



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights Fifty-fifth session

### Summary record of the first part (public)\* of the 27<sup>th</sup> meeting

Held at the Palais Wilson, Geneva, on Thursday, 4 June 2015, at 10 a.m.

Chairperson: Mr. Sadi

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### Consideration of reports:

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

*Fourth report of Mongolia* (continued)

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\* No summary record was prepared for the second part (closed) of the meeting.

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

**Consideration of reports:**

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

*Fourth periodic report of Mongolia* (continued) (E/C.12/MNG/4; E/C.12/MNG/Q/4 and Add.1; HRI/CORE/MNG/2013)

1. *At the invitation of the Chairperson, the delegation of Mongolia took places at the Committee table.*
2. **Mr. Baavgai** (Mongolia), referring to the concerns raised about women's rights, said that Mongolia had a long tradition of respect for women and mothers. The equal right of men and women to the enjoyment of fundamental rights, including the right to education and employment, was protected by the Constitution. Women were strongly represented in higher education, notably in master's and doctoral programmes, and in technical and vocational training, as well as in the health, teaching and agricultural sectors and the civil service. They had a central role in Mongolian life.
3. Mothers were entitled to take three years' leave to care for a new child and to be reinstated in their previous post. It was up to a woman to decide at what point she would return to work. Mothers were given a maternity grant at the birth of a child, which was increased for multiple births. The time that they spent looking after children was counted towards the number of years that they were considered to be in employment and reflected in pension payments.
4. **Mr. Tuvaan** (Mongolia) said that the disagreements between the Government of Mongolia and foreign investors over the Oyu Tolgoi copper mine had recently been resolved and the project could now go forward. The main issue had had to do with further investment in the underground expansion of the mine. A tax dispute had also been resolved, with the foreign company agreeing to pay back taxes to the Government.
5. **Ms. Narantuya** (Mongolia), turning to the matter of domestic violence, said there was a 24-hour hotline for victims; between October 2014 and February 2015 there had been nearly 500 calls for help. The State was providing training on the law on domestic violence, in conjunction with non-governmental organizations, to judges, police officers, lawyers and others. Police regulations had been revised to help law enforcement officials to better handle situations of domestic violence and protect victims. Women police officers were assigned to deal with victims and rooms had been set aside at police stations to provide victims with psychological and emotional support.
6. **Mr. Baavgai** (Mongolia) said that Mongolia was a party to the Convention on the Rights of Persons with Disabilities. The Government had established a national action plan to implement that instrument, covering the years 2012 to 2020. Legislation on the protection of rights of persons with disabilities had been amended to provide them with better social protection and employment opportunities. About 20 per cent of all persons with disabilities were employed; over 45 per cent of employed persons with disabilities were women.
7. **Ms. Zendmaa** (Mongolia) said that while the national committee on HIV/AIDS had been disbanded in 2012, two new bodies under the Ministry of Health had assumed its main functions. Legislation on HIV/AIDS, enacted in 2012, provided clear protections for the persons affected by the disease. In addition, labour legislation stipulated that any discrimination against persons with HIV/AIDS in the workplace was prohibited. An

amendment to the Criminal Code that would prohibit discrimination based on health considerations, including HIV/AIDS, was currently under discussion.

8. The Ministry of Health and Sports had set guidelines for HIV/AIDS testing. The first was that testing must be voluntary. Testing was available to everyone, particularly those most vulnerable, such as infants born to HIV-positive mothers, persons who had had sexual relations with infected persons and prisoners. The Ministry of Health had established some general goals: expanding primary health-care services, streamlining the management of the health-care system, developing human resources and improving health education. The Ministry would be reviewing the national strategy on HIV/AIDS prevention in 2015.

9. Most funds for HIV/AIDS prevention had been provided by international organizations; the Government was also making efforts to set aside more public funding for that purpose. Currently, emphasis was being placed on advocacy, prevention and information-sharing. The Government was also working on engaging civil society associations in activities for the prevention of sexually transmitted diseases.

10. **Mr. Tuvaan** (Mongolia), replying to a question raised about pensions for women, said that women were entitled to receive pensions at the age of 55 and men at 60. A person who paid social security contributions over a period of 20 years had the right to a full pension. Legislation currently in preparation would provide for pensions for all, including persons who had not worked. Persons who lost their jobs were eligible for unemployment assistance; three months of work prior to the loss of employment qualified a person for assistance, which was paid out until such time as he or she returned to work.

