

MEMORANDUM OF UNDERSTANDING ON HUMAN RIGHTS

Between
the Government of Mongolia
and
the United Nations Country Team

all human rights for all

FIFTIETH ANNIVERSARY OF THE UNIVERSAL
DECLARATION OF HUMAN RIGHTS
1948-1998

Memorandum of Understanding On Human Rights

Between

**The Government of Mongolia
And
The United Nations Country Team**

All human beings - men and women - are born free and equal in dignity and rights.
(The Universal Declaration of Human Rights, Article 1)

Greater efforts are needed around the world, as well as in Mongolia, to ensure that the goals of the Universal Declaration of Human Rights, adopted in 1948, are realized for every individual. The Government of Mongolia and the United Nations (UN) Country Team in Mongolia are to the fulfillment of human rights and improvement in the living standards for the Mongolian population through support to democracy and socio-economic development.

This Memorandum of Understanding, being signed during the year of the 50th Anniversary of the Universal Declaration of Human Rights, aims to:

1. Reaffirm joint efforts of the Government of Mongolia and the UN Country Team to support human rights.
2. Provide more cohesive support by the UN Country Team to the promotion and protection of human rights in Mongolia around the common goals of advancing democracy and socio-economic progress.
3. Promote a better public understanding of the full range of human rights issues within the overall development process of the country.

Human rights in Mongolia

The new Constitution adopted in 1992 by the Mongolian Parliament has integrated international human rights standards and is key to the promotion and protection of human rights in the country. Major international human rights instruments have been ratified by the Parliament. In total, Mongolia is a party to 29 human rights international treaties, significant ones being:

- The International Covenant on Economic, Social and Cultural Right.
- The International Covenant on Civil and Political Rights.
- The Convention on the Elimination of All Forms of Racial Discrimination.
- The Convention on the Elimination of All Forms of Discrimination Against Women.
- The Convention on the Rights of the Child.

The Government's commitment to human rights is further embodied in a number of action plans adopted in follow-up to recent global conferences, such as:

- the Action Plan for Children, adopted in 1992, in follow-up to the World Conference on Children (New York, 1990),
- the National Action Plan for the Advancement of Women, adopted in 1996, in follow-up to the World Conference on Women (Beijing, 1995)
- the Mongolian Action Plan 21, adopted in 1998 in follow-up to the Earth Summit (Rio, 1992)

Mongolia's participation to the World Conference on Population and Development (Cairo, 1994) and to the World Social Summit (Copenhagen, 1995) further contributed to keeping social issues on the development agenda.

A draft law for the establishment of a National Commission for Human Rights is under review. This institution will be key for the promotion and protection of human rights by ensuring the conformity of national legislation with the fundamental principles of human rights prescribed in the Constitution and international treaties. It will also play an important role for dissemination of information and citizen's recourse.

Human rights achievements in Mongolia are quite impressive and have been reinforced with the democratisation process. Political freedom and democracy indeed greatly facilitate the ability of individuals to participate in the economic, social and political processes and hence to exercise their rights. Some concerns remain regarding the consolidation of the democratisation process, in particular in terms of building-up of civil society, including people's participation at the grassroots level, women's leadership, the role of the free press and adjustments of the penal system to international standards.

What is however of most concern regarding human rights relates to human development costs resulting from the transition process. A number of socio-economic issues, if not addressed successfully, might seriously undermine overall achievements in the respect of human rights. Growing poverty, decreasing access to and quality of basic social services, in particular in the health and education sectors, increasing gender disparities, rise of street children and potential discrimination associated with HIV/AIDS are all obstacles preventing people to fully enjoy their rights, including their right to development.

Government/UN Commitment to Human Rights in Mongolia

The celebration in 1998 of the Fiftieth Anniversary of the Universal Declaration of Human Rights challenges the Government and the UN Country Team to renew and strengthen their commitment to the promotion and protection of human rights, which is at the core of the UN mission and the Mongolian Constitution. The global conferences in recent years, including the World Conference on Human Rights held in Vienna in 1993, have all reaffirmed human development and promotion and protection of human rights as priority objectives for the international community.

In its partnership with the Government of Mongolia, the collective support from UN agencies to human rights in Mongolia - within their respective areas of competence - is articulated around the common goals of advancing democracy and socio-economic progress.

In the area of democracy, UN cooperation programmes support the Government's efforts in the following areas:

- **Building-up of civil society:** through capacity building of individuals, community groups and NGOs, people effectively expand their choices, become more aware of their rights and have greater participation in the overall political, social and economic development process. This support includes: awareness raising activities on human rights and democratic knowledge and practice; strengthening of channels for citizen recourse; strengthening capacity/understanding of local authorities on human rights and grassroots participation of citizens; and promotion of women's leadership.
- **Strengthening of the press:** a free and dynamic press serves as a channel for democratic governance, communication and education. UN Country Team support includes development of local media for a better press coverage in rural areas; development of professional standards through training, updating of technology and international exposure; and policy analysis activities for the development of the law on press freedom.
- **Strengthening of governance and the rule of law within the penal system:** UN support focuses on the reform of the prison system in order to bring existing legislation and practice in conformity with international standards.

In the area of socio-economic progress, UN cooperation programmes address human rights issues through support to the Government's initiatives for poverty alleviation and the provision of basic social services, with a special focus on disadvantaged groups. Through such a support, economic, social and cultural rights of people can be addressed and strengthened: this includes the right to development and decent living standards, the right to education, the right to health and reproductive health, to name a few. UN support is designed to help the Government to fulfil its international commitments on the advancement of women, the protection and development of children, population and development and social development. Areas of focus and support by the UN Country Team can be summarized as follows:

- **Poverty alleviation:** improvement of the living standards of people through provision of credit, skills training and public works, but also empowerment of people through participatory and community-based approaches; development of pro-poor social policies and strategies through a human development approach, a better knowledge of the causes of poverty and a more efficient allocation of resources.
- **Provision of basic social services:** development of a locally self-supporting primary health care system; expansion of the access to and quality of reproductive health services; expansion of the access to safe and affordable water and sanitation services; and promotion of decentralized education approaches and distance learning.
- **Gender disparities:** promotion of income-generating activities for women; and promotion of the health status of women through safe motherhood.
- **Street children:** support to preventive and rehabilitation services to urban street children;
- **HIV-AIDS and STDs:** support to effective national policy formulation and programme development, through revise legislation and policies, information, education and communication strategies and a surveillance system; and improvement of prevention and care for groups with high-risk behavior.

As a partner to the Government of Mongolia and in support of the Government's efforts on human rights, the UN Country Team will strive to assist Mongolia in the consolidation of democracy and the promotion of socio-economic progress. This agreement is a reaffirmation of the commitment of the Government and its partner agencies of the UN system to the fulfillment of all human rights for all in Mongolia. The detailed annexes to this agreement form an integral part of this agreement.



