

MONGOLIA

CESCR E/1988/14

62. Mongolia's second periodic report, concerning articles 10 to 12 of the Covenant (E/1986/4/Add.9), was considered by the Committee at its 5th and 7th meetings, held on 10 and 11 February 1988 (E/C.12/1988/SR.5 and 7).

63. The representative of the State party introduced the report. He provided additional information and brought the Committee up to date on the laws adopted since the report had been submitted. Thus, he said that in January 1987 the Council of Ministers had decided to increase maternity leave and benefits; it had also adopted a decree on institutions for children of pre-school age, which was designed to increase the number of nurseries and kindergartens, to give the administrative staff of such institutions teacher training and to improve the qualifications of teachers to a considerable extent. He also informed the Committee that in December 1986, after extensive public debate, the directives on the improvement of the school system had been adopted.

64. The representative also stated that at its fourth plenary session, at the end of 1987, the Central Committee of the Mongolian Revolutionary People's Party had recommended the Government to adopt certain specific measures to deal with social problems in the rural economy, and he described the action taken by the Government. As an example, he mentioned the steps taken to increase pensions for members of agricultural co-operatives by 30 per cent, which had raised the workers' cash income by 16 million tugriks. Special measures taken to encourage the construction of private houses and flats were described. Such measures had led to the construction of new private housing with a total floor space of 30,000 m² in 1987.

65. As regards the difficulties encountered despite the substantial progress made since the initial report in 1981 (E/1980/6/Add.7), the representative of the State party mentioned problems connected with housing construction and the low level of agricultural output. He said his Government was aware of the difficulties it still had to overcome in the economic, social and cultural fields and that it would endeavour to deal with them under its five-year national development plans.

General observations

66. The Committee congratulated the Mongolian Government on its report and its representative on his oral introduction. The members of the Committee noted the substantial progress made in implementing the rights in question since the submission of the initial report, together with the difficulties encountered by Mongolia in the application of the rights set forth in articles 10 to 12 of the Covenant.

67. After it had been noted that living conditions in the country had improved considerably over the seven years since the initial report, the Mongolian representative was asked to describe how the situation had developed and to mention any difficulties that had arisen with regard to the effective

exercise by the Mongolian people of their economic, social and cultural rights. The point was made that it would be desirable to have figures for purposes of comparison. Further information was requested on the exact distribution of the Mongolian population by sex and age; the period over which the national income had increased by 37 per cent; the average per capita income; and the rate of inflation since the initial report.

68. With regard to the division of authority among different State bodies in Mongolia, the question was raised whether legal remedies could be invoked in cases where rights guaranteed under the law were violated by the Government. Questions were asked about the position of women in management, their access to higher education and the proportion of women in the labour market.

69. Replying to the general questions put by members of the Committee, the representative of Mongolia provided statistics on his country's socio-economic development. He said that in Mongolia men accounted for 50.1 per cent of the population and women for 49.9 per cent. The age composition of the population was as follows: 0 to 15 - 45.9 per cent; 15 to 55 - 45.6 per cent; 55 and over - 8.5 per cent. The annual per capita income was around \$1,000.

70. As regards the division of authority, he stated that between sessions of the Great People's Khural, its Presidium was the supreme State authority and was responsible for ensuring compliance with the Constitution. In addition, the Council of Ministers could amend or quash decisions taken by ministries, departments or any other administrative bodies.

71. On the status of women, the representative informed the Committee that women constituted 45.6 per cent of the national work force and that they were particularly well represented in science (41.3 per cent), education and culture (62.6 per cent) and public health (78.8 per cent). A quarter of the 370 deputies in the Great People's Khural were women.

Article 10: Protection of the family, mothers and children

72. Members of the Committee asked for details on the definition of the idea of family ties as applied in Mongolian law; the penalties imposed on parents who did not fulfil their obligations to their children; the possibility of religious marriage; the birth rate and the Government's policy with regard to it; the protection of young offenders and the existence of special juvenile courts.

73. Questions were also asked about the number of institutions for disadvantaged children; the average number of marriages per year in Mongolia; and the percentage of divorces in relation to marriages. Further information was requested on the action taken by the Mongolian Government to make it easier to get married and start a family and to help with the education of physically, mentally or socially handicapped children.

74. Further information was requested on the foreign languages taught in secondary schools and the percentage of pupils studying them; and on the application of article 166 of the Mongolian Labour Code, given the country's particular geographical and climatic conditions.

