



HIGH REPRESENTATIVE
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The EU Special Incentive Arrangement for Sustainable Development and Good Governance (GSP+) assessment of Mongolia covering the period 2020-2022

Accompanying the document

Joint Report to the European Parliament and the Council

on the Generalised Scheme of Preferences covering the period 2020-2022

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1. SUMMARY ASSESSMENT

Mongolia shows a strong engagement in the monitoring process of GSP+ compliance, despite challenges in taking more commercial advantage of the unilateral tariff preferences of the EU. During the reporting period, progress was made in the area of children's rights, fight against domestic violence, as well as labour rights. Yet the country should make more effort to effectively implement the related legislation. With regard to human rights, the key issue is the effective implementation of the ratified human rights conventions. The draft laws on civil society organisations which might restrict civil space are issues of concern. Mongolia is showing commitment regarding the implementation of international labour conventions, also through the new Labour Law. The country faces many challenges in the field of environment, also related to pollution, which the EU is helping to address through its development cooperation. Finally, with regard to the international conventions on good governance, challenges remain especially in the area of corruption. This is an area where further work should be done.

1.1. Priorities and Monitoring

During the reporting period, monitoring focused on several priority areas. On human rights, these included the effective prevention of torture by setting up an independent mechanism or body to investigate complaints of torture and ill treatment of persons deprived of their liberty; increasing awareness of human rights treaties among law enforcement and the judiciary; and strengthening the independence of the judiciary. As regards labour rights, priorities included the adoption of a labour code in line with International Labour Organization (ILO) conventions, notably on freedom of association and collective bargaining, sexual harassment, and child labour; and strengthening the efforts to eliminate child labour in all sectors. On environmental protection, issues related to the mining sector were monitored. Finally, priorities included the implementation of the OECD recommendation to ensure proactive, systemic and consistent enforcement of integrity regulations, such as the adoption of code of conduct for political officials and further progressing on a civil-ethics bill.

1.2. Human Rights

Since the last GSP report, the Government of Mongolia has carried out legislative reforms to respond to several key challenges, including the protection of children's rights, domestic violence, and human trafficking. On the other hand, there are also reports of ill-treatment of detainees, persistent inequality between men and women, domestic and gender-based violence, human trafficking, and undue restrictions of the freedom of expression. Despite legal guarantees and improvements in the policy framework, the implementation of policies and the enforcement of legislation have been challenged by institutional and human and financial capacity constraints.

Mongolia should take further steps to ensure the effective implementation of the human rights conventions. Awareness about these remains limited among judicial professionals and the public at large, which hampers the implementation of the treaties and the access to justice for victims of human rights violations. Moreover, legislative reforms need to be followed up with relevant institutional adjustments and backed by sufficient financial

resources to ensure their actual implementation. Finally, the judicial system needs to be strengthened to provide an effective complaint and support mechanism.

A comprehensive antidiscrimination legislation that addresses discrimination in both private and public spheres is still missing in Mongolia.

1.3. Labour Rights

The new Labour Law entered into force on 1 January 2022. It includes provisions on *inter alia* grounds for contract termination, rules on working hours, additional pay, leave, and employment of persons with disabilities. It prohibits discrimination as well as harassment and violence in the workplace.

In the new Labour Law, certain aspects of the right to freedom of association and collective bargaining require clarification or further work. With regard to forced or compulsory labour, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) in 2019 requested the Government to amend legislation to ensure that any work or service exacted by virtue of compulsory military service laws are of a purely military nature so as to be in conformity with Convention No. 29 on Forced Labour. The same applied for prisoners to ensure that any work they perform for private entities is carried out voluntarily with their formal, freely given and informed consent in order to ensure compatibility with the Convention. These recommendations have been addressed in the revised Labour Law; however, they have yet to be assessed by the CEACR.

1.4. Environment and Climate

Some improvements in the effective implementation of the environmental conventions and related domestic policies have been noted, however challenges remain. For example, poaching and wildlife trafficking are not recognised as serious crimes in the country, which hampers the conservation of endangered species. Challenges also remain in addressing hazardous waste. Mongolia ranks 8th on CO₂ emissions per capita globally, largely due to the use of raw coal which accounts for 60% of its emissions. Mongolia submitted an updated Nationally Determined Contribution (NDC) in October 2020, but has yet to define a net-zero target and long-term low emissions development strategy.

1.5. Good Governance

The existing drug control regime does not raise major concerns. The Mongolian authorities show commitment and strong political will to strengthen their efforts both regarding supply and demand reduction. However, this would require better enforcement of controls at the border, an expansion of treatment capacities, prevention and awareness raising activities. Capacity and resource constraints affect the effective implementation of measures.

Anti-corruption efforts in Mongolia suffer from a number of serious weaknesses, and the performance since 2020 raises concerns. The legal framework still has shortcomings, and some recent changes have weakened the independence of the Independent Authority Against Corruption (IAAC). According to the OECD, the IAAC and the judiciary are politicised, lacking independence, and generally ineffective in addressing corruption, and anti-corruption laws and action plans are poorly implemented. Petty corruption has been reduced, but high-level corruption remains a major (and increasing) problem. Following public protests in December 2022, sparked by a coal related major corruption scandal, the Criminal Code was amended to increase sanctions for corruption crimes. Still, corruption is seen as one of the major problems for Mongolia's further development, and trust in the government, judiciary and IAAC to address the problem is low. Significant progress has

been made in the area of anti-money laundering and countering the financing of terrorism (AML/CFT) and Mongolia was delisted by FATF from its “grey” list on 23 October 2020.

1.6. Status of Ratification and Reporting

On human rights, Mongolia has no overdue reports under the international conventions it ratified. Overall, the country is compliant with its reporting obligations under the conventions. On the other hand, Mongolia’s compliance with reporting obligations across most environmental conventions, except for the Montreal Convention and the Stockholm Convention, is limited. The lapses in reporting for these latter conventions have continued in the current reporting period.

2. LONG-TERM VIEW: MONGOLIA SINCE JOINING GSP+ IN 2014

While democracy is cherished by the population and human rights considerations are generally present in the legislation, Mongolia continues to be a democracy and economy in transition, and the challenges that civil society organisations, human rights defenders and journalists continue to face cannot be overlooked in particular in light of recent developments. The economy’s strong growth led to the reduction of poverty and an increase in the standard of living, but 27.4% of the population still lived in poverty in 2020 ⁽¹⁾ and the Government struggles to share more evenly the windfalls from sustained economic growth. Women, children, persons with disabilities, people living below the poverty line, people living in the Ulaanbaatar informal housing settlements (“*ger* ⁽²⁾ districts”), assistant herders and minorities (LGBTQI and ethnic minorities) often face discrimination and discriminatory policies, and other human rights violations, while they only have limited access to effective remedies to such violations. Child abuse is a significant problem and consists of many forms of child maltreatment, including neglect, physical, emotional and sexual abuse, and exploitation. The social and economic stresses caused by the pandemic were major causes in the surge of domestic violence and violence against children, which was largely underreported.

Mongolia demonstrates a political commitment to cooperate with the UN in all areas, including in the protection and promotion of human rights. In UN human rights fora, however, it prefers to take a neutral position concerning country situations, i.e. abstains in the voting of the relevant country-specific resolutions. Mongolia served in the Human Rights Council in 2016-18 and has made voluntary financial contributions to the Office of the UN High Commissioner for Human Rights (OHCHR) since 2013. It has issued a standing invitation to all thematic special procedures. The level of ratification of core human rights treaties is high and goes beyond the requirements of GSP+.

EU–Mongolia Development Cooperation

The EU shares an interest with Mongolia in promoting the country’s green and socioeconomic development through sustainable diversification of its economy. The EU is therefore supporting sustainable development in the country in a manner that integrates the EU’s values and priorities, including the Green Deal, the fight against climate change, and the digital transition. Mongolia

⁽¹⁾ <https://www.worldbank.org/en/news/press-release/2021/12/30/mongolia-s-2020-poverty-rate-estimated-at-27-8-percent>

All links provided in this Staff Working Document were up to date as of 20 October 2023.

⁽²⁾ A ger is a Mongolian traditional dwelling.

is among the priority countries with whom the EU has signed a Forestry Partnership Agreement in the margins of the COP 27 in November 2022.

The EU development cooperation programme for the period 2014-2020 had a total value of €138 million: i) €65 million from bilateral assistance allocations; ii) €37 million from thematic and regional EU programmes; and iii) €36 million from the Asia Investment Facility for blending operations. The main outcome of this closer cooperation and partnership is the first ever Sector Budget Support in Public Finance Management and employment sector, a €50.8 million grant launched in 2020 with the Ministry of Finance and the Ministry of Labour and Social Protection. The EU mobilised €37.5 million of grant financing for the COVID-19 response, firstly in the health sector but also to mitigate the socio-economic consequences of the pandemic crisis.

The country MIP (Multi-annual Indicative Programme) 2021-2027 for Mongolia confirms shared interests of the EU and Mongolia to promote Mongolia's green and socioeconomic development. It also represents an important geopolitical support to a key partner landlocked between Russia and China and a key contribution to stability and security in a region where democracy is a rare asset. In collaboration with the EU Member States present in the country and with the European Financial Institutions, the EU Delegation has designed a Team Europe Initiative/Global Gateway Flagship 'Green Economic Growth' in Mongolia. It aims to make a transformational contribution to the country's green transition to a diversified economy through sustainable management of natural resources and development of agriculture and forestry value chains and green energy.