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Annexes

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Acronyms

CRC	Convention on the Rights of the Child
CEDAW	Convention against the Elimination of All Discrimination against Women
CHRE	Centre for Human Rights Education
IEC	Information, education and communication
MOE	Ministry of Enlightenment (Science, Technology, Education and Culture)
MOF	Ministry of Finance
MOHSW	Ministry of Health and Social Welfare
MOID	Ministry of Infrastructure Development
MOJ	Ministry of Justice
NCSD	National Council for Sustainable Development
NGOs	Non-government organisations
NSO	National Statistics Office
NPAC	National Poverty Alleviation Committee
SHD	Sustainable human development
STDs	Sexually-transmitted diseases
UNDP	United Nations Development Programme
UNESCO	United Nations Organisation for Education, Science and
UNFPA	United Nations Fund for Population
UNHCHR	United Nations High Commissioner for Human Rights
UNICEF	United Nations Fund for Children
WHO	World Health Organisation

	<ul style="list-style-type: none"> Promotion of women's leadership and gender awareness 	<ul style="list-style-type: none"> Building skills, confidence and opportunities for potential and existing women leaders through training and other support activities Advocacy through media, NGOs and academia, and collection, analysis, dissemination and use of data disaggregated by sex Promotion of women's participation in local decision-making through involvement of female head of households in human development activities at the grassroots level 	<p>UNDP</p> <p>UNICEF UNFPA UNESCO</p>	<p>to be determined</p> <p>MOHSW, MOE NSO, MOHSW MOF</p>
<p>Freedom of the press:</p> <ul style="list-style-type: none"> Preponderance of official sources in information dissemination Professional ethics 	<ul style="list-style-type: none"> Improvement of the press coverage and professional standards of journalism 	<ul style="list-style-type: none"> Development of local media through training of and dissemination of information to journalists in rural areas Building journalists' skills to become agents of change through the development of investigative techniques in journalism, exposure to international experience, updating of technology and awareness raising on development issues 	<p>UNDP, UNESCO</p> <p>UNDP UNFPA</p>	<p>Press Institute Mongol Radio</p> <p>Press Institute MOHSW</p>
	<ul style="list-style-type: none"> Development of the Law on Press Freedom. 	<ul style="list-style-type: none"> Policy analysis activities such as: press responsibility, citizen privacy, media as a channel for democratic governance communication and education (incl. subject like human rights, gender equity) 	<p>UNDP</p>	<p>Cabinet's Secretariat</p>
<p>Penal system:</p> <ul style="list-style-type: none"> Death penalty Prison conditions 	<ul style="list-style-type: none"> Reform of the prison system to bring existing legislation and practice in conformity with international standards 	<ul style="list-style-type: none"> Revised legislation, due treatment of prisoners and trained staff from penitentiary administration Democracy and human rights education for the staff of the penal system 	<p>UNHCHR</p> <p>UNDP</p>	<p>MOJ</p> <p>MOJ</p>
2.Socio-economic challenges	'Support to human rights through socio-economic development			

Poverty: <ul style="list-style-type: none"> • Exclusion of people • Income-generating opportunities 	<ul style="list-style-type: none"> • Improvement of living standards and empowerment of poor people 	<ul style="list-style-type: none"> • Poverty alleviation activities at the grassroots level (micro-credit, skills training, public works, etc.) • Development of micro-projects at the grassroots level with a human rights perspective • Promotion of community-based approaches 	UNDP UNESCO All agencies	NPAC MOF
	<ul style="list-style-type: none"> • Development of pro-poor social policies and strategies 	<ul style="list-style-type: none"> • Production of the Mongolia's First Human Development Report • Improvement of the knowledge of the causes and results of poverty • Development of a new social policy framework • Energy-efficient buildings using straw bales as insulator to reduce heating costs for a number of social services 	UNDP UNDP UNDP,WHO UNICEF UNDP	MOHSW NPAC MOHSW NCSD
Access to basic social services: <ul style="list-style-type: none"> • health • education 	<ul style="list-style-type: none"> • Increased access to and quality of basic social services, in particular for women, children and other disadvantaged groups 	<ul style="list-style-type: none"> • Establishment of a locally self-supporting primary health care system • Expansion of the access to and quality of reproductive health services; • Expansion of the access to safe and affordable water and sanitation services for the lower-income sections of the population 	UNICEF.WHO UNFPA UNDP	MOHSW MOHSW MOID

	<ul style="list-style-type: none"> • Support to prevention of school drop-out 	<ul style="list-style-type: none"> • Improvement of the quality of formal education system through the professional development of school teachers, making learning more relevant to the needs of children in a rapidly changing socio-economic context • Promotion of decentralized, community-based approaches that encourage families to enroll their children in schools and have them complete a basic education • Promotion of non-formal and distance education in rural areas • Support to children from poor families through the Local Development Fund and the Social Development Fund covering fees for school meals, books and other teaching materials 	<p>UNICEF</p> <p>UNICEF</p> <p>UNESCO UNICEF, UNDP</p>	<p>MOE</p> <p>MOE</p> <p>MOE NPAC</p>
	<ul style="list-style-type: none"> • Access to basic education for all 	<ul style="list-style-type: none"> • Expansion of the access to non-formal education for youth and adults through the use and development of distance education materials, management and administration at central and local levels 	<p>UNESCO</p>	<p>MOE</p>
<p>Gender disparities:</p> <ul style="list-style-type: none"> • Denial of basic rights as well as equality 	<ul style="list-style-type: none"> • To support women in their productive and social roles 	<ul style="list-style-type: none"> • Promotion and development of income generating activities through the Poverty Alleviation Fund and the Women's Federation and a participatory planning and execution process 	<p>UNDP, UNICEF</p>	<p>NCAP</p>
	<ul style="list-style-type: none"> • To promote the health status of women 	<ul style="list-style-type: none"> • Safe-motherhood 	<p>UNICEF</p>	<p>MOHSW</p>
<p>Street children:</p> <ul style="list-style-type: none"> • Denial of basic rights: health, education 	<ul style="list-style-type: none"> • Support to preventive and rehabilitation services to urban street children 	<ul style="list-style-type: none"> • Delivery of health and educational services; training of personnel; promotion of the participation of NGOs; training for women-headed households to acquire skills and resources to improve their livelihood 	<p>UNICEF</p>	<p>MOE</p>

HIV/AIDS: <ul style="list-style-type: none"> • Mandatory and non-confidential testing • Attitude towards affected people 	<ul style="list-style-type: none"> • Support effective national policy formulation and programme development 	<ul style="list-style-type: none"> • Review national legislation and policies concerning people affected by HIV/AIDS to ensure consistency with internationally accepted practice and non-discrimination • Improvement of national surveillance system as a tool for programme management, advocacy and intervention design • Development of IEC approaches and materials, especially for vulnerable groups • Exposure to international best-practice through study tours and participation in major international conferences on HIV/AIDS 	UNDP WHO UNICEF, WHO UNDP	MOHSW MOHSW MOHSW MOHSW
	<ul style="list-style-type: none"> • Improvement of STD prevention and care 	<ul style="list-style-type: none"> • Training for health workers on STD case management, including HIV pre- and post-test counseling and partner notification • Surveillance and care for groups with high-risk behavior 	UNFPA WHO	MOHSW MOHSW

1 Cross-cutting issues				
UN policy dialogue on human rights				
Implementation of and compliance with international instruments on human rights <ul style="list-style-type: none"> • Integration of international norms into national legislation; • Reporting to international treaty-bodies 	<ul style="list-style-type: none"> • Strengthening capacity to integrate constitutional and international human rights standards into national practice • Improvement of reporting frequency and quality 	<ul style="list-style-type: none"> • A functioning National Commission for Human Rights • Training and advocacy, including support to reporting requirements: UNCHR (general) UNESCO (human rights and local governance) UNICEF (rights of the child, CRC) UNDP (governance and social policies, WSS, Beijing and CEDAW) UNFPA (reproductive rights and ICPD+5) WHO (health right) 	UNHCHR	
	<ul style="list-style-type: none"> • Promotion of NGOs' role in human rights monitoring 	Advocacy for and involvement of NGOs in activities related to the above	UNICEF UNFPA	

Annex 1 Human Rights in Mongolia

Most of the major international human rights instruments have been ratified by the Parliament and international standards have been translated into national legislation. The adoption of a new Constitution in 1992 created a legal basis allowing for a multiparty system with free elections, a state structure with separate legislative, executive and judicial powers, as well as respect for human rights and fundamental freedoms. Political freedom and democracy greatly facilitate the ability of individuals to participate in the economic, social and political processes and hence to exercise their rights. A number of human rights groups operate openly, investigating and publishing their findings on human rights cases, while government officials are generally cooperative and responsive to their views. Mongolia's progress in democratisation is best demonstrated by the orderly transfer of power from the Mongolian People's Revolutionary Party to the Democratic Coalition following the June 1996 election and by a generally high participation in elections.