11. Turning to the matter of persons with disabilities, he said that under current labour law, companies with 25 workers or more were required to hire a person with disabilities or pay a fee amounting to 40 per cent of a salary in rural areas and 30 per cent in urban areas. Those contributions amounted to a considerable sum. Companies that failed to meet those requirements were fined. Companies that purchased products made by persons with disabilities paid a lower tax rate.

12. The Government provided employment support for persons over 40, herders, persons with disabilities, young people and students. Over 3,000 new jobs had recently been created, approximately half of which were for persons with disabilities. In order to boost the young people's chances of finding a job, under new labour legislation, employers could no longer require young people to have previous employment experience as a condition of employment.

13. **Mr. Gantumur** (Mongolia) said that a new educational policy had been adopted, which incorporated human rights education and covered the rights of persons with disabilities. Every year a list was drawn up of professions in high demand, which included special education teachers. Programmes had been developed to train teachers in rural areas to work with children with disabilities. Some teachers had been sent abroad, to such places as Japan, Hungary, the Russian Federation and the United States, to be trained in special education teaching methods. Education for children with disabilities was free.

14. Human rights education was part of the curriculum in secondary schools and higher education institutions, and questions on the topic were included in civil service examinations. There were two types of education — formal and informal — with the latter comprising distance learning courses and flexible training programmes for herders and novice monks. The enrolment rate stood at 99 per cent in primary schools and 96 per cent in secondary schools. During the 2014/15 school year, 10,156 children aged 11 to 16, of whom more than 92 per cent lived in rural areas, had dropped out of non-formal educational programmes. In the 2013/14 school year, 1,755 children aged 6 to 14 had dropped out of school for family or other reasons.

15. Lifelong learning centres had been opened throughout the country and *ger* kindergartens, or kindergartens that were housed in yurts, were spreading rapidly to serve the needs of children from pastoralist communities. Under domestic legislation, childcare was recognized as a formal profession.

16. **Ms. Narantuya** (Mongolia) said that, in 2013, the parliament had passed a law on victim and witness protection, under which victims of human trafficking and other abuse were protected and free legal aid and psychological counselling from trained professionals were provided. In 2014, special rooms had been set up in courts to protect the identity and prevent the intimidation of victims or witnesses.

17. The remuneration of prisoners was governed by the Labour Law. Prisoners received 10 per cent of their wages at the end of each month. The rest was deposited in bank accounts in their name, which they could withdraw at the end of their sentence.

18. **Mr. Baavgai** (Mongolia) said that the prohibition against discrimination on the ground of sex was enshrined in the Constitution and that the Criminal Code and Labour Law were being amended to incorporate the principle of non-discrimination on account of sexual orientation. Mongolia was relatively inexperienced in the field of lesbian, gay, bisexual and transgender (LGBT) rights, and studies had highlighted a lack of awareness among both the population and decision makers.

19. It had not been until 1990, the year in which the General Assembly of the World Health Organization (WHO) had removed homosexuality from its list of mental disorders, that Mongolia had embarked on the path to democracy. Since then, progress in the protection of LGBT rights in the country had been slow, but the Government intended to cooperate with civil society to address the situation. While there were currently no proposals for a specific law on the protection of LGBT rights, the possibility of adopting one in future was being explored.

20. **Ms. Narantuya** (Mongolia) said that, under the revised Labour Law, the employment relationship began from the moment that the employee started work, regardless of whether or not a contract had been concluded prior to the commencement of the work.

21. **Mr. Tuvaan** (Mongolia) said that, of the 500,000 informal sector workers in Mongolia, 285,000 were herders and 200,000 were employed in non-agricultural sectors. Among the second group, only 2,000 made voluntary social insurance contributions. Amendments to the pension system were being discussed. Once they had been adopted, a package of social insurance laws governing conditions for both formal and informal sector workers would be submitted to the parliament.

22. **Mr. Gantumur** (Mongolia) said that all citizens had the right of access to information. There were six secondary schools catering specifically for children with disabilities and the national library in Ulaanbaatar had been equipped with refreshable braille displays.

23. **Mr. Tuvaan** (Mongolia) said that the relocation of persons living in *ger* districts of Ulaanbaatar was part of a master plan for the city and would take place following consultations with all affected parties. It was important to stress that no forced evictions would be conducted.