3. RECENT DEVELOPMENTS

A number of challenges persist today. According to a 2021 survey ⁽³⁾, the trust of the population in the independence of the judiciary system and in the Independent Agency Against Corruption is rather low. Judiciary reform remains a key priority. Only a limited number of OSCE (Organisation for Security and Co-operation in Europe) recommendations were taken on board in the reform of the Law on Presidential Elections (December 2020), but the 2021 presidential election was deemed by OSCE observers to be compliant with OSCE commitments and other international standards (although limitations to candidate eligibility and restrictive campaign and media rules were criticised). A Law on Prevention, Combat and Mitigation of Social and Economic impacts of the COVID-19 (the "COVID law") – which allows passing laws under a simplified procedure – was extended to the end of 2022. It is to be noted that legal acts adopted under this simplified procedure are neither limited in their duration nor will they be subject to a review once the emergency is over.

As regards civil and political rights, a Commissioner in charge of national preventive measures against torture was appointed in 2022. The Government is also working on revising the Law on Child Protection and addressing the problem of human trafficking.

The Labour Law that entered into force on 1 January 2022 addresses not only labour conditions in a strict sense, but also prohibits discrimination, as well as harassment, violence, and sexual harassment at the workplace.

Worrying developments in 2021 include the introduction of a law prohibiting foreign grants to civil society organisations (domestic funding for civil society organisations [CSOs] is shrinking as well). The draft laws on Associations and Foundations submitted

⁽³⁾ IRI (2021) Public Opinion Poll: Residents of Mongolia, March 11 – April 20, 2021. International Republic Institute.

to Parliament in November 2021 would imply a limitation on the civic space and independent NGO operations in Mongolia.

With urban pollution ranking among the highest in the world and substantial environmental impact of extractive industries, environmental protection and related policies remain challenging for Mongolian authorities, though the country shows strong commitment through robust laws on environmental standards and safeguards ⁽⁴⁾.

In October 2020 Mongolia submitted to the UN Framework Convention on Climate Change (UNFCCC) its first updated Nationally Determined Contribution (NDC), with a mitigation target envisaging a 22.7% reduction in total national greenhouse gas (GHG) emissions by 2030. In addition, if conditional mitigation measures such as the carbon capture and storage and waste-to-energy technology are implemented, the country could achieve a 27.2% reduction in total national GHG emissions. In July 2021, the Government approved the Action Plan for implementation of the NDC for 2021-2025. Nonetheless, future engagement is needed regarding air pollution and the environmental compatibility of mining projects. Moreover, administrative capacities partly impede the effective implementation of the required conventions. For example, Mongolian authorities are still working on adjusting domestic legislation to the requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as well as effectively implementing the Cartagena Protocol on Biosafety and Stockholm Convention on Persistent Organic Pollutants.

4. EU–MONGOLIA TRADE AND GSP+

Mongolia's exports to the EU are limited and have shown a flat trend until 2021 but almost doubled in 2022. 2020 saw a major contraction, as a result of COVID-19, with exports to the EU dropping to €52 million, 32% less than in 2019; recovery in 2021 was already strong, but not sufficient to recapture the losses in 2020. However, in 2022, exports reached €137 million, almost double the level of 2019. Nevertheless, EU exports to Mongolia were about 4.5 times larger (€628 million) in that year.

The EU is a relatively small market for Mongolia, and Mongolia's exports to the world mostly outperformed its exports to the EU, showing a clear expanding trend since 2009. Accordingly, the share in the country's exports destined to the EU decreased from around 2% in the years before its entry into the GSP+ arrangement to about 1.3% over the period 2014-2021, and around 1.0% in the most recent years (1.1% in 2022).

Mongolia's top exports to the EU in the reporting period were wool, garments, other animal products, and ores, together accounting for about 80% of Mongolia's total exports to the EU. In 2022, according to Mongolian statistics, three sectors, wool (€79 million), knitted garments (€15 million), and miscellaneous products of animal origin (€13 million) exceeded values of €10 million.

⁽⁴⁾ Next to maintaining ratification of all eight international conventions on environmental protection required for GSP+, Mongolia has additionally ratified the Vienna Convention for the Protection of the Ozone Layer and the Nagoya Protocol on Access and Benefit-Sharing.

Figures 1-4 below illustrate Mongolia’s utilisation of GSP+ by Mongolian exporters in the context of the EU's overall imports from the country ⁽⁵⁾.

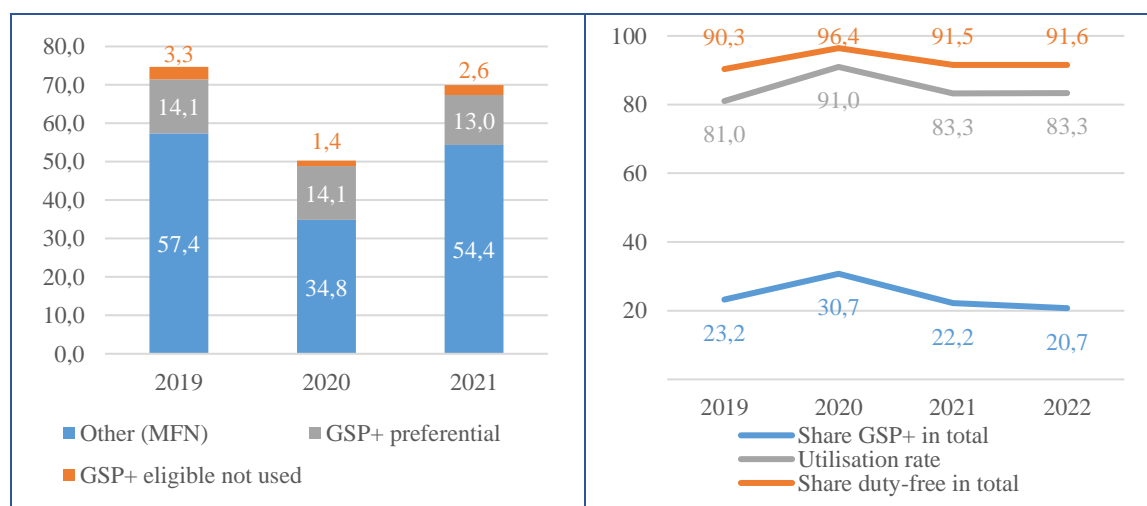
The share of Mongolia’s exports to the EU that are eligible for GSP preferences was around 20% in most years since 2014, except for 2020, when it jumped to 30% – dropping again to 21% in 2022; the increase in 2020 was mainly driven by a decline in non-eligible exports, rather than an increase in GSP+ eligible ones, which remained almost constant from 2019 to 2021, at €16-17 million – but almost doubled in 2022, to €28 million (Figure 1 and 2). The value of exports using the preferences followed this pattern: it was slightly less than €10 million until 2015, reaching a maximum of €14 million in 2019 and 2020, then dropping again to €13 million in 2021 and reaching a high of €24 million in 2022. Preference utilisation rates have been between roughly 80% and 90% in recent years. Also, because a sizeable share of Mongolia’s exports is duty-free in the EU under most-favoured nation (MFN) tariffs, the combined share of GSP+ preferential and duty-free exports has consistently been above 90% of the country’s total exports to the EU.

Apparel and clothing have traditionally been the top product group, including in 2022 (Figure 3), and also incurred by far the most significant tariff reduction, at €1.8 million in 2022 (Figure 4). Mongolia should optimise the use of GSP+ by diversifying its exports, which at present is strongly concentrated on apparel and clothing.

Figure 1: EU imports from Mongolia and GSP+ utilisation rate, 2019-2022

	2019	2020	2021	2022	Trend %
Total imports, € million	74.7	50.3	69.9	136.2	82.3
GSP+ eligible, € million	17.4	15.5	15.5	28.2	62.7
GSP+ used, € million	14.1	14.1	12.9	23.5	67.3
Share GSP+ in total, %	23.2	30.7	22.2	20.7	
GSP+ utilisation rate, %	81.0	91.0	83.3	83.3	

Figure 2: EU imports from Mongolia by trade regime (€ million) and utilisation rates (%), 2019-2022



⁽⁵⁾ Source for all statistics: Eurostat data as of September 2023. GSP statistics only cover goods imported in the EU market, i.e. goods released for free circulation in the EU. The GSP statistics do not cover other EU-imports, like goods imported for the customs inward processing procedure or re-imports after the customs outward processing procedure. Trade flows registered as “confidential” do not appear in the GSP+ usage figures and regime 1 normal trade; but do appear in total trade figures (regime 4). https://ec.europa.eu/eurostat/cache/metadata/en/ext_go_agg_esms.htm#conf1537195068659

Figure 3: Top Mongolian product groups benefitting from GSP+ tariff preferences, 2022, € million

