

## **RESOLUTION OF THE STATE GREAT HURAL (PARLIAMENT) OF MONGOLIA**

24<sup>th</sup> day October month of year 2003

Number 41

Ulaanbaatar City

### **Re: Adoption of the National Human Rights Action Programme of Mongolia**

The State Great Hural (Parliament) of Mongolia hereby RESOLVES:

1. To adopt a National Human Rights Action Programme (annex).
2. To assign the Government Cabinet (Mr. N. Enkhbayar) to organize the implementation of the following work:

1/ To reflect respectively the implementation actions of the National Human Rights Action Program in the Government Cabinet Programme of Action and in the Main Guidelines for the Socio-Economic Development of Mongolia, to calculate the costs related to its implementation and henceforth reflect them in the annual budgets of Mongolia;

2/ To present the implemented actions and results each year with regard to the implementation of this programme within under the competency of the Members of the Government Cabinet and at the aimags (provinces) and capital city levels, and to establish them as a basic criteria for work performance assessments of the state central administrative bodies (public authorities), aimag (provincial) and capital city governors;

3/ To produce a report of activities implemented by the Government Cabinet every two years, and present it for discussion at the Spring Session of the State Great Hural (Parliament);

4/ To establish a National Programme Committee, with representation from the state institutions, non-governmental organizations and business entities, to function under the Prime Minister with the objective of coordinating the work of program implementation and monitoring its enforcement.

3. Non-governmental organizations and private sector business entities are invited to undertake implementation of specific provisions of the National Human Rights Action Program within their respective areas of activities, and expand and intensify mutual cooperation under the leadership of the State, Government Cabinet and local administrations in this regard.

**CHAIRMAN/SPEAKER/ OF THE STATE GREAT HURAL OF MONGOLIA**

**S.TUMUR-OCHIR**

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## **NATIONAL HUMAN RIGHTS ACTION PROGRAMME**

### *Introduction*

#### **PROGRAMME JUSTIFICATION AND GOAL**

1. Mongolia is making growing progress in implementing its obligations under more than 30 international human rights instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, to which Mongolia is a party, having become a Member State of the United Nations and fully subscribing to the Universal Declaration on Human Rights.

The new democratic Constitution of Mongolia adopted in 1992 guarantees and provides for a holistic vision of all human rights: that all persons lawfully residing within Mongolia are equal before the law and the courts; no person shall be discriminated on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and post, religion, opinion or education. In conformity with the International Bill of Human Rights, it also protects the rights to life, to a healthy and safe environment, to fair acquisition and possession of movable and immovable property, to free choice of employment, to health, to education, to take part in the Government of the nation either directly or through representative bodies, to freedom of conscience and religion, to freedom from torture, inhuman, cruel or degrading treatment and other rights and freedoms.

2. According to the Constitution, the State shall be responsible to the citizens for the establishment of economic, social, legal and other guarantees for ensuring human rights and freedoms, for fighting against violations of human rights and freedoms, and for providing remedies for infringed rights. The State undertook to implement its obligations and to widen and strengthen its efforts to promote and protect human rights and freedoms over the last few years. Having recognized state pluralism and established a multi-party system, it is creating a favorable environment and conditions to promote and protect human rights and freedoms by creating a system of state organs and local self-governance, ensuring human security, providing opportunities to get private property and transforming the economy into a market-based one through distribution of state power. Democratic reform within the framework of politics, economy, society and the intellect further improves conditions to broaden guarantees and opportunities to promote and protect human rights and freedoms.

Although there have been human rights violations and failings to implement state obligations to its citizens under the former distorted society and underdevelopment, poverty, unemployment, operational backwardness of state organs and lack of legal understanding about democracy.

The 2001 Human Rights Baseline Study conducted by the Government of Mongolia and the United Nations in all aimags and the capital city, and the 2001 and 2002 Human Rights Status Reports of the National Human Rights Commission reveal that human rights violations continue to occur in Mongolia.

The World Conference on Human Rights held in Vienna in 1993 recommended that States “consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human rights”. Mongolia has assumed that challenge and conceived the present National Human Rights Programme of Action in this context.

A Memorandum of Understanding on Human Rights was signed between the Government of Mongolia and UN Country Team in 1998, demonstrating that it was committed to working actively to promote and protect human rights.

The initiatives and activities of citizens and NGOs on human rights protection and promotion have increased and widened.

The Government Cabinet of Mongolia initiated and organized a National Conference on Human Rights with broad participation of state organizations and civil society on December 10, 2000 in Ulaanbaatar, where a will to develop and implement a comprehensive National Human Right Action Programme (NHRAP) was expressed. The participants of the Conference agreed and supported this proposal, and decided to develop the NHRAP on the basis of social consensus. The UN Country Team in Mongolia has supported it and is cooperating by provided financial and technical assistance.

Within the framework of the Human Rights Strengthening in Mongolia (HURISTMON) project that is jointly implemented by the Government of Mongolia and the United Nations, a Human Rights Baseline Study was conducted involving all aimags and the capital city. According to the study, the promotion and protection of human rights are not meeting national and international human rights standards and there are widespread violations of human rights. Many factors including economic exclusion, unemployment, and poverty in our country and the low legal awareness are major causes of human rights violations.

To promote, protect and guarantee human rights and freedoms, it is important to strengthen the independence of judges, promote specialization among judges, improve capacity of human resources, strengthen courts of first instance and establish independent administrative courts in order to make the courts more accessible to the people and to widen opportunities for citizens to bring their cases to court.

Restrictions must be eliminated with respect to the following rights: to be involved in political relations, to participate in governance, to introduce legitimate restrictions on the activities of the Government Cabinet, to participate independently in the decision-making process at various levels and in the election of public officials, to express views and opinions freely and not be discriminated against, and to participate equally in these areas.

There is need to reform the system, content and methodology of education, and to teach the skills necessary to enjoy and protect one’s own rights, and to raise the level of general education and legal awareness of citizens. Opportunities to impart information, to introduce cultural, art and scientific creations through the use of both traditional methods and modern information and communication technology, to utilize those creations and coordinate to increase and improve information and cultural services particularly for the rural population are being missed.

Environmental pollution, food insecurity, cancer, cardiovascular disease and the incidence of a number of infectious diseases negatively affects the ability to enjoy the right to health. Thus, special attention to the promotion of the right to health is needed, including through prevention.

In view of the current intensive population movement to urban centers, the right to freedom of movement and residence within the country should be regulated only by law.

The right to social protection and to seek financial assistance from State have become self evident due to the lack of the constant decrease of unemployment and poverty and the demand for improvement of social services in quality, type and coverage and need for an adequate social welfare and pension benefits.

It is necessary to develop legal regulations, conditions and social morality to protect persons with special needs and specific rights from social discrimination, and to enable them with opportunities to enjoy their rights.

The above-mentioned and other issues point to a social imperative to adopt and implement a national legal document to promote and protect human rights.

3. The National Human Rights Action Programme (NHRAP) was developed on the basis of the international human rights instruments, the Constitution and other laws of Mongolia, the 2001 Human Rights Base Line Study, which was conducted at all levels of the country, and the “Mid-term Human Rights Action Programmes” that have been approved by Citizen’s Representative Hurals (Local Assemblies) of 21 aimags and the capital city. State, administrative and judiciary organs, the National Human Rights Commission, the private sector, scientific and research institutions and NGOs actively participated in the development of the NHRAP.

4. The National Human Rights Action Programme is a document that sets out the direction and methods of broadening the participation of state organizations, civil society, particularly, local self-governance organs, non-governmental organizations, mass media and the private sector and improve their efficiency and encourage citizens’ initiatives to strengthen state efforts to guarantee human rights and freedoms and create mechanisms for ensuring them, to fight against violations and for providing remedies when rights are infringed. In conformity with the nature of democracy and market relations, the main purpose of the NHRAP is to reform social, cultural and intellectual relations relating to human rights and freedoms, including through social and state institutions, local administrative systems, and to broaden state coordination and legal guarantees and to create appropriate mechanisms.

The Government Cabinet of Mongolia shall implement the NHRAP in accordance with the 4-year implementation Programme from 2003.