24. In response to a study indicating that root vegetables in Mongolia contained high levels of pesticides, the Ministry of Food and Agriculture had carried out its own tests. The findings had not corroborated those of the study, which came as no surprise given that pesticides were not widely used in the country.

25. **Mr. Baavgai** (Mongolia) said that the periodic report (E/C.12/MNG/4) had been drafted with the participation of over 30 non-governmental organizations. It was estimated that around 83,000 children in Mongolia were living in poverty. Comprehensive, disaggregated data on children living in poverty would be sent to the Committee in writing. The Government was in the process of developing targeted social welfare policies to ensure that support, including food vouchers, was given to those who needed it most.

26. To his knowledge, there had been no reported cases of child marriage, which was treated as a criminal offence under the law. The amended Criminal Code contained provisions related to, inter alia, child labour, prostitution and pornography. The parliament was considering the possibility of enacting a specific law on children's rights.

27. **Mr. Tuvaan** (Mongolia) said that the Government was still debating whether to ratify the International Labour Organization (ILO) Labour Inspection Convention, 1947 (No. 81) and Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128). It was likely, however, that Mongolia would soon ratify the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102).

28. **Mr. Baavgai** (Mongolia) said that registered homeless persons in Mongolia received a certain level of social welfare and protection. In Ulaanbaatar, efforts were made to provide them with accommodation.

29. **Mr. Tuvaan** (Mongolia) said that the monthly minimum wage in Mongolia was 192,000 togrogs. While the living wage varied from one region to another, the national minimum wage was well above it. Citizens who had paid social insurance contributions for at least 24 months were entitled to full coverage. Although salary and pension increases were not currently tied to inflation, discussions were under way to adopt that approach.

30. Labour inspectors could issue fines and force companies to cease work in the event of serious labour rights' violations. The Government had recently drafted a bill which it hoped would further strengthen the training provided to and services offered by labour inspectors. Figures had shown that occupational injuries had steadily declined over recent years. From 2011 to 2014, 1,570 occupational injuries had been recorded, 225 of which had been sustained at mines. The delegation would send a written reply to the Committee on the environmental issues arising from mining and extractive activities, including data on soil pollution and water safety, at a later date.

*The meeting was suspended at 11.20 a.m. and resumed at 11.30 a.m.*

31. **Ms. Shin** (Country Rapporteur) urged the State party to amend retirement provisions so that men and women had equal rights and ensure that detainees undertaking prison labour were paid fairly for their efforts. Noting the country's vast cultural heritage, she asked what steps had been taken to preserve it. She said that she also wished to know whether the State party intended to raise the age limit for children involved in horse racing as jockeys at the Naadam festivals and what efforts were made to protect their health and safety.

32. **Mr. Pillay** asked what policies had been introduced to address the housing shortages, high water prices and alarming levels of air pollution in the country's capital, particularly in the *ger* districts.

33. **Mr. Uprimny Yepes**, stressing the importance of public interest litigation to improve the capacity of non-governmental organizations and other groups to seek redress for human rights violations, asked whether the Government would consider amending its national law so that cases of public interest could be brought before the courts by third-party representatives on behalf of one or more individuals. He said that he also wished to know whether specific anti-discrimination legislation prohibiting all forms of discrimination against the LGBT community would be introduced.

34. **Mr. Schrijver** asked what measures had been adopted to ensure that ethnic minorities could participate in cultural life and schoolchildren from ethnic minority backgrounds could be taught in their own language.

35. **Ms. Ravenberg** asked whether the State party intended to abolish the compulsory HIV/AIDS testing of foreigners who wished to work in Mongolia.

36. **Mr. De Schutter** said that he urged the delegation to include information about the social impact of mining activities in its written reply to the Committee. He asked what safeguards would be introduced to ensure that the food voucher scheme provided support to all low-income families in need and what efforts had been made to improve the national diet and promote healthy foods.

37. **Ms. Bras Gomes**, welcoming the State's ratification of the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), asked what steps had been taken to provide social security benefits to persons with disabilities who were unable to join the workforce. She also wished to know whether the State party intended to conduct national awareness-raising campaigns to prevent discrimination against the LGBT community.

38. **Mr. Abdel-Moneim** said that the State party should introduce policies to prevent the overexploitation of the country's natural resources and should continue to increase its spending on social welfare.

39. **The Chairperson**, speaking in his capacity as a Committee member, asked whether the general public had access to generic medicines and whether efforts had been made to assess the impact of national campaigns to combat obesity, diabetes and cardiovascular disease.