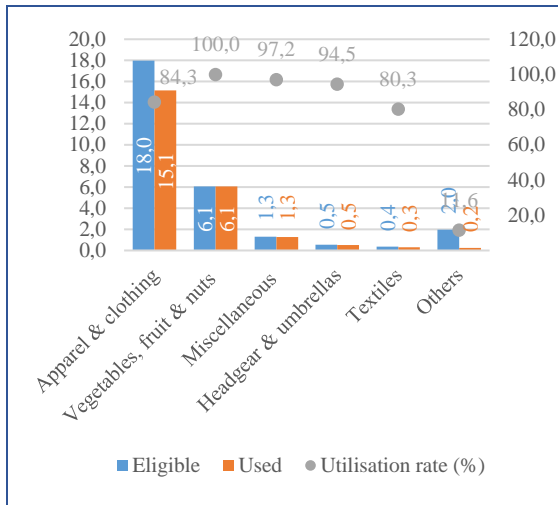
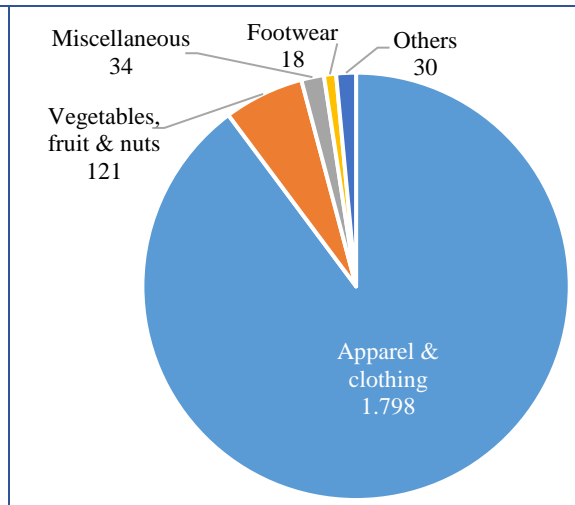


Figure 4: GSP+ tariff reduction gains per product group, 2022, € '000



5. COMPLIANCE WITH GSP+ OBLIGATIONS

5.1. UN Human Rights Conventions (Conventions 1-7)

In the latest Universal Periodic Review (UPR) ⁽⁶⁾, in 2020, Mongolia supported 170 out of 190 recommendations (90% of the recommendations received). This was an increase of 13.3% of supported recommendations in comparison with the previous cycle carried out in 2015.

The National Human Rights Commission of Mongolia (NHRCM) was accredited with “A” status by the Global Alliance of National Human Rights Institutions (GANHRI) in 2012 and kept that status also in 2020 and 2021. The mandate of the NHRCM was extended in 2020 by the Law on the National Human Rights Commission of Mongolia, which covered appointment of five Commissioners instead of three. A new transparent and open appointment procedure for Commissioners was introduced and the National Preventive Mechanism was established. However, the NHRCM lacks adequate funding and human resources that would allow it to discharge its mandate effectively.

Mongolia needs to step up its efforts to increase awareness about the core international human rights conventions. The Government has demonstrated its commitment to improve the human rights record through ongoing cooperation with the UN monitoring bodies. The Mongolian authorities invited several key UN Special Rapporteurs (UNSR). The Special Rapporteur on violence against women visited the country in 2021. The visit resulted in a number of key findings. Mongolia has adopted a solid legal framework to combat gender-based violence and services for victims exist. These services must, however, take a gender sensitive approach. Victims are often met by measures aimed at targeting violence against children. Prescribed measures against gender-based violence also fail to support vulnerable groups such as victims of trafficking, sex workers, and members of the LGBTQI community. The UNSR noted that Mongolia must counter harmful gender stereotypes that normalise violence and noted that the problem of gender-based violence is exacerbated by the widespread alcoholism that can be a trigger of violence.

⁽⁶⁾ <https://www.ohchr.org/en/hr-bodies/upr/mn-index>

5.1.1. International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

In 2019, the Committee on CERD welcomed newly adopted legislation and amendments to the existing laws in the areas of relevance to the Convention. Main implementation challenges reported by the Committee were the lack of specific legislation that contains a definition of racial discrimination on all the prohibited grounds, increased hate speech related to racial discrimination on social media, the existence of organisations that promote hate speech against people of foreign origin, substandard working and living conditions of migrant workers, obstacles in accessing education for ethnic minorities and indigenous people, discrimination of ethnic minorities in employment, and the lack of consultation with affected minorities regarding mining exploration.

The Committee also noted a lack of recent reliable and comprehensive statistical data for all ethnic groups that would allow to assess the socioeconomic situation of all ethnic groups in the country, including migrants, refugees, asylum seekers, and stateless persons.

Over the reporting period, the Government provided support to economically marginalised minority groups, including a subsidy (equal to a minimum living standard for each adult and 50% of it for each child) to *Tsaatans* ⁽⁷⁾ living in the *taiga*. Members of ethnic minorities (particularly the Kazakh minority) in Mongolia have lower-than-average levels of completed education and receive low quality education in the official state language; as a result, they experience difficulties in finding decent jobs or passing entrance exams to the universities.

Since the review in 2019, the NHRCM received three complaints of discrimination based on ethnicity. No significant issues regarding violence against ethnic minorities were recorded in Mongolia in 2020 and 2021. There were reports that migrant workers faced discrimination at the workplace, as they did not have the same level of protection against labour violations as the local population.

5.1.2. International Covenant on Civil and Political Rights (ICCPR)

The Committee on ICCPR noted in 2019 that the existing legal framework on discrimination did not prohibit discrimination on all the grounds stipulated in the Covenant. Concerns remained about continuing reports of discrimination, harassment, and violence against LGBTIQ persons and high impunity for these crimes, discrimination against persons with disabilities, and widespread violence against women (including domestic violence).

Further concerns of the Committee were expressed about legal restrictions on the media, including on the Internet, and reports of attacks and harassment against journalists; disproportionate restrictions imposed by the 2015 Law on Elections on the right to participate in public life; and the rights of persons in detention and detention conditions.

In response to these concerns, the Law on the Legal Status of Human Rights Defenders entered into force in 2021, providing them with a legal status and aiming to ensure their safety. In practice, however, human rights defenders continue to report incidents of violence, threats, intimidation, and prosecution, especially activists working on environment and land rights issues. The 2021 Law provided for the establishment of a committee under the National Human Rights Commission of Mongolia to assess whether rights of human rights defenders had been violated. The Commissioner for Human Rights

⁽⁷⁾ A small Tuvan Turkic community of semi-nomadic reindeer herders lining in the Province of Khövsgöl.

who oversees this committee was appointed in June 2022. A concrete action undertaken by the special Commissioner was to monitor the interrogations of a Human Rights Defender who has been investigated by Mongolian authorities.

The freedom of expression has generally been respected since the 2017 review, but in some instances content restrictions were applied, and journalists practiced self-censorship to avoid harsh financial penalties for publishing false or defamatory information under the 2017 Law on Administrative Offences.

Regarding freedom of peaceful assembly and association, in 2021 Amnesty International stated that COVID-19 restrictions “were used as a pretext to arbitrarily and sometimes forcibly disperse peaceful protests”.

5.1.3. *International Covenant on Economic, Social and Cultural Rights (CESCR)*

One of the concerns of the CESCR Committee in 2022 was the inadequacy of the legal framework to protect nomadic herders from the adverse impact of mining activities in their pastures, hey lands, water resources and ancient nomadic pastoralist culture. The Committee recommended that Mongolia finalise and adopt the national action plan on business and human rights and ensure that human rights due diligence is integral to the plan. They also recommend that Environmental impact assessments and meaningful consultations with affected local communities are carried out in the permit procedures. The Committee is concerned about reports that discrimination, stigmatisation, and harassment against lesbian, gay, bisexual, transgender and intersex persons is widespread, including in employment and education, which hinders their enjoyment of economic, social, and cultural rights. The Committee is concerned that domestic violence is widespread despite the adoption of the revised Law to Combat Domestic Violence in 2016.

In 2020, Mongolia had the 4th highest air pollution out of 106 countries. In 2021, the situation somewhat improved, as Mongolia’s rank changed to 20th out of 117 countries. However, air pollution remains very serious ⁽⁸⁾.

Rapid urbanisation continued to affect Ulaanbaatar where the urban population, especially in the unplanned peri-urban areas (called ‘*ger districts*’), has problems with access to safe drinking water and sanitation.

The EU funded “Energy efficiency advisory and financial intermediation for sustainable housing in unplanned areas of Ulaanbaatar” SWITCH Asia Project (implemented from 2018 to 2022) had the objective to improve air quality and reduce GHG emissions in urban Mongolia through providing access to energy efficiency solutions and financing among households in the Ulaanbaatar *ger* areas. A follow-up project under the same theme was launched in 2022 and will run until 2026. The EU is also working at regional level, including Mongolia, on a project for “Advancing health and environmental sustainability through action on pollution”. The purpose is to reduce pollution and lower chronic non-communicable disease morbidity through the enhancement of environmental laws, policies, standards and regulations in relation to pollution and health, targeting decision-makers in particular.

⁽⁸⁾ IQAir (2021). World Air Quality Report: Empowering the World to Breathe Cleaner Air | IQAir.

5.1.4. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

The Committee on CEDAW published its advanced concluding observations in June 2022. The Committee welcomed the adoption in January 2020 of the revised law on the NHRCM which provides for a budget for the implementation of its activities.

The Committee expressed concerns about women's rights in relation to the COVID-19 pandemic and recovery efforts. It encouraged Mongolia to place women at the centre of COVID-19 recovery strategy, including ensuring that women and girls benefit equally from stimulus packages.

Mongolia has not yet adopted a comprehensive antidiscrimination legislation that addresses discrimination in both private and public spheres, including direct, indirect, and intersecting forms of discrimination.

Women remained underrepresented in public and private sectors, especially in senior managerial positions. As recommended by the CEDAW concluding observations, Mongolia should urgently introduce a 30% minimum quota for women candidates on political parties' electoral lists for parliamentary and municipal elections, as well as sanctions for non-compliance. Today the minimum quota is 20%. The representation of women in Parliament improved following the parliamentary elections in 2020: out of 76 members of Parliament, 13 are women. However, this is not reflected in ministerial posts: as of September 2022, Mongolia counted 16 ministers in the Government, and only two of them are women.