While democratic achievements can be consolidated in a number of areas, the situation is of greatest concern when considering human rights in relation to adverse socio-economic conditions, in particular poverty, affecting a growing proportion of the Mongolian population.

1.1. Democratisation challenges

- **Building-up of civil society and people's participation**

Various measures have been instituted by the government to ensure a more active participation of the population in the economic and political processes of the country. The Constitution, which guarantees the right of association, has encouraged the emergence of a wide range of social and community organisations. However, few NGOs have a proper national coverage, with outreach beyond Ulaanbaatar and in rural areas, except for organisations which were formed under the communist period. Rural populations tend to be familiar with organisations, whether public or private, characterized with a top-down approach and participatory self-help methodologies are yet to really emerge.

Not all groups of individuals are yet able to reach their full economic, social and political potential. Democracy on its own is not sufficient to ensure the participation of the poor and vulnerable in the economic and political processes of the country. Lack of infrastructure and low incomes imply that many people, in particular in remote rural areas and in growing pockets of poverty in urban areas, live in isolation from mainstream economic and social developments. The situation is of particular concern with respect to the representation of women in decision-making and public management as illustrated in the table below.

Women and Political Decision-Making¹(see Appendix 1)

	Total	Femal
Members of Parliament	76	7
Cabinet Members	9	0
State Secretaries	9	0
Aimag, city, soum, and district	373	9
Ambassadors	28	0
Chairpersons of aimag and city assemblies	22	0

- **Freedom of the press**

An increasing variety of newspapers and other publications have emerged representing various independent views. Both official and private media cover in general government

and opposition news. However, state-controlled media remain the largest organisations by far and independent media complain of unequal access to government information and officials. The role of the media as a bastion of free speech, the conceptualization of what constitutes news and information and the understanding of the public's right to timely and unbiased information are further challenged by both the professional capacity of the media and their material capacity to disseminate information in remote areas.

- **Adjustment needs within the penal system**

The Mongolian law retains the death penalty and an increasing use of this punishment has been reported over the past few years. A proposal from the Parliament Sub-committee on Human Rights for the abolition of the capital punishment was rejected in 1993 by the Parliament. The number of offences subject to death penalty was however reduced from eight to five with the amendments to the Criminal Code adopted in 1993. The prevailing situation in prisons is critical with reports of several dozens prisoners having died in custody from starvation, poor sanitation and medical care. With the continuing rise in crime and subsequent increase in the prison and pre-trial detainee population, severe crowding in both prisons and detention facilities is common, aggravating management and inadequate oversight as well as resource problems. There are also credible unofficial reports that police and prison officials sometimes beat and physically abuse prisoners and detainees.

1.2 Socio-economic challenges

Transition has brought enormous human development costs to Mongolia having a disproportionate adverse affect on women and children. Despite recent increases in GDP per capita, poverty has been increasing. According to the World Bank figures²(see Appendix 1), up to 36% of the population are currently living in poverty and 6% live in extreme poverty, consuming only 50% of the accepted minimum level of calorie intake. One out of four children suffers from undernourishment. Mongolia's drop from 88th to 100th place on the Human Development Index between 1992 and 1993 (currently on the 101st place) reflects the difficult social conditions. Unemployment has emerged as a major social issue and is most serious in aimag centers, which show few options for economic development and are among the poorest areas of the country. The impact of progressive cutbacks in public expenditure is of particular concern in the health and education sectors and for the quality of basic social services, while steps towards public sector reforms and efficiency gains have not yet resulted in the expected benefits.

- **Growing poverty**

Poverty and vulnerability to poverty have increased in Mongolia, both in number of people and in the proportion of the total population. Poverty does not reflect only a lack of income and access to basic social services, but most importantly, leads to exclusion from employment, housing, education, health and social and political participation. Such exclusion reduces opportunities for and the ability of individuals to enjoy their fundamental rights and freedoms. An increasing number of Mongolians have become marginalized without any real opportunity to benefit from the opportunities of the free market and reverse their poverty. Children of deprived parents are deprived themselves in terms of nutrition, living conditions, access to health and education and awareness of their rights.

- **Decreasing provision and quality of basic social services**

Budgetary constraints have forced the government to cut back on real per capita expenditure on health care by 42 percent and on education by 53 percent between 1991 and 1996. The various measures taken to rationalize expenditure in these sectors, improve efficiency and ensure continued access to services have not been able to stem the deterioration of health and education services, particularly in rural areas.

Diseases have been on the rise in recent years as a result of a drop in immunisation coverage and deteriorating living conditions. Lack of safe water and basic sanitation is affecting an estimated of 650,000 Mongolians who do not have access to safe water and a further 552,000 with no access to basic sanitation. A particular source of concern is the increase in maternal deaths in recent years - with maternal mortality rates in rural areas being twice as high as in urban areas - caused by the closure of half the maternity homes and a rapid rise in abortions under unsafe conditions. A nation-wide health insurance scheme has been put in place, with a welfare system for those unable to afford insurance costs. However, all users are charged a basic fee for use of services and for the purchase of medication. As a result, the burden of health care is proportionately higher for the poorest 40 percent of the population, preventing them to consult a health facility when needed.

In the education sector, the impact of budget cuts can be felt both in reduced access to facilities and in the quality of education. Although literacy and education levels continue to be high, school drop-out is increasing - up to 50 percent in some areas - and school enrolment rates are falling, affecting in particular boys. Working conditions have deteriorated for teachers, who are leaving the profession to seek better opportunities in the private sector. There are also concerns with the current educational system, which may not be adequate to foster appropriate skills for the needs of the market economy. Again, there is evidence that limited public resources used to subsidise the education sector are not benefiting primarily the poorest segments of the population.

- **Increasing gender disparities**

Gender issues were given some degree of priority during the socialist regime, with a relatively high public representation of women and provision of adequate social services that enabled women to have a strong presence within the labour force. The status of women in Mongolia has deteriorated since 1990 despite a generally high level of education. Women have been disproportionately affected by unemployment, poverty and decline in health status. Women are losing more jobs than men, with data for 1996 showing that 60% of the unemployed are women. The number of female-headed households continues to increase, currently constituting about one quarter of households living below the poverty line. The decline in rural health services has resulted in an increase in maternal mortality rates. Violence is becoming an increasing concern to women, both on the streets and in the family. These disparities hold back women's ability to exercise their rights and have an effect on the whole range of rights, not only for themselves but also for their children and the entire society. Prevailing social relations and attitudes hinder women's participation in leadership and public management. The low representation of women in decision-making and the lack of gender awareness among policy makers means that the specific problems, needs and interests of half the population are not adequately addressed in policy, planning and implementation of national programmes.

- **Street children**

About 50 percent of the poor are made up of children and adolescents. Urban areas have experienced a visible rise of the number of street children who scratch a living from ad hoc activities such as shoe shining and trading, or from begging. Current estimates put the number of children living on streets at about 4,000 of which 60 percent are in Ulaanbaatar and 30 percent are girls. It is not just poverty that leads a child to leave home for the streets, but the tensions resulting from poverty. Many street children come from not only poor households but also disrupted homes. Living on the verge of marginalization, street children are denied the enjoyment of all their rights and fulfillment of all their basic needs.