## ***CHAPTER ONE***

### **STRENGTHENING NATIONAL CAPACITY TO PROTECT HUMAN RIGHTS**

#### **1.1. Actions to strengthen national capacity to protect human rights**

The national mechanisms for the protection of human rights consist of the following institutions:

- Legislative and executive agencies at all levels;

- Specialized institutions in the area of human rights such as the National Human Rights Commission, the judiciary, prosecutor's offices, advocates, etc.;
- All organizations and movements of civil society, including organs of local self-governance and mass media;
- Private actors, including private enterprises;
- Secretariats and other internal units of agencies that promote and protect human rights.

The means of and responsibilities for strengthening the capacity of the above mechanisms and improving the effectiveness of their activities on human rights protection and promotion shall be as follows:

**1.1.1. The State Great Hural (Parliament) of Mongolia** shall play a leading role in protecting human rights through its policy-making functions, continually improving the legal environment, monitoring Government Cabinet operations in the field of human rights, enacting the necessary laws, and encouraging the expression of opinions and participatory involvement of citizens and civil organizations in these processes. Within this scope, the State Great Hural shall:

- 1.1.1.1. Create an adequate legal environment to protect and promote human rights, to remedy violations, to enjoy and implement one's own rights and duties based on the principles of the Constitution of Mongolia.
- 1.1.1.2. Conduct studies on current legislation and eliminate provisions that violate human rights to prevent the recurrence of practices neglecting the human rights principles, enumerated in the Constitution, in the law-making process and to strengthen the monitoring functions of the Constitutional Court and judiciary in this area;
- 1.1.1.3. Support efforts to ratify international human rights treaties adopted by the United Nations and its specialized agencies, and establish and implement a detailed reporting system on those treaties that have reporting obligations;
- 1.1.1.4. Determine by law the grounds and procedures relating to the restriction of any right other than those that are non-derogable, and create a mechanism that prevent restrictive norms and standards of executive agencies that may be contrary to human rights norms;
- 1.1.1.5. Conduct regular monitoring and review of the Government Cabinet actions to implement laws, regulations, various agreements and international human rights treaties to which Mongolia is a party, and improve its effectiveness in this regard.
- 1.1.1.6. Establish and publicize the timing and procedures for open hearings of the Standing Committees and plenary sessions of Parliament on the relevant reports of Ministries and agencies on the implementation of international human rights treaties to which Mongolia is a party, and on the national legislation adopted to implement them;
- 1.1.1.7. Reorganize the Sub-Committee on Human Rights into an independent Standing Committee and strengthen its powers to submit its views to plenary sessions of Parliament of the human rights implications of draft legislation and international

treaties proposed to be adopted by the State Great Hural (Parliament), and thereafter monitor their implementation;

- 1.1.1.8. Develop a procedure that each Standing Committee consider the human rights implications, within their respective areas of competence, of all draft legislation or international treaties proposed for ratification that are referred to them, and reflect the views of scholars, practitioners and the public thereon;
- 1.1.1.9. Create a legal basis for active cooperation between Parliament and NGOs in the field of human rights, and encourage and support their activities;
- 1.1.1.10. Use relevant studies and conduct nationwide public opinion polls when reviewing human rights issues and taking decisions on them;
- 1.1.1.11. Take minutes of plenary and standing committee sessions and make them accessible to the public, discuss human rights issues, including the annual status reports of the National Human Rights Commission, openly in plenary sessions of Parliament before discussing issues relating to the state annual budget, transmit the discussions through the mass media, and publish information about the human rights situation annually;
- 1.1.1.12. Focus the State tax and budget policies and activities on improving financial and economic guarantees for human rights protection and promotion, and create universal and equal access to social services.
- 1.1.1.13. The State Great shall rigorously respect rule of law and strengthen state check and balance system in all activities for promotion and protection human rights and public monitoring on state activities in order to make the monitoring system more effective.

**1.1.2. The Government Cabinet**, being the highest executive organ of the State, shall be accountable to the State Great Hural (Parliament) for managing the implementation and for reporting on the implementation of national legislation, international human rights treaties and on the present Action Programme. It shall also be responsible for reporting regularly to the UN treaty monitoring bodies on the implementation of international human rights treaties. To ensure the implementation of national and international human rights law, the Government Cabinet shall undertake reforms to improve the activities of the central administrative and local agencies of the State in this field. The following actions shall be undertaken in this regard:

- 1.1.2.1. The Prime Minister shall coordinate, monitor and report on national and international policies and other general issues relevant to human rights. The Minister of Justice and Home Affairs shall ensure the implementation of national human rights legislation, and Minister of Foreign Affairs shall ensure the implementation and reporting obligations assumed under the international human rights treaties to which Mongolia is a party. Each Minister shall be responsible, in their respective sectors, for coordinating, monitoring, reviewing, reporting, and creating conditions for protecting specific human rights, including civil, political, economic, social and cultural rights. Aimag and city governors shall conduct activities to promote and protect all rights at administrative and local territory levels, and report on their implementation to higher-level authorities and the public.



- 1.1.2.2. The operations of the police and state inspection boards shall be monitored to ensure that their activities comply with human rights norms, and their work methods shall be revised to better respect human dignity. Agencies and officials authorized to impose fines shall develop and implement Programmes to administer appropriate penalties in accordance with law.
- 1.1.2.3. The Government Cabinet, within its foreign policy and activities, shall participate actively in regional and international human rights cooperation and create a regional mechanism to protect and promote human rights.
- 1.1.2.4. NGOs shall be encouraged and some state activities shall be executed on a contractual basis, and access to and effectiveness of Government Cabinet common services shall be improved.
- 1.1.2.5. A Committee for the National Human Rights Action Programme shall be established under the Prime Minister with equal representatives from the Government Cabinet, civil society, and private sector to coordinate and link activities conducted by human rights organizations, and its responsibilities, powers and operation shall be institutionalized.
- 1.1.2.6. On the basis of research on the current state of human rights education, formal and informal education systems shall be developed on human rights for Government Cabinet officials, leaders and students at all levels. A sub-programme on this issue shall be developed and implemented to train national specialists and trainers and support and encourage advocacy through the mass media.
- 1.1.2.7. Knowledge of human rights shall be used as a selection criterion for officers in public (administrative and special) services.
- 1.1.2.8. The Government Cabinet shall struggle against any wrong practices of the administrators of state executing agencies, enterprises and organizations, and eradicate extra procedures that hinder others, red tape and all kinds of corruption.
- 1.1.2.9. An action plan with effective and clear actions to eliminate corruption at all levels shall be developed and implemented.
- 1.1.2.10. Human rights standards shall be developed and implemented by all enterprises and organizations in Mongolia and reflected in work standards.
- 1.1.2.11. Actions to stimulate independent participation and influence and increase responsibility of mass media shall be taken to monitor human rights activities conducted by state organizations.

### **1.1.3. Specialized human rights institutions**

**1.1.3.1. Judicial organs** shall strengthen the independence and specialization of judges, improve human resource capacity, eradicate red tape and bureaucracy in the performance of judicial duties, and strengthen judicial supervision on administrative functions. In this regard, the following actions shall be undertaken:

- 1.1.3.1.1. Ways of establishing courts in some aimags and soums, including inter-soum courts, and operating courts of cassation at the sub-district level shall be examined in order to make the courts more accessible to the people and improve opportunities for people to submit their complaints, have their complaints decided and to have their rights protected.
  - 1.1.3.1.2. Independent Administrative Courts shall be established to review complaints against administrative organs, decisions of public officials and their actions that violate human rights, and to prevent administrative abuses and misconduct.
  - 1.1.3.1.3. The functions of the Constitutional Court shall be strengthened to enable it to serve as an effective mechanism to address human rights violations.
  - 1.1.3.1.4. The Courts and law enforcement agencies (prosecutors, defenders, inquiry officers, inspectors, etc.) shall be strengthened with highly skilled and educated personnel; the system of selecting and retraining legal professionals, particularly judges, shall be created.
  - 1.1.3.1.5. Actions to eradicate negative practices that cause courts to sink into debt shall be taken.
  - 1.1.3.1.6. In order to provide suspects, defendants and accused with an opportunity to select their lawyers, legal defense organizations shall be strengthened and decentralized. A telephone directory including names, address, contact details and professional experience of lawyers shall be developed and distributed to all investigators, inquiry officers, prosecutors, judges and the general public.
  - 1.1.3.1.7. Monitoring by prosecutors of the inquiry and investigation processes, adjudication of administrative cases and implementation of court decisions shall be focused on the protection of human rights, and reporting on that shall be conducted annually to make available relevant information and to enhance accountability.
  - 1.1.3.1.8. Strong penalties shall be imposed on those who have seriously violated human rights by stopping, arresting, detaining or imposing fines to innocent persons without grounds and all related illegal damages shall be compensated by the State and to stop practices to impose state compulsory mechanism and criminal liability to those who failed to meet contractual duties.
- 1.1.3.2. In order to strengthen the independence and broaden the operation of the **National Human Rights Commission**, and to improve its effectiveness, the following activities shall be undertaken:
- 1.1.3.2.1. The Commission shall be empowered to monitor the actions of the State Great Hural (Parliament), the President, the Government Cabinet, other State institutions, NGOs and private sector enterprises to ensure conformity with human rights norms. It shall also be empowered to recommend a review of their actions or decisions when required, and demand their implementation in accordance with the law.
  - 1.1.3.2.2. The Commission shall be empowered to represent citizens at the Constitutional Court on violations of human rights guaranteed by the Constitution of Mongolia by the

President, members of the State Great Hural (Parliament) and Government Cabinet, Chief Justice of the Supreme Court and the Prosecutor-General

**1.1.3.2.3.** The Commission shall be vested with a right to participate in and address sessions of the Standing Committees of the State Great Hural (Parliament), and the Government Cabinet on issues directly affecting human rights.

**1.1.3.2.4.** The Commission shall be enabled to submit “shadow reports” to UN bodies on the implementation of the international human rights treaties to which Mongolia is a party.

**1.1.3.2.5.** Cooperation of the judiciary and the prosecutor’s office with the Commission on human rights issues shall be stipulated in law.

**1.1.4.** As representatives of citizens and the mechanism of direct democracy, **Local Self-Governance Institutions** (Citizens Representative Hurals) of aimags, the capital city, soums and districts, and the Public Meeting of baghs and khoroots) shall link the activities of local administrations and NGOs within their administrative units to protect human rights on behalf of their respective citizens. In this regard the following shall be undertaken:

**1.1.4.1.** Local administrative organs shall take actions to review the status of human rights and actions implemented thereon, to discuss their reports publicly at their sessions and publish them for public access on an annual basis.

**1.1.4.2.** Financial and economic capacity of local self-governance organs shall be strengthened. Their power to have own power and to use land and natural resources properly in order to enable to increase living standard of the population and to ensure human development shall be broadened.

**1.1.4.3.** The budgetary independence of aimags and soums shall be strengthened by increasing resources and real amount of the budget, and adequately allocating subsidies to each budget on the basis of their real operational expenditures. Free independent utilization shall be enabled to improve and widen access to education, health and other public services to their inhabitants.

**1.1.4.4.** Actions to support and encourage human rights actions by local Citizens Representative Hurals and to share their experiences shall be taken by the State.

**1.1.4.5.** Actions to centralize education, health, cultural and social welfare services mostly in soums, to improve capacity to serve at a highly specialized level, and to determine all services to be provided in baghs to make them accessible to people shall be taken. To set up the size of baghs and soums taking into consideration the condition of desert, steppe and mountainous regions.

**1.1.4.6.** Initiatives of Local Self-Governance Institutions to encourage volunteerism in providing training, advocacy and research on human rights and legal assistance to the public shall be supported, particularly at the soum and bagh levels.

**1.1.4.7.** Actions shall be undertaken to implement the Constitutional provision that Local Self-Governance Institutions should independently decide the main economic and social issues of their respective territories. Also a principle and legal regulation that the

Citizens Representative Hurals may address the courts to protect the interests of their respective populations, individuals and local areas shall be established.

- 1.1.4.8. In addition to representing the Government Cabinet, the governors are obliged to implement decisions by Local Self-Governance Institutions. In this regard the implementation of the decisions of Citizens Representatives Hurals for fulfilling human rights shall be coordinated and their efficiency shall be improved.
- 1.1.5. **Non-Government Organizations** are an important human rights promotion and protection mechanism, as they monitor the activities of the state and Government Cabinet organizations, and widen and facilitate the participation of citizens in the governing and decision-making processes. The following activities shall be undertaken to ensure that State organizations at all levels maintain fruitful cooperation with NGOs and local initiated groups in conducting studies and discussions on developing, implementing, reviewing, monitoring and evaluating programmes concerned with human rights, human development, the environment and decision-making processes:
  - 1.1.5.1. NGO networks shall be further supported and encouraged, as they play an important role in discussing and solving priority issues in the population, environmental, economic and social spheres to become an active and effective tool.
  - 1.1.5.2. The active involvement of various groups shall be encouraged to take part in the implementation of national and regional programmes, action programmes and guidelines on human rights and development, education, health and other relevant issues: associations and federations of trade unions, youth, women, older persons, students, disabled persons, teachers, medical professionals, lawyers, economists, and members of other professional groups with special relevance for human rights, and the private sector, as well as humanitarian projects and socially oriented NGOs.
  - 1.1.5.3. In addition to encouraging NGO initiatives to develop and implement programmes and projects, focused on conducting research, identifying, summarizing and reporting on the status of human rights and conducting training on these issues, to improve socio-economic conditions and opportunities to promote and protect human rights, tender on study and develop some important issues shall be announced, grants shall be provided, and the results of such studies shall be reflected in state activities.
  - 1.1.5.4. Special support shall be provided to organizations that provide direct assistance to people by orienting them, conducting professional training, facilitating work-placement and providing material assistance.
  - 1.1.5.5. Legal regulation to enable NGOs to obtain data and information, particularly those organizations and movements that promote and protect human rights, shall be improved.
  - 1.1.5.6. NGOs shall be encouraged to develop reports on the implementation of domestic laws and international human rights treaties, and to present to State Great Hural (Parliament) in the form of shadow reports.
  - 1.1.5.7. State central and local organizations shall involve NGOs in the development and adoption of draft laws and decisions, reflect and implement proposals, critiques and requirements of NGOs, and inform the public every half-year.

- 1.1.5.8. State agencies at all levels shall review NGO activities in their respective areas of responsibility regularly, taking into consideration their views; include supporting actions in their programmes and resolutions, and report thereon.
- 1.1.5.9. The State Great Hural (Parliament) and the Government Cabinet shall regularly assess realization of duties of their respective agencies to ensure public control through NGOs over Government activities.
- 1.1.5.10. Management and legal assistance shall be provided to NGOs to support and encourage their activities in local areas by creating a favorable environment for them conduct their activities, with the support of aimag, soum and district Citizens Representative Hurals.
- 1.1.5.11. In order to cooperate fruitfully with NGOs, opportunities for NGOs to review relevant Government Cabinet documents shall be broadened.
- 1.1.5.12. The Government Cabinet shall assist NGOs to get financial and technical assistance from the international and donor community.

**1.1.6. Private enterprises and organizations** play a leading role in the alleviation of poverty, in raising the general standard of living, in ensuring the right to work and to favorable conditions of work. Commensurate with their important role in society, the operations of private enterprises have a profound affect on the enjoyment of these and other human rights. They are, thus, important duty-bearers of human rights obligations and the subject of legitimate expectations of the State and the people of Mongolia.

One of the responsibilities of the private sector is economic achievement, by making punctual contributions to social development and by promoting and protecting not only the rights of their employees, but also other human rights and freedoms. In this regard the following objectives are set with respect to the private sector:

- 1.1.6.1. Cooperation among the Government Cabinet, international organizations and the private sector shall be strengthened and new areas of cooperation identified.
- 1.1.6.2. Specific activities directly aimed at supporting the most vulnerable groups in society will be encouraged through tax exemptions, including corporate donations to charities and NGOs.
- 1.1.6.3. Awareness of human rights will be promoted among workers, business owners, leaders and managers. Instructions and regulations, norms in workplaces, both in the manufacturing and service industries, shall be made to comply with provisions of the relevant labor rights standards applicable in Mongolia and they shall be made accessible to all employees.
- 1.1.6.4. Profit and non-profit organizations and their networks shall create channels by which to exchange views, experiences and information on recent developments in the field of human rights and development.
- 1.1.6.5. Private sector efforts to strengthen the health of population, to obtain proper service and produce drugs and medicine, and to identify and eradicate groundless obstacles and prohibition to participate shall be encouraged and supported.