In 2020, due to the COVID-19 pandemic, domestic violence increased by circa 25%, and victims had difficulty reporting abuse because of the lockdowns⁽⁹⁾. The CEDAW Committee recommended that: perpetrators of domestic violence are prosecuted and adequately punished; Mongolia introduces mandatory capacity-building programmes for judges, prosecutors, police, social workers, psychologists, healthcare workers, and governors on gender-sensitive investigations and interrogation procedures, in particular lesbians, bisexuals, transgender and intersex women, and women with disabilities; the support is strengthened for services for women survivors of gender based violence; and the specialised courts to hear cases of gender-based violence against women are established.

Despite legislative and multiple policy measures, gender-based violence and discrimination based on sexual orientation persisted. Domestic violence also continued to be an issue over the whole reporting period. In 2021, the UN Special Rapporteur on violence against women stated that in the last 10 years Mongolia has made significant progress regarding the legal framework on domestic violence but urged Mongolian authorities "to accelerate translation of laws on violence against women into reality".

The Mongolian Government does not fully meet minimum standards for the elimination of trafficking but is making significant efforts to do so. While Mongolia has adopted a Law on Combating Trafficking in Persons in January 2012 and set up the National Commission on Combating Trafficking in Persons and Forced Labour, it remains a source country for trafficking in women and girls for the purposes of sexual and labour exploitation. Overlapping and at times conflicting Criminal Code articles complicated anti-trafficking judicial processes and continued to incentivise prosecutions and convictions under lesser charges. These efforts included investigating more traffickers and identifying more

⁽⁹⁾ US Embassy in Mongolia (2021), 2021 Trafficking in Persons Report: <https://mn.usembassy.gov/2021-trafficking-in-persons-report/>

victims; improving information sharing and coordination among ministries and with international partners, including through the establishment of Mongolia's first trafficking-specific Multidisciplinary Task Force (MDTF); creating and staffing a new prosecutor position to specialise in trafficking cases; and enacting a new labour law that addressed several longstanding vulnerabilities in the labour recruitment process. However, the Government did not meet the minimum standards in several key areas, like the severity of penalties, compensation for victims, and there were unverified allegations of police complicity in trafficking crimes leading to an investigation.

In particular, given the increased commitment to gender actions under the new MIP, the EU and its MS endorsed the Country Level Implementation Plan (CLIP) for 2021-2025 for the implementation of the EU Gender Action Plan III. In the framework of the CLIP and the design of future actions under the new MIP, the EU Delegation undertook an extensive gender analysis. In particular, the previous Gender Country Profile (GCP) was updated, and six gender sector analyses were prepared (based on the MIP sectors: agriculture, forestry, trade, energy, judiciary, and PFM). The EU Delegation organised two online consultations with government counterparts, development partners, and civil society around gender matters. The EU Delegation also engaged very actively in the 16 days of activism against gender-based violence.

The Government slightly increased efforts to protect victims. NPA (National Police Agency) investigators were reported to be using a trafficking risk assessment checklist containing 11 questions to identify victims; however, use of this checklist was sporadic, and the process did not include screening of vulnerable groups.

5.1.5. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

Mongolia accepted the UPR recommendations related to the establishment of a national mechanism for the prevention of torture in 2017. In 2020 the Law on the NHRCM was amended to provide for the establishment of a National Preventive Mechanism against Torture through the appointment of a special Commissioner on 2 June 2022.

While torture is prohibited under law since 2018, in 2022 the UN Working Group on Arbitrary Detention found in their preliminary findings that video and audio recording equipped interrogation rooms, which are mandatory under Mongolian law, are a significant deterrent against serious violations such as mistreatment and torture but are not sufficient in and of themselves to ensure that suspects enjoy their full due process rights as required under international human rights law ⁽¹⁰⁾.

Detention conditions improved over the reporting period and no systematic overcrowding was recorded, but pre-trial detention centres in rural areas continued to have insufficient clothing, bedding, food and water, as well as inadequate medical care, ventilation, and sanitary facilities.

Although the death penalty no longer exists in the Mongolian Criminal Code, capital punishment is still referenced in the Constitution. As constitutional amendments are now being discussed, the removal of the reference to the death penalty in the Constitution is one of the potential amendments that could be made. In the UNGA (United Nations General Assembly) Third Committee, Mongolia cosponsored the resolution moratorium on the death penalty.

⁽¹⁰⁾ https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/country-visit/2022-10-13/EOM_statement_Visit_Mongolia_14Oct2022_EN.pdf

5.1.6. *Convention on the Rights of the Child (CRC)*

Further legislative reforms regarding children's rights were carried out by the Mongolian authorities. The Law on Child Protection was amended in 2021 and 2022 to cover, *inter alia*, two main issues: protection of children's rights in the digital environment and improving the services and providing systematic social, economic, and legal assistance to children at risk of violence.

Children continue to be engaged in dangerous and hazardous work, especially in mining and horseracing. Child jockeying, an ancient tradition in Mongolia, puts the lives of young children at risk, when they are used to competing in horse races. In the first semester of 2022, eight children died after falling from horses.

Air pollution led to the prevalence of diarrhoea among children under five. Pneumonia is the second main cause for under-five mortality, and children living in highly polluted districts of Ulaanbaatar have 20% lower lung function than children living in rural areas ⁽¹¹⁾.

The EU funded "Time's Up for sexual violence against children (SVAC)" project (implemented by World Vision together with Beautiful Hearts NGO), which was implemented from 2019 to 2021, focused extensively on strengthening Mongolian CSOs to more strongly contribute to the prevention of SVAC and enhance protection measures to safeguard children's rights, as well as to improve advocacy and service provision for protection of vulnerable children exposed to sexual violence.

Conclusions and priorities

It is important to address existing challenges at all the key steps necessary for the implementation of the human rights conventions: adopt legislation or make necessary amendments to the existing laws to ensure conformity with international standards laid down in the human rights conventions, establish relevant policy and institutional frameworks, strengthen the judicial system, effectively enforce laws in practice, and monitor the implementation by measuring the outcome indicators. Mongolia has made some advancements but needs to intensify efforts to improve the human rights situation in the country.

In terms of institutions, Mongolia should strengthen the independence and capacity of the NHRCM and provide it with adequate human, technical, and financial resources to carry out its mandate effectively. Additionally, it should strengthen the judicial system and ensure its independence as well as eradicate all forms of undue interference with the judiciary.

Mongolia should adopt comprehensive legislation prohibiting discrimination, including multiple, direct, and indirect discrimination on all grounds prohibited under the ICCPR, ICESCR, CEDAW, and CERD.

Regarding domestic violence, Mongolia should set up a sufficient number of rehabilitation centres across the country for victims of human rights violations (e.g. human trafficking, domestic violence) and ensure their funding. The country should also ensure effective enforcement of the laws on violence against women. Plans of action for

⁽¹¹⁾ National Centre for Public Health & UNICEF (2018). Mongolia's air pollution crisis. A call to action to protect children's health: https://www.unicef.org/eap/sites/unicef.org/eap/files/press-releases/eap-media-Mongolia_air_pollution_crisis_ENG.pdf

the prevention of violence against women, LGBTIQ persons and other vulnerable groups as identified by the UN monitoring bodies should be developed for each institution responsible for the implementation. Mongolian authorities should conduct regular trainings for court officials on relevant issues: e.g. on effective investigation of domestic violence, gender-based violence, child labour, and human trafficking.

Mongolia should revise the draft Law on Association and the draft Law on Foundations, publicly referred to as the draft NGO Laws, to make sure that they are in line with Mongolia's international obligations and do not risk limiting civic space.

Concerning media freedom, Mongolia should amend the legislation that treats libel and slander as a petty offence and as a crime during election campaigns. An amendment should ensure that the sanctions in response to these crimes does not impose restrictions on the freedom of expression.

Mongolia should also enforce the law on human rights defenders to ensure protection of their rights and promote their work.

5.2. ILO Labour Rights Conventions (Conventions 8-15)

Over the period under review, Mongolia implemented the ILO Decent Work Country Programme 2017-2021 with two priority areas for action: 1) expansion of decent job opportunities through an improved implementation of employment programmes for vulnerable groups and support to SMEs in the realisation of the fundamental principles and rights at work, and 2) improvements in labour market governance.

Mongolia has taken steps to improve its legislation related to the freedom of association and the right to collective bargaining, notably by adopting the new Labour Law in 2021 which covers all workers and provides the basic principles of collective bargaining. However, there are a few aspects which require clarification or further work, namely in relation to the conditions and procedures applicable to formation of workers and employers' organisations, the right to strike, adequate protection against acts of anti-union discrimination, the role of public authorities in negotiations of industry level collective agreements, and the right to collective bargaining of public servants not engaged in the administration of the State. Social partners are actively engaged in the promotion of the ILO fundamental principles and rights at work among SMEs and training to raise the awareness of workers regarding the freedom of association and the right to collective bargaining.

On child labour, the new Labour Law of 2021 regulates several aspects which had previously remained outside the legislation (e.g. light work), extends its protection to the self-employed children and those working in the informal economy, and extends the powers of labour inspection services to conduct unannounced inspections at workplaces. However, the matter of aligning the minimum age of admission to employment with the age of completion of compulsory education remains pending. Article 142 relates to employment of minors, but it refers only to the prohibition of employment of persons under 15 years of age (except for light work and certain sports or cultural activities) and does not make any link to completing the compulsory education. Therefore, while the opinion of

the ILO Committee of Experts is pending, it seems that its comments related to this aspect have not been taken into consideration ⁽¹²⁾.