- **Threat of HIV/AIDS and Sexually Transmitted Diseases (STDs)**

The rapid socio-economic transition is associated with dramatic changes in nearly all aspects of civil society, including sexual behavior and a growing commercial sex industry. Documented STD rates are high and continue to rise. The continuing trend towards earlier initiation of sexual activity means that a substantial number of young people, young women in particular, are at risk of STD infection. High abortion rates highlight the reliance on abortion as a birth control method, low awareness of contraceptive choices and limited access to reproductive health services. International experience shows that the spread of HIV and other STDs are fuelled by factors such as poverty, migration, unequal status of women, which are widely present in Mongolia today. Both the authorities at various levels and the population have yet to fully realize the risk of HIV/AIDS and remain unclear about the impact and sufferings caused by HIV/AIDS. Professional capacity remains scattered among different institutions, inhibiting effective use and development of human resources required for a strong national response. Such a situation might easily lead to the discrimination of people affected by HIV/AIDS, including the introduction of mandatory and non-confidential testing and attitudes in general towards affected people.

Annex 2 Institutional Framework to Address Human Rights in Mongolia

Significant political changes in the then Mongolian People's Republic began in 1990. In March 1990 Mongolia's Parliament, the People's Great Hural, abolished the constitutional guarantee of the leading role of the Mongolian People's Revolutionary Party, which had held power as the sole legal political party since the proclamation of the People's Republic in 1924. In May 1990 the People's Great Hural approved a law on political parties and amendments to the electoral law, which entrenched a multi-party political system.

2.1 The Constitution

The Mongolian Parliament organized in 1991 an international conference on the draft Constitution and the final text adopted by the People's Great Hural in 1992 incorporates human rights provisions which include many of the principles contained in international standards. It also provides for the priority of international treaties over domestic legislation, which has to be amended accordingly subsequent to ratification of international instruments.

Human rights and freedoms

The 1992 Constitution recognises:³(see Appendix 1)

- The principle of non-discrimination against on the basis of ethnic origin,
- language, age, race, sex, social origin and status, property, occupation, title, religion, conviction, education
- Equality of men and women
- The duty of the State to ensure democracy, justice, freedom, equality and the respect of law
- Right of the people to participate in the governing of the State, either directly or through representative bodies;
- Right to freedom of association and political participation, including the submission of petitions and complaints to State bodies;
- Right to seek and receive information
- Right to freedom of religion, conscience, opinion, speech and press;
- Right to life, health and safe environment
- Right to fair acquisition, possession and inheritance of property
- Right to work, education and access to medical care;
- Freedom of movement
- Right to a fair and open trial, as well as opportunity to appeal.

"The State shall be responsible before citizens to create economic, social, legal and other guarantees for ensuring human rights and freedoms, to fight against violation of human rights and freedoms and to restore infringed rights."

2.2 Electoral Platform of the Democratic Coalition

The Democratic Coalition of the Mongolian National Democratic Party and the Mongolian Social Democratic Party committed itself in 1996 to a number of human rights related issues. Some of these are: freedom of the press; independence and (re)training of the judiciary; strengthening of the penal policy for crimes against disadvantaged groups; regulations for the infliction of measures of restraint; law on NGOs and establishment of a formal institution for human rights. The Democratic Coalition having won the 1996 elections, the subsequent programme of action of the government focuses on the deepening of the legal reforms. These include measures to ensure guarantees for the protection and promotion of human rights, to increase the effectiveness of and accessibility for the general public to legal services and the establishment of a formal institution for human rights. This programme has not been changed by the replacement of the Government Cabinet in April 1998.

2.3 Parliamentary Sub-Committee on Human Rights

The Parliamentary Sub-Committee on Human Rights was established in 1994 under the Standing Committee on Legal Affairs to address growing pressure from public opinion on human rights. It is however only with the new Parliament elected in 1996 that the sub-committee became active, since it was provided with a proper composition of 11 members. Its role is to monitor the implementation of international treaties on human rights which have been ratified by the Mongolian Parliament and to review new legislation to ensure their conformity with international standards and constitutional provisions on human rights. The members of the sub-committee have played an active role in parliament working

groups dealing with issues such as criminal procedures or the family code. However, the sub-committee spends most of its time dealing with numerous petitions from the public and coordinates the preparation of answers with different state organisations.

2.4 Constitutional Court (Tsets)

The Constitution provides for the establishment of a Constitutional Court, which has emerged as a guarantor of democracy and human rights. It reviews the conformity with the Constitution of laws of the Parliament, decrees of the President and referendum and decisions by central electoral organisations on elections and provides judgments on disputes arising from violations of the Constitution. It can be approached directly by citizens, or the President, the Parliament, the Supreme Court, the Prime Minister or State Prosecutor General.

The Constitution also lays down the foundation for an independent judiciary to oversee the rule of law, with courts established down to the district level and a Supreme Court to resolve important issues. Administrative Courts for citizen recourse are under review.

2.5 National committees and organisations, including NGOs

The Ministry of Justice is responsible to ensure the enforcement of laws, including human rights related legislation. The Ministry of External Relations plays an important role in coordinating Mongolian participation in and follow-up to international human rights and events. The Youth, Women and Family Department, within the Ministry of Labour and Social Welfare has responsibility for coordinating policy on women and children issues. Their work has limited impact due to lack of financial resources and the low status of their agency within the government which prevents them to influence policies in other ministries.

A National Council for Women was established by the Government in November 1996 to take responsibility for the overall implementation of the National Plan of Action for the Advancement of Women. The Council is chaired by the Minister of Health and Social Welfare and members represent a wide range of organisations including: state secretaries and heads of departments from several ministries, members of Parliament, President's advisors, the State Statistical Office, media, NGOs and international funding agencies. The Council has met only once since its establishment and the lack of funding and adequate staffing for its secretariat makes follow-up of agreed action very difficult. Women's NGOs are performing significantly and increasingly important advocacy, oversight, civic education and service delivery functions. There are currently 30 women's NGOs which are all contributing to the implementation of the National Plan of Action. In addition, 8 NGOs have joined efforts under the National Networking on CEDAW Monitoring to monitor and evaluate the government fulfillment of their responsibilities on the promotion and implementation of the Convention, including counter-reporting to the CEDAW treaty-body.

The National Council for Children headed by the Prime Minister was established in the framework of the Law on the Protection of the Rights of the child, to formulate the state policy for the development and protection of children, to mobilize social resources for the implementation of the policy and to coordinate activities of child related organisations. Coordination among ministries remains however unsatisfactory. A number of NGOs are working for children and the newly-established Mongolian Child Rights Centre and National Child Rights Centre have a particular focus on the implementation of various rights of the child in the CRC framework.

A National Commission Committee headed by the Minister of Justice was established in 1997 for the commemoration of the 50th Anniversary of the Universal Declaration of

Human Rights. It is composed of representatives from the Ministries of External Relations, Health and Social Welfare, Education, the State University, national media, human rights NGOs, the Mayor of Ulaanbaatar and the UNHCHR Project Coordinator. Proposed activities to be undertaken during a two-year period are related to advocacy, education and legislation and will culminate in a national conference on human rights to be organised in December 1998.

2.6 National Commission on Human Rights (to be established)

A draft law to establish the Mongolian Human Rights Commission is currently under consideration by the Parliament. The first draft was reviewed at an international conference on the occasion of the 1997 Human Rights Day. This institution will act as a catalyst and guarantor of promotion and protection of human rights by ensuring that national legislation and administrative acts are in conformity with the fundamental principles of human rights prescribed in the Mongolian Constitution and international treaties ratified by Mongolia.

To fulfill its mandate the Commission will be competent in the following areas:

- public awareness, coordination of human rights programmes and sources for human rights information;
- review of laws and administrative practices' consistency with human rights standards;
- advice and recommendations to the government on human rights matters investigation of violations of human rights on the basis of complaints or at its own initiative;
- monitoring of compliance with, ratification of and reporting under international human rights instruments.

