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Draft report of the Working Group on the Universal Periodic Review*

Mongolia

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Contents

		Paragraphs	*Page*
	Introduction	1–4	3
I	Summary of the proceedings of the review process	5–83	3
	A. Presentation by the State under review	6–25	3
	B. Interactive dialogue and responses by the State under review	26–83	6
II.	Conclusions and/or recommendations	84–87	13
Annex			
	Composition of the delegation		22

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its ninth session from 1 to 12 November 2010. The review of Mongolia was held at the 3rd meeting, on 2 November 2010. The delegation of Mongolia was headed by the State Secretary of the Ministry of Foreign Affairs and Trade, Damdin Tsogtbaatar. At its 5th meeting, held on 4 November 2010, the Working Group adopted the report on Mongolia.

2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Mongolia: Gabon, Kyrgyzstan and Switzerland.

3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Mongolia:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/9/MNG/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/MNG/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/MNG/3).

4. A list of questions prepared in advance by the Czech Republic, Denmark, the Netherlands, Slovenia, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland was transmitted to Mongolia through the troika. Those questions are available on the extranet of the universal periodic review.

I. Summary of the proceedings of the review process

5. During the interactive dialogue, 43 delegations made statements. Recommendations made during the dialogue are found in section II of the present report.

A. Presentation by the State under review

6. At the 3rd meeting, the delegation of Mongolia, headed by the State Secretary of the Ministry of Foreign Affairs and Trade, Damdin Tsogtbaatar, began its presentation of the national report by stating that the Government considered the universal periodic review as a unique opportunity to share Mongolia's experience in the human rights area with States and to learn from international best practices. Although over the past two decades Mongolia had made great strides in introducing and genuinely institutionalizing human rights, the Government recognized the need for further improvements. The delegation expressed the Government's commitment to participating actively in the review process and devoting its efforts to implementing proposals and recommendations of the Council.

7. The delegation stated that human rights and freedoms had been set out in the 1992 Constitution, and Mongolia had attached significant importance to protecting the rights and freedoms of its citizens and establishing a political and legal environment for the effective enjoyment of those rights and freedoms. Mongolia was party to the core human rights instruments; it had placed priority on empowering its national human rights institutions; Parliament had adopted the National Action Programme on Human Rights in 2003; and the

Committee on the National Action Programme had been established to coordinate the day-to-day implementation of the Programme.

8. The national report had been approved by the Cabinet of Ministers and had been prepared by a working group established by a decree of the Prime Minister. The Working Group had held numerous consultations with the National Human Rights Commission, relevant experts and non-governmental organizations. In addition, a tripartite consultative process comprising the Government, the United Nations Development Programme and civil society organizations had taken place in February 2010.

9. Mongolia, while providing specific protection of civil and political rights, was also committed to promoting and protecting economic, social and cultural rights. The Government's actions were also focused on the rights of persons with disabilities and of citizens with monthly incomes lower than the national average. In addition, protecting the rights of national minorities was a priority of Government action, as it implemented non-discriminatory policies and legislation concerning the rights of national minorities.

10. The Law on the National Human Rights Commission had been adopted on 7 December 2010 by Parliament, and the independent Commission had begun its activities in February 2001.

11. While Mongolia had maintained capital punishment de jure, the President had declared a moratorium on the use of the death penalty in January 2010 and had indicated that the moratorium should constitute the first step towards its abolition. Accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights was being considered in Parliament.

12. The Government had focused on protecting women's and children's rights by putting in place necessary national programmes. In 2010, the Government had signed the Agreement on Cooperation to Combat Trafficking in Persons with the Macao Special Administrative Region, anticipating that the agreement would lead to more efficient bilateral cooperation aimed at facilitating better prevention of human trafficking, as well as stronger protection and the smoother return and reintegration of trafficking victims.

13. Owing to global warming and climate change, the following factors had deteriorated living conditions: the glaciers were receding, surface water was drying up, vegetation was decreasing, water was becoming more mineralized, soil erosion was increasing, and desertification was spreading. In 2010, a new National Programme to Combat Desertification and a water programme had been approved. Natural disasters such as *dzud* disasters, blizzards and storms had also affected the right of herding households to a healthy and safe environment. In that context, in 2009 the Parliament had adopted the State Policy on Herders to improve herders' living conditions and promote their right to a healthy and safe environment.

14. Health-care services were provided to all citizens, without any discrimination. The Government had approved the Action Plan for 2008–2012, which set the objectives for improvements in health care, and a private insurance system had been introduced.

15. Mongolia's Millennium Development Goals, which had been approved by Parliament in 2005, included fundamental gender equality objectives, such as eliminating gender disparity at all levels of education, increasing by up to 50 per cent the number of women in wage employment in non-agricultural sectors, and expanding by up to 30 percent the number of women in the national Parliament no later than 2015. The participation of women in the decision-making process was still insufficient. Although the number of female candidates was steadily increasing, their number in Parliament was actually dropping. Mongolia's view was that the percentage of women candidates should be

increased. Parliament was scheduled to consider a draft law on gender equality initiated by the Government.

16. The Government had been working to implement the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, and its Action Plan 2008-2012 included such objectives as providing persons with disabilities with standard facilities, as well as opportunities for a comfortable lifestyle. The Ministry of Labour and Social Welfare had sought to expand its cooperation with non-governmental organizations through the publication and distribution of Braille books for blind persons, and by raising public awareness about the need to ensure the participation of persons with disabilities in social life.

17. While noting many challenges, including poverty, unemployment, food insecurity, and air pollution in the capital city, the delegation stated that the Government had the necessary political will and would continue to overcome them with the support of its people and the solidarity of other countries. The Government had been trying to strike a balance between economic growth and human rights, and to utilize more equitably and more effectively the increasing wealth derived from mining.

18. While noting the fact that periodic reports had been regularly submitted to the treaty bodies and follow-up information forwarded to Special Rapporteurs, the delegation acknowledged the need to further improve the quality of such reports.