Regarding non-discrimination, the new Labour Law aligns several aspects of the legislation with ILO Conventions No. 100 on Equal Remuneration and No. 111 on Elimination of Discrimination. Other changes have also been made, such as repealing the Order excluding women from certain occupations and an amendment to the policy on remuneration; the 2021 Labour Law includes the principle of equal pay for work of equal value.

As Mongolia submitted its reports due in 2022 on the effective implementation of conventions No. 29, No. 105 and No. 138 not in time before the CEACR meeting in late 2022, no updated information from the ILO is available on which the European Commission could base a more precise assessment regarding these conventions ⁽¹³⁾.

The EU and the Ministry of Foreign Affairs of Finland are funding the ILO to implement the “Trade for Decent Work” project with a focus on violence and harassment in the workplace, review of progress and practices on elimination of the worst forms of child labour as well as reporting on the ILO Fundamental Conventions as well as strengthening the capacity of constituents to actively participate in national processes to comply with International Labour Standards (ILS), particularly the Fundamental Conventions.

5.2.1. Freedom of Association and Collective Bargaining (Conventions No. 87 and No. 98)

The new Labour Law provides that the conditions and procedures for implementing the right to freedom of association shall be set out by law, but it is not clear what the applicable law is, or is envisaged to be.

The ILO CEACR noted for several years a Labour Law provision which provided that a strike organised as a result of a collective labour dispute shall be considered illegal if the strike concerned matters not regulated by the collective agreement. It observed that strikes should be allowed also in relation to broader social or economic policies and trends, given that they may influence the workers’ overall situation and that unions should further be allowed to have recourse to sympathy strikes. In 2017, the Government confirmed that strikes with the abovementioned aims were prohibited under the Labour Law and the Committee called for the amendment of the legislation. In 2021 the Committee noted that its comment had not been addressed in the new Labour Law. The Committee also requested a clarification regarding the meaning of the “overwhelming majority” requirement with respect to quorum and of “majority” of votes required to hold a strike in section 26.1 of the new Labour Law. The Committee observed in this context that provisions related to the exercise of the right to strike cannot be formulated in a way that it becomes very difficult or impossible to declare a strike.

The new Labour Law does not seem to provide adequate protection against acts of anti-union discrimination neither at the time of recruitment, nor in case of anti-union dismissal. Only dismissals linked to the exercise of collective bargaining are prohibited.

⁽¹²⁾ In 2020, the Committee of Experts referred to the draft Labour Law, which at the time provided for the prohibition of employment for “(1) children less than 15 years of age and (2) those who have reached that age but who have not finished compulsory education” (CEACR, 2020).

⁽¹³⁾ The reports on Conventions No. 29, No. 105 and No. 138 were submitted in early 2023.

5.2.2. Abolition of Forced Labour (Conventions No. 29 and No. 105)

In 2021, the Labour Migration Law was adopted and entered into force in July 2022. While the Committee of Experts will still need to express its view on it, the new law seems to be a step in the right direction. It authorises the labour inspection to visit employers hiring foreign workers at least once a year in order to check the employment status and working conditions and to provide any necessary advice. NGOs may exercise independent monitoring of the implementation of the new law. The Ministry of Labour will approve guidelines regarding inspections, take measures to remedy violations identified during inspections and notify the relevant authorities.

Overall, the CEACR (2020) considered the number of identified, investigated, and prosecuted cases of human trafficking and the number of convictions (in cases involving either adults or children as victims) as low and issued related recommendations. These included the need to enhance efforts to investigate cases of trafficking and prosecute and convict perpetrators using the relevant Criminal Code provisions rather than administrative law with lower penalties, and to train staff of enforcement agencies in using trafficking-related provisions, including on identification of victims, and directing them to services providing support. Moreover, there were calls to amend the legislation to prohibit actions by employers and recruitment agencies which may lead to forced labour (e.g. retention of identity documents which is now prohibited by the revised Labour Law 2021) and to monitor the working conditions of migrant workers employed in Mongolia ⁽¹⁴⁾.

5.2.3. Minimum Age for Work and Worst Forms of Child Labour (Conventions No. 138 and No. 182)

At the beginning of the period under review, children and adolescents worked as herders, often in other households and towns, without a contract, based only on a verbal agreement between their parents and employer. According to the ILO, they were vulnerable to risks related to exploitation, the lack of respect for their rights and work in difficult conditions. During the COVID-19 pandemic, child labour is reported to have increased as many families started to experience financial difficulties. Children in rural areas and/or children of herders seem more at risk.

While the Committee of Experts has not yet expressed its view on the new Labour Law which entered into force on 1 January 2022, Article 3.6 of the new Law states that “Everyone who is working, looking for a job or learning an occupation in either the formal or informal economies such as an own-account worker, herder, member of a partnership or a cooperative, an apprentice or an intern shall enjoy the fundamental rights at work and comply with relevant duties.” This indicates that the CEACR’s comments have been addressed.

As of 30 June 2022 eight children had died from falling off horses and five were seriously injured. In July 2022, the Government decided to increase the minimum age for child jockeys to eight years.

According to the Law on Education, compulsory education is provided until the age of 16 years. The Committee asked the Government to increase the minimum age for admission to work to match the age for compulsory education and ensure that adolescents are not tempted or forced to leave school early in order to start working. The Committee

⁽¹⁴⁾ US Embassy in Mongolia (2021), 2021 Trafficking in Persons Report: <https://mn.usembassy.gov/2021-trafficking-in-persons-report/>; please see also CEACR report published in February 2023 (page 400).

highlighted that school attendance is considered as an effective measure to reduce child labour.

Likewise, the previous legislation did not cover the participation of children in artistic performances nor the obligation of the employer to keep registers of employed persons under 18 years of age. However, this is yet to be assessed by the CEACR.

In urban areas, work of adolescents has been registered mainly in the construction sector. According to the ILO research (2015), most labourers started work at 15-18 years of age, had no work contract and worked for 60 and more hours a week, in breach of the Labour Law. Some also carried out work prohibited for persons under 18 years of age, and around half of the total suffered injuries at work. Around two thirds worked more than 6 hours a day and 73% worked every day. Over half of them suffered from accidents at work and 58% dropped out of school.

The ILO has supported the National Statistics Office (NSO) to conduct a Child Labour Survey in 2022-23, and collected data for a 12 month period. The final report is currently being worked on and will be launched in the coming months. This is the fourth child labour study since 2005.

5.2.4. Equal Remuneration and Elimination of Discrimination (Conventions No. 100 and No. 111)

Following the adoption in 2021 of the new Labour Law, CEACR noted with satisfaction that the definition of remuneration had been extended to include elements going beyond the basic salary and that the salary of employees performing jobs of equal value shall be the same.

Regarding the employment of women, the gender pay gap persists as monthly wages paid to men are on average 20% higher than those paid to women. Moreover, disadvantaged and marginalised groups of women (e.g. women with disabilities, women living in rural areas) have limited access to decent employment. The Committee had noted that provisions related to family responsibilities should be drafted in such a way to apply to both men and women. In 2022, the Committee noted that the new Labour Law gives the right to parental leave to fathers of children under 3 years of age, including the right to parental leave.

The Committee once again urged the Government in its report of early 2022 to review sections 6.5.1, 6.5.2 and 6.5.6 of the Law on Promotion of Gender Equality, which provide for exceptions to gender discrimination that are considered by the Committee as broader than what is permitted in relation to inherent requirements of the job, in order to ensure that they do not in practice deny men and women equality of opportunity and treatment in respect of their employment and that they are consistent with the provisions of the new Labour Law in this respect.

Noting that the Law on Pensions and Benefits envisaged different ages for retirement for men and women and that this might have a discriminatory effect for women (given the lower retirement age envisaged for them), the Committee encouraged the Government to amend section No. 4 of the Law to ensure that the working life of women is not shortened in a discriminatory manner.

Regarding discrimination on the basis of origin/national extraction, the Committee noted in its 2021 report that according to the United Nations Committee on the Elimination of Racial Discrimination (CERD), concern was expressed about migrant workers in Mongolia

working in substandard conditions and the lack of monitoring mechanisms or effective inspections to ensure they can enjoy the same rights and working environment as others.

Persons with disabilities face challenges in getting a job. A survey conducted in 2018 by the Research Institute of Labour and Social Protection found that the reasons include lack of jobs in which persons with disabilities can work, lack of skills matching the requirements of the existing jobs, and difficulties in adapting workplaces to their needs. The Committee however welcomed the inclusion in the new Labour Law of provisions regarding the duty on employers to provide employment opportunities to persons with disabilities, an increase in employment quotas from 3% to 4% for enterprises of 25 or more employees and sanctions for non-compliance.

Conclusions and priorities

As regards freedom of association the country seems to be on a promising track with only some further clarifications needed on the Labour Law. Vulnerabilities of migrant workers to fall into forced labour situations have also been addressed via a legislative change in 2021 but the results on the ground will need to be carefully monitored. The Government has taken some further steps to address child labour including its worst forms, but more action and a better evidence base are urgently needed.

Regarding non-discrimination, the new Labour Law introduced several important reforms towards the implementation of ILO Conventions No. 100 and No. 111. Awareness raising, further capacity building and dedicating sufficient amount of resources to implementation will be crucial for all these policy areas.