Annex 3 Human Rights Treaty Obligations

Mongolia is a party to the following human rights treaties:⁴ (see Appendix 1)

International Bill of Human Rights:

1. International Covenant on Economic, Social and Cultural Rights (Adopted in 1966/ ratified by Mongolia in 1974)
2. International Covenant on Civil and Political Rights (1966/1974)
3. Optional Protocol to the International Covenant on Civil and Political Rights (1966/1991)

Prevention of discrimination:

4. Equal Remuneration Convention (1951/1969)
5. Convention Against Discrimination in Education (1960/1964)
6. International Convention on the Elimination of All Forms of Racial Discrimination (1965/1969)
7. Discrimination in Employment and Occupation Convention (1959/1969)
8. International Convention on the Suppression and Punishment of the Crime Apartheid (1973/1975)
9. International Convention Against Apartheid in Sports (1985/1987)

Rights of women:

10. Convention on the Political Rights of Women (1952/1965)
11. Convention on Maternity Protection (1952/1969)
12. Convention on the Elimination of All Forms of Discrimination Against Women (1979/1981)

Rights of the child:

13. Convention on the Rights of the Child (1989/1990)

Slavery, servitude and forced labour:

14. Slavery Convention of 1926 (as amended) (1953/1968)
15. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956/1968)

Freedom of association:

16. Freedom of Association and Protection of the Right to Organize Convention (1948/1969)
17. Right to Organize and Collective Bargaining Convention (1949/1969)

Employment:

18. Convention on Minimum Age for Admission of Children to Industrial Employment (1937/1969)
19. Employment Policy Convention (1964/1976)
20. Convention on Minimum Age for Admission to Employment Underground in Mines (1967/1981)

Marriage and family:

21. Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962/1991)

War crimes and crimes against humanity:

22. Convention on the Prevention and Punishment of the Crime of Genocide (1948/1969)
23. Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (1968/1969)

Humanitarian law:

24. The four Geneva Humanitarian Conventions:
25. Convention on the Amelioration of the Condition of the Wounded and the Sick in Armed Forces in the Field (1949/1958)
26. Convention on the Amelioration of the Condition of the Wounded, Sick AND Shipwrecked Members of Armed Forces at Sea (1949/1958)
27. Convention on the Treatment of Prisoners of War (1949/1958)
28. Convention on the Protection of Civilian Persons in Time of War (1949/1958)
29. The First Additional Protocol to the Geneva Humanitarian 4th Convention (1977/1995)
30. The Second Additional Protocol to the Geneva 4th Humanitarian Convention (1977/1995)

Mongolia is a party to none of the 20 human rights instruments related to the administration of justice. UNHCHR is however advocating for Mongolia to ratify three other major international human rights instruments:

- The Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)
- The Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- The 2nd Protocol to the Covenant on Civil and Political Rights (1989), aiming at the abolition of death penalty

Five of the treaties to which Mongolia is party require regular reporting to the treaty bodies⁵(see Appendix 1) on the measures adopted which give effect to the rights recognized and on the progress made on the enjoyment of those rights.

Instrument	Adoption/entry into force	Ratification by Mongolia	Reporting frequency	Previous/latest report
The International Convention on the Elimination of All Forms of Racial Discrimination	1989/1990	1969	Every 2 years	1986/1998
The International Covenant on Civil and Political Rights	1966/1974	1974	Every 5 years	1988/1998
The International Covenant on Economic, Social and Cultural Rights	1966/1974	1974	Every 5 years	1986/1998
The Convention on the Elimination of all Forms of Discrimination against Women	1979/1981	1981	Every 4 years	1987/(1998)
The Convention on the Rights of the Child	1989/1990	1990	Every 5 years	19927(1998)

As reporting to international treaty-bodies has been lagging behind for a number of years, the implementation status of these various treaties is difficult to assess, except for the CRC. The 1992 Constitution together with the democratisation process provides however a sound basis for compliance with international standards on human rights set forth in the two International Covenants. The adoption of the National Plan of Action for the Advancement of Women in follow-up to the Beijing Conference might be a useful tool to renew the focus on issues of gender equality and hence to contribute to a better promotion and implementation of CEDAW provisions. The Mongolian Government has paid remarkable attention to elaborate national laws and regulations in accordance with the rights of the child and their interests since the initial report on the implementation of CRC was considered by the Committee on the Rights of the Child in Geneva in January 1996. CRC provisions have been reflected in national laws with the adoption in 1996 of the Law on the Protection of the Rights of the Child. The adoption of this law has led to several amendments and changes to other laws such as the Family Law, Labour Law and Criminal Code. However, systematic and comprehensive data collection and identification of appropriate indicators for the monitoring of CRC implementation still need to be developed.

In addition, Mongolia has entered into a number of international commitments which have relevant implications in terms of promotion and protection of human rights:

- **World Summit for Children** (New York, 1990)

In follow-up to the Declaration on Survival, Protection and Development of Children, the Government has developed a National Programme of Action for the Development of Children providing sectoral guidelines for the achievement of children's welfare. Goals and performance indicators, together with resources requirement, have been set in the areas of health and nutrition, education, water supply and sanitation, childhood disability, children in difficult circumstances and women's welfare, with the objectives of reducing

infant mortality and malnutrition, increasing access to basic education and reducing adult illiteracy. The Government has allocated 2,1 billion Tugrik for the implementation of this programme. The CRC ratification by Mongolia consolidates the scope for the improvement of children status.

- **United Nations Conference on Environment and Development** ("Earth Summit", Rio, 1992)

At the Earth Summit, 178 nations, including Mongolia, adopted what is now called Agenda 21 as a blueprint for guiding their efforts to develop sustainable approaches to economic, environmental, and social systems. The concerns of Agenda 21 and sustainable development have been translated to the Mongolian context in the Mongolian Action Programme 21 (MAP 21), which was launched in the spring 1998. Some of the goals to be achieved through sustainable development have a clear human rights dimension:

- developing and strengthening of the democratic system which ensures human rights, personal freedoms and the full development of the individual;
- pursuing of socially oriented policies aiming at social justice, supporting economic growth and providing minimum standard living conditions, quality of life and opportunity for all;
- gender equality.

- **International Conference on Population and Development** (Cairo, 1994)

In its country report on population and development, the Government of Mongolia reaffirms its commitment on maternal and child health putting emphasis on the timing and spacing of births as important factors for reducing maternal mortality. Although traditionally population growth has always been encouraged, Mongolia is now pursuing a policy which puts priority on . qualitative indicators, focusing on the reduction of maternal and child morbidity and mortality rates. Particular attention is provided to vulnerable groups, such as youngsters, disabled people and the elderly, households affected by poverty and to the prevention of HIV/AIDS. Increasing attention is also paid to population research and the coordination between population policy and socio-economic development planning.

- **World Social Summit** (Copenhagen, 1995)

The emergence of extensive poverty during the early years of the transition demanded a concerted programmatic response from the Government. The National Poverty Alleviation Programme (NPAP) was developed in 1994 as a comprehensive multi-sect oral initiative, combining policy coordination at the national level with targeted income-generation, social services and safety net provision at the grassroots level. NPAP was designed to mobilize and utilize both national and international resources more effectively for the purpose of diminishing the incidence of poverty in Mongolia and reverse the increasing trends of human deprivation and human capital erosion. The overall objective was to reduce the poverty rate to less than 10% by the year 2000. An estimated US\$ 80 million would be necessary over a 6-years period to achieve the objectives of NPAP. In its National Report to the World Summit for Social Development, the Government reaffirms the socio-economic development objectives for Mongolia set forth in NPAP.

- **World Conference on Women** (Beijing, 1995)

The Government of Mongolia formulated in 1996 a National Plan of Action for the Advancement of Women to serve as the government policy document, outlining its strategy to the year 2020. It aims to mobilize social resources to create equal opportunities for women to live in peace throughout their lives, to protect their health, to be educated and to participate fully in political, economic and social life, including their participation in the decision making process. In 1998, the Government has for the first time allocated 30 million Tugrik for the implementation of the National Action Plan.

