



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 9 OF THE CONVENTION**

**Eighteenth periodic reports of States parties due in 2004**

**Addendum**

**Mongolia\***

[26 September 2005]

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\* This document contains the sixteenth to eighteenth periodic reports of Mongolia, due on 5 September 2000, 2002 and 2004, submitted in one document. For the fifteenth periodic reports submitted in one document, and the summary records of the meetings at which the Committee considered those reports, see document CERD/C/388/Add.3 and CERD/C/SR.1327 and 1328.

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## Introduction

1. The present report is submitted pursuant to article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination, according to which the States parties are required to submit periodic reports to the United Nations Secretary-General on the measures taken to implement the Convention and the progress achieved.
2. The present report reflects legislative, administrative and other measures that have been taken to implement the rights provided for in the Convention. The recommendations by the Committee during the discussion of the eleventh to fifteenth periodic reports of Mongolia were also taken into account.

## I. GENERAL INFORMATION

3. Mongolia is located in North-East Asia between the 41° 35' and 52° north latitude and 87° 44' and 119° 56' east longitude. Mongolia is a landlocked country bordered to the north by Russia and to the east, south and west by China. Its total border is 8,161.8 km long, 3,485 km of which are with Russia and 4,676.8 km with China.
4. The territory of Mongolia covers an area of 1,564,100 km<sup>2</sup>, larger than the overall combined territory of the United Kingdom, France, Germany and Italy. By its territory, Mongolia is the seventh largest country in Asia. The country has an average altitude of 1,580 m above sea level.
5. As of 2002, the population of Mongolia was approximately 2.5 million and population density was 1.4 persons per km<sup>2</sup>, although it varied considerably by *aimag*, province and cities. Currently, 49.6 per cent of the population are male and 50.4 per cent are female. In 2002, 32.6 per cent of the population was aged under 15 years, 63.9 per cent aged 15-64 and 3.5 per cent aged 65 years and over. The working-age population was 1,402,800.
6. The ethnic composition of Mongolia is fairly homogeneous: there are 2 major national groups (khalkha and kazaks) and 15 national minorities. The ethnic groups are the Khalkha, Durvud, Bayad, Buriad, Dariganga, Zakhchin, Uriankhai, Darkhad, Torguud, Uuld, Khoton, Myangad, Barga, Uzumchin and Kazakh. The respective percentages of the ethnic groups in the total population are: Khalkha, 79 per cent; Kazak, 5.9 per cent; Durvud and Bayad, 4.6 per cent; Buriat, 1.7 per cent; Dariganga, 1.4 per cent; and the others, 4.5 per cent. The percentage of Khalkha Mongols among the ethnic groups increased and the percentage of people of Russian and Chinese origin decreased. In recent years the emigration of about 60,000 Kazakhs to Kazakhstan affected their national percentage.
7. From its independence in 1921 to the democratic revolution in 1990 Mongolia lived under successive communist regimes, accepting economic assistance and political patronage from the former Soviet Union. The principles of a democratic system and respect for human rights were thoroughly worked out and the new Constitution of Mongolia was adopted on 13 January 1992, entering into force on 12 February 1992. On 27 July 2004 national elections took place and 76 per cent of the eligible voters cast vote for the 76 seats in Parliament. Nine parties (three in coalition) took part. The result split 72 seats evenly between the former ruling Mongolian People's Revolutionary Party (MPRP) and the Motherland-Democracy

Coalition (MDC). Intra-party negotiations produced a “grand coalition” or “consensus” Government, in which MPRP and MDC divided the parliamentary standing committee and Cabinet positions. The Speaker of the Parliament and the Prime Minister were from different parties, as were the ministers and vice-ministers of the 13 ministries.

