COVID-19 pandemic the Government had instituted aggressive support measures, including the suspension of housing loan repayments and subsidies for electricity bills.

51. All enterprises were required to hire one person with a disability for every 25 employees. Any enterprise that did not comply with the regulations faced a fine equal to the average of its employees' salaries.

52. A consultation process was under way for the development of a national action plan on business and human rights that would be aligned with the Guiding Principles on Business and Human Rights. The plan would likely be adopted in 2023.

53. **Mr. Nonthasoot** said that he would be grateful to receive details of that consultation process. The principle of human rights due diligence must be an integral part of national action plans on business and human rights, with a view to ensuring that all business entities introduced that principle into their operations and supply chains. The national action plan would enable the State party to engage with mining companies in order to address any negative impacts on, for example, the environment and the health of their workers and to mitigate the risk of corruption and bribery.

54. The Committee would welcome disaggregated data on poverty. In many countries, the COVID-19 pandemic had had a disproportionate impact on rural areas, and the State party's economy was very reliant on the capital city. It was important for the State party to ensure the medium- and long-term viability of its social security funds and schemes.

55. With regard to the quota for hiring persons with disabilities, it could be useful for the State party to consider introducing alternative measures to fines for enterprises that did not

adhere to the regulations, for example by requiring them to purchase goods or services provided by organizations of persons with disabilities.

56. **A representative of Mongolia** said that the Ministry of Foreign Affairs was seeking to adapt the Guiding Principles on Business and Human Rights to the context of Mongolia and would make efforts to integrate the principle of human rights due diligence into its national action plan.

57. **Mr. Unurbayar** (Mongolia) said that the World Bank and the National Statistics Office had calculated the poverty rate at 27.8 per cent in 2020. It had increased slightly since 2016 as a consequence of the COVID-19 pandemic.

58. The legislation governing employment set out incentives to encourage businesses to hire persons with disabilities. An employment agency and a training centre had been set up to help persons with disabilities find work.

59. **Mr. Adilov** (Country Task Force) said that he would welcome an account of the impact of the revised legislation on water pollution, as well as of the measures being taken to address unequal access to water and sanitation in urban and rural areas.

60. He would appreciate information on any complaints filed, investigations conducted, outcomes reached and compensation awarded in connection with the relocation and rebuilding of ger districts.

61. It would be useful to hear whether the State party's health policies had led to improvements in the proportion of the population that was overweight or obese. He would be interested to learn whether the Healthy Liver National Programme would continue to operate and whether steps were being taken to identify and address the root causes of the high prevalence of hepatitis B, hepatitis C and tuberculosis. He would welcome more details on trends in the spread of communicable diseases. Lastly, he wished to know what was being done to address the high number of abortions performed in the State party.

62. **Mr. Hennebel** said that he wished to learn about any measures that were being taken to tackle the rising rates of domestic violence, rape and sexual abuse and the persistence of stereotypes about families.

63. He would be interested to hear the delegation's comments on whether the legislation adopted to tackle trafficking in persons had enabled the authorities to attain their objectives in that area. It would be helpful to receive details of the training given to public officials who responded to allegations of trafficking in persons and provided support to the victims.

64. The Committee would welcome more information on the State party's initiatives to reduce obesity and malnutrition, particularly in the light of the fact that the State budget allocations for health care appeared to be insufficient.

65. **A representative of Mongolia** said that his remarks about recognizing the jurisdiction of human rights treaty bodies applied to other committees, not the Committee on Economic, Social and Cultural Rights.

66. **Ms. Shin** again asked why the Committee had not received any complaints in respect of Mongolia since it had ratified the Optional Protocol in 2010.

67. **A representative of Mongolia** said that he did not know why no complaints had been submitted. In December 2020, the authorities had begun to evaluate how the human rights treaties to which Mongolia was a party were applied in investigations and judicial proceedings. Although the process had not yet been completed, a number of obstacles had already been identified, including differences in definitions, translation difficulties and a lack of knowledge and public awareness.

The meeting rose at 1 p.m.