Annex 4 UN mandate in the promotion and protection of human rights

Human rights are central to the UN mandate, with the respect of human rights as one of the purposes of the UN Charter, along with international peace and security. The Universal Declaration of Human Rights, and the subsequent Covenant on Economic, Social and Cultural Rights and Covenant on Civil and Political Rights adopted in 1966 - which make up together the International Bill of Rights - codified and gave a legal existence to human rights. A number of other instruments - including the Convention on the Elimination of All Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC) - have been adopted since then.

The interdependence between human rights and development has been recognized by the General Assembly in its 1986 Declaration on the Right to Development. In reiterating the rights to an adequate standard of living and to pursue economic, social and cultural development, all international instruments on human rights implicitly link human rights with development. The Declaration on the Rights to Development however clearly states for the first time that development itself is a human right. The Vienna Declaration on Human Rights further strengthens such a statement in proclaiming that "the right to development is an inalienable human right and an integral part of fundamental human freedoms". The right to development implies that human rights must be respected during the process of development. Not only must development agencies avoid projects, which infringe on human rights but to the extent possible, they should seek to support projects that both contribute to socio-economic development and enhance the enjoyment of the full range of human rights.

The 1993 World Conference on Human Rights held in Vienna indeed brought a new vision of human rights, extending the spectrum of human rights to include social and economic rights alongside civil and political rights. From an institutional point of view, the Vienna Conference contributed to the creation of the position of a UN High Commissioner for Human Rights to head the UN human rights system. The new vision, in bringing together morality and practicality and reconciling individual empowerment and global development, permitted the international community to venture into areas of human rights which in the past were considered taboo. The Programme of Action of the International Conference on Population and Development and the Platform for Action of the Fourth World Conference on Women illustrate how these conferences were successful in addressing some of the most questions of human rights.

Sustainable human development (SHD), the central paradigm to the development approach of the UN and UNDP in particular - provides a useful framework for the promotion and protection of human rights. SHD which aims at expanding the choices for all people: women and men, present and future generations - places people at the centre of development and views human beings as both means and end of development. The central purpose of SHD is to create an environment in which all human beings lead secure and creative lives. SHD is thus directed towards the protection against the violation of human dignity and rights, promoting equitable opportunities for all and thereby promoting the realization of all human rights - economic, social, cultural, civil and political. Human rights and SHD are interdependent and mutually reinforcing. SHD enhances a country's ability to protect and promote human rights; conversely, the respect for human rights greatly contributes to creating an enabling environment for sustainable human development.

Human rights instruments not only create legal obligations for countries which are parties to them, but also roles, functions and obligations for the UN system. The need for integration of human rights into UN activities and programmes was reaffirmed recently by

the Secretary General in his Reform Programme. The challenge for the UN and development partners in the 21st century will be to put human rights into practice and fully apply a rights-based approach, so that human rights is not a mere lifeless reference to legal documents but a living reality to promote human well being and fulfillment.

UNHCHR

The UN Centre for Human Rights - recently renamed the Office of the UN High Commissioner for Human Rights - was created to provide back up and support for the monitoring bodies of international instruments on human rights, and most importantly, to run a UN programme in technical assistance and advisory services in the field of human rights. UNHCHR therefore provides support, at the request of governments, to concrete projects aimed at the establishment or strengthening of democratic institutions and national and regional infrastructures for the protection of human rights under the rule of law.

Cooperation between UNHCHR and the Government of Mongolia began in the early 1990s within the overall process of democratisation of the country, including: advisory services for the drafting of the new Constitution; financial assistance for the translation into Mongolian and publication of a compilation of international human rights instruments ratified by Mongolia; and training on international human rights standards and national legislation.

In 1994, a comprehensive programme of technical assistance was developed in the field of human rights, focusing on strengthening the independence of the judiciary and the revision of the Criminal Code. Support continues to be regularly provided for the translation, publication and distribution of international human rights instruments. In late 1997, a booklet containing a series of lectures devoted to the 50th anniversary of the Universal Declaration of Human Rights was prepared and distributed to various institutions in the country. A new project was signed in May 1998 with the objective to further increase human rights awareness in civil society, to provide technical assistance for prison reforms, and to support the establishment of the National Commission of Human Rights.

UNESCO - Education for All

UNESCO is mandated to serve as an organisation for international "intellectual cooperation" between peoples and nations through education, science, culture and communication. The human rights falling under UNESCO's competence are essentially the following:

- the right to education;
- the right to share progress in scientific advancement;
- the right to participate freely in cultural life;
- the right to information, including freedom of opinion and expression.

UNESCO played a key role for the organisation of and follow-up to the World Conference on Education for All, which was held in Thailand in 1990. The purpose of the Conference was to mobilize the international community to ensure the right to education so that every person be able to benefit from educational opportunities designed to meet their basic learning needs, as stated in the World Declaration on Education for All adopted by the Conference. The underlying principle commonly accepted is that without at least basic education, individuals are ill equipped to know about and exercise other human rights. As a contribution to the celebration of the 50th Anniversary of the Universal Declaration on Human Rights, UNESCO has adopted an Action Plan which aims at giving a new impetus

to human rights education and at mobilizing young people for the cause of human rights.

In Mongolia, UNESCO is providing support to decentralization in rural areas through the reinforcement of local administration and community participation and to distance education at the grassroots level in rural areas.

UNICEF - the Convention for the Right of the Child

Considering that the survival, protection and development of children are universal development imperatives that are integral to human progress, UNICEF's mandate is to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. UNICEF is guided by the Convention on the Rights of the Child and strives to establish children's rights as both enduring ethical principles and international standards of behavior towards children. The promotion of equal rights for women and girls and the support of their full participation in the political, social and economic development of their communities are also at the centre of UNICEF country programmes.

The product of many years of study, discussion and negotiation by governments, UNICEF and numerous other organisations, CRC has broken all records as the most widely ratified human rights treaty in history. Work on its drafting began in 1979 - the International Year of the Child - by a working group established by the Commission on Human Rights. After CRC was unanimously adopted by the UN General Assembly on 20 November 1989, it was opened for signature on 26 January 1990. That day, 61 countries signed it, a record first-day response. Only seven months later, on 2 September 1990, CRC entered into force after the 20th State had ratified it. Ratification by only two more countries is needed for CRC to become the world's first universally-ratified human rights treaty.

In Mongolia, UNICEF is addressing the rights of the child through programmes in key areas such as health, education, nutrition, women and children in especially difficult circumstances.

UNDP - Sustainable Human Development

During the 1990's UNDP expanded its work to include activities in the sphere of civil and political rights, including development of civil society, empowerment of citizens and participatory development. Together with the evolution of the concept of sustainable human development and the broadening of UNDP activities in the field of governance, the UNDP programme embraces all human rights, even if its activities are only seldom articulated in these terms. A UNDP Human Rights Policy was adopted in early 1998 with the aim of mainstreaming human rights into the organisation's work. Since 1990, UNDP has made a major contribution to the development debate through its annual Human Development Report, putting people at the centre of development.

In Mongolia, several of the special areas of focus under UNDP's Partnership for Progress Initiative directly address the integration of human rights in development. Disadvantaged groups are targeted through specific activities such as poverty alleviation programmes. Effort is being made to ensure people's participation in the development process by supporting people's organisations and by seeking ways to involve the people at all stages of programme formulation and implementation. Efforts are being redoubled to integrate women in development programmes as participants and beneficiaries and training programmes are conducted to overcome the lack of understanding of gender issues, a main obstacle to the inclusion of women in development. Concern for human rights is also reflected in public management programmes, which address issues of decentralization, accountability, transparency and people's participation. Environmental awareness helps to ensure that today's development does not compromise the ability of future generations to meet their needs, a dimension of human rights part of the Agenda 21. Other UNDP-supported programmes link questions of social justice and development, such as the

HIV/AIDS programmes, which seeks to increase understanding of the epidemic and to prevent discrimination against affected people.