## **II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION**

### **Article 2**

8. As a Member of the United Nations, Mongolia continues to pay close attention to the protection of human rights and fundamental freedoms as contained in its legislation as well as in the Universal Declaration of Human Rights. Mongolia has criminalized racial discrimination and made every effort to create and carry out a policy of elimination of racial discrimination. The main law and legislation that regulate combating racism and racial discrimination is the Constitution. Discrimination of all kinds is constitutionally prohibited. Paragraph 2 of article 14 of the Constitution spells out that: “No person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and position, religion, opinion and education. Everyone shall be a person before the law.” Paragraph 11 of article 16 states: “Men and women shall enjoy equal rights in the political, economic, social, cultural fields and in family relationships.”

9. Mongolian national policy is carried out through the realization of rights and freedoms supported by a range of legislative and regulatory instruments. In addition to the provisions of the Constitution, there are more than 20 legislative instruments in force in Mongolia that fully meet international standards.

10. Foreign citizens and stateless persons in Mongolia enjoy equal rights and freedoms and fulfil the same obligations as citizens of Mongolia unless otherwise specified in the Constitution and other legislative instruments. According to the Law on the Legal Status of Foreign Citizens (1993):

- All persons legally residing in Mongolia shall be equal before the law and the courts (art. 8, para. 1);
- Foreign citizens in Mongolia may exercise the rights and freedoms conferred on them by the laws of Mongolia in the same manner as citizens of Mongolia (art. 8, para. 2);
- In establishing the rights and duties of foreign citizens under this law, other legislation and international treaties, Mongolia shall adhere to the principle of reciprocity with the country of which those persons are citizens (art. 8, para. 3).

11. The rights and freedoms of foreign nationals and stateless persons may be restricted only in cases where this is necessary to protect the rights and fundamental freedoms of the citizens of Mongolia and to ensure State security. Non-citizens are not equal with Mongolian citizens only with regard to article 10 of the Law on the Legal Status of Foreign Citizens (1993):

- Foreign citizens may not vote in elections or be elected to self-governing bodies of administrative units, towns, villages or State organizations of Mongolia and shall not take part in referendums;
- Foreign citizens may not be employed as full-time civil servants of Mongolia;
- Foreign citizens shall not have the duty to serve in the armed forces or any other military service of Mongolia;
- Foreign citizens shall not engage in any political activities, including setting up and joining organizations that carry on political activities in Mongolia (amendment of 7 December 2000);
- It shall be prohibited for foreign citizens to campaign against the national unity of Mongolia and advertise, promote and practise a religion inconsistent with the traditional customs and laws, as well as violence, pornography and narcotics (ibid.);
- In order to ensure the sovereignty of Mongolia, national security and public order, the Cabinet of Mongolia may enact any legislation it considers necessary that may restrict the rights and freedoms of foreign citizens other than inalienable human rights.

12. Subparagraph 5, article 7, of the Law on Advertisement (2001) contains a provision prohibiting advertisements in the media unfavourably comparing religions, professions, the sexes, ages, social status, languages and ethnic groups, or promoting racial discrimination and discord.

13. Besides the Constitution, the principle of equality is also enshrined in other legislative instruments, such as the Family Law, the Labour Law, the Criminal Code, the Civil Code, the Law on Supporting of Employment and others. For example, under subparagraph 1, article 4, of the Law on Supporting of Employment, which entered into force on 19 April 2001, prohibits discrimination in supporting employment on the basis of ethnic origin, language, race, age, sex, social origin or status, property, occupation and position, religion, opinion and education.

14. In accordance with the Higher Educational Law (2002) and the Pre-school and High School Education Law (2002), Mongolian educational policy is based on the principles of the global standards, human rights and the accessibility of everyone to education. According to the Constitution (article 16, paragraph 7, on “the right to education”), the State shall provide basic general education free of charge; citizens may establish and operate private schools if these meet the requirements of the State.