- 1.1.6.6. Owners, managers and administrative personnel of the private enterprises shall be involved in human rights training, and a procedure to test them on human rights issues shall be developed and followed.
- 1.1.6.7. Technical and professional assistance shall be provided to owners of private enterprises to help them fulfill human rights standards, conduct training and distribute information on human rights.
- 1.1.6.8. Legal documents or/and regulations on the right to work shall be placed in business premises and made freely accessible to workers.
- 1.1.6.9. Indicators on human rights violations and remedies shall be included as a key component in the tender process of selecting state financed trade and production sub-contractors.
- 1.1.6.10. Systems for registering human rights violations in the workplace and relevant complaints shall be established and investigation procedures created.
- 1.1.6.11. Efforts to prevent or remedy human rights problems shall be included as a factor when selecting the best business manager of the year.
- 1.1.6.12. Improvement of the workplace environment, and health, cultural, social services shall be encouraged through tax policies.
- 1.1.6.13. Mechanisms and standards for the evaluation of environmental damages caused by enterprise owners and payment of compensation shall be established.
- 1.1.6.14. Regulations to nullify licenses of enterprises and legal persons that have seriously infringed rights or other legal interests of their employees or damaged the environment twice or more shall be elaborated and implemented.

## *Chapter Two*

### **PROTECTING AND PROMOTING FUNDAMENTAL HUMAN RIGHTS**

#### **2.1. Personal rights and freedoms**

Within the framework of protecting and promoting personal rights and freedoms, the following actions shall be taken:

##### **2.1.1. Right to life and amnesty**

- 2.1.1.1. The present provision of the Criminal Code of Mongolia that prohibits subjecting women, underage people and men over 60 years of age to the death penalty shall be maintained; efforts will made to decrease the number of offenses subject to death penalty and eventually abolish the death penalty.
- 2.1.1.2. The granting of amnesty shall be free from all forms of political activities or influence and shall be practiced purely for humane purposes.

- 2.1.1.3.** The present practice of legally delaying the implementation of death sentences for 3 years shall be reviewed.
- 2.1.2. Right to personal integrity**
- 2.1.2.1.** Condition and legal environment shall be created to promote and protect the right of every person lawfully residing within Mongolia to be protected from physical and mental abuse and pressure.
- 2.1.2.2.** All aspects of personal searches implemented by executive institutions or officials, including encroachment upon individuals, searching or otherwise intruding on one's residence or arrest, shall be regulated by authorization of a judicial body or official.
- 2.1.2.3.** Administrative detention and arrest shall be carried out not at the discretion of an official but under conditions specified in law. The effectiveness and efficiency of control over administrative detention by courts and prosecutors shall be further strengthened in this regard. The only legal basis for governing the grounds, regulations, and duration of administrative detention shall be the Law on Administrative Responsibilities, and the present system of individual Government Cabinet agencies adopting and following their own rules and regulations shall be abolished.
- 2.1.2.4.** The time limit on the present legal provision requiring that children who are in danger from lack of care or supervision be taken into custody in order to clarify and identify their residence address and detained for up to 2 weeks shall be shortened. Regulations on the transfer of those children to the care the Government institutions or to non-governmental organizations shall be developed.
- 2.1.2.5.** Persons suspected of having been involved in a crime shall receive legal aid within the shortest possible time. The duration of custody and investigation shall be as limited as far as possible.
- 2.1.2.6.** Special actions shall be taken to enable women with small children, underage persons, and the elderly to receive legal aid and avoid long periods of detention. Actions shall be taken to improve the facilities in detention centers and prisons to meet human rights standards, and open the prisons to public scrutiny.
- 2.1.2.7.** A system shall be established for registering, investigating in detail and informing the public about each complaint of unlawful incidents such as arbitrary arrest and detention, forced testimony of suspects and collection of evidence through coercion and threats. Lawful procedures for bringing guilty parties to justice shall be established, and actions shall be taken to examine and address the circumstances leading to such events.
- 2.1.2.8.** Actions shall be taken aimed at the practical implementation of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment at the case registration and investigation stages. Regulations shall be developed and communicated to individuals responsible for case registration and investigation. The relevant ethical norms and standards shall be clarified and training shall be undertaken thereon.

- 2.1.2.9. Network to review article of the laws and regulations on arrest and detain as a suspect, to improve linkage among police officers, prosecutors and judges, and to notify families of the detained persons within a period of time established by law of the reasons for and ground of the arrest shall be improved.
- 2.1.2.10. While reviewing, conferring ranks and titles or awarding medals, relevant officials and agencies shall consider whether the concerned individuals have violated human rights or committed errors in making decisions affecting the enjoyment of human rights. Regulations shall be adopted and implemented on such matters.
- 2.1.2.11. Procedure and justification on use of firearms and special tools and personnel who are in charge of firearms and special tools shall be summarized and legally adopted.
- 2.1.2.12. In cases when a subject dies in an alcohol detoxification center, detention center or prison, regulations shall be developed to allow the involvement of human rights organizations in launching an investigation and reporting on the outcomes to the public.
- 2.1.2.13. A public monitoring system encompassing all detentions centers and prisons shall be established for the purpose of carrying out a nationwide examination of the rights of arrested and detained persons and prisoners and to elevate the level of their protection.
- 2.1.2.14. Detention centers, pre-trial detention centers and prisons shall be checked and attested, actions to improve and reform those places that can't meet legal requirements and violating human shall be done, and appropriate system of public monitoring on detention centers and prisons shall be created.

**2.1.3. Right to privacy and confidentiality in family matters, property and correspondence**

- 2.1.3.1. Importing, selling, owning and using bugging devices and equipment by citizens, enterprises and organizations shall be prohibited by law, and a system of responsibility for violators shall be created.
- 2.1.3.2. The State Intelligence agency shall be in charge of importing bugging devices and equipment, which shall take place only upon request of the State Executive Agencies. Such activities shall be monitored and a record of the importation shall be maintained.
- 2.1.3.3. Standards on protecting the privacy of customers shall be developed and enforced by companies that provide telecommunications, correspondence, cellular telephones and internet services. A state system for monitoring and exercising control shall be established, and each case of alleged violations of privacy, such as tapping a person's telephone or bugging, shall be promptly recorded and resolved by decision of the competent institutions.
- 2.1.3.4. Within the legal environment that provides for criminal or administrative punishment and compensation in case of violation of privacy rights, compensation shall be provided for both material and moral damages arising from instances of arbitrary arrest, detention or incarceration. Compensation for moral damages shall be calculated based on the rate established for each day spent in custody.



**2.1.3.5.** The law on privacy and confidentiality shall be made more specific as of the definition of the information, which is to be considered private in respect to an individual's or family's correspondence, health and property. A list of the information to be considered private and documents that contain private information shall be developed, training among the staff of all organizations that deal with private information shall be conducted, and a pledge to protect the privacy of customers and clients shall be introduced in these organizations.

**2.1.4. Right to defend oneself and receive legal assistance**

**2.1.4.1.** The right of individuals to defend them, either directly by themselves by a professional advocate or by an authorized representative regardless whether they possess an official permit to conduct defense activities, shall be respected.

**2.1.4.2.** Each court shall employ defense lawyers who will provide legal aid services to individuals who are unable to afford them. Employment of these defense lawyers shall be ensured through funding from the regular State budget.

**2.1.4.3.** Conditions for fair competition among advocates shall be created, the ethical responsibilities of defense lawyers shall be specified in relevant legal documents, and decentralization of defense institutions shall be encouraged by providing favorable conditions for independent activities of private defense lawyers in areas other than the capital city.

**2.1.4.4.** Equal participation of defense lawyers and state prosecutors in legal proceedings shall be ensured by heightening awareness of their respective roles and responsibilities. Actions shall be taken to ensure equal access to all evidence in criminal proceedings.

**2.1.4.5.** Regulations shall be developed under which the National Human Rights Commission and the prosecutor will be able to ensure the rights of suspects and detainees to choose a defense lawyer and to receive legal assistance at the case registration and investigation stages.