75. Replying to the questions asked, the representative of Mongolia said that the Mongolian Family Code stated that marriage could only take place by mutual consent and forbade marriage between

close relatives or with a person who had been judged to be incompetent on mental grounds; it also forbade polygamy. The minimum age for marriage for both men and women was 18, so that any marriage between persons under that age was invalid. The Family Code made no provision for religious marriage, since it had never been the practice in Mongolia, unlike other countries. Divorce could be by administrative decision, by mutual consent if the couple had no children under the age of 18, or by decision of a court. Divorce by administrative decision was permitted if one of the spouses was declared missing or was sentenced to more than five years' imprisonment. There were no "natural families" in Mongolia. Statistics were given for the number of marriages and divorces.

76. Parents who neglected or ill-treated their children were liable to a prison sentence of 12 to 18 months.

77. The representative of the State party explained that minors were not punishable under the criminal code. However, in exceptional cases (murder, rape, etc.), teenagers aged 14 to 17 could be held legally responsible. The question of guardianship and curatorship was governed by the law, particularly articles 10 and 12 of the Civil Code and articles 76 to 86 of the Family Code.

78. With regard to the situation of disadvantaged children, the educational system, the teaching of foreign languages and the maternal and child welfare system, the additional information requested by members of the Committee was provided by the representative of the State party.

Article 11: Right to an adequate standard of living

79. It was noted that the food industry was not succeeding in meeting the population's needs fully, and a question was asked about the measures taken to bring it up to the necessary level.

80. With reference to the idea of an "adequate standard of living," it was asked whether the standard had been officially defined in Mongolia and what steps had been taken to ensure that citizens could maintain it.

81. Questions were asked about the measures taken by the State to encourage housing construction, the terms on which loans were made for the purpose, and on the measures taken to improve peasants' social conditions and stimulate agriculture as the main sector of the economy. It was also asked whether the social measures in question included unemployment benefits. Details were requested on the measures and programmes adopted to improve the supply of clothing for the population, in view of the country's harsh climate.

82. The representative of the State party gave particulars of the measures taken to overcome the backwardness of the food industry, saying among other things that under the current five-year plan it was intended to increase the output of fodder by 30 per cent and to irrigate a further 36,000 hectares of land. A major lorry depot was to be established in the west of the country to improve the transport of fodder. The plan also provided for a 25-per cent increase in the output of the food industry and the establishment or modernization of many meat-processing plants.

83. As regards an "adequate standard of living," the system by which it was guaranteed was described. Attention was drawn to the fact that the Parliament had adopted a comprehensive

programme for improving the social and cultural well-being of agricultural workers, which was to be carried out over the next decade.

84. On the question of housing, the representative of the State party informed the Committee that under the current five-year plan about 1.2 million m² of living space was built. In 1987, 10,000 families had moved into new flats or improved their housing conditions. In the same year, private citizens had been able to build residences with a total floor-space of 30,000 m². The terms for housing loans had been improved, and a private person could now get a 15-year bank loan of 15,000 tugriks (about \$5,000). The interest rate was only 1 per cent, and in rural areas it was even as low as 0.5 per cent. Private individuals could buy building materials at a rate 30 per cent below the retail price.

85. The supply of clothing was adequate. Social security payments did not include unemployment benefits, because unemployment, like hunger and poverty, was unknown in a socialist society.

Article 12: Right to physical and mental health

86. With reference to State subsidies to encourage the birth rate, members of the Committee expressed a desire for further information on the amount of aid thus given, in United States dollars. With reference to the figure given in the report for the percentage of hospital beds for mothers, it was asked why they were reserved in that way. Information was asked for on the rate and main causes of infant mortality and on the existence in Mongolia of the problem of drug addiction or the misuse of harmful substances. Particulars were also requested on the measures taken to preserve the natural environment.

87. In reply to the questions asked, the representative of the State party informed the Committee about the family allowances paid to mothers and added that 1 dollar was equivalent to about 3 Mongolian tugriks. Noting that his Government attached great importance to maternal and child welfare, he said that was the main reason why 14.3 per cent of hospital beds were for mothers. The birth rate in Mongolia, he said, was one of the highest in the world (36 per thousand in 1985), and parents were free to decide how many children they wanted.

88. In conclusion, the representative of the State party said that socio-economic development in Mongolia and the implementation of the Covenant naturally ran into some difficulties, which could sometimes be major. The country lacked natural resources and manpower. Lax management and a lack of initiative and discipline among workers created extra difficulties, which the Government and the Party were doing their best to deal with. He added that in Mongolia's third periodic report, it would take account of the questions that had been asked and the Committee could be sure that it would be as complete as possible.