19. The delegation expressed the Government's belief that the goals of the universal periodic review could be achieved only through the active participation of and constructive dialogue among all States and non-governmental organizations; it also expressed its readiness to work with all partners to promote and protect human rights in Mongolia.

20. In response to the advance question on the abolition of the death penalty, the delegation reported that the Government supported the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights. The relevant standing committee of Parliament had been discussing whether Parliament should finally ratify it. If Parliament responded positively, draft amendments to all legislation regulating the death penalty, including the Law on the State Secret, would be formulated.

21. Responding to an advance question, the delegation referred to the 2008 amendment to the Criminal Code that had altered the definition of the term "torture" in line with the Convention against Torture. Moreover, as a result of the amendment, any official involved in an investigation would be prosecuted and punished under the Code if he or she tortured, or took cruel, inhuman or degrading measures against, a suspect in order to obtain information or a confession. A working group had been studying the possibility of the ratification by Mongolia of the Optional Protocol to the Convention.

22. The delegation stated that there no data had been recorded regarding the allegation of discrimination based on sexual orientation against lesbian, gay, bisexual and transgender persons. There had been regular supervision by the Prosecutor's Office on this issue, and an Open-Door Day was held each month in order to receive individuals' complaints and requests. Support was provided for the participation of advocates in the process of interrogating suspects and prosecuted persons. The Government planned to conduct a survey on lesbian, gay, bisexual and transgender persons and to record their needs and requests, which would make it possible to identify areas for possible legal amendments. In addition, an association of lesbian, gay, bisexual and transgender persons had been registered.

23. Regarding the question concerning the period of pre-trial detention, the delegation reported that the 2007 amendments to the Criminal Procedure Code had decreased the

period of pre-trial detention, which was based on the severity of the crime and ranged from one month to a maximum of 24 months.

24. The delegation explained that, under the Labour Law, an employer should not ask questions pertaining to the private life, marital status, sexual orientation or pregnancy of an employee unless such questions were related to the work or duties to be performed. There were no cases or data regarding the firing or discharge of lesbian, gay, bisexual and transgender persons from their work, and the relevant laws prohibited discrimination based on sexual orientation.

25. The Ministry of Social Welfare and Labor had implemented a project to support and reintegrate street children into society through music and culture. A cash benefit system, aimed at meeting the basic needs of families and children who had the lowest household income, was provided for in a social welfare law that had been submitted to Parliament for discussion.

B. Interactive dialogue and responses by the State under review

26. A number of delegations thanked Mongolia for its cooperation with the universal periodic review mechanism and commended the delegation for the constructive dialogue initiated with civil society during the preparation of its national report, as well as the comprehensive presentation of the national report during the working group.

27. Algeria welcomed the establishment of various human rights protection mechanisms, including the National Action Programme of the Human Rights Committee. Algeria noted Mongolia's adherence to most international human rights instruments and the moratorium on the death penalty. It noted the difficulties faced by the country in improving public health and education. Algeria made recommendations.

28. Morocco stated that it had observed Mongolia's positive developments and the Government's efforts to build a democratic country. It welcomed Mongolia's actions regarding the protection of the rights of minorities and the creation of legal aid centres. Morocco also welcomed the efforts to ensure the protection of disabled persons, the adoption of the law on the protection of child rights, and the Programme on Gender Equality. Morocco took note of Mongolia's efforts in the areas of health, education, employment and the reform of the electoral system. Morocco reiterated its appeal to the international community to support Mongolia's democratic process.

29. The Russian Federation noted with appreciation the progress made by Mongolia in acceding to international human rights treaties and in providing basic free education and free medical care, as well as the existence of the National Action Plan for Human Rights and the national human rights institution. It also noted the moratorium on the death penalty and the country's acknowledgement of problems and challenges in its national report and presentation. The Russian Federation made a recommendation.

30. Indonesia was encouraged to learn that, in recent years, Mongolia had established both a national human rights commission and a National Action Plan for Human Rights. It also highlighted efforts and progress made on gender equality and the enhancement of women's and children's rights. However, poverty remained a key obstacle to the country's ability to fulfil the basic human rights of its population. Indonesia made recommendations.

31. France welcomed the moratorium on the death penalty and noted the current debate regarding adherence to the Second Optional Protocol to the International Covenant on Civil and Political Rights. While noting with satisfaction that Mongolia was party to most international human rights instruments, France inquired why Mongolia had not yet ratified

the Convention against enforced disappearance. France referred to alleged cases of torture by the police forces. France made recommendations.

32. Poland expressed appreciation for the progress made in the establishment of a human rights infrastructure and various measures taken to address the problem of human trafficking. However, it referred to concerns expressed by the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child at the increasing incidence of the trafficking and exploitation of women and girls and the low rate of the prosecution of perpetrators. Poland asked about steps taken to address the root cause of this. Poland made recommendations.

33. Australia praised Mongolia for its progress towards a robust democracy and commended the establishment of the National Human Rights Commission, which had been accredited with "A" status. It encouraged the country to continue to raise awareness of the Commission's work and to increase its access to disadvantaged and remote communities. Australia welcomed the 2010 moratorium on the death penalty and urged Mongolia to legislate abolition. Australia made recommendations.

34. Mexico acknowledged progress made in the field of human rights and noted actions undertaken to promote universal access to health care and public education and to guarantee food security. Mexico welcomed the moratorium on the death penalty. Mexico made recommendations.

35. Canada welcomed the moratorium on the application of the death penalty but noted that the penalty has not been eliminated from the law. It also noted the recent reports alleging continued incidents involving human trafficking, violence against subjects of police arrest and detention, and the erosion of public services through corruption. Canada made recommendations.

36. Germany commended Mongolia for having established the National Human Rights Commission. Germany welcomed the moratorium on the death penalty and took note of the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Germany inquired on the follow-up made on the recommendation by the Special Rapporteur on Torture regarding the possibility of making a declaration in accordance with article 22 of the Convention against Torture. Germany made recommendations.