**2.1.4.6.** The Association of Mongolian Advocates shall take initiatives to increase the level of qualification of defense lawyers and provide continuing professional training on human rights.

**2.1.4.7.** Actions shall be taken to increase the number of advocates working in aimags and strengthen the right of detainees to receive legal assistance during the preliminary investigation process.

**2.1.4.8.** Legal provisions shall be enacted specifying that the administration of detention facilities is responsible to ensure the right of detainees to choose a defense lawyer and to receive legal aid during case registration, investigation, and trial. Legal provisions shall be developed specifying that any serious violation of a detainee's right to choose a defense lawyer and receive legal aid at the case registration stage that is revealed in the course of criminal proceedings may serve as a basis for dismissal of the case.

**2.1.5. Right to compensation for damages caused by the unlawful actions of others**

- 2.1.5.1. A procedure for compensating for damages in cases when an offender is incapable of providing compensation, the offender cannot be found, or in other cases when compensation must be paid immediately shall be developed for payment either by the State or through funds created for insuring individuals against crime shall be developed. This shall be reflected in the relevant laws and enforced.
- 2.1.5.2. Mechanisms by which an offender may compensate for damages shall include the possibility of employment of the offender for just remuneration at a level not less than the average remuneration for the same or similar work under normal working conditions.
- 2.1.5.3. While implementing court decisions, all necessary efforts shall be taken to prevent violations of human rights. In particular, in cases when property is confiscated, the owner's rights to due process and compensation shall be respected.
- 2.1.5.4. In order to improve the effect and the quality of implementation and to ensure a realistic workload, the staffing situation of the relevant agencies shall be carefully reviewed, their livelihood issues addressed and appropriate incentives introduced.
- 2.1.5.5. Bureaucracy within the organizations in charge of implementing court decisions shall be minimized, their organizational structure and the duties of the staff shall be defined in accordance with law, and the professional ethics and capacity of the staff shall be enhanced.
- 2.1.6. **Right to freedom of movement and residence within the country, to travel or reside abroad, to return to home country**
  - 2.1.6.1. The fees and taxes required under current regulations of citizens moving to other aimags, soums and the capital city for temporary or permanent residence shall be abolished. A system shall be introduced where the budget allocated for social services is transferred from the place of initial residence to the place of destination.
  - 2.1.6.2. Regulations of the Government Cabinet and the local governing authorities in regard of recording migration patterns and providing information on migration shall be reviewed and provisions contrary to the law shall be abolished.
  - 2.1.6.3. Policies to protect the rights of Mongolian citizens that are residing, working and studying abroad shall be developed. The duties and responsibilities of Mongolian diplomatic missions abroad to protect the rights of Mongolians abroad shall be strengthened.
  - 2.1.6.4. Legal Assistant Agreements between Mongolian and other country or Consulate Agreement on protecting rights and legal interests of Mongolian citizens in abroad and foreign citizens in Mongolia shall be reviewed and revised and effectiveness of monitoring on its implementation shall be improved.
  - 2.1.6.5. Procedure on protecting rights of foreign citizens residing within Mongolia and persons without jurisdiction shall be reviewed and improved.

### **2.1.7. Freedom of conscience and religion**

- 2.1.7.1. In order to regulate the relationship between the State and religious institutions, the State shall exercise control on the activities of the latter with a view to ensuring that religious activities are conducted in an open and transparent manner, regulating relations among various religious institutions and fulfilling the people's right to freedom of religion.
- 2.1.7.2. The system of requiring official authorization for establishing religious institutions shall be improved. The relevant regulations shall be clearly identified.
- 2.1.7.3. Actions to prevent the introduction and spread of extremist forms of religion shall be undertaken.

### **2.2. Political rights and freedoms**

With in the frame of protecting and promoting political rights following actions shall be taken:

#### **2.2.1. Right to take part in the Government Cabinet of the country, to elect and to be elected to State bodies**

- 2.2.1.1. Procedure on election system and process shall be revised to provide independent participation of citizens, to establish capable Parliament, and to develop democracy.
- 2.2.1.2. Making amendments in the Law on Election shall be prohibited within the 6 months before any elections.
- 2.2.1.3. A policy to increase proportion of female candidates for both elected and politically appointed officials shall be followed.
- 2.2.1.4. Requirements to establish political parties shall be revised by law to form multipart y system (system of those parties that have groups in the Parliament).
- 2.2.1.5. Actions that restrict participation in elections, such as conducting elections during particularly busy period (examination periods of high and secondary school students, herders movement, etc) or arbitrarily excluding some persons from the voting list such as by suspending the right to vote of persons who have migrated from other areas, are temporary living in abroad or have some contradiction in their documents, shall be treated as serious violations. Penalties shall be strengthened and actions shall be taken to prevent their recurrence.
- 2.2.1.6. The status of the General Election Committee shall be reviewed with a view to strengthening its independence and disallowing its participation in election campaigns.
- 2.2.1.7. The right of voters to obtain information about the activities of candidates shall be guaranteed, including information on funding sources for their campaigns and related activities.

- 2.2.1.8.** Requirement on providing procedure of free mandate to work for interests of State and its people by parliament members shall be improved, and a mechanism to prevent parliament members from corruption shall be created.
- 2.2.2. Right to equal access to public (administrative and special) service**
- 2.2.2.1.** Actions shall be taken to ensure that the recruitment of civil servants in the central administration or an organization with a special status is equally accessible to all citizens, based solely on merit. When employing civil servants no preference shall be given as a result of their political views, personal connections, place of origin, or wealth.
- 2.2.2.2.** Personnel movements for reasons of “establishing a team”, “conducting structural reform” and “renaming the organization” shall be undertaken under conditions that ensure that the persons concerned are not adversely affected in terms of responsibility or remuneration.
- 2.2.3. Participation of citizens in local governance and right to self-governance**
- 2.2.3.1.** Economical, coordinating, and other conditions to create and implement a legal environment that determines the principle of local self-governance bringing into conformity with common norms or democracy shall be created step-by-step.
- 2.2.3.2.** A decision determining the norms and standards to protect and promote human rights at aimag, soum, city and district levels and actions meant for restriction of those norms and standards shall be passed. Empowerment of deciding and protecting the legal rights and interest of population and specific groups of the respective territory shall be broadened.
- 2.2.3.3.** Taking into consideration the specifics of development of the local self-governance as a civil institution, the Law on Election and other laws shall be brought into conformity with the principle that the number of the members and representatives of the local self-governance to be set by citizens, but not to be strictly identified by upper level and to be elected, formed, monitored and coordinated by citizens themselves.
- 2.2.3.4.** On the basis of separating and linking composition and jurisdiction of the local self-governance and state administrative organs, the practice that the central and local executing agencies is deciding and implementing the jurisdictions of local self-governance organs shall be prohibited and eradicated, and principles that the citizens and their representatives make decision shall be created. The participation and monitoring by citizens and their representative shall be activated. Special attention shall be taken to improve citizens’ public meeting and active work of its representatives.
- 2.2.4. Right to establish political parties, engage in peaceful assembly and voluntary association**
- 2.2.4.1.** The right of citizens to establish and register political parties or community organizations (NGOs) shall be guaranteed in law and in practice.