The Government should address a number of problems. It should amend the Labour Law provisions so that strikes can be extended to broader economic and social trends and policies which may affect workers. The Government should also set the minimum age for horse jockeys at 18 years old to avoid the use of child jockeys. In the Labour Law, the minimum age of admission to employment should be the same as the age for compulsory education. The Mongolian authorities should also undertake a dedicated Child Labour Survey and promote and raise awareness of the new Labour Law among workers and employers, including the provisions extending its protection to persons working in the informal economy, children, and adolescents. The Government should also ensure that the Labour Inspectorate has adequate resources to also conduct inspections in workplaces employing migrant workers. Changes in the retirement age may be considered to ensure that women are not discriminated by being forced to retire earlier than men. The authorities should secure adequate resources for institutions, policies and programmes related to gender equality and non-discrimination at work, as well as enhance efforts to facilitate women's access to the labour market and entrepreneurship and also to support persons with disabilities in accessing the labour market.

5.3. UN Conventions on Environmental Protection and Climate Change (Conventions 16-23)

5.3.1. Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)

Despite the fact that Mongolia acceded to CITES in 1995, the national legislation continues to be ranked as Category 2 under the Convention, i.e. it does not fully meet all the requirements for the implementation of the Convention. The CITES Secretariat sent a

formal warning to Mongolia on its National Legislation Status in November/December 2017 with revised comments submitted by the Secretariat in August 2019. The next steps required include the finalisation of the national legislation and its submission to the Secretariat.

Mongolia also lags in terms of complying with its reporting obligations for CITES. As of April 2023, Mongolia has submitted the annual reports for 2015, 2016 and 2018-2020 and the annual illegal trade reports for 2016 to 2018. The country's review of significant trade also continues to be under development.

Data included in the 2019-2022 Implementation Report show that as of 2018, 25 community-based organisations, seven local NGOs and 21 private companies manage 171 hunting areas located in Mongolia. Furthermore, that report indicates that the country made good progress in increasing the number of individuals of endangered species of the Mongolian *saiga*, *argali sheep* and Asiatic Wild Ass. It also highlights that the Action Plan of the Government of Mongolia for 2020-2024 and policy documents such as "Vision 2050" are expected to ensure that "measures will be taken to protect and restore endangered and rare animals and plants." No official reports were available for 2021 to confirm this, but several NGOs report small successes in preserving and restoring endangered species in Mongolia.

5.3.2. Waste Conventions: Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Stockholm Convention on Persistent Organic Pollutants (POPs)

Mongolia acceded to the Basel Convention in 1997 but is non-compliant with its reporting obligations. While no reports were submitted in recent years⁽¹⁵⁾, some news reports identify continued challenges in addressing hazardous waste in Mongolia. Although there are now 14 entities operating nationwide in Mongolia to recycle hazardous materials, the two recycling plants that handle hazardous plastic containers are not operating at full capacity because companies give or sell the containers to the public to avoid the fees charged by the recycling plants.

With respect to POPs, Mongolia ratified the Stockholm Convention in 2004 and submitted its Fourth National Report (due in August 2018) in 2020. The country has submitted and once updated its National Implementation Plan but is lagging behind on updating to address amendments of COPs 6 to 9.

The national report indicates that Mongolia has prohibited and/or taken the legal and administrative measures necessary to eliminate releases from the intentional production and use of chemicals included in the Convention but has not taken measures to prohibit the release of new pesticides or new industrial chemicals. A recent UNEP (UN Environment Programme) study shows that further action to address persistent organic pollutants (POPs) is highly needed, as POPs were abundantly found in air, water, and human milk samples.

The main challenges to the management of hazardous waste in Mongolia are, according to an Asian Development Bank (ADB) study, the lack of a centralised management information system for hazardous chemicals and the limited capacity at government agencies to identify, inspect, and manage chemicals.

⁽¹⁵⁾ To date, only three annual reports have been submitted, the last of which in 2017 and prior to that in 2005 and 2001.

5.3.3. *Convention on Biological Diversity (CBD) and Cartagena Protocol on Biosafety*

Mongolia acceded to the CBD in 1993 and the Cartagena Protocol in 2003. The country is compliant with the reporting obligations under the CBD: it submitted its NBSAP2 (National Biodiversity Strategy and Action Plan) for 2015-2025 in 2015⁽¹⁶⁾ and the Sixth National Report in 2019. Conversely, Mongolia lags behind in its reporting under the Cartagena Protocol: it has not submitted the Fourth National Report due in October 2019 nor has it submitted its First National Report and Interim National Report.

On 7 May 2020, the Mongolian Parliament through Resolution No. 46 recognised an additional 102,690 hectares of protected areas in 13 districts or *soums*; since the Resolution took effect in September 2020, a total of 20.94% of Mongolia's national territory is now protected. In 2021, Mongolia introduced the long-planned Law of Genetic Resources to address the identification, recording, use and yield of genetic resources and traditional knowledge of animals, plants, and micro-organisms in Mongolia.

5.3.4. *Conventions on Climate Change and Protection of the Ozone Layer*⁽¹⁷⁾

As indicated above, Mongolia ranks 8th on CO₂ emissions per capita globally, largely due to the use of raw coal which accounts for 60% of the emissions⁽¹⁸⁾. The energy and agriculture sectors are the largest GHG emitters in Mongolia, contributing to more than 80% of the country's total emissions. According to its first updated NDC, submitted to UNFCCC in October 2020, Mongolia has enhanced its mitigation efforts with policies and measures to be implemented in key economic and natural resource management sectors by 2030. The mitigation target of Mongolia's NDC will be a 22.7% reduction in total national GHG emissions by 2030, compared to the projected emissions under a business-as-usual scenario for 2010. In addition, if conditional mitigation measures such as the carbon capture and storage and waste-to-energy technology are implemented, Mongolia could achieve a 27.2% reduction in total national GHG emissions. Along with that, actions and measures to remove GHG emissions by forest are determined, which set the total mitigation target of Mongolia at 44.9% of GHG emission reduction by 2030⁽¹⁹⁾. Mongolia has yet to define a net-zero target and long-term low emissions development strategy (LT-LEDS).

In July 2021, the Government approved the Action Plan for implementation of the NDC for 2021-2025 that includes 8 goals and 75 measures. The priority areas of the NDC Action are: (i) Climate Smart Arable Farming and (ii) Energy Efficiency of engines and motors in the industrial/mining sectors of the country⁽²⁰⁾. To further the country's climate change objectives, the Government adopted the Action Plan 2020-2024. It highlights the policies aimed at greener measures for recovering from the COVID-19 crisis through the creation of nature-based solutions, green jobs, and sustainable green projects. Organisations like the Green Climate Fund and the UN Development Programme (UNDP) are currently undertaking projects designed to assist the country with energy efficiency, GHG reduction, green finance, and renewable energy.

⁽¹⁶⁾ The drafting of NSBAP2 was led by the WWF Mongolia Programme Office with financial support from GEF and UNEP.

⁽¹⁷⁾ United Nations Framework Convention on Climate Change, Kyoto Protocol to the United Nations Framework Convention on Climate Change, and Montreal Protocol on Substances that Deplete the Ozone Layer.

⁽¹⁸⁾ United Nations Mongolia (2021). "Partnership for Ambitious Climate Action in Mongolia | United Nations in Mongolia." <https://mongolia.un.org/en/106855-partnership-ambitious-climate-action-mongolia>

⁽¹⁹⁾ [First Submission of Mongolia's NDC.pdf \(unfccc.int\)](#)

⁽²⁰⁾ [Mongolia | NDC Action Project \(unep.org\)](#)

EU–Mongolia Development Cooperation on Environment and Climate Change

The EU has been supporting a number of projects in Mongolia on environment and climate change. Under the EU co-funded “Sustainable Resilient Ecosystem and Agriculture Management in Mongolia (STREAM)” (implemented by GIZ and FAO), the pilot Team Europe project was launched in 2021 and focused on increasing Mongolian communities' capacity to implement innovative and sustainable long-term landscape management to address food system challenges and climate stresses. Through blended operations with EBRD (European Bank for Reconstruction and Development) that commenced in 2022, the EU is also targeting the increase of climate resilience in one of the *aimags* in Mongolia (“Erdenet Climate Resilience” project), that is heavily affected by floods and lack of access to water for the local population. At the same time, work is taking place in Ulaanbaatar to upgrade and extend the district heating network, to ensure that is less polluting and that more people have access to heating during the long and difficult winter in the capital (“Ulaanbaatar District Heating” project).

On waste management, the EU has developed a number of interventions to address pressing issues in the sector. Through the SWITCH Asia project “Sustainable Plastics Recycling in Mongolia” (implemented by Caritas CZ), the EU is aiming to promote sustainable production and consumption in Mongolia via the principles of 3Rs in waste management and the development of less polluting and more resource-efficient products, processes, and services. With the SWITCH Asia project “3Rs for sustainable use of natural resources in Ulaanbaatar - 3R4UB” (implemented by the Italian Institute for Research on Innovation and Services for Development (CNR-IRISS), the focus is on creating the conditions for authorities in Ulaanbaatar to acquire the necessary skills to properly manage municipal solid waste, among others by encouraging the separation and overall reduction of waste. Similarly, through the Green Cities Framework specific project on Solid Waste Modernisation in Ulaanbaatar, the EU has funded the economic and technical management of solid waste in line with EU standards. Lastly, the EU funded the Youth Sustainability Corps in equipping youth with the ability to promote and actively work towards the sustainable development of Mongolia, empowering young people to advocate for the effective and sustainable management of Mongolia's natural resources.

Conclusions and priorities

To comply with its international obligations under the UN Conventions on Environmental Protection and Climate Change, Mongolia would need to carry out a number of actions.