37. Malaysia acknowledged Mongolia's commitment in fulfilling its international human rights obligations despite many constraints. It noted the measures taken to promote the right to a healthy and safe environment, health care, education and food security. Malaysia commended Mongolia for its cooperation with international human rights monitoring mechanisms. Malaysia made recommendations.

38. Hungary noted with satisfaction that the Government had drafted a law on gender equality that included a definition of direct and indirect discrimination. It welcomed the ratification of a wide range of human rights treaties, but deemed it necessary to further strengthen the protection of human rights at the national level. Hungary expressed concerns about article 44 (1) of the Criminal Code, which might lead to impunity for law enforcement officials. Hungary made recommendations.

39. Cuba noted that Mongolia had included in its Constitution the right to a safe and healthy environment and had adopted more than 30 legislative instruments on the issue. With regard to health and education, the Government had adopted measures to extend related services to the highest number of persons possible. Measures had been adopted to combat and eliminate discrimination, especially gender discrimination, and other initiatives, including the National Strategy for Children and the National Programme on Strengthening

Child Development and Protection, also deserved to be highlighted. Cuba made recommendations.

40. China noted with appreciation the Action Plan 2008-2012, which incorporated the protection and promotion of human rights into the national development strategy. It noted the achievements in social welfare and the protection of vulnerable groups through the adoption of legislation and measures. China noted the problems and challenges in poverty reduction, environmental protection and the fight against gender discrimination, and expressed appreciation for the Government's responsible and open attitude. China made a recommendation.

41. Slovakia commended Mongolia for being party to the main international human rights instruments and for its standing invitation to special procedures. Slovakia welcomed the moratorium on the death penalty. It echoed the concerns expressed by the human rights monitoring mechanisms at the persistence of strong stereotypes regarding the role and responsibilities of women. Slovakia welcomed the ratification of the Convention on the Rights of Persons with Disabilities. Slovakia made recommendations.

42. Brazil commended Mongolia for its commitment to the Millennium Development Goals, with a particular focus on gender equality. Brazil stated that high poverty and unemployment levels and an increasing number of homeless persons and working children remained the key challenges faced by the Government. Brazil referred to the universal periodic review documentation referring to the existence of discriminatory practices against women and concerns over the use of the corporal punishment of children. Brazil made recommendations.

43. Sweden welcomed the moratorium on executions and the plans to abolish the death penalty de jure and to sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights. It expressed concern over the attacks against lesbian, gay, bisexual and transgender individuals and documented discrimination against them. Sweden asked about actions taken to ensure the full enjoyment of human rights by lesbian, gay, bisexual and transgender communities. Sweden made recommendations.

44. Norway noted that Mongolia was party to most international human rights instruments and expressed appreciation for its standing invitation to special procedures mandate holders. Norway noted the moratorium on the death penalty. Norway also noted the recent rise in nationalism, which had resulted in cases involving discriminatory criminal acts, and referred to incidents of discrimination against minorities, including lesbian, gay, bisexual and transgender persons. Norway referred to the current discussion on possible accession to the 1951 Refugee Convention and the 1967 Optional Protocol thereto. Norway made recommendations.

45. Azerbaijan noted positively the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in April 2010. It also noted the increasing level of cooperation with special procedures, including the Special Rapporteur on Torture, with positive results such as the inclusion of the notion of torture in the Criminal Code. Azerbaijan noted that Mongolia was suffering from climate-change-related effects. It welcomed measures taken for the advancement of women's rights, but noted that human trafficking was on the rise. Azerbaijan made recommendations.

46. The United Kingdom welcomed the recent submission of reports by Mongolia to treaty bodies. It expressed concern about the absence of a definition of torture that met international standards. It expressed its hope that Mongolia would consider the recommendations on the improvement of governance and transparency. It asked what legislative measures would be taken to abolish the death penalty and prevent discrimination based on sexual orientation. The United Kingdom made recommendations.

47. The delegation stated that the issue of accession of the Second Optional Protocol to the International Covenant on Civil and Political Rights had been debated in the Standing Committee on Foreign Policy and National Security of Parliament. The delegation expected positive results.

48. Regarding to the issue of timely reporting to the United Nations treaty bodies, the delegation stressed the Government's strong commitment to improving the quality of its reports to them. The time constraints, the necessary qualifications and the availability of accurate information remained major challenges in the reporting process. The Government had recently adopted the rules for timely reporting to international instruments.

49. The delegation reiterated that the Government regarded addressing the issue of human trafficking as a high priority. The Criminal Code had been amended to include the crime of human trafficking in order to prosecute perpetrators. However, problems remained to be addressed, including the lack of reporting of cases involving human trafficking. A new law on combating human trafficking was in the process of being drafted, in order to punish perpetrators and protect the rights of victims. The establishment of a national preventive mechanism was planned. A number of projects had been implemented, with the assistance of the international community and national non-governmental organizations, to effectively address the problem of human trafficking.

50. The Constitution prohibited discrimination on all grounds, including sexual orientation, and any law proved to be inconsistent with the Constitution should be amended to bring it into line with that document. Thus, any form of discrimination was unlawful. However, traditional stereotypes existed in society, and therefore the Government acknowledged the need for greater efforts in terms of public awareness activities and training to change persistent attitudes in society.

51. The delegation stated that the issue of poverty was one of the serious obstacles hindering the enjoyment of the socio-economic rights of the population. Therefore, the Government had continued to place top priority on poverty alleviation, while pursuing swift economic development. The expected rapid economic growth would provide better means to address poverty and create new job opportunities.

52. Regarding domestic violence, appropriate legislation was in place to address the issue. However, problems remained in practice. Police officers did not always attach sufficient importance to the issue, often considering it a domestic and private matter. Victims often failed to file complaints against perpetrators. The Government had continued to work to address those problems, including through the public awareness campaign, to shape a culture of intolerance towards domestic violence.

53. Efforts had been made to improve the relevant legislation, and a number of programmes had been implemented to address the needs of persons with disabilities. The access of persons with disabilities to public office needed to be further addressed. A lack of knowledge about the rights of persons with disabilities had been observed, and thus the Government would continue to enhance those measures to address the problem.