- 2.2.4.2.** The right of employees to join, leave and establish new trade unions shall be protected in law and in practice. The State and employers shall be required to establish complaints mechanisms through which violations of labour rights can be revealed and action taken to remedy them.
- 2.2.4.3.** Barriers to the full application of the ILO's Freedom of Association and Protection of the Right to Organize Convention (No. 87), 1948 and the Right to Organize and Collective Bargaining Convention (No. 98), 1949, both ratified by Mongolia in the wake of democratization, shall be removed. This will entail ensuring the right of trade unions to represent the interests of their members and to freely organize their activities, promoting the voluntary negotiation of terms and conditions of employment and increasing the coverage of collective agreements, and protecting the right to strike as an essential means of trade unions to deal with employers.
- 2.2.4.4.** Law on Political Parties shall be revised and improved.
- 2.2.4.5.** The development of training centers and databases to facilitate exchanges of views with and among human rights NGOs and the public, to develop shadow reports and recommendation, and to inform general public shall be encouraged and supported.
- 2.2.4.6.** The relevant laws shall be amended to prohibit all forms of politically motivated discrimination, including through threats, slander, and insults in connection with one's membership in a political party or opinions, or with the act of joining or leaving a party.
- 2.2.5. Right to information and freedom of expression**
- 2.2.5.1.** A law on freedom of the media and freedom of information shall be enacted by which the activities of State agencies shall be opened to public scrutiny. Access to information shall be restricted only in conformity with human rights standards of privacy and strict requirements of public or national security, strict criteria for which will be specified in law and adhered to.
- 2.2.5.2.** Freedom of press shall be ensured, coordination and legal actions shall be taken to strengthen the independence of all the state and local owned mass media.
- 2.2.5.3.** The State shall support the introduction of the latest technologies relating to the press and media. The current mail and printed press delivery system shall be upgraded in collaboration between the public and private sectors, and a legal environment shall be established that enables fair competition and regulation of information channels, transmission scale and frequency, and cost of disseminating information.
- 2.2.5.4.** The laws regulating registration of media enterprises shall be amended as necessary in such a way that all relevant procedures and requirements may be clearly understood.
- 2.2.5.5.** The right of peaceful assembly and voluntary association shall be recognized in law and in practice. Only reasons of public or national security may be invoked as justification of restrictions, to the extent strictly necessary for the reasons being invoked. All restrictions on this right shall be justified in detail and in writing.

- 2.2.5.6. A rational legal mechanism shall be introduced to ensure the right of journalists not to reveal their sources, to prevent groundless harm by members of the media to the reputation or privacy of others while protecting their freedom of expression, and to remedy any such violations.
- 2.2.5.7. Actions will be taken to improve the dissemination and exchange of information among members of ethnic minorities in their mother languages.
- 2.2.5.8. International instruments on press freedom shall be carefully examined with a view to their ratification or accession thereto.
- 2.2.6. Equal rights between men and women, gender equality in all spheres of life**
- 2.2.6.1. Gender analysis shall continue to be undertaken to assess women's influence in political, social and economic life, education and health services as well as distribution of resources, including development programs.
- 2.2.6.2. Special measures shall be taken to improve women's capacities and promote fulfillment of their potential. They shall include the dissemination of information about women's legal entitlements, particularly with respect to women in vulnerable situations, enabling women to earn supplementary revenue, providing them with opportunities to achieve financial self-sufficiency, improving their conditions of work, and assisting them in strengthening their position in the labor market (in terms of access, job security and equal pay for work of equal value).
- 2.2.6.3. A legal environment protecting pregnant women, new mothers, and women who are heads of families from unreasonable dismissal, underpayment, or decreased remuneration or salary.
- 2.2.6.4. State institutions and non-governmental organizations will jointly work to abolish all forms of violence against women and children and to examine the circumstances leading to such acts. The Government Cabinet will coordinate these efforts and annual reports will be issued. In particular, the trafficking of women and children, inducement into prostitution or hiring them as prostitutes shall be prohibited. Strict punishment shall be applied for such offences, including compensation. A system will be established to care for women and children suffering from continued violence.
- 2.2.6.5. A favorable social and economic environment encouraging partnerships between men and women shall be promoted. Efforts shall be made to assess the contributions of women to the care of their children and family, to the family income or other productive activities. Men shall be encouraged to play a greater role in child rearing and the fulfillment of other household responsibilities through training and public campaigns.
- 2.2.6.6. Increased attention shall be paid to the resolute implementation of international treaties such as the Convention on the Elimination of All Forms of Discrimination against Women, to which Mongolia is a party, and the implementation of the recommendations of the corresponding international expert body, the UN Committee on the Elimination of Discrimination against Women. In addition, the Government

Cabinet will implement the recommendations of the Beijing Declaration and the Programme of Action of the 1995 World Conference on Women and ratify all outstanding multilateral treaties on the promotion of women's rights.

### **2.3. Economic rights**

Within the framework of protecting and promoting economic rights, the following actions shall be taken:

#### **2.3.1. Ownership rights**

**2.3.1.1.** A legal environment shall be developed, in part improving legislation regulating property and business activities including laws on private companies, savings and non-banking financial institutions, whereby state and local authorities and judicial organs protect the rights of owners and prevent violations.

**2.3.1.2.** The state privatization process shall be completed, civil ownership rights through the trade of securities and bonds enforced, and the relevant rights fulfilled in accordance with the law.

**2.3.1.3.** Conditions for the enjoyment of rights shall be created by, for example, providing shareholders with company information in a regular, accurate and timely manner. Boards of Directors shall be held accountable to shareholders for their actions. These actions include allocating profit shares in a transparent manner.

**2.3.1.4.** State owned shares of commercial banks shall be privatized. Reliable and sustainable operation of the banks shall be ensured through improved monitoring by the Bank of Mongolia.

**2.3.1.5.** Actions that disregard the rights of owners, such as confiscating or destroying citizens' properties without court decrees or selecting and evaluating properties as collateral for loans without the consent of the owner, shall be prohibited and subject to fair compensation.

#### **2.3.2. Intellectual property rights**

**2.3.2.1.** National legislation shall be amended to conform to international standards in the area of intellectual property rights. The system for registering national innovations, industrial designs, trademarks and inventions shall be strengthened.

**2.3.2.2.** National industrial innovations, industrial designs, profitable designs and trademarks shall be fully registered and protected by the state. Traditional technology shall be scientifically studied, registered and certified.

**2.3.2.3.** A scientific research part time council shall be established in order to officially recognize creation, promotion, translation and interpretation of intellectual innovations.

**2.3.2.4.** The certification process of works of art and culture shall be streamlined.

- 2.3.2.5. Franchise or activities to issue and obtain industrial and trade licenses for trademarks shall be introduced.
- 2.3.2.6. Automated systems shall be established to register and protect patents, inventions, product designs and trademarks, which shall be accessible to the public.
- 2.3.2.7. NGOs that aim to protect rights, to engage in creative work and to address intellectual property issues shall be supported and coordinated. A mechanism for collaboration and information sharing with international intellectual property organizations shall be created.
- 2.3.2.8. Actions to protect copyrights, to benefit from intellectual property through patents, and to implement the law on this right shall be taken.
- 2.3.2.9. Evaluation guidelines shall be developed for intellectual products.

**2.3.3. Strengthening rights for engaging in business**

- 2.3.3.1. Actions will be taken to create financial mechanisms that will enable the state to influence market relations, including through taxes, loans and customs duties, for the promotion of human rights and for the creation of conditions favorable to the right to engage in business.
- 2.3.3.2. Any provisions in the laws on companies, associations, and communities and other laws regarding additional requirements for engaging in business of shall be removed. Business transactions by public servants shall be monitored. A procedure shall be established by law for these purposes.
- 2.3.3.3. Actions shall be gradually implemented including to decrease ceil of tax rate, its stages and gradation and to broaden the tax resource base with purpose to lighten the burden of each taxpayer. The possibility of taxing regions differently shall be examined and a decision taken thereon.
- 2.3.3.4. The licensing process shall be streamlined and administered in strict conformity with the Law on Business Licensing. Approval procedures and bureaucratic actions that restrict professional and business activities shall be minimized.
- 2.3.3.5. Actions included in programmes that focus on reducing unemployment, alleviating poverty, developing community, improving minimum living standards and increasing the minimum level of salaries and pensions shall be implemented.
- 2.3.3.6. Special attention shall be paid by the state to encourage herders and livestock breeders to keep livestock healthy, develop intensive and settled livestock breeding, improve livestock breed, increase productivity, process and sell animal products and increase the income of livestock breeders. The state shall provide assistance, support and services in this regard.