15. According to paragraph 3, article 10, of the Constitution of Mongolia, “The international treaties to which Mongolia is a party shall become effective as domestic legislation upon the entry into force of the laws on their ratification or accession.” Mongolia became party to the Convention against Discrimination in Education in 1964; therefore, Mongolia fully agrees with the content of article 5 (c) of the Convention, which states that:

“It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, provided however:

- “(i) That this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its activities, or which prejudices national sovereignty;
- “(ii) That the standard of education is not lower than the general standard laid down or approved by the competent authorities; and
- “(iii) That attendance at such schools is optional.”

### **Article 3**

16. There is no genocide, apartheid or racial segregation in Mongolia. The penalties for genocide and crimes against humanity are provided in article 302 of the Criminal Code: “Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing of members of the group; causing grave bodily injuries to members of the group; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group or deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part shall be punishable ...”.

17. In addition, Mongolia is party to international conventions such as:

- Convention on the Prevention and Punishment of the Crime of Genocide (Mongolia became a party in 1967);
- International Convention on the Elimination of All Forms of Racial Discrimination (1969);
- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (1969);
- International Covenant on Civil and Political Rights (1974);
- International Covenant on Economic, Social and Cultural Rights (1974);
- International Convention on the Suppression and Punishment of the Crime of Apartheid (1975);

- Convention on the Elimination of All Forms of Discrimination against Women (1981);
- International Convention against Apartheid in Sport (1987);
- Convention on the Rights of the Child (1990).

#### **Article 4**

18. On 3 January 2002, the Parliament passed the new amended Criminal Code which provides for three offences against racial discrimination and genocide:

- **Article 5.1.** A culprit whose guilt has been established by court shall be subject to criminal liability irrespective of his/her ethnic origin, language, race, age, sex, social origin and status, property, official position, occupation, religion, opinion, belief and education.
- **Article 86.1.** Propaganda with a view to stirring up national, racial or religious hatred between peoples, direct or indirect restriction of their rights by discrimination or establishing privileges shall be punishable by imprisonment for a term of 6 to 10 years.
- **Article 302.** Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, such as: killing of members of the group; causing grave bodily injuries to members of the group; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group or deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, shall be punishable by imprisonment for a term of 20 to 25 years or the death penalty.

19. Besides criminal legislation, standards intended to protect individuals from manifestations of any kind of discrimination are also included in several other laws. In particular, the Labour Law, which entered into force on 14 May 1999, includes provisions aimed at eradicating discrimination in labour relations (art. 7.2). This article reads: “Discrimination, or the imposition of limitations or advantage based on nationality, race, sex, social origin or status, wealth, religion, or ideology is prohibited.” Article 114.1.3 of the Law states: “If there has been discrimination with respect to employment based on social origin, social status, nationality, race, sex, wealth, religion or political affiliation; or if limitations on or advantages to an employee have been created; or when hiring a citizen or in the subsequent labour relations the rights and freedoms of an employee have been limited in a manner unrelated to the nature of his work, a judge shall impose a fine on an officer of from 5,000 to 25,000 togrogs and shall impose a fine on a business entity of from 50,000 to 100,000 togrogs.”

20. In Mongolia there have been no reports of discrimination.

## Article 5

21. It should be noted with regard to the implementation in Mongolia of the provisions of article 5 that a number of normative legal instruments directly regulating specific social relations have been adopted in addition to enshrining in the Constitution the fundamental principles and standards for the legal regulation of relations concerning the norms of the Convention.

### **The right to equal treatment before the tribunals and all other organs administering justice**

22. Equality before the law is provided for under the law and guaranteed by article 14 (1): “All persons lawfully residing within Mongolia are equal before the law and the Court.”

23. Judicial protection of the rights of all people, including minors, is provided by the high courts. A centre has been established in order to improve the protection of the interests of children who have come into conflict with the law.

24. As stated in article 8 of the Law on Courts: “Every person in Mongolia shall be equal before the law and court irrespective of his/her nationality, language, race, age, sex, social origin and status, property, occupation or post, religion, opinion or education, or other condition, as well as the form of ownership of the business or organization.”