UNFPA - Reproductive rights

UNFPA assists developing countries to improve reproductive health and family planning services on the basis of individual choice and to formulate population policies in support of efforts towards sustainable development. UNFPA's work is guided by and promotes the principles of the Programme of Action of the International Conference on Population and Development held in Cairo in 1994. With the acceptance of universal access to reproductive health information and services as a goal to be reached by 2015, reproductive and sexual health was formally recognized as a human right. The strategy endorsed in Cairo emphasizes the numerous linkages between population and development and focuses on meeting the needs of individual women and men rather than on achieving demographic targets. Key to this new approach is empowering women and providing them with more choices through expanded access to education, health services and employment opportunities.

UNFPA supports the principle reaffirmed at the International Conference on Population and Development, that all couples and individuals have the basic human right to decide freely and responsibly the number and spacing of their children and to have the information, education and means to do so. The safeguarding and promoting of reproductive rights, and the promoting of the well-being of children, especially girl children, are development goals in themselves. Meeting these goals will contribute to improving the quality of life and to the universally accepted aim of stabilizing world population, reinforcing efforts to achieve sustained and sustainable social and economic development that meets human needs, ensures well-being and protects the natural resources on which all life depends.

Support to reproductive rights in Mongolia is achieved through programmes that:

- help ensure universal access to reproductive health, including family planning and sexual health, to all couples and individuals,
- support population and development strategies that enable capacity-building in population programming and promote awareness of population and development issues;
- advocate for the mobilization of resources and political will necessary to accomplish UNFPA's areas of work.

WHO - The Right to Health

The celebration in 1998 of its 50th Anniversary provides WHO with an opportunity to reaffirm its mandate. Health is recognized as a fundamental human right in the WHO Constitution. The right to health has yet to receive the full attention it deserves and to be brought into the mainstream of human rights promotion and protection. WHO plays an important role in ensuring the implementation of articles from international human rights instruments addressing health and health related issues and the translation of the language of these instruments into reality:

- in collaboration with treaty bodies, clarification of what is meant by the right to health and what it implies for signatory states;
- cooperation with member states in addressing the protection and promotion of health and human rights;
- development of health and human rights programmes for health professionals, to sensitize them to the health and human rights dimensions of their every day work;
- availability of health data and information to human rights organisations, treaty bodies and NGOs as a powerful indicator of the enjoyment or denial of human rights.

The call for Health for All remains the cornerstone of WHO institutional vision. Health for All was defined in 1977 as the main social target of governments and WHO: attainment by all citizens of the world by the year 2000 of a level of health that would permit them to lead socially and economically productive lives. Health for All in the 21st Century was discussed at the World Health Assembly in May 1998 as a continuation of the Health for All process which needs to be updated to take into account the global changes of the last 20 years and to reflect the outcomes of recent UN summits and world conferences. WHO in Mongolia is collaborating closely with the Government on health policy reforms as well as interventions in support of service delivery, with emphasis on maternal and child health.

Annex 5 List of current UN projects supporting human rights in Mongolia

Agency /Project	Civil society	Press	Penal system	Poverty	Basic services	Women	Street children	HIV/AIDS	Follow-up reporting
UNHCHR									
Strengthening national infrastructures for human rights	XXX		XXX						XXX
UNESCO									
Human rights, local democracy and development Non-formal basic distance education	XXX	XXX		XXX	XXX	XXX			
UNICEF									
CRC monitoring & evaluation	XXX								XXX
Community-based primary education	XXX				XXX				
Professional development of primary school teachers					XXX				
Street & neglected children							XXX		
Community and health	XXX				XXX			XXX	
Safe motherhood					XXX	XXX			
Breast-feeding and growth					XXX	XXX			
UNDP									
Decentralization and democracy	XXX								
Governing institutions	XXX	XXX	XXX						
Women's leadership (pipeline)	XXX					XXX			XXX
Strengthening of journalism		XXX							
Media and advocacy	XXX	XXX							
Poverty alleviation programme	XXX			XXX					
PAP/Women's support				XXX		XXX			
PAP/Pre-school strengthening				XXX	XXX				
Water and sanitation				XXX	XXX				
Energy-efficient social services				XXX	XXX				
Social Policy Development				XXX	XXX				XXX
HIV/AIDS								XXX	
MAP 21	XXX								XXX
UNFPA									
Reproductive health management					XXX	XXX			
RH services, incl. Adolescent services	XXX			XXX	XXX	XXX		XXX	
RH advocacy	XXX	XXX			XXX	XXX			XXX
Reproductive health clinic-fee for services				XXX	XXX	XXX		XXX	
Population & development strategy and advocacy	XXX			XXX					XXX
Data processing, analysis and dissemination									XXX
Population and RH database									XXX
WHO									
Community-based health services	XXX				XXX				
(Non)-Communicable diseases					XXX				
Essential drugs and immunization					XXX				
National health system and policies				XXX	XXX				
District health systems	XXX			XXX	XXX				
Healthy environment									
STDs/AIDS									XXX

Annex 6 Partial lists of relevant activities by other donors

- **Asian Development Bank (ADB):**
 - Institutional strengthening of local government and decentralization (1997-1998)
 - Social safety net (pipeline)
- **European Union (TACIS):**
 - Training for Mongolian journalists in election coverage (1996)
 - Role of media for democracy (1996)
 - Decentralization of the decision-making within the Mongolian Women's Federation (1996)
 - Participatory democracy (1997-1999)
 - Community house for integrative prison and rehabilitation (1996-1998)
- **AUSAID (Australia)**
 - Support to the establishment of the Centre Against Violence (1995)
- **DANIDA (Denmark)**
 - Support to the establishment of the Press Institute
 - Decentralization, human rights and development (funding to UNESCO)
 - Education for all: distance non-formal education (funding to UNESCO)
- **GTZ (Germany)**
 - Self-help in rural areas
- **ODI (UK)**
 - Prevention of school drop-out (1998-1999)
 - Promotion of access to STDs prevention and reproductive health care for vulnerable children (1998-1999)
 - Emergency night shelter provision for street children and training of local volunteer staff (1998-1999)
 - Support to female-headed households through the NPAP Women's development fund (1998-1999)
- **USAID (USA)**
 - Strengthening of civil society (1991-1998)
 - Political party and parliament professionalisation (1997-1998) Strengthening of the rule of law and governance (1997-1998) Rural civil society programme (1998) Support to NGOs working in reproductive health (1995-1998)
- **The Asia Foundation**
 - Legal reforms and judicial education,
 - Development of civil society (including NGOs)
- **The Soros Foundation**
 - Media programme: role of media for democracy and support to strengthening of the independent press
 - Civic education programme: development of secondary school curriculum on human rights and democracy; introduction of child-centered teaching methodologies and promotion of community involvement in pre-schools and elementary schools; and support to research and education on human rights
 - Education reforms programme: provision of training and research opportunities to the faculties of social science and humanities

Human rights

Human rights are inherent in the human person and are essential to the well being of every human being. Founded on fundamental and inviolable standards, they are universal and inalienable. Human rights are not merely the desirable outcome of a prosperous and peaceful world: guaranteeing human rights is the essential foundation for well-being in other areas, including lasting and sustainable economic development and peace.

The right to development

The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. It has its foundation in the Universal Declaration for Human Right which states that: "Everyone ... is entitled to the realization of economic, social, cultural rights indispensable for (his) dignity."