54. The delegation stated that, with a view to addressing nutritional issues and providing access to a variety of foods, the Government had introduced a programme to revive land cultivation, which had already produced good results.

55. While noting that Mongolia was party to main international human rights instruments, Turkey inquired whether the country was considering adhering to the International Convention on the Protection of the Rights of All Migrants Workers and Members of their Families. Turkey welcomed the establishment of legal aid centres in all provinces and the National Programme on the Promotion of Persons with Disabilities, and asked for further information in that regard. Turkey noted the high school and university

enrolment rates and encouraged Mongolia to raise awareness about birth registration. Turkey stated that Mongolia should be supported by international organizations in combating human trafficking. Turkey made a recommendation.

56. Italy commended Mongolia for the moratorium on the death penalty announced by the President in January 2010, and welcomed its participation in the International Commission against the Death Penalty. Italy noted with concern that corporal punishment was still being used and that children were increasingly involved in hazardous labour. Italy made recommendations.

57. The Republic of Korea recognized the considerable progress made in promoting human rights and the efforts to ratify international conventions and improve domestic institutions on human rights. It hoped that the Gender Equality Law would soon be enacted and encouraged more rigorous enforcement of existing laws. It welcomed steps taken to enhance the political rights of citizens and stated that further consideration should be given to the election rights of vulnerable groups. The Republic of Korea made a recommendation.

58. The Czech Republic welcomed the moratorium on the death penalty. It made recommendations.

59. New Zealand expressed concern at the reported cases of torture and the excessive use of force by the police. New Zealand welcomed the moratorium on the use of the death penalty in 2010. It expressed concern at the lack of legislation on violence against women. New Zealand made recommendations.

60. The United States expressed concern over discrimination against women and girls and the fact that the level of domestic violence remained high, but was encouraged by increasing rates of prosecution and conviction for child abuse, domestic violence, rape and incest. It also expressed concern at the discrimination based on disabilities, human trafficking and the difficulties faced by religious minorities in registering and building places of worship. The United States made recommendations.

61. Pakistan noted efforts made in promoting and protecting human rights, as reflected in the ratification of seven core international human rights instruments. Pakistan welcomed the fact that Mongolia held regular informal human rights training courses for the population and asked for additional information in that regard. It also asked for further information about the child protection system entitled “Friend 19-79”. Pakistan noted the environmental challenges faced by Mongolia. Pakistan made recommendations.

62. Paraguay believed that it was important that Mongolia give priority to protecting the human rights of national minorities, and asked how international cooperation could help the country in that regard and how the Government was being supported, especially in the implementation of public policies. Paraguay, a landlocked country like Mongolia, referred to the United Nations Development Assistance Framework, indicating that Mongolia’s vulnerability was heightened by its geographic location. That issue could be tackled as part of increasing regional cooperation within the framework of Millennium Development Goal 8.

63. Argentina noted the moratorium on the death penalty and the draft law to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights. It noted the efforts made on gender matters and asked about measures to ensure equal pay and measures regarding domestic violence and penalizing marital rape. Argentina also asked about legislative measures to combat child labour and to raise the minimum age for employment. Argentina made recommendations.

64. Spain recognized progress made in the field of human rights since the adoption of the 1992 Constitution, as well the ratification of most international human rights instruments. Spain regretted that the death penalty remained in force. It welcomed the

adoption of the law on gender violence. Although homosexuality had not been criminalized, Spain stated that provisions of the Penal Code might be used against lesbian, gay, bisexual and transgender persons. Spain asked for information about tangible measures taken to investigate the July 2008 events in Sukhbaatar Square. Spain made recommendations.

65. Switzerland welcomed the progress made in the field of human rights and the moratorium on the death penalty. It noted a lack of independence and efficiency on the part of institutions responsible for countering corruption. Switzerland made recommendations.

66. Portugal acknowledged with appreciation the moratorium on the death penalty and raised questions about its de jure abolition and the classification of the death penalty as a State secret. It also asked about the plan to reduce the number of street children and to ensure the prohibition of child labour. Portugal welcomed the bilateral agreement between Mongolia and the Macao Special Administrative Region on human trafficking. Portugal made recommendations.

67. Slovenia commended Mongolia for its standing invitation to special procedures mandate holders and for the moratorium on the death penalty. Slovenia inquired about measures taken to review and amend legal provisions discriminating against women, activities to enhance access for rural women to various basic services, and the right to education of various categories of children, including the children of herders. Slovenia made recommendations.

68. Ghana welcomed the moratorium on the death penalty. It echoed the concerns expressed by the Special Rapporteur on Torture regarding the definition of torture, which was not in line with the Convention against Torture, and the use of evidence obtained from torture in legal proceedings. Ghana noted that Mongolia had established the National Committee for Gender Equality in 2005, but echoed concerns expressed by the Committee on the Elimination of Discrimination against Women about the lack of visibility and resources of the Committee. Ghana made recommendations.

69. The Netherlands commended Mongolia for its moratorium on the death penalty and expressed hope that it would lead to abolition. The Netherlands referred to concerns expressed by the Special Rapporteur on Torture about the continuing use of torture and the legal definition of torture, which was not in line with the Convention against Torture. Netherlands commended Mongolia for the establishment of a centre for lesbian, gay, bisexual and transgender persons, but expressed concerns about reported incidents of harassment against such persons. The Netherlands made recommendations.

70. Japan expressed appreciation for the fact that the 1992 Constitution provided for protection of the fundamental rights and freedoms of citizens. It asked about the implementation of the United Nations Action Plan (2005–2009) for the World Programme for Human Rights Education and about measures to address traditional discriminatory practices related to the roles and responsibilities of women in the family and in society. It expressed concern about the sexual exploitation of children. Japan made a recommendation.