As regards CITES, Mongolia should update the relevant national legislation to meet all the requirements for CITES implementation.

Mongolia needs also to ratify the Ban Amendment to the Basel Convention prohibiting all transboundary movements of hazardous wastes which are destined for final disposal operations from OECD (Organisation for Economic Co-operation and Development) to non-OECD States, as well as the Kigali Amendment to the Montreal Protocol. The country should also submit all due national reports.

Under the Basel Convention, Mongolia should: a) strengthen the capacity of government agencies to identify, inspect, and manage chemicals and develop a centralised data management information system for addressing the challenges to managing hazardous waste; and b) strengthen the capacity of relevant institutions to increased improve public understanding of the risks of hazardous waste containers, and to improve collection and recycling of hazardous waste and waste containers.

Mongolia's National Implementation Plan and its National Action Plan to the Stockholm Convention need to be updated to address amendments of COPs 6 to 9.

A finance strategy for the implementation of the GHG mitigation measures identified in Mongolia's updated NDC (climate change conventions) remains to be defined.

Finally, Mongolia should recognise poaching and wildlife trafficking as serious crimes and actively monitor such activities to facilitate conservation of endangered species (CITES).

5.4. UN Conventions on Good Governance (Conventions 24-27)

5.4.1. *International Drug Control Conventions* ⁽²¹⁾

Mongolia has no dedicated institution addressing illicit drugs. At the policy level, the Ministry of Justice and Home Affairs and the Ministry of Health are the main bodies working on drug control. The main law enforcement bodies are the National Police Agency, the Professional Inspection Agency, and the Customs General Administration of Mongolia. Treatment and public health aspects are primarily addressed by the National Mental Health Centre and the National Institute of Forensic Science.

In January 2020, the Mongolian Parliament approved amendments to the Criminal Law tightening sanctions for drug dealers. According to the amendments, prison sentences for persons found guilty of bringing drugs into Mongolia would be 8-15 years (compared to 2-8 years previously), whilst individuals organising drug trafficking would receive life sentences.

Mongolia is a transit country for illicit drugs trade from China to Russia, and the volume of smuggling has been increasing. Reportedly, smuggling focuses mostly on synthetic drugs due to the higher profits compared to widely available cannabis; airmail appears to be a prominent smuggling method, although methamphetamine has been smuggled through the border with China as well.

Treatment capacities in Mongolia are very limited. The implementation of the 2017 National Anti-Drug Programme continued to face problems and had not led to expanded treatment options.

One area for improvement mentioned by the International Narcotics Control Board (INCB) would be Mongolia's joining of the real-time communication platform IONICS, which aims to promote the sharing of intelligence and actionable information by law enforcement authorities to prevent dangerous substances from reaching consumer markets.

Government representatives routinely emphasise the lack of human resources and capacities needed to detect narcotic drugs and psychotropic substances at the border, the lack of awareness and prevention measures, as well as the need for specialised medical personnel to treat people with addiction.

5.4.2. *UN Convention against Corruption (UNCAC)*

In January 2021, Parliament amended the Anti-Corruption Law that enables the Prime Minister to directly appoint the head of the Independent Authority Against Corruption (IAAC), Mongolia's primary anti-corruption agency since 2007, thereby weakening the independence of the IAAC. The IAAC is also considered to be understaffed – with about 50 investigators, but estimating that another 50 would be needed to handle the increasing

⁽²¹⁾ UN Single Convention on Narcotic Drugs (1961), UN Convention on Psychotropic Substances (1971) UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988).

caseload – and underfunded, thereby not enabling it to open regional offices; however, the approved budget for the IAAC was sharply increased each year from 2016 to 2020. The public perception of the IAAC was negative, and was worsening over time. Most recently, in a 2021 survey, the trust of the population in the independence of the judiciary system and in the IAAC continued to be low.

In response to large scale corruption cases, the pessimistic views by the population on corruption and anti-corruption efforts, and the low scores in international corruption indicators (see below), a “working group responsible for stopping corruption, cutting red tape, and improving the Corruption perceptions index” under the leadership of the Minister of Justice and Internal Affairs was established in July 2021. In the same year, the Standing Committee on Legal Affairs was instructed to study the establishment of a court to deal exclusively with corruption cases.

Legislative changes since 2017 have both strengthened and weakened the anti-corruption regime in the country. There is no legislation on bribery in the private sector. However, the revised Criminal Code criminalises the abuse of power by an official of a legal entity, including those in the private sector. The Criminal Code has however been criticised by some NGOs because of the limited sanctions it establishes. Additionally, the severity of sanctions is relatively limited when compared to other countries in the region, especially those for passive bribery and money laundering.

A draft whistle-blower law – that had been foreseen in the National Anticorruption Strategy of 2016 complemented by a 2-phase Action Plan 2017-2019 and 2020-2023 – has been prepared and was submitted to Parliament in November 2021, corresponding to Article 33 of the UNCAC.

The Parliament’s National Anti-Corruption Strategy adopted in 2016 was complemented with an action plan adopted by the Government in 2017 covering the period up to 2023 in two phases (2017-2019; 2020-2023) ⁽²²⁾. Implementation is monitored by a working group established at the IAAC, with implementation reports being submitted to and discussed at Parliament.

According to the OECD “anti-corruption laws and action plans are poorly implemented” in Mongolia ⁽²³⁾. This is due to the lack of political will and the instrumentalisation and weaknesses of the anti-corruption institutions, i.e. the IAAC and the judiciary. The National Anti-Corruption Strategy and Action Plan also suffer from a weak monitoring methodology which makes follow-up difficult.

The introduction and extensive use of e-government solutions has helped in the reduction and prevention of petty corruption.

Leniency of sanctions remains a problem in Mongolia. The courts usually order fines and restrictions of rights in corruption cases, whereas imprisonment is hardly used.

In terms of education, Mongolia is one of the few countries in Central Asia to have developed campaigns for youth, such as the 2018 “paper clip” campaign on social media, and embedding the topic of integrity in school curricula at various stages. The anti-

⁽²²⁾ English version available at: https://iaac.mn/uploads/users/1278/files/5_Acton%20plan%20for%20implementation%20the%20National%20Anti-Corruption%20Strategy%20of%20Mongolia.pdf

⁽²³⁾ <https://www.oecd.org/corruption/acn/OECD-ACN-Mongolia-4th-Round-Monitoring-Report-2019-ENG.pdf>

corruption Action Plan also required all ministries, government agencies and local authorities to conduct awareness activities.

Corruption indicators for Mongolia improved in the initial years of the period reviewed but have somewhat deteriorated since. Mongolia's scores in the World Bank's Control of Corruption Index of the Worldwide Governance Indicators gradually improved from -0.54 in 2012 to -0.42, out of a range from +2.5 (best) to -2.5 (worst). In 2020, the latest year for which the Index is available, the score dropped to -0.46 again. The country's score in Transparency International's Corruption Perception Index (CPI) worsened from 39 points in 2014-2015, to 35 points in 2019-2021 and to 33 in 2022 (while 100 means that corruption is almost absent in the society). Accordingly, Mongolia's rank in the CPI dropped from 106 in 2019 to 116 in 2022 (out of 180 countries covered).

In addition to being a Party to UNCAC, Mongolia also participates in other international anti-corruption fora. It is one of the countries participating in the OECD Anti-corruption Network for Eastern Europe and Central Asia (OECD/ACN) and participates in its peer review monitoring under the Istanbul Anti-Corruption Action Plan (IAP) ⁽²⁴⁾; the latest (fourth round) monitoring report so far was published in 2019, and a comparative review of developments in the Central Asian countries in 2020 ⁽²⁵⁾. Mongolia also cooperates with the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific and the Stolen Asset Recovery Initiative.

Mongolia also joined the Open Government Partnership (OGP) in 2013 and, after completing the first three action plans, currently implements its fourth action plan (2021-2023), which comprises nine commitments related to extractive transparency and beneficial ownership, open contracting, fiscal openness and civic space (most commitments were carried over from previous action plans). In February 2022, Mongolia received a Contrary to Process letter from the OGP because its previous Action Plan had not met the minimum requirements, specifically involvement of civil society in the Plan formulation. However, the Action Plan Review report of July 2022 considered that "During a co-creation process largely led by civil society, Mongolia met the OGP threshold for participation".

In bilateral dialogue and cooperation between the EU and Mongolia, the need for good governance has been raised consistently. Anti-corruption initiatives have also been a priority area for EU support under the MIP 2014-2020, where under Focal Area 1 support was also planned to comprise the reinforcement of anti-corruption agencies. The MIP 2021-2027 addresses corruption even more comprehensively under both priority areas, with a particular focus on the judiciary.

In 2020-2021, the EU provided support to Mongolia under the "Global Facility on Anti-Money Laundering and Countering the Financing of Terrorism (GF-AML/CFT)". The aim was to increase awareness of AML/CFT issues and best practices; to provide assistance to improve the AML/CFT legislative, regulatory, and policy framework; to foster AML/CFT analytical and operational capacity; to help improve the effectiveness and efficiency of AML/CFT systems such that financial flows from the informal economy and from organised crime to terrorist organisations are reduced, the use of serious organised crime proceeds is hindered and asset recovery mechanisms are improved; to encourage co-operation and networks on AML/CFT matters at national, regional, and international levels; and to facilitate dialogue between public authorities and civil society and private sector actors.

⁽²⁴⁾ See <https://www.oecd.org/corruption/Anti-corruption-reforms-in-Mongolia.htm>

⁽²⁵⁾ Pilot monitoring reports of the fifth round were published in June 2022 for some countries, but not for Mongolia.

In May 2020, the EU signed a Financing Agreement of €43 million with the Government of Mongolia to implement the first-ever EU Budget Support Programme in the country. The main focus of the Programme is to support the Government's reform agenda in the areas of employment policy and public finance management, helping improve employability, promoting decent work and formal employment, mobilising domestic resources and increasing spending effectiveness. By end of 2021, and based on the performance of the Government on the indicators and targets agreed, the EU disbursed to Mongolia a total of €22.2 million grant. With the technical assistance provided for the Programme, the EU is supporting the Government of Mongolia's employment policy and PFM reforms, through fostering a medium-term expenditure framework and SDG-based budgeting, advancing oversight and budget transparency reforms, and promoting compliance with international standards in labour statistics and labour rights ("SDG-aligned budgeting to transform employment in Mongolia", implemented by UNDP in partnership with FAO and ILO). During the reporting period, the work continued together with the World Bank ("Strengthening Governance in Mongolia" project) to support the Government's effort to improve fiscal discipline, public financial management, and transparency and accountability processes in order to strengthen Mongolia's governance.

Conclusions and priorities

Fighting corruption should become a priority for the Government of Mongolia.

The Independent Authority Against Corruption is in need of retaining or regaining its independence from political interference by establishing appropriately high thresholds for dismissal of the leadership. Procedures for the appointment of IAAC senior management need to be established, as well as high bars for dismissal, to prevent unfounded and politically motivated dismissals of the IAAC leadership. The IAAC should be enabled to establish regional offices.

The anti-corruption legislation needs further amendments along the following lines: prioritise corruption prevention, especially of high-level corruption, through proactive, systemic, and consistent enforcement of integrity regulations with the focus on high-level political officials; adopt the law on whistle-blowers; and ensure that the adjudication of corruption cases takes place at independent and suitably qualified courts, e.g. a separate anti-corruption court. More generally, it is important that the Government and political actors refrain from instrumentalising anti-corruption and anti-bribery efforts for political purposes, which is facilitated by the presence of strong and independent anti-corruption institutions.

As regards the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Mongolia should resume reporting and expand treatment capacities and prevention and awareness raising activities, substitution therapies and harm reduction programmes generally receive sufficient funding and continue to be accessible.

ANNEX: MONGOLIA – TREATY RATIFICATION AND REPORTING

Convention	Ratification status Reservations	Compliance with reporting obligations to monitoring bodies
Human rights conventions		
1. Convention on the Prevention and Punishment of the Crime of Genocide	Acceded: 05.01.1967 No reservations	No reporting obligations
2. International Convention on the Elimination of All Forms of Racial Discrimination	Ratified: 06.08.1969 No reservations	Compliant with reporting obligations <ul style="list-style-type: none"> • Last report submitted on 02.10.2018. • Report due on 05.09.2022.
3. International Covenant on Civil and Political Rights	Ratified: 18.11.1974 No reservations	Compliant with reporting obligations <ul style="list-style-type: none"> • Last report submitted on 15.05.2023.
4. International Covenant on Economic Social and Cultural Rights	Ratified: 18.11.1974 No reservations	Compliant with reporting obligations <ul style="list-style-type: none"> • Last report submitted on 09.07.2021. • Next report due on 30.10.2027.
5. Convention on the Elimination of All Forms of Discrimination Against Women	Ratified: 20.07.1981 No reservations	Compliant with reporting obligations <ul style="list-style-type: none"> • Last report submitted on 22.04.2020. • Next report due on 04.07.2026.
6. Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Acceded: 24.01.2002 No reservations	Compliant with reporting obligations <ul style="list-style-type: none"> • Last report submitted on 09.07.2021.
7. Convention on the Rights of the Child	Ratified: 05.07.1990 No reservations	Compliant with reporting obligations <ul style="list-style-type: none"> • Last report submitted on 03.06.2015. • Report due on 01.09.2022.
Labour conventions⁽²⁶⁾		
8. Convention concerning Forced or Compulsory Labour, No. 29	Ratified: 15.03.2005	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest CEACR comments: 2021. • Last report received in 2023. • Report due in 2025.
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratified: 03.06.1969	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest CEACR comments: 2021. • Last report received in 2021. • Report due in 2024.
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratified: 03.06.1969	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest CEACR comments: 2021. • Last report received in 2021. • Report due in 2024.
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratified: 03.06.1969	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest CEACR comments: 2022. • Last report received in 2021. • Report due in 2023.
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratified: 15.03.2005	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest CEACR comments: 2021. • Last report received in 2023. • Report due in 2025.
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratified: 03.06.1969	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest CEACR comments: 2022. • Last report received in 2021. • Next report due in 2023.
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratified: 16.12.2002	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest CEACR comments: 2021. • Last report received in 2023. • Report due in 2025.

⁽²⁶⁾ Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

Convention	Ratification status Reservations	Compliance with reporting obligations to monitoring bodies
15. Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, No. 182	Ratified: 26.02.2001	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest CEACR comments: 2019. • Last report received in 2022. • Report due in 2025.
Environmental conventions		
16. Convention on International Trade in Endangered Species of Wild Fauna and Flora	Acceded: 05.01.1996 No reservations	Compliant with reporting obligations <ul style="list-style-type: none"> • Last (2021) Annual Report and ARs for 2018-2020 submitted on 28.04.22. • No annual reports submitted for 2017; 2016 and 2015 reports submitted. • Next (2022) Annual Report due 31.10.2023. • Annual Illegal Trade reports not submitted for 2019- 2021 ⁽²⁷⁾; submitted for 2016-2018. • Recent (2019-2022) Biennial or Implementation report (IR) submitted on 28.04.2022. ⁽²⁸⁾ Further IRs submitted for 2016-2018, 2015-2016 and 2003-2004.
17. Montreal Protocol on Substances that Deplete the Ozone Layer	Acceded: 07.03.1996 No reservations	Compliant with reporting obligations. <ul style="list-style-type: none"> • Annual data for 2022 and prior years has been submitted. • ODC and HFC licensing systems in place.
18. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	Acceded: 15.04.1997 No reservations	Lack of compliance with reporting obligations. <ul style="list-style-type: none"> • Latest (2021) National Report (NR) not submitted. • Previous NR (2020) submitted on 22.09.2022. • NRs 2018, 2019 not submitted; some earlier reports submitted (2001, 2005 and 2017). • Next NR (2022) due 31.12.2023.
19. Convention on Biological Diversity	Ratified: 30.09.1993 No reservations	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest National Report (6NR) submitted with delay in 2019 (no exact date; due date was 31.12.2018). • Previous NRs submitted: 5NR on 28.03.2014; 4NR on 01.04.2009; 3NR on 10.10.2007; 2NR on 06.05.2003; 1NR on 10.02.1998. • Latest NBSAP for 2015-2025 submitted on 21.12.2015.
20. The United Nations Framework Convention on Climate Change	Ratified: 30.09.1993 No reservations	Lack of compliance with reporting obligations <ul style="list-style-type: none"> • Updated NDC submitted 13.10.2020. • Latest NC (NC3) submitted on 1.12.2018 (NC 1 in 2001 and NC2 in 2010). NC4 not submitted on time (NCs due every 4 years). • BUR1 report submitted on 6.08.2017 (due date was Dec 2014). NIR submitted in 2017. No further BUR/NIR submitted (due every two years). • CRF table not submitted.
21. Cartagena Protocol on Biosafety	Acceded: 22.07.2003 No reservations	Lack of compliance with reporting obligations <ul style="list-style-type: none"> • Fourth National Report (due 01.10.2019) not submitted. • Last report (NR3) submitted on 30.11.2015, NR2 in 2011.

⁽²⁷⁾ Reporting mandatory, but not subject to compliance procedure.

⁽²⁸⁾ Idem.

Convention	Ratification status Reservations	Compliance with reporting obligations to monitoring bodies
22. Stockholm Convention on Persistent Organic Pollutants	Ratified: 30.04.2004 No reservations	Partially compliant with reporting obligations <ul style="list-style-type: none"> • Fifth National Report (NR) submitted on 01.09.2022. • 4NR due 31.08.2018 submitted on 28.10.2020. • 3NR due 31.08.2014 submitted on 27.10.2016. • NIP1 due July 2006 submitted in 2008. Update to address COP4 and COP5 amendments submitted (yet overdue). • Updates to address COP 6-9 not submitted.
23. Kyoto Protocol to the United Nations Framework Convention on Climate Change	Acceded: 15.12.1999 No reservations	No reporting obligations
Good governance conventions		
24. United Nations Single Convention on Narcotic Drugs	Acceded: 06.05.1991 No reservations	Partially compliant with reporting obligations <ul style="list-style-type: none"> • All reports and statistics under the Single Convention and Convention on Psychotropic Substances (incl. voluntary ones) provided in 2020 and 2021 (although gaps in earlier year, in particular in 2019). • No reports submitted under the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances since 2017. Review by INCB <ul style="list-style-type: none"> • INCB mission took place in July 2018. • No indication of non-compliance in INCB reports.
25. United Nations Convention on Psychotropic Substances	Acceded: 15.12.1999 No reservations	
26. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Acceded: 25.06.2003 No reservations	
27. United Nations Convention against Corruption	Ratified: 11.01.2006 No reservations	No reporting obligations. Reviewing by UNODC & implementation review mechanism (peer review) <ul style="list-style-type: none"> • 2nd cycle review currently ongoing; country mission took place in April 2022. • Executive summary of the first cycle review was published in 2011.