*The meeting was suspended at 11.55 a.m. and resumed at 12.05 p.m.*

40. **Mr. Tuvaan** (Mongolia) said that, while the statutory retirement age was 60, women could retire earlier, at 55, if they so wished. Public consultations had been held on whether to abolish the early retirement provisions for women, but the majority of the population had expressed their support for the current system.

41. **Ms. Narantuya** (Mongolia) said that cases of public interest were covered by the Code of Criminal Procedure and could be brought before the courts by third-party representatives if the victims concerned gave their express consent to be represented.

42. **Mr. Gantumur** (Mongolia) said that 13 elements of intangible cultural heritage and 1 natural and 2 cultural heritage sites had been inscribed on the corresponding United Nations Educational, Scientific and Cultural Organization (UNESCO) lists.

43. As to minority cultures, under the state policy on culture, inhabitants in areas with a large ethnic minority population had the right to set up minority-language schools. The Government provided assistance in publishing minority-language textbooks. The Ministry of Education, Sciences and Culture had recently established a centre for research on ethnic minorities, including the reindeer-herding communities, and a number of ethnic cultural centres had been set up. Minority festivals such as Nowruz were celebrated freely in Mongolia. There were also regular public television broadcasts in the Tuvan, Kazakh and Buryat languages.

44. All mining, infrastructure and electricity projects first required archaeological and palaeontological studies to be conducted. Furthermore, all environmental impact assessments had a cultural component.

45. On the issue of child jockeys, 1,400 children (mainly boys) took part in horse races as a part of the Naadam festival. Following consultations with civil society, academics and researchers, the Government had decided to raise the minimum age for racing from 7 to 9.

A law on child riders' safety had been adopted in 2011, which required child jockeys to wear various protective gear during races, and, in 2013, a decision had been taken to ban horse racing in the winter months.

46. **Ms. Zendmaa** (Mongolia) said that, although foreign workers currently had to undergo HIV/AIDS testing, the Government had bowed to pressure brought by employers and civil society and was working on plans to abolish that requirement.

47. Turning to the issue of food, she said that nutritional assessments were carried out every five years and were used as the basis for policies on nutrition. Work was currently being carried out on a national strategy on food for the period 2015–2025 and a national strategy on nutritional support for mothers and their children. Over the past decade, much had been done to promote healthy eating habits through the publication of guidelines, advocacy, media campaigns, nutritional advice centres and cooperation with catering staff in hospitals and clinics.

48. Programmes designed to prevent obesity, diabetes and cardiovascular disease had been launched. Diabetics were provided with free medication and permanent medical supervision and a number of centres specializing in the condition had been opened. Campaigns promoting sports and a balanced diet had also been launched.

49. A large number of generic drugs were used in Mongolia and the Ministry of Health had drawn up a list of essential medicines. The laws on the registration of medicines had been amended in order to facilitate their importation and the red tape relating to imports of medicines already approved in Europe had been reduced. Work was under way to register new medicines for the treatment of hepatitis C. Discrimination on the basis of sexual orientation was prohibited under the Constitution, the Criminal Code and the Labour Law.

50. Food voucher distribution had been increased and a nationwide database was being used to identify vulnerable segments of the population requiring such help. Mongolia was considering becoming party to the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) and had already met a number of the criteria in that regard. Turning to the issue of disability, she said that persons unable to work received social benefit payments that were slightly lower than the minimum wage.

51. A number of laws on environmental protection, water pollution and desertification had been updated and individuals or companies found guilty of causing environmental pollution were responsible for repairing the harm caused. The Ministry of the Environment, Green Development and Tourism was working to provide clean drinking water and protect water sources. A national programme on climate change had been adopted.

52. **Mr. Tuvaan** (Mongolia) said that answers would be provided in writing to the questions asked on the impact of the mining sector and environmental protection. He added that, 25 years on from the Mongolian democratic revolution, all new laws reflected the need for respect for human rights, private property and the principle of non-discrimination and fair treatment for minorities and foreign workers. He thanked the Committee members for their questions and assured them that their recommendations would be taken into account and reflected in future legislation.

53. **Ms. Shin** said that any written replies should contain a list of all laws currently before the parliament and the time frames for their adoption.

54. **The Chairperson** thanked the delegation for the open and constructive dialogue and expressed the hope that national policymakers would be made aware of the Committee's concluding observations.

*The discussion covered in the summary record ended at 12.50 p.m.*