### **The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution**

25. The Mongolian Parliament promulgated the Law on Administrative Procedure which entered into force on 1 June 2004. The purpose of this law is to regulate the relations connected with the preliminary decision-making on administrative cases of complaints and claims submitted by citizens and legal entities that have considered an administrative act to have infringed their rights, and with the proceedings of administrative cases in the Administrative Cases Courts.

### **Political rights, including the right to stand for election**

26. Every citizen has the right, according to article 16.9 of the Constitution, to take part in the conduct of State affairs directly or through representative bodies, including the right to take part in elections and to be elected to State bodies. The right to take part in elections shall be enjoyed from the age of 18 years and the minimum age for being elected shall be determined by law according to the requirements in respect of the bodies or positions concerned. Article 16.10 provides for the right to form a party or other mass organizations on the basis of social and personal interests and opinion and the freedom of association of these organizations. All political parties and other mass organizations shall uphold public order and State security, and abide by the law. Discrimination and persecution of a person for joining a political party or other mass organization or for being a member shall be prohibited. Some categories of State employees may not enjoy these rights. Article 16.11 states that men and women shall enjoy equal rights in political, economic, social, cultural fields and in family relationships.

27. Political parties that have obtained seats in the State Great Hural (Parliament) shall nominate, individually or collectively, presidential candidates, one candidate per party or coalition of parties. “An indigenous citizen of Mongolia who has attained the age of



forty-five years and has permanently resided as a minimum for the last five years in Mongolia, shall be eligible for election to the post of President for a term of four years” (Constitution, art. 30.2).

28. The State Great Hural of Mongolia is the highest organ of State power and the legislative power shall be vested solely in the State Great Hural. “The members of the State Great Hural shall be elected by citizens eligible [to take part in] election, on the basis of universal, free, direct suffrage by secret ballot, for a term of four years” (ibid., art. 21.2).

29. Paragraph 2 of article 3 of the Law on Elections to *aimag*, capital, *soum* and district hurals of citizens’ representatives states, “Citizens of Mongolia residing in the country on the day of elections, who have attained the age of 18, irrespective of their nationality, ethnic origin, language, race, sex, social origin and status, property, occupation or post, religion, conviction and education, shall have the right to vote”.

### **Other civil rights**

#### *The right to freedom of movement and residence within the borders of the State*

30. According to article 16, paragraph 18, of the Constitution, the rights to freedom of movement and residence within the country, the right to travel and reside abroad and to return to one’s home country may be limited exclusively by law in order to ensure the national security and the security of the population and to protect public order.

#### *The right to leave any country, including one’s own, and to return to one’s country*

31. Mongolian nationals have the right to travel and emigrate to foreign countries for private purposes and return to Mongolia without hindrance. This issue is regulated by article 4 of the Law on the Right of Mongolian Citizens to Travel and Emigrate to Foreign Countries (1993).

#### *The right to a nationality*

32. Under the Constitution, the President decides on matters related to the granting of citizenship of Mongolia. The procedure for granting citizenship is set out in the Law on Citizenship (1995), which determines the legal bases of State regulation in matters of citizenship. It regulates the basis and procedure for obtaining, preserving and revoking citizenship of Mongolia. The procedures for receiving applications for citizenship of Mongolia and for determining citizenship held, and also for reversing and supplementing decisions on citizenship matters, are set out in Government resolution No. 168 (2003).

33. The legal status of foreign nationals and stateless persons in Mongolia is governed by the Law on the Status of Foreign Citizens (1993).

34. The rights and duties of foreign citizens residing in Mongolia shall be regulated by the Mongolian law and by the treaties concluded with the State of the person concerned (ibid., art. 18.1). Mongolia shall adhere to the principle of reciprocity in determining the rights and duties of foreign citizens on the basis of international treaties with the concerned States.

35. Foreign citizens or stateless persons persecuted for their beliefs or political or other activities pursuing justice may be granted asylum in Mongolia on the basis of their well-founded requests (ibid., art. 18.4).

