



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Mongolia and welcome the constructive engagement of your Government during the 36th session of the UPR Working Group in November 2020.

As the final outcome report on the review of Mongolia has been recently adopted by the Human Rights Council at its 46th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Mongolia – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 71 delegations and the presentation made and responses provided by the delegation of Mongolia. I have also considered the actions taken by the Government of Mongolia to implement the 150 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

While welcoming the official establishment of a torture prevention mechanism within the National Human Rights Commission of Mongolia in an effort to meet Mongolia's international obligations under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ratified in 2015, I encourage Mongolia to facilitate the appointment of the Commissioner for torture prevention who must be enabled and fully capacitated to undertake independent action on torture prevention at the national level. I also welcome the recent adoption of the Law on the Status of Human Rights Defenders aimed at increasing civic space for human rights offenders and protecting their human rights, in line with relevant international standards.

I note with interest recent legislative developments in the areas of judicial independence, the right to information and private data protection. In this regard, I strongly encourage Mongolia to ensure that such legislation is developed in full compliance with relevant international human rights norms and standards.

I encourage Mongolia to pay close attention to the people most affected by the COVID-19 pandemic, which has negatively impacted the human rights of people in vulnerable situations, including women, children and elderly people, in particular their access to healthcare service in rural areas. I note with concern that the pandemic has deepened socio-economic gaps, pushing many people into precarious conditions, in particular those who are now struggling to meet basic needs such as adequate food and nutrition. I would thus encourage your Government to take measures necessary to address these emerging issues caused by the COVID-19 pandemic, including those to contain the so-called "*infodemic*" regarding the respect of freedom of expression and access to information relevant to the pandemic. I would further encourage your Government to step up measures to fight corruption, including through strengthening the independent authority against corruption.

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H. E. Ms. Battsetseg BATMUNKH
Minister for Foreign Affairs
Mongolia



I encourage Mongolia to advance the current process of developing an implementation action plan for the supported recommendations in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Mongolia to make further efforts to establish a national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:
http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Mongolia of submitting mid-term reports and encourage the Government to continue with this practice on follow-up to the third cycle of the review, by 2023.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may provide Mongolia with continuing technical assistance in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: H. E. Mr. Barsuren BAASANDORJ
State Secretary of the Ministry of Justice and Home Affairs
Mongolia

Mr. Tapan MISHRA
United Nations Resident Coordinator
Mongolia

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Considering the ratification of 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 its 1967 Protocol, the Convention relating to the Status of Stateless Persons, and the Convention on the Reduction of Statelessness.
- Continuing to cooperate with the international human rights mechanisms, especially with treaty bodies and Human Rights Council special procedures mandate-holders.

National human rights framework

- Bringing national legislation into conformity with the International Covenant on Economic, Social and Cultural Rights.
- Transforming the ex-officio council created for the second cycle of the Universal Periodic Review into a standing national inter-ministerial mechanism responsible for the implementation, reporting and follow-up of all human rights recommendations.
- Allocating adequate human and financial resources to the National Human Rights Commission of Mongolia, in full compliance with the Paris Principles.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Considering the adoption of comprehensive anti-discrimination legislation that addresses direct and indirect discrimination and encompasses all the prohibited grounds of discrimination, including sexual orientation and gender identity.
- Combatting stereotypes and prejudice against lesbian, gay, bisexual, transgender and intersex persons, by raising public awareness, and implementing effective training of law enforcement agencies.
- Eliminating all forms of racial discrimination and reducing hate speech against foreigners.

Development, the environment, and business and human rights

- Intensifying efforts to develop and strengthen the necessary legislative framework that addresses cross-sectoral environmental challenges, including climate change and disaster risk reduction frameworks.
- Further improving protection of the right to a clean environment and to clean water, particularly for farmers and traditional herders.
- Including all stakeholders, particularly civil society, in drawing up a national action plan on business and human rights, in line with the Guiding Principles on Business and Human Rights.



- Assessing the impact on human rights and the environment of the process of granting mining permits, and ensuring that all those affected by the projects can participate effectively in assessment processes.

B. Civil and political rights

Right to life, liberty and security of person

- Strengthening measures on torture prevention and other forms of cruel, inhuman and degrading treatment, including through the regular training programme designed for judges, prosecutors and officers.
- Putting in place an effective and independent complaints mechanism to investigate allegations of torture.
- Adopting further measures to improve living conditions in prisons and strengthening the independent and regular monitoring of all places of deprivation of liberty.