**2.4. Social and cultural rights**



For the purpose of protecting and promoting social and cultural rights, the following actions shall be taken:

**2.4.1. Right to work**

- 2.4.1.1. Progressive measures shall be taken to create an economic, legal and social environment that ensures the right to free choice of employment, favorable work conditions, and remuneration or salary sufficient to support employees and their families.
- 2.4.1.2. The ongoing ratification process of the ILO Forced Labour Convention (No. 29), 1930, and the ILO Convention on the Abolition of Forced Labour (No. 105), 1957, shall be completed. Efforts shall be intensified to realize the fundamental principles and rights at work specified in the ILO Declaration on Fundamental Principles and Rights at Work and to conduct follow-up on it.
- 2.4.1.3. Professional education and training will be provided that is responsive to market demands. Toward this end, the participation and mutual consultation among businesses, non-governmental organizations and the public will be encouraged.
- 2.4.1.4. Specially targeted assistance in job creation and professional training for employable persons from vulnerable groups such as poor, the extremely poor, persons with disabilities and orphaned youth, shall be incorporated into unemployment and poverty reduction policies. Initiatives in this area by business entities and private persons shall be supported by the State.
- 2.4.1.5. Immediate actions shall be taken to eliminate and prohibit the worst forms of child labor. Children who work due to difficult life circumstances shall be registered as employees, involved in relevant insurance schemes, including health and industrial accident and special attention shall be paid to protect their specific rights and interests.
- 2.4.1.6. Actions will be taken to create a just and efficient remuneration system in the private and public sectors. The labor law, law on allowances and payments from the Social Insurance Fund for work-related injuries and occupational diseases, and other related legislation shall be amended to strengthen employment oversight. Legal and economic means will be explored to establish participatory mechanisms involving organizations of employers and workers, NGOs, and other civil society groups.
- 2.4.1.7. Nationwide monitoring of sanitary and hygienic conditions in industry and worksites shall be directed to prevent and eradicate violations, and its efficiency shall be improved.
- 2.4.1.8. Jurisdictions of industrial unions to protect the right to work and other rights and interests of workers shall be broadened. Actions to correct or conclude proper labour contracts between employers and employees' representative organizations shall be taken. Monitoring, review and evaluation procedures on the implementation of national, aimag and district tri-partite agreements on labor and social issues shall be established and followed.

- 2.4.1.9.** Procedures and conditions shall be advanced that increase remuneration and income of employees, improve career opportunities and employee experiences, skills and qualifications.
- 2.4.2. Right to material and financial assistance from State and to social services**
- 2.4.2.1.** While determining minimum living standards, subsistence needs relating to food, clothing, housing, education and health services shall be reviewed and adjusted to meet current tendency.
- 2.4.2.2.** A minimum level of assistance shall be set to meet subsistence requirements. Further, the minimum level of assistance shall be increased, in a way that corresponds with economic growth.
- 2.4.2.3.** Essential assistance shall be provided to those households and individuals whose need for financial assistance and services is critical. This may be done by releasing them from tax obligations, creating income resources, providing benefits and involving individual members in training programmes. Humanitarian and human rights NGOs, which provide the above-mentioned services, shall be supported by the State.
- 2.4.2.4.** A provision promoting adequate living standards and protecting the rights of socially vulnerable groups shall be reflected in international agreements aimed at providing economic assistance and support for economic development, poverty reduction, decreasing unemployment, and other social issues.
- 2.4.2.5.** Tax pressures on poor households and individuals shall be eased.
- 2.4.2.6.** Special attention shall be paid to the living conditions of vulnerable persons during the implementation of national and local programmes intended to improve living standards by reducing poverty and decreasing unemployment.
- 2.4.2.7.** Legal and financial coordination shall occur to decrease interest rates on home construction loans for poor people.
- 2.4.2.8.** The operation of the National Council on Social Insurance shall be strengthened to enable it to serve as a mechanism to improve the insurance system, protect the rights and interests of all insured persons and prioritize all insurance related issues. Pensions and allowances shall be gradually raised to a level sufficient to meet minimum living standards. Progressive actions shall be undertaken to eradicate differences pension that were set prior to 1995 or prevent possible difference which might occur for pensions which would be set after 2020.
- 2.4.2.9.** A social care and welfare framework shall be identified with the assistance of civil society. Legal mechanisms shall be established enabling the private sector and NGOs to provide social services on a contractual basis.
- 2.4.2.10.** National and local funds shall be used to develop and implement a general policy to make affordable housing accessible to members of vulnerable groups such as homeless persons, children and youth raised in orphanages and extremely poor people. Food, shelter and health care service points for homeless and poor people

shall be expanded through national and international humanitarian organizations, corporate, and private contributions.

**2.4.3. Right to education**

**2.4.3.1.** The form, content, and delivery of education shall be continually reformed to meet modern requirements. A legal environment and the necessary implementing actions shall be established to meet the national objective of providing free and compulsory primary education for all children.

**2.4.3.2.** Policies will be developed to eliminate the disparities in the quality of education in rural and urban areas. Informal and distance courses tailored to various age and gender groups, shall be developed to eradicate illiteracy.

**2.4.3.3.** Steps will be taken to improve the consumer value of secondary education and to enable graduates to explore their professional interests. Schools shall begin to offer vocational training.

**2.4.3.4.** The formal and informal structures of pre-school education shall be increased, with the eventual aim of full coverage in the future. A pre-school education programme shall be developed to include at least 50% of pre-school children from urban and settled areas, including herders and farmers' children within 5 years.

**2.4.3.5.** The education and cultural rights of minorities shall be guaranteed through practical measures to preserve the heritage of native languages and scripts, customs, history and cultural traditions.

**2.4.3.6.** Special attention shall be paid to stabilizing the supply of rural teachers and facilitating their work. Steps shall be taken to ensure that all mandatory classes designated as such by the central public administration are taught, including if necessary during non-scheduled hours. School officials shall be held accountable if mandatory classes fail to be taught.

**2.4.3.7.** Public and non-governmental organizations and community groups shall be encouraged to provide educational opportunities, collaborate through common information networks, continually monitor and analyze the situation and offer solutions.

**2.4.3.8.** Step-by-step actions shall be taken to broaden the economic and financial basis of education services and to strengthen its capacity.

**2.4.4. Right to health protection and to healthy and safe environment**

**2.4.4.1.** Actions shall be taken to reduce environmental pollution and monitor the production, trade and provision of services connected with food, water, medicines, and other basic household consumer goods, which affect human health. The financing and operation of hospitals and medical units shall be strengthened so that uninsured and vulnerable persons are guaranteed access to health care, particularly primary health care.

- 2.4.4.2. Basic information on health shall be provided, both in schools and through public campaigns, to better enable individuals to prevent diseases, give up harmful habits, and take care of their own health. Access to and quality of primary health services shall be improved. A mechanism to provide health services, particularly to vulnerable groups, shall be established. Public monitoring on it shall be broadened.
- 2.4.4.3. Increasing financial resources of health insurance schemes shall be expanded to cover preventive actions. The types and kinds of services to be financed by insurance funds shall be broadened. Charity or humanitarian hospitals and medical units shall be established for vulnerable people and the uninsured.
- 2.4.4.4. Public initiatives in this area shall be encouraged. Policies and strategies shall be developed on long-term care and services for elderly persons, disabled persons, and persons suffering from infectious diseases.
- 2.4.4.5. The physical facilities of bagh feldshers and soum hospitals shall be strengthened. Access to medical care by people living in rural areas will be improved by improving economic and social incentives provided to doctors in these areas.
- 2.4.4.6. Continuous training will be provided to improve the professional skills of medical practitioners. The medical profession shall develop a code of ethics, which reflects their human rights responsibilities toward patients.
- 2.4.4.7. Actions shall be taken to regulate sorting, transportation, and disposal of waste. Special attention shall be paid to industrial waste, as well as promote recycling where possible.
- 2.4.4.8. Programmes to decrease environment pollution and to study and review negative causes and situations shall be developed and implemented.
- 2.4.4.9. Building and construction standards in urban and settled areas shall be improved and implemented. Monitoring of such standards will be strengthened.
- 2.4.4.10. Actions to provide road and transportation security and to decrease dangers shall be studied and improvements implemented.
- 2.4.5. **Cultural and scientific rights**
- 2.4.5.1. Rural cultural service institutions shall be strengthened with improved physical facilities, equipment, human resource capabilities, and management.
- 2.4.5.2. Appropriate ways shall be identified to lend financial support and assistance for creative cultural, scientific and artistic work by citizens and for presentation of their work to the public.
- 2.4.5.3. Relevant laws and regulations shall be continuously reviewed with a view to improving resource allocations from the state and local budgets for the cultural, artistic and scientific sectors. Ways of doing so may include use of tax policies to encourage institutions and individuals to invest in or contribute to initiatives in those sectors, and to improve opportunities for personnel and scientists to benefit from their own research and scientific work.