The right to development as stated above has the following implications:

- right of people to self-determination;
- the human person as the central subject of development
- steps to be taken by States to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights
- ensuring equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income
- promotion of people's participation as an important factor in development and in the full realization of all human rights

At the World Conference on Human Rights in Vienna, in 1993, the link between the right to development and the different categories of human rights was reaffirmed and was linked to the collective obligation of the international community. The Vienna also calls for equitable economic relations among States and a favorable economic environment at the international level. Individual countries themselves are also enjoined to put in place the infrastructure of a society capable of guaranteeing democracy and the rule of law.

Freedom from poverty as a human right

There is now an international understanding that poverty is a denial of human rights. Poverty is more than a lack of income or food, shelter and livelihoods. Poverty means marginalization and exclusion from the benefits of progress. Denying comfort, dignity, freedom and participation, it prevents poor people to fully enjoy civil, political, economic, social and cultural rights. The most basic human right challenged by human poverty is the right to life: nearly a third of the people in least developed countries cannot expect to live beyond forty. Another mark of poverty, illiteracy, imposes severe restrictions on the poor on their access to information and knowledge, as well as on other basic human rights: political participation. Poor people, in their efforts to lift themselves out of the poverty trap, are claiming their right to development.

Economic, social and cultural rights, as enshrined in the Covenant on Economic, Social and Cultural rights, comprise the following rights:

- Right to work and enjoyment of just and favorable conditions of work
- Right to form/join trade unions and right to strike
- Right to social security, including special protection for mothers during a reasonable

- period before and after birth (with paid leave and adequate social benefits)
- Right to adequate standards of living, including adequate food, clothing and housing
- Right to highest attainable standard of physical and mental health
- Right to education
- Right to take part in cultural life
- Right to enjoy the benefits of scientific progress and its applications

Civil and political rights, as enshrined in the Covenant on Civil and Political Rights, comprise the following rights:

- Right to life
- Prohibition of torture or cruel, inhuman or degrading treatment or punishment
- Prohibition of slavery and servitude
- Right to liberty and security of person: prohibition of arbitrary arrest or detention and entitlement to trial within reasonable time
- Liberty of movement and freedom to choose residence
- Equality of all persons before courts and tribunals
- Right to be presumed innocent until proved guilty according to law
- Right to freedom of thoughts, conscience and expression
- Right to peaceful assembly and freedom of association
- Right of men and women of marriageable age to marry and found a family
- Right of every child to such measures of protection as are required by status as a minor
- Right and opportunity of every citizen:
 - (i) to take part in the conduct of public affairs, directly or through freely chosen representatives
 - (ii) to vote and to be elected at genuine and periodic elections which shall be by universal and equal suffrage and secret ballot
 - (iii) to have access, on general terms of equality, to public service Right for minorities to enjoy their own culture, to profess and practice their own religion or to use their own language.

Women's rights

Equal rights of men and women are explicitly mentioned in the Preamble to the Charter of the United Nations. All the major international human rights instruments include sex as one of the ground upon which States may not discriminate. Governments must not only refrain from violating human rights of all women, but must work actively to promote and protect these rights. Recognition of the importance of the human rights of women is reflected in the adoption and ratification by States of the Convention on the Elimination of All Discrimination Against Women. The Vienna World Conference on Human Rights and other recent UN Conferences clearly reaffirmed that the human rights of women are an inalienable, integral and indivisible part of universal human rights. The full and equal enjoyment of all human rights and fundamental freedoms by women and girls is a priority for Governments and the United Nations and is essential for the advancement of women.

Rights of the child

The following principles are enshrined in the Convention on the Rights of the Child:

- Non discrimination
- Equality of opportunity
- Best interests of the child
- The view of the child

Rights included in the CRC can be broken down into four broad categories:

- *Survival rights*, covering a child's right to life and the needs that are most basic to existence: living standard, shelter, nutrition and access to medical services.
- *Development rights*, including those things that children require in order to reach their fullest potential: right to education, play and leisure, cultural activities, access to information, and freedom of thought, conscience and religion.
- *Protection rights*, requiring that children be safeguarded against all forms of abuse, neglect and exploitation: special care for refugee children, torture, abuses in the criminal justice system, involvement in armed conflict, child labour, drug abuse and sexual exploitation.
- *Participation rights*, allowing children to take an active role in their communities and nations: freedom to express opinions, to have a say in matters affecting their own lives, to join associations and to assemble peacefully.

Reproductive rights

The current international understanding of sexual and reproductive rights - as formally recognized at the World Population Summit - includes the rights to:

- Reproductive and sexual health, as a component of overall lifelong health
- Reproductive decision-making, including choice in marriage, family formation, and determination of the number, timing, and spacing of one's children; and the right to the information and the means to exercise those choices
- Equality and equity for women and men to enable individuals to make free and informed choices in all spheres of life, free from gender discrimination
- Sexual and reproductive security, including freedom from sexual violence and coercion, and the right to privacy.

Reproductive rights relate to a number of civil, political, economic, social and cultural rights: to survival/life; to liberty and security of the person; to the highest attainable standard of health; to family planning; to marry and found a family; Right to the benefits of scientific progress; to receive and impart information; to education; to non-discrimination on the basis of sex and age

Right to health

Health is recognized as a fundamental human right in the WHO Constitution which states that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being. It implies the right to know about health and access to living conditions conducive to a good health. People need to be empowered so as to make the right choices, while governments have the responsibility to protect people against health hazards.

Human Rights in the context of HIV/AIDS⁶ (see Appendix 1)

The discrimination on the basis of HIV or AIDS status, actual or presumed, is prohibited by existing international standards. The terms "other status" in non-discrimination provisions in international human rights texts should be interpreted to cover health status, including HIV/AIDS.

In addition, governments are being encouraged to take affirmative action to protect the rights of people affected by HIV/AIDS as follows:

- Introduction of laws, policies and practices in the context of HIV/AIDS which should respect human rights standards, including the right to privacy and integrity of people living with HIV/AIDS, and prohibit HIV/AIDS related discrimination.
- Adoption of necessary measures, including adjustment of procedures, introduction of

protective legislation and appropriate education to combat discrimination, to ensure the full enjoyment of civil, political, economic, social and cultural rights by people affected by HIV/AIDS, their families and people presumed to be at risk of infection.

Annex 8 Internet sites of interest for human rights

- Mongolia on-line: www.mol.mn for the Mongolian Constitution and other official links
- The United Nations in Mongolia: www.un-mongolia.mn for UN activities in Mongolia
- The United Nations global website: www.un.org for declarations from the General Assembly, documents from human rights committees and a database on international treaties
- UNHCHR: www.unhchr.ch for on-line access to all human rights instruments; for information related to the Vienna Conference on Human Rights; and for the treaty-bodies database, which includes the status of ratification and the reporting status

Human rights in general:

- The Human Rights Website: www.hrweb.org
- Human Rights Internet: www.hri.ca
- Human Rights Education: www.pdre.org, a site dedicated to human rights learning toward social and economic transformation
- Amnesty International: www.amnesty.org
- Human Rights Watch: www.hrw.org

Rights of women:

- The Convention on the Elimination of Discrimination Against Women: www.un.org/womenwatch/daw/cedaw

Rights of the child:

- The Convention on the Rights of the Child: www.unicef.org/crc

Reproductive rights

- ICPD+5: www.unfpa.org concerning follow-up to the Cairo Population and Development Conference

Governance:

- The UNDP Management and Development Website: www.magnet.undp.org for UNDP human rights related papers and other useful links

¹ Source: Women's Information and Research Centre (1997)

² Living Standards Measurement Survey, 1996

³ Articles 14, 15 and 19

⁴ List compiled by UNHCHR on the basis of records from the Ministry of external Affairs

⁵ Committees which have been established under International treaties to monitor the implementation of the respective treaties.

⁶ As consecrated in the resolutions on HIV/AIDS adopted in March 1995 by the UN Commission on human rights.