*The right to marriage and choice of spouse*

36. Men and women shall enjoy equal rights in political, economic, social and cultural fields and in family relationships. “Marriage shall be based on the equality and mutual consent of the spouses who have reached the age determined by law. The State shall protect the interests of the family, motherhood and the child” (ibid., art. 16.11).

37. The legal regulation of marital and family relations in Mongolia is stipulated in the Family Law (1999). Mongolia recognizes only marriages registered in the Marriage Registry Office and district registration offices.

*The right to own property alone as well as in association with others*

38. Mongolia recognizes all forms of public and private property and shall protect the rights of the owner by law. Private property includes individual ownership and in association with others. The owner’s rights shall be limited exclusively on the grounds specified in the law.

39. No person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and position, religion, opinion and education. Everyone shall be a person before the law (ibid., art. 14.2).

40. Constitution guarantees the right to fair acquisition, possession, ownership and inheritance of movable and immovable property. Illegal confiscation and requisitioning of the private property of citizens shall be prohibited. If the State and its bodies appropriate private property on the basis of exclusive public need, they shall do so with due compensation and payment (ibid., art. 16.3).

41. Property is regulated by the new and amended Civil Code (2002) and the purpose of civil legislation shall be based on the principle of ensuring equality and autonomy of participants in legal civil relations and the inviolability of their property.

42. A person possessing ownerless property for five years continuously and, after finding it in a fair manner, shall acquire the right to own it (Civil Code, art. 104.1).

43. In case an owner’s failure to use, maintain and store properly an object in his/her possession conflicts with public interests, the court may charge the owner with the obligation to properly use, maintain and store the object, or may order him/her to have this obligation performed by someone else, for remuneration.

44. Land, other than that in private ownership of citizens of Mongolia, shall be in State ownership.

*The right to inherit*

45. The Civil Code of Mongolia contains 23 articles regulating inheritance, including obligations, protection, revocation and wills.

46. The rules governing inheritance, according to article 515 of the Civil Code, are:

- The property and rights of a testator shall be inherited;
- A successor shall inherit the duties of an heir in terms of the size of the inheritance;
- A will shall be executed in accordance with the law or the terms of the will;
- Under the law only the testator has the right to amend a will;
- If the right of succession by law or the terms of the will is lost, or in absence of the lawful heir, the inheritance shall be transferred to State ownership;
- If only part of the inheritance is bequeathed, the remaining part of property in the absence of a lawful successor shall be transferred to State ownership.

*The right to freedom of thought, conscience and religion*

47. Religions and faiths are equal before the law under article 16.15 of the Constitution, which gives to all freedom of conscience and religion.

48. Article 16.16 of the Constitution provides that everyone has the rights to freedom of thought, opinion and expression, speech, the press and peaceful assembly. The procedures for organizing demonstrations and other assemblies shall be determined by law.

49. Mongolian citizens enjoy freedom of religious belief. About half of the populace practises the Yellow and Red Sects of Buddhism. Islam is the next-most-practised religion in Mongolia, accounting for 4 per cent of the population. Kazakh Mongols are predominantly the followers of Islamic thought. Around 6 per cent of the people are considered to be believers in shamanism or of various sects of Christianity.

*The right to freedom of opinion and expression*

50. Mongolia respects freedom of expression and the right of its citizens to receive information and to express and disseminate their opinions. Under article 16.16 of the Constitution, it is clearly stipulated and expressed that every person has the right to freedom of opinion and expression. Procedures for organizing demonstrations and other assemblies shall be determined by law.

*The right to freedom of peaceful assembly and association*

51. According to article 4 of the Law on the Regulation on Assemblies and Marches (1994), the freedom to hold assemblies and marches that do not violate the law or the rights of other citizens of Mongolia, including foreign citizens and stateless persons is guaranteed by the State unless stated otherwise in international treaties to which Mongolia is a party.