#### **2.4.6. Rights of specific groups**

- 2.4.6.1.** Special provisions shall be included in economic, social, cultural and other policies and programmes on groups who would be most affected by them. Measures shall be taken to promote and protect their rights and interests.
- 2.4.6.2.** Public advocacy programmes shall be regularly conducted, aimed at changing attitudes of discrimination and prejudice. A mechanism to ensure own participation shall be created.
- 2.4.6.3.** Efforts shall be made to install adequate equipment and infrastructure for persons with disabilities in the streets, public places, working and living premises to enable them to work, move, and live freely.

### *Chapter Three*

## **IMPLEMENTATION AND MONITORING OF THE INTERNATIONAL HUMAN RIGHTS TREATIES (MONITORING AND REVIEW)**

### **3.1. Ratification and implementation of the international human rights treaties**

#### **3.1.1. Increase use of international mechanisms and improve cooperation to protect and promote human rights**

- 3.1.1.1.** Mongolia shall fully implement the recommendations of the UN Commission on Human Rights and other human rights bodies. To that end, the comments of the treaty monitoring bodies shall be reviewed by the Government Cabinet or, if related with legislation, by the State Great Hural (Parliament), and the decisions taken thereon shall be enforced.
- 3.1.1.2.** Close collaboration shall continue to be pursued with organizations such as UNDP, UNESCO, UNICEF, UNFPA, UNIFEM, ILO, OHCHR, WHO and their representative field offices in Mongolia to obtain the necessary support for the implementation of programs and projects for promotion and protection of human rights.
- 3.1.1.3.** NGOs shall be encouraged to collaborate with each other, international NGOs and charitable organizations in the field of human rights.
- 3.1.1.4.** UN activities in the Asia-Pacific region shall be supported. Mongolia will also support the establishment of a regional human rights legal and institutional framework.
- 3.1.1.5.** A list of the outstanding international human rights treaties, which Mongolia has not yet ratified, shall be drawn up and the desirability of their ratification shall be the subject of in-depth examination.

#### **3.1.2. Implementation of human rights treaties to which Mongolia is a party**

- 3.1.2.1. All obligations emanating from the international human rights treaties shall be reviewed against domestic legislation, both those in force and draft. The State Great Hural (Parliament) and the Government Cabinet shall examine what actions, if any, must be taken to ensure compliance. These actions shall be attributed to each Standing Committee of the State Great Hural (Parliament), Members of the Government Cabinet, ministries, agencies, and local administrations.
- 3.1.2.2. A list of jurisdictions and activities of each Government Cabinet members, ministries, agencies, and local administrative organizations in accordance with the obligations of Mongolia under the international treaties shall be developed, and the annual report shall be summarized by the Ministry of Foreign Affairs and submitted to the Government Cabinet.
- 3.1.2.3. Relevant units and personnel of ministries, agencies, the National Human Rights Commission, and aimag-level and capital city Governor's Offices shall be accountable for reviewing and implementing the international treaties and for reporting on their implementation.
- 3.1.2.4. A procedure shall be introduced to translate treaties officially into the native Mongolian languages and publish them for public access upon ratification and/or approval of the international human rights conventions/treaties. Activities to develop and publish handbooks and interpretation on international human rights treaties through state institutions and NGOs shall be conducted.
- 3.1.2.5. Programmes on international human rights law shall be included in the professional training curricula of public servants, particularly for the police, military, judicial and other legal enforcement agencies.
- 3.1.2.6. The procedures of public institutions and the Courts whereby individuals and groups may seek redress for complaints about human rights violations shall be widely publicized. They shall include among the grounds for complaints the provisions of the international human rights treaties to which Mongolia is a party.
- 3.1.2.7. Bilateral agreements with foreign countries on legal assistance, double taxing, migration for employment, and other relevant issues shall be counted among the international agreements covered in this Chapter.
- 3.1.2.8. Transnational corporations and foreign investment enterprises and organizations in Mongolia shall be bound under the same human rights obligations and mechanisms as national enterprises. This shall be reflected in the decisions on their registration and permission to operate in Mongolia.
- 3.1.2.9. The capacity of the National Human Rights Commission to deal with complaints from individuals about violations of human rights shall be strengthened. The Commission shall be empowered to deal with alleged violations of the international human rights treaties to which Mongolia is a party.
- 3.2. **Monitoring, review and evaluation on implementation of laws and international treaties on human rights**

To implement the obligations assumed by Mongolia under international human rights standards in all their forms, including covenants, conventions, protocols and declarations, the following actions shall be taken.

- 3.2.1. An inter-ministerial unit shall be established with responsibility for preparing timely reports due under the international treaties for which Mongolia has reporting obligations.
- 3.2.2. The Ministry of Foreign Affairs jointly with the Ministry of Justice and Home Affairs shall develop guidelines for this purpose. The unit shall include representatives of all relevant Government Cabinet institutions and shall be advised by non-governmental organizations, the National Human Rights Commission and leading scholars in the field.
- 3.2.3. The National Human Rights Commission shall summarize and review the implementation of all international treaties submitted by the state administrative organ in charge of foreign relations comparing them with the relevant documents. The Commission shall submit its findings to the State Great Hural (Parliament) and Government Cabinet.
- 3.2.4. The Standing Committees of the State Great Hural (Parliament) shall, within their respective jurisdictions, review and evaluate the status of protection and promotion of human rights. The Standing Committee on Legal Affairs shall summarize these reviews and present them to the State Great Hural (Parliament).
- 3.2.5. A summary of court practices and legal precedents at all levels shall be compiled on their handling of complaints of violations of human rights as provided in international agreements as well as in domestic laws. A manual shall be developed for judges based on such information.
- 3.2.6. The Great State Hural (Parliament) shall review draft reports prepared by the inter-ministerial reporting unit to be established, along with information from NGOs and other interested persons, prior to their submission to the UN treaty monitoring bodies.

#### *Chapter Four*

#### **MANAGEMENT, COORDINATION AND FINANCING OF THE NATIONAL PROGRAMME**

- 4.1. The Government Cabinet shall be entirely responsible for managing and coordinating the implementation of the present National Programme. On behalf of the Government Cabinet, the Implementing Committee of the National Human Rights Action Programme shall oversee its implementation on a daily basis with the involvement of the National Human Rights Commission, the heads of ministries, agencies, local administrations, and NGOs. It shall closely link its activities with human development and other Programmes adopted by the Parliament and the Government Cabinet. Monitoring and review shall be done by the National Programme Committee of the National Human Rights Action Programme with the collaboration of the relevant ministries and institutions.

- 4.2. All ministries, agencies, and organizations shall include measures to implement the National Programme in their respective annual work plans, in accordance with the action points contained in the Government Cabinet Action Programme and Economic and Social Development Concept of Mongolia.
- 4.3. The Government Cabinet shall summarize progress made on the implementation of the National Action Programme at the aimag and city levels, as reported by each member within his or her respective sphere of competence, and present it to the State Great Hural (Parliament).
- 4.4. Aimag and capital city Governors shall incorporate the National Programme in their local “Mid-Term Human Rights Action Plans” approved by their respective Citizens’ Representative Hurals, implement the Action Plans, and submit reports thereon to the Government Cabinet via the Implementing Committee.
- 4.5. The National Implementing Committee of the National Human Rights Action Programme shall have competence to advise the Government Cabinet on how the latter may reflect the most important actions under the National Programme into the Action Programme of the Government Cabinet and National Economic and Social Development Concept of Mongolia. It shall also advise the Government Cabinet on the monitoring of their implementation and propose revisions to the National Programme should it become necessary.
- 4.6. The Government Cabinet shall define the jurisdiction, composition, number of members, duties and financing arrangements of the Implementing Committee.
- 4.7. The National Programme shall be financed from the following sources:
  - 4.7.1. Funds from the state centralized budget and local budget;
  - 4.7.2. Financial support from UN and other international organizations and donor countries;
  - 4.7.3. Grants and donations obtained at the initiative of NGOs, business entities and private individuals;
  - 4.7.4. National and local human rights funds.

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