Concluding observations

89. At the end of the Committee's consideration of the report, the Chairman thanked the representative of the State party for co-operating with the Committee in a spirit of constructive dialogue and in a common desire to implement the rights set forth in the Covenant.

CESCR E/2001/22

259. The Committee considered the third periodic report of Mongolia on the implementation of the Covenant (E/1994/104/Add.21) at its 34th to 37th meetings, held on 17 and 18 August 2000, and adopted, at its 49th meeting held on 28 August 2000, the following concluding observations.

A. Introduction

260. The Committee welcomes the submission of the third periodic report of Mongolia, which has been prepared in conformity with the revised reporting guidelines established by the Committee. The Committee deeply regrets the absence of the State party delegation. This absence is particularly unfortunate because the State party had submitted information for the consideration of the Committee. A constructive dialogue with the delegation would have enabled the Committee to understand more deeply the social and economic processes under way in the country.

B. Positive aspects

261. The Committee notes with appreciation the move towards democracy in Mongolia and the recently held free and fair elections reflecting the will of the population.

262. The Committee commends the State party for the formulation of a national plan of action for human rights and notes that the State party is taking steps towards establishing a national human rights institution. The Committee also welcomes its collaboration with the Office of the United Nations High Commissioner for Human Rights, which has resulted in a number of valuable projects and activities advancing the promotion and protection of human rights in Mongolia.

263. The Committee notes with appreciation the State party's efforts to continue to enact legislation forming the basis for the implementation of human rights standards. In particular, the Committee commends the inclusion in the Constitution of an anti-discrimination clause which prohibits, *inter alia*, discrimination based on age.

264. The Committee welcomes the information provided by the State party with regard to the adoption and implementation of national strategies and policies to address the plight of various vulnerable groups, particularly women and children.

265. The Committee notes with appreciation that the State party is developing international cooperation with a view to resolving the social and economic problems of its population. The Committee notes in particular the "Poverty Partnership Agreement" signed by the State party with the Asian Development Bank. This agreement allows Mongolia to draw 40 million United States of America dollars per year for poverty reduction, the achievement of full primary education and the reduction of infant mortality rates by 50 per cent by 2005.

266. The Committee welcomes the efforts undertaken by the State party in relation to various educational initiatives, including the non-formal distance education project for women in the Gobi region.

C. Factors and difficulties impeding the implementation of the Covenant

267. The Committee is aware that the State party is currently experiencing great difficulties in the process of transition to a market economy. These difficulties are due, *inter alia*, to the sudden interruption of economic links with the former Soviet Union, and the discontinuance of various types of assistance previously received, which accounted for almost 30 per cent of GDP in 1990. This influenced the closure or downsizing of State enterprises and gave rise to great increases in unemployment and to a serious lowering of standards of living. The concurrent deterioration in the State party's terms of trade in international markets and the Asian economic crisis further aggravated Mongolia's economic situation. The Committee acknowledges that problems related to these matters seriously hamper the State party's ability to comply with its obligations under the Covenant.

268. The Committee also acknowledges that the existing divergence between available resources and the needs of the people is further exacerbated by the recent extreme climatic conditions prevailing in Mongolia, which also constitute a serious impediment to the enjoyment of economic, social and cultural rights in the country.

D. Principal subjects of concern

269. The Committee expresses its concern about the negative consequences of the transition process on a large part of the Mongolian population. According to World Bank figures from 1998, 35 per cent of the population lives below the weighted national average poverty line and 18 per cent of the population is destitute. The Committee is also deeply concerned about the information submitted by the State party that the social safety nets put in place to minimize the impact of the transition have had only a limited effect in curbing the extent and depth of poverty.

270. The Committee is deeply concerned about the adverse effects of the prevailing traditional values and practices and of poverty on women. The Committee deplores the lack of facilities and the inefficiency of remedies for victims of domestic violence, which is estimated to affect a third of the country's women. The Committee is also concerned about discrimination against pregnant women and sexual harassment of women in the workplace. Furthermore, the Committee expresses concern at the absence of women at senior levels, both at work and in public office.