**Economic, social and cultural rights**

*The rights to work and choice of employment*

52. Mongolia is party to the following international instruments of the International Labour Organization (ILO):

- Minimum Age (Industry) Convention (Revised), 1937 (No. 59);
- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87);
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98);
- Equal Remuneration Convention, 1951 (No. 100);
- Maternity Protection Convention (Revised), 1952 (No. 103);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- Employment Policy Convention, 1964 (No. 122);
- Minimum Age (Underground Work) Convention, 1965 (No. 123);
- Workers’ Representatives’ Convention, 1971 (No. 135);
- Minimum Age Convention, 1973 (No. 138);
- Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144);
- Occupational Health and Safety Convention, 1981 (No. 155);
- ILO on Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159);
- Worst Forms of Child Labour Convention, 1999 (No. 182) and Recommendation (No. 190).

53. The right to work is guaranteed by article 16.4 of the Constitution, which stipulates “the right to free choice of employment, favourable conditions of work, remuneration, rest and private farming. No one shall be subjected to forced labour”.

54. Employment is regulated by the Labour Law (1999). The purpose of this law is to determine the general rights and duties of employers and employees who are parties to a labour relationship based on a contract of employment, collective agreement or collective bargaining, and to provide rules with respect to collective or single employee labour disputes, working conditions, management, monitoring and supervision, and liabilities for violation of this law, and to ensure the mutual equality of the parties. According to article 113 of this law, an employer may employ a foreign citizen or stateless person pursuant to a contract of employment.

55. Labour and business activities of foreign nationals and stateless persons temporarily resident in Mongolia are regulated by the Law on the Legal Status of Foreign Citizens (1993), which provides that foreign nationals and stateless persons temporarily resident in Mongolia have the following rights:

- **Article 11.1.** Long-term private foreign residents, permanent residents or immigrants may be employed in governmental, non-governmental or international organizations and representative offices of business entities in Mongolia on a contractual basis, or engage in manufacturing or services by incorporating a business entity, upon permission of the central State administrative body in charge of labour issues or an organization authorized by that body, or hold posts other than those prohibited by this law or other legislative acts.
- **Article 11.2.** Foreign citizens employed, or participating in training in Mongolia under an intergovernmental or other competent agreement, employed in a non-governmental or international organization, may be employed or attend training at a different organization if they have applied to the central State administrative body in charge of labour issues upon expiry or early termination of their respective agreements.
- **Article 11.3.** Foreign citizens, other than long-term provide residents, permanent residents and immigrants, may not engage in any private business, or hold employment in a business entity or organization, with the purpose of generating revenue, apart from the activity performed at the time of their entry into Mongolia.

*The right to form and join trade unions*

56. The forming and activities of trade unions are regulated by the Labour Law. The title “employee representative” means a trade union that undertakes to represent and protect the rights and legal interests of employees.

57. If there are multiple relevant trade unions at the national, regional, or administrative territorial unit level, or in a specified economic sector or profession or in a business entity or organization, they shall participate in the negotiation and conclusion of the collective agreement or bargaining through their representatives in proportion to the number of their members, in accordance with the Labour Law.

*The right to housing*

58. Illegal confiscation and requisitioning of the private property of citizens shall be prohibited. If the State or its bodies appropriate private property on the basis of exclusive public need, they shall do so with due compensation and payment in accordance with article 16.3 of the Constitution.

59. The right to housing, which is commonly called the right to immovable property, is regulated by the Civil Code. The right of single ownership of an apartment shall be created on the basis of law or a transaction. A transaction creating the right of single ownership of an apartment shall be certified by notary and registered with the State Real Estate Registration Office. All owners shall be entitled to have the apartment, room or other area that is an object of single ownership registered with the State Real Estate Registration Office, as provided by law (article 145.3 of the Civil Code).