71. Kazakhstan commended Mongolia for its efforts and achievements relating to human rights promotion and protection, and welcomed the moratorium on the death penalty. It noted that Mongolia had made efforts to harmonize development policy and planning with gender-related trends. It noted that Mongolia had ratified the core international human rights instruments. Kazakhstan asked for further information about concrete measures taken on the right to a healthy and safe environment. Kazakhstan made recommendations.

72. Nepal noted with appreciation that human rights were guaranteed under the Constitution and through specific laws and regulations. The establishment of the National

Human Rights Commission was a praiseworthy step. As a landlocked country, Nepal acknowledged Mongolia's enormous development challenges. It commended the measures adopted to protect the environment and mitigate the effects of climate change. Nepal also welcomed the moratorium on the death penalty and encouraged Mongolia to move towards abolition.

73. Republic of Moldova congratulated Mongolia on having a National Human Rights Commission with "A" status, on the National Action Programme for Human Rights and on the recent moratorium on the death penalty. It expressed appreciation for the electoral law amendments and asked for information about the General Election Commission. Referring to the 2008 state of emergency, it expressed appreciation for the investigation conducted and asked about the compensation provided to victims. It noted the draft Law on Gender Equality and asked about challenges in that regard. It echoed concerns over foster care and adoption, and encouraged Mongolia to combat human trafficking through prevention and assistance measures.

74. Bangladesh identified the prevalence of poverty in Mongolia as one of the greatest challenges. It noted that Mongolia was prone to natural disasters, which, together with desertification and climate change, had negative impacts on the population's enjoyment of human rights. Bangladesh noted with appreciation the provisions relating to human rights in the 1992 Constitution, the existence of a National Human Rights Commission with "A" status and the high primary school and higher education enrolment rates. Bangladesh made recommendations.

75. Kyrgyzstan stated that over the past 18 years, Mongolia had attached great importance to promoting the rights and freedoms of its citizens, and had created a political and legal environment in which human rights could thrive. In addition, Mongolia had been promoting rights and freedoms through cooperation with other democratic systems. Kyrgyzstan referred to the strong institutional structure for human rights protection, including the National Committee within the Ministry of Justice and Home Affairs, headed by the Prime Minister, whose main task was coordinating the human-rights-related activities of State authorities. Kyrgyzstan called on Mongolia to take further efforts to strengthen the national human rights potential in order to guarantee the cultural and social rights of its population.

76. Ukraine welcomed the adoption of national action programmes for human rights. It shared the concern of the Committee on the Elimination of Discrimination against Women over the lack of measures to eliminate discrimination against women with regard to access to health, employment and participation in political and public life, and the concern of the Committee on the Rights of the Child about the social exclusion of children with disabilities. Ukraine made a recommendation.

77. The Islamic Republic of Iran expressed appreciation for Mongolia's efforts and achievements in the promotion and protection of human rights, notably with regard to the right to a healthy and safe environment, ownership, employment, education and health care. The Islamic Republic of Iran made recommendations.

78. The delegation noted that a number of important issues related to the human rights system had been raised. The issue of human rights training at secondary schools had been debated at the meeting of the Committee on the National Action Programme, specifically how to integrate the human rights programme into a comprehensive approach, including a human rights culture in the education system as a whole. Interaction among students and teachers as well as teaching materials seemed noteworthy elements of that approach. The delegation expressed the view that human rights issues had already been covered by the education system but that a comprehensive and consistent approach was still needed.

79. As to the issue of the legal framework applicable to foreign residents, Mongolia had had a discriminatory system for foreign investors in the past, which had recently been changed through the establishment of parity between local and foreign investors. Visa requirements were very liberal, and visas could be obtained at the airport.

80. Referring to the incident in July 2008, the delegation stated that, although Mongolia had always been proud of its peaceful democratic transition, the protest against the election results had revealed that it should make further efforts in that regard and that the loss of five lives was unacceptable. In addition to the normal legal due process, the parliamentary human rights subcommittee had held a public hearing on the 1 July event and had publicly interviewed police officers and the protesters.

81. Regarding the number of street children, the delegation acknowledged that it remained a persistent issue, and the Government continued to strive to address it. The delegation stated that the issue was the result of poverty and described positive trends as well as efforts to establish orphanages to care for such children. Commending international aid as helpful in the establishment of orphanages, the delegation expressed the view that a long-term solution needed to be found and that the Government needed to allocate greater resources to solve the problem.

82. Addressing the pollution situation of the capital city, the delegation stated that, owing to climate change, many herders who had lost animals had had to move to Ulaanbaatar city, which had been overloaded in terms of infrastructure as a result of the increased population. The Government had designed various programmes to provide housing, but 40 per cent of approximately 1 million people still lived in traditional dwellings and burned coal in winter. As a result, the city environment was very polluted in winter. The solution was to build more modern, convenient and affordable housing, which would not be easy. Water pollution was due to the increased number of new factories and had raised serious concerns. The Government had tightened environment controls and had tried to make polluters pay for the costs related to pollution. The Government was committed to continuing to strive to resolve the issue of air pollution.

83. Regarding the phenomenon whereby the number of women in Parliament was decreasing although the number of women candidates was increasing, the delegation stated that there had been an internal quota policy requiring a political party to have 30 per cent women candidates. Parliament had also taken measures such as the draft Law on Gender Equality.

II. Conclusions and/or recommendations

84. **The recommendations formulated during the interactive dialogue and listed below have been examined by Mongolia and enjoy its support:**

84.1. **Ratify, at the earliest possible date, the International Convention for the Protection of All Persons from Enforced Disappearance (France);**

84.2. **Favourably consider the possibility of the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Mexico);**

84.3. **Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and introduce effective mechanisms for monitoring the actions of law enforcement officials (New Zealand);**

84.4. **Ratify the Optional Protocol to the Convention against Torture, and the International Convention for the Protection of All Persons from Enforced Disappearance, and make the declaration provided for in article 22 of the Convention against Torture (Spain);**

84.5. **Become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Argentina);**

84.6. **Become party to the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);**

84.7. **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Brazil) (Spain);**

84.8. **Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Sweden) (Portugal);**

84.9. **Ratify relevant international instruments, including the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and take the necessary steps to remove the death penalty from Mongolia's justice system (Australia);**

84.10. **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and render its legal practices consistent therewith (Canada);**

84.11. **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and amend its Criminal Code with a view to abolish the capital punishment entirely (Slovakia);**

84.12. **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, and consequently amend its national legislation, in particular the Criminal Code (Italy);**

84.13. **Swiftly accede to the Second Optional Protocol of the International Covenant on Civil and Political Rights (Switzerland);**

84.14. **Intensify its effort to harmonize national legislation with international standards, including by providing more training for judicial and law enforcement officials with a view to ensuring more effective application of international standards (Malaysia);**

84.15. **Continue harmonizing its domestic legislation in conformity with the Convention on the Rights of the Child, introduce legislation to prevent and end all forms of corporal punishment, and adopt effective measures for preventing children under the age of 18 from being involved in hazardous work (Italy);**

84.16. **Adopt laws and mechanisms essential to protecting human rights and freedoms, particularly in the following areas: protection of victims and witnesses; protection of human rights defenders; provisions on ensuring citizens' right to participation in decision-making; gender-based violence; independence of publishers; accountability of Parliament members; and civil society's right to participation in public interest litigation (Hungary);**

84.17. **Enact broad anti-discrimination legislation that explicitly prohibits discrimination based on sexual orientation and gender identity (Canada);**

84.18. **Adopt legislation to prevent and end all forms of corporal punishment, in accordance with the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Brazil);**

84.19. **Amend its Criminal Code to define torture as a crime in accordance with the definition in the Convention against Torture, including abolishing or revising article 44.1 of the Code so that there is no impunity for human rights violations (United Kingdom);**

84.20. **In addition to initiatives undertaken by the Government for the elimination of torture and other cruel, inhuman or degrading treatment, bring national legislation into line with the Convention against Torture, particularly with respect to the proper definition of the crime of torture (Mexico);**

84.21. **Take steps to remedy the shortcomings related to the definition of torture and to the Criminal Procedure Code, which did not ensure that evidence obtained from torture is not invoked in any legal proceedings, to ensure conformity with the provisions of the Convention against Torture (Ghana);**

84.22. **Amend the relevant legislation to bring the definition of torture into line with the Convention against Torture, and ensure that evidence obtained from torture is not invoked in any proceedings (Netherlands);**

84.23. **Adopt an anti-trafficking law to protect and assist victims of such criminal and clandestine activities (Indonesia);**

84.24. **Enact specific and comprehensive national legislation on trafficking providing for a national oversight mechanism (Poland);**

84.25. **Strengthen domestic legislation to protect victims and witnesses of human trafficking (Australia);**

84.26. **Uphold its commitment to strengthen the national mechanism for the protection and promotion of children's rights (Islamic Republic of Iran);**

84.27. **Step up the efforts aimed at the adoption of the new 10-year National Programme on Strengthening Child Development and Protection (Algeria);**

84.28. **Successfully implement its plan of action for the period 2008-2012, which was adopted by the Government with a view to the implementation of the Convention on the Rights of Persons with Disabilities (Russian Federation);**

84.29. **Ensure that all human rights initiatives stipulated in the National Plan of Action are implemented and monitored in an effective way (Indonesia);**

84.30. **Channel its efforts into implementing poverty-alleviation strategies, particularly in suburban and rural areas (Indonesia);**

84.31. **Continue to push forward its human rights cause in the light of its national conditions, especially by giving priority to economic development, poverty alleviation and protection of the rights of vulnerable groups (China);**

84.32. **Make its procedures and decisions more transparent, and limit recourse to the law on State secrecy for corruption crimes, thus allowing monitoring bodies' independence and access in order to ensure that sanctions are fully applied (Switzerland);**

84.33. **Pay more attention to providing better treatment for foreigners (Republic of Korea);**

84.34. **Put in place structures to ensure that Government and Parliamentary decision-making processes are transparent and that public legislative hearings take place (United Kingdom);**

84.35. **Ensure a participatory and inclusive process with civil society in the implementation of the universal periodic review recommendations, including organizations representing minorities (Norway);**

84.36. **Involve domestic human rights organizations in the follow-up to this review and in the implementation of its National Human Rights Action Plan (United Kingdom);**

84.37. **For the protection of the rights of persons with disabilities, the participation of all relevant organizations is vital in order to promote their rights as well as the infrastructural and psychological environment are much needed (Kazakhstan);**

84.38. **Undertake special measures concerning employment, social welfare and protection of the rights of vulnerable groups, in particular women and persons with disabilities (Islamic Republic of Iran);**

84.39. **Demonstrate improvements in submitting its reports in a regular manner to the treaty bodies, particularly for the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, reports under which have been overdue since 2003 (France);**

84.40. **Finalize and submit the treaty body periodic reports as a matter of priority (Australia);**

84.41. **Submit overdue reports to the United Nations treaty bodies as a matter of priority (Norway);**

84.42. **Report regularly to all human rights treaty bodies (Slovenia);**

84.43. **Extend an invitation to the Special Rapporteur on trafficking in persons, especially women and children (New Zealand);**

84.44. **Ensure a human rights culture, inter alia, by strengthening the anti-discriminatory legislative framework and ensuring its effective implementation (Norway);**

84.45. **Take stronger measures to combat discrimination in both the public and private sectors while promoting greater women's participation at the highest levels of decision-making (United States);**

84.46. **Adopt a draft law on gender equality and the establishment of an institutional mechanism responsible for the promotion of equality (Ghana);**

84.47. **Strengthen existing legal protections and enhance enforcement to combat discrimination against and mistreatment of women and girls (United States);**

84.48. **Adopt expeditiously a law on gender equality, empower its National Committee on Gender Equality, and take appropriate measures to eliminate discrimination against women, hence promoting their advancement, with a particular focus on the most vulnerable groups, such as rural women (Slovakia);**

84.49. **Undertake effective measures to ensure the implementation of legislation guaranteeing the principle of non-discrimination, adopting a**

comprehensive strategy to eliminate all forms of discrimination, particularly on the basis of gender, and strengthen its efforts aimed at harmonizing its national legislation with ratified international instruments (Ukraine);

84.50. **Develop policies favouring equal opportunities for women (Switzerland);**

84.51. **Ensure equal rights for women in the area of employment (Norway);**

84.52. **Ensure equal pay for work of equal value (Norway);**

84.53. **Strengthen maternity protection (Norway);**

84.54. **Strengthen efforts to address domestic and sexual violence (Norway);**

84.55. **Ensure proper redress and protection for victims of such crimes (Norway);**

84.56. **Publicly condemn all forms of violence and discrimination based on sexual orientation, and investigate and prosecute all reported attacks and threats against individuals based on their sexual orientation (Netherlands);**

84.57. **Develop its legislation with a view to effectively protecting the rights of LGBT persons, and discourage the development of discriminatory ideologies in the country through information and human rights education (Switzerland);**

84.58. **Ensure thorough and impartial investigations into all allegations of attacks and threats against individuals targeted because of their sexual orientation and gender identity, and bring to justice those responsible (Canada);**

84.59. **Support the efforts to promote and protect the rights of vulnerable groups such as children, women, disabled persons and the elderly (Cuba);**

84.60. **Increase awareness regarding disability rights, and make all appropriate accommodations for disabled voters (United States);**

84.61. **Design and implement educational programmes for the gradual inclusion of students with disabilities in the education system (Slovenia);**

84.62. **Design and implement educational programmes promoting greater inclusiveness in classrooms (United States);**

84.63. **Continue its efforts with a view to definitely abolishing the death penalty, and adhere to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (France);**

84.64. **Continue to adopt measures with a view to abolishing the death penalty, in particular to ratify the second Optional Protocol to the International Covenant on Civil and Political Rights (Argentina);**

84.65. **Maintain its moratorium on the use of the death penalty with a view to eventually abolishing it (Germany);**

84.66. **Follow up on the positive development (the moratorium on the death penalty) by removing capital punishment from legislation (Norway);**

84.67. **Adopt and implement, as soon as possible, the new legislation on the abolition of the death penalty (Switzerland);**

84.68. **Amend existing provisions in the Criminal Code with the aim of introducing a complete abolition of the death penalty (United Kingdom);**

84.69. **Amend its legislation in order to abolish the death penalty (New Zealand);**

84.70. **Ensure that the de facto moratorium declared by the President of Mongolia in January 2010 is incorporated into legislation with a view to completely abolishing the death penalty (Spain);**

84.71. **Establish awareness-raising programmes addressed to law enforcement forces aimed at preventing torture and other cruel, inhuman or degrading treatment, as well as efficient investigative mechanisms in order to fight against impunity in this regard (France);**

84.72. **Pay due attention to the implementation of recommendations made by the Special Rapporteur on Torture (Kazakhstan);**

84.73. **Apply mandatory training of police in the appropriate use of force (Canada);**

84.74. **Take effective measures to combat domestic violence (Azerbaijan);**

84.75. **Implement legislation which provides for the investigation of violence against women, and the prosecution and punishment of the perpetrators of such violence (New Zealand);**

84.76. **Give high priority to the enforcement of the Law on Fighting against Domestic Violence in order to ensure that victims have access to adequate means of protection and compensation (Portugal);**

84.77. **Take measures to guarantee effective access for women victims of gender-based violence to justice, redress and protection (Brazil);**

84.78. **Adopt the necessary measures and introduce the necessary amendments to the 2005 law on gender violence to ensure its effectiveness and to clearly define the sentences for offenders (Spain);**

84.79. **Continue to work to improve conditions in its prisons, including through the implementation of the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention and Imprisonment, and the United Nations Standard Minimum Rules for the Treatment of Prisoners (New Zealand);**

84.80. **Undertake more efforts to effectively combat the human trafficking phenomenon (Azerbaijan);**

84.81. **Ensure that adequate mechanisms are in place for the rehabilitation and social integration of women and girls who have been victims of trafficking (Poland);**

84.82. **Expand the national programme on the prevention of human trafficking, particularly the use of children and women for sexual purposes, with a view to dealing with all violations of provisions of the Palermo Protocol, in line with the recommendations of the Committee on the Rights of the Child (Mexico);**

84.83. **Adopt an approach of non-criminalization of the victims of human trafficking, which provides for compensation for victims and their reintegration into society (Mexico);**

84.84. **Increase efforts to prosecute sex and labour trafficking offenders, as well as assist and protect victims of trafficking (United States);**

84.85. **Further develop, enhance and expand awareness-raising campaigns to counter human trafficking (Canada);**

84.86. **Continue its policies against trafficking (Germany);**

84.87. **Strengthen its institutional capacity for investigation of cases of human trafficking and prosecution of perpetrators (Canada);**

84.88. **Continue its efforts to ensure effective protection of minors and women against sexual exploitation (Czech Republic);**

84.89. **Adopt specific measures for the protection of minors and women who have become victims of sexual exploitation, and ensure assistance to, restore the reputation of and provide rehabilitation for those victims (Czech Republic);**

84.90. **Strengthen measures to prevent sexual exploitation of children, ensure prompt investigation of allegations of exploitation and sexual abuse, and punish perpetrators (Argentina);**

84.91. **Take the necessary steps, as soon as possible, to address the issues of inadequate protection of children from sexual exploitation as well as the insufficient investigation of the perpetrators of sexual crimes against children and the consequent low ratio of prosecutions against perpetrators of sexual crimes against children (Japan);**

84.92. **Implement effective measures to tackle child labour (Azerbaijan);**

84.93. **Continue efforts to improve the situation of children and, in this context, intensify the efforts to effectively prevent child labour (Germany);**

84.94. **Further strengthen the law enforcement and judicial system in the effort to address impunity and prevent the incidence of trafficking and domestic violence as well as the sexual abuse of women and girls (Malaysia);**