271. The Committee is deeply disturbed that the State party has not been able to mitigate the adverse effects of poverty on children, who represent 42 per cent of the Mongolian population. In particular, the Committee is concerned about the extent of the phenomenon of street children, whose numbers are currently estimated at 30,000, 60 per cent of whom live in Ulaanbaatar in deplorable conditions with inadequate nutrition and susceptible to disease, violence, sexual and economic exploitation, substance abuse and mental trauma.

272. The Committee regrets to learn, from information submitted by the State party and reinforced by information from FAO, about growing food insecurity among vulnerable groups such as children, the unemployed, older persons, female-headed households, pensioners and small herders. The Committee notes that this grave situation is compounded by last year's drought and this year's harsh winter, which has killed more than 2 million head of livestock.

273. The Committee is disturbed to learn about the deteriorating health situation for Mongolians since 1990 and regrets that government expenditure on health has decreased in recent years (according to the government submission, public expenditure on health fell from 5.8 per cent of GDP in 1991 to 3.6 per cent in 1998). The challenges faced by the State party include improving access to health-care services in rural areas and for the poor, the relatively low life expectancy, the increase in non-communicable and degenerative diseases, as well as sexually transmitted diseases, substance abuse, child suicide, high maternal mortality, especially in rural areas, and limited access to contraceptives. The Committee is concerned that there is no policy response to address increasing substance abuse and child and adolescent suicide.

274. The Committee notes with concern the degrading conditions for detainees, who have been reported to suffer from overcrowding, inadequate medical care and hygiene and from malnourishment.

275. The Committee regrets to learn about the decrease in government spending on education since 1990 and the subsequent deterioration in the quality of education. The Committee is particularly concerned about the high incidence of school drop-out, most common among herder families where children have to work.

E. Suggestions and recommendations

276. The Committee recommends that the State party provide information, in its fourth periodic report, on the exact status of the Covenant in the Mongolian national legal system.

277. The Committee encourages the State party to establish, as soon as possible, a national human rights institution which conforms to the Paris Principles.¹⁰

278. The Committee recommends that the State party, in its fourth periodic report, include a copy of its up-to-date human rights national plan of action for human rights, prepared in accordance with the Vienna Declaration and Plan of Action,⁹ and report on its implementation.

279. The Committee recommends that the State party continue to seek international cooperation and assistance, as provided for in articles 2, paragraph 1, and 23 of the Covenant, to enhance its efforts to improve the implementation of economic, social and cultural rights in Mongolia. The Committee would appreciate information, in the fourth periodic report of Mongolia, on the status of the "Poverty Partnership Agreement" signed with the Asian Development Bank.

280. With regard to poverty, the Committee notes the national human development plan and the National Poverty Alleviation Programme established by the Government with a view to reducing poverty. The Committee urges the State party to continue to direct resources to those most in need, and to report to the Committee on the results of its efforts in the context of the programmes cited above in its fourth periodic report. In this regard, the Committee would like to remind the State party of its obligation, even under severe resource constraints, to protect the vulnerable groups of society, as stated in paragraph 12 of the Committee's General Comment No. 3 (1990) on the nature of States parties' obligations (art. 2, para. 1, of the Covenant).

281. The Committee calls on the State party to enforce efficiently in practice labour legislation prohibiting discrimination against women in employment, such as prohibition of the dismissal of pregnant women and the criminalization of sexual harassment. The Committee urges the State party to organize public campaigns to raise awareness about domestic violence, to criminalize spousal rape and to provide victims with shelters and adequate remedies.

282. The Committee urges the State party to continue to address, as a matter of urgency, the immediate nutritional needs of its population, including through international humanitarian assistance, and draws, in this regard, the attention of the State party to paragraph 14 of its General Comment No. 12 (1999) on the right to adequate food (art. 11 of the Covenant).

283. The Committee recommends that the State party continue taking steps to ensure that persons living in remote areas have progressively greater access to essential health services and, in this respect, draws the attention of the State party to its recent General Comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant). The Committee would appreciate information on a comparative basis, in the fourth periodic report of the State party, on the Health Sector Development Programme (1997) supported by the Asian Development Bank, as well as on progress made in improving the health status and health-care coverage of the population.

284. The Committee recommends that the State party seek to address, independently and through international cooperation, the problems it is facing in enhancing the quality of school curricula, and in addressing the educational difficulties confronting Mongolia, such as its high drop-out rate.

285. The Committee requests that the State party disseminate these concluding observations as widely as possible among its citizens.

286. The Committee requests the State party to address, in its fourth periodic report, the implementation of these concluding observations.

287. The Committee requests the State party to submit its fourth periodic report before 30 June 2003.