Administration of justice, including impunity, and the rule of law

- Strengthening judicial independence and anti-corruption oversight, including by instituting safeguards to help ensure the consistent application of legal protections and preventing the arbitrary dismissal of judges and other officials.
- Strengthening the independence of the judiciary, in particular by withdrawing the amendments to the laws on the legal status of judges adopted in March 2019 on prosecutors and on the fight against corruption.
- Stepping up efforts to fight against corruption, including within the judiciary and the civil service, and to investigate all allegations of corruption.

Fundamental freedoms and the right to participate in public and political life

- Promoting freedom of religion or belief, including by ensuring that the legal and regulatory environment allows religious groups and organizations to register and operate freely.
- Adopting and implementing legislation that protects human rights defenders and civil society organizations from threats, intimidation and harassment, investigating attacks against journalists and media workers, and bringing perpetrators to justice.
- Supporting increased participation in the political process and anti-corruption efforts by civil society, including NGOs, human rights defenders and religious groups.
- Ensuring the integrity of the democratic electoral process in the presidential elections in 2021.

Prohibition of all forms of slavery

- Strengthening domestic legislation to ensure all forms of modern slavery are criminalized, including criminalizing human trafficking, in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
- Strengthening law enforcement and the judicial system to ensure effective investigations and prosecutions in cases of human trafficking, and providing better services to victims.



Right to privacy

- Adopting an effective data protection legislation to better protect and promote the right to privacy according to the principles of legality, necessity and proportionality.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Considering to include provisions on the prohibition of sexual harassment in the workplace, in accordance with International Labour Organization recommendations.
- Enhancing on-going measures to reduce the unemployment rate, especially among herders and young people.

Right to social security

- Continuing policies aimed at supporting social welfare to groups living below the poverty line.

Right to an adequate standard of living

- Exerting further efforts towards the realization of economic, social and cultural rights through enhancement of social welfare programmes.
- Implementing more measures to combat poverty and enhancing social security with a special view to securing the right to adequate housing.

Right to health

- Developing further the health service, strengthening the public health system and improving medical services in rural areas.
- Continuing to consolidate the national health infrastructure, especially in the areas of maternal care and childcare.
- Protecting the sexual and reproductive health and rights of women and girls, including those with disabilities, by ensuring their access to sexual and reproductive health information, commodities and services, and halting the practice of coerced abortion and involuntary sterilization.

Right to education

- Continuing to strengthen the national open education programme “One Mongolia” with modern educational approaches and new technology for lifelong learning through the Internet.
- Strengthening efforts to guarantee equal access to education of all children at all levels, by paying particular attention to children from marginalized groups.

D. Rights of specific persons or groups

Women

- Taking further measures to promote gender equality in society, including through accelerating the enforcement of the law on the promotion of gender equality 2011.
- Stepping up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and providing the victims with adequate assistance and support services.
- Enhancing support services for victims of domestic and gender-based violence, and taking measures to raise awareness among law enforcement officials, lawyers and judges of the specific needs and vulnerabilities of women and girls who are victims of domestic and gender-based violence.
- Adopting comprehensive legislation to protect the rights of women and girls, including through revision of the Criminal Code and Labour Code in relation to sexual and workplace harassment.
- Continuing to create and strengthen an enabling environment for women to become more economically independent, encouraging and promoting the entry of women into the formal economy, and taking steps to prohibit discrimination against women in employment.

Children

- Taking further measures against child labour and against domestic and sexual violence against children, inter alia, by increasing funding for prevention programmes in this regard.
- Taking further measures to strengthen the implementation of the rights of the child, especially by providing full access to education for children with disabilities and by further eliminating the engagement of children in hazardous work practices.
- Making further efforts to protect children from physical and psychological violence and to prevent child labour in dangerous or hazardous conditions.
- Stepping up efforts in addressing corporal punishment in both families and schools through effective implementation of the law and public education and awareness-raising programmes.
- Continuing efforts made to combat trafficking in persons, especially children.

Persons with disabilities

- Adopting strategies to combat inequality and discrimination against people with disabilities, and establishing an official and standing mechanism for consulting organizations of persons with disabilities to fully implement the Convention on the Rights of Persons with Disabilities.
- Adopting measures to ensure social inclusion of children with disabilities and to increase the participation of women with disabilities in decision-making processes that affect them.

Minorities and indigenous peoples

- Continuing to enhance access to education for ethnic and linguistic minorities and for indigenous peoples.



Refugees and asylum seekers

- Taking appropriate measures to protect asylum seekers so as to comply with its obligations under relevant international norms, including the principle of non-refoulement.

Stateless persons

- Strengthening efforts to provide all children with a legal identity through birth registration, including Kazakh children, those who migrated within the territory and those who were born at home or without midwife support, and granting Mongolian citizenship to all children residing in Mongolia who would otherwise be stateless.