84.95. **Strengthen the Special Investigation Unit of the State General Prosecutor's Office to ensure thorough and independent investigations of all allegations of police violence (Canada);**

84.96. **Ensure thorough and impartial investigations into all allegations of attacks and threats against individuals targeted because of their sexual orientation, as in the case of LGBT individuals, and bring to justice those responsible in accordance with international standards of fair trial (Sweden);**

84.97. **Combat impunity in cases of torture (Germany);**

84.98. **Establish clear national guidelines that allow all faiths equal access to registration (United States);**

84.99. **Promote the rights to freedom of expression, association and assembly without discrimination of members of the LGBT community (Sweden);**

84.100. **Introduce appropriate measures necessary to allow persons with disabilities to exercise their right to vote (Slovakia);**

84.101. **Take effective measures to ensure that persons with disabilities and detained persons can exercise their right to vote (Islamic Republic of Iran);**

84.102. **Improve the level of participation of women in the decision-making process (Algeria);**

84.103. **Continue its efforts to reduce poverty and food insecurity (Azerbaijan);**

84.104. **Strengthen efforts to combat malnutrition and diseases such as tuberculosis (Bangladesh);**

84.105. **Ensure access to health care, adequate housing, education and safe drinking water and sanitation for all, especially people living in "ger" districts (Slovenia);**

84.106. **Continue taking appropriate measures to provide a healthy and safe environment for its citizens (Pakistan);**

84.107. **Consider giving a greater role to the private sector in developing the national education and health system (Islamic Republic of Iran);**

84.108. **Step up efforts to improve and conserve the environment, including by strengthening the relevant laws and providing the public with the necessary information, education and awareness regarding the impacts of environmental pollution and degradation (Malaysia);**

84.109. **Take further appropriate measures, including the adoption of a national plan of action to tackle challenges resulting from global warming or climate change and adverse human activities, in particular with regard to sanitary systems (Islamic Republic of Iran);**

84.110. **Apply programmes and means to improve the enjoyment of the right to education and the right to health (Cuba);**

84.111. **Take additional measures to fight against dropping out of school, particularly among boys (Algeria);**

84.112. **Intensify its efforts to reinforce the human rights issue in school curricula (Turkey);**

84.113. **Provide adequate minority protection for indigenous and tribal groups (Slovenia);**

84.114. **Continue the strategies and the plans for the social and economic development of the country (Cuba);**

84.115. **Continue to fight to overcome its challenges with the assistance of the international community (Bangladesh);**

84.116. **Request technical assistance and cooperation, as deemed appropriate, from the international community, including the relevant United Nations and specialized agencies, with a view to ensuring the promotion and protection of the full spectrum of the human rights of its people (Malaysia);**

84.117. **Seek international assistance to combat child labour, such as through the International Labour Organization (Brazil);**

84.118. **Seek technical cooperation at the international level in order to respond in a timely manner to the challenge of providing a healthy and safe environment for its citizens (Pakistan).**

85. **Mongolia considers that recommendations nos. 84.5, 84.19, 84.20, 84.21, 84.22 and 84.52 above have already been implemented or are in the process of implementation.**

86. **The following recommendations will be examined by Mongolia, which will provide responses in due course, but no later than the 16th session of the Human Rights Council, in March 2011:**

86.1. **Become party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Argentina);**

86.2. **Accede to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto (Norway);**

86.3. **Mandate the Constitutional Court to act upon violations of the individual rights and freedoms guaranteed under the Constitution. This possibility should also help to remedy violations of the land and environmental rights of indigenous and herder peoples, including the right to safe drinking water (Hungary);**

86.4. **Consider accepting individual complaints mechanisms such as those provided for in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women (Brazil);**

86.5. **Adopt quick and effective measures, as well as necessary legislation, in order to explicitly prohibit, prevent, punish and abolish discrimination on any grounds, including on the basis of HIV/AIDS status (Mexico);**

86.6. **The National Human Rights Commission of Mongolia, which has an "A" status accreditation, should play a decisive role in the exercise of drafting a gender equality law as well as during its implementation (Hungary);**

86.7. **Include women in high-level decision-making positions (Norway);**

86.8. **Amend the provisions of the Criminal Code and eliminate legal provisions and practices by public authorities, including possible practices of harassment and bullying by the police forces, which lead to discrimination based on sexual orientation and gender identity (Spain);**

86.9. **Protect victims by defining hate crimes as crimes under criminal laws (Canada);**

86.10. **Declassify death penalty sentences imposed in the past as a State secret, with the aim of providing the families of those who were executed with information on their relatives sentenced to death (Czech Republic);**

86.11. **Remove the classification of information on the death penalty as a State secret, and provide statistics and information related to death sentences and executions (Netherlands).**

87. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Mongolia was headed by the State Secretary of the Ministry of Foreign Affairs and Trade, Mr. Damdin Tsogtbaatar, and was composed of the following members:

- Mr., Gungaa Bayasgalan, State Secretary of the Ministry of Justice and Home Affairs;
- Mr. Luvsantseren Orgil, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Mongolia to the United Nations Office in Geneva and Other International Organizations;
- Mr. Chimeddorj Battumur**,** Director of the Law and Treaty Department, Ministry of Foreign Affairs and Trade;
- Mr. Enkhbold Batzorig, Human Rights Attaché of the Law and Treaty Department, Ministry of Foreign Affairs and Trade;
- Mr. Sanjaajamts Boldbaatar, Head of Inquiry Division, General Police Department;
- Ms. Lodoi Munkhstetseg, Head of Secretariat, National Programme Committee on Human Rights in Mongolia;
- Mr. Shar Otgonkhundaga**,** Deputy Director, Department of Policy Implementation and Coordination, Ministry of Labour and Social Welfare;
- Mr. Jamtsai Soyombo, Officer of the Department of Sustainable Development and Strategic Planning, Ministry of Nature and Tourism;
- Ms. Dalantai Khaliun, Translator .