60. Under article 148 of the Civil Code, the apartment owner shall have the following rights:

- Unless stated otherwise in law, the owner shall exercise the right at his/her own discretion to possess, use and dispose of the objects of single ownership;
- To use communal ownership objects in accordance with their original designation;
- To have a voting right commensurate to the owner's share in regard to the maintenance and disposal of communally owned objects;
- To be entitled to take the necessary measures to reduce and eliminate any potential damage to the communal objects without the permission of co-owners and to claim for reimbursement of any related costs.

*The right to public health, medical care, social security and social services*

61. In Mongolia the right to health derives from the provisions of the Bill of Rights. Under article 16.2 of the Constitution, this is described as “the right to a healthy and safe environment, and to be protected against environmental pollution and ecological imbalance”; also, article 16.6 stipulates “the right to the protection of health and medical care. The procedure and conditions of free medical aid shall be determined by law”.

62. Citizens of Mongolia, while upholding justice and humanity, shall fulfil in good faith the basic duties such as the duty of every citizen to work, protect his/her health, bring up and educate his/her children and to protect nature and the environment.

63. The health-care organs provide health care and various medical assistance and are regulated by the following:

- Law on Health;
- Law on the Rights of the Child;
- Law on Sanitation;

- Law on Protecting against AIDS;
- Law on Tobacco Regulation;
- Law against Alcoholism;
- Law on Health Insurance of Mongolian citizens;
- Law on Civil Protection;
- Law on Mental Health;
- Law on Control of Drug and Psychotropic Substances;
- Government resolution No. 153 on improvement of activities to fight and protect against disease;
- Government resolution No. 194 on the national programme on improvement of the blood supply;
- Government resolution No. 84 on the national programme on iodine deficiency;
- Government resolution No. 89 on the *soum* hospital development programme;
- Government resolution No. 29-2002 on the national programme on fighting disease;
- Government resolution No. 139-2002 on the national programme on improving the health of the population;
- Parliament resolution No. 41 of October 2003 on adoption of the Human Rights Action Programme of Mongolia;
- Constitution of the World Health Organization (1962);
- Amendments to articles 24 and 25 of the Constitution of the World Health Organization (1971);
- WHO representative office in Mongolia (1971);
- Amendments to articles 34 and 55 of the WHO Constitution (1977);
- Amendments to articles 24 and 25 of the WHO Constitution (1981);
- Amendments to articles 24 and 25 of the WHO Constitution (1993);
- Agreement on the establishment of the International Vaccine Institute (1997);
- The right to education and training.

64. The right to education is regulated by article 15.2 of the Constitution: “No person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and position, religion, opinion and education. Everyone shall be a person before the law.” And article 16.7, on the right to education: “The State shall provide basic general education free of charge; citizens may establish and operate private schools if these meet the requirements of the State.”

65. These articles do not affect the right of national minorities to use their native languages in education and communication and in the pursuit of cultural, artistic and scientific activities (article 8 of the Constitution).

66. Education policy documents are supported by the Education Law (2002), the Basic and Secondary School Law (2002), the Professional Education and Training Law (2002) and the Higher Education Law (2002).

67. With the Ministry of Education, Culture and Science of Mongolia are registered 183 universities and colleges and 686 high schools, including foreign schools (Russian, English, Turkish, German, International School, Chinese, etc.) as at 2004. The pupils attending the school have the right to participate in making the decision about the choice of language, in particular in high school and university.

68. Under article 5.14 of Official Language Law, Mongolia takes care that instruction will be in the language of that minority where most of the population belongs to a minority of Mongolia.

69. As of 1 September 200 (sic.), in the whole country there were 108,738 students and 537,398 pupils registered in schools of general education.

#### *The right to equal participation in cultural activities*

70. Under article 16.8 of the Constitution, Mongolia guarantees equal social rights and “the right to engage in creative work in cultural, artistic and scientific fields and to benefit thereof” will be protected by law; copyrights and patents shall also be protected by law.

71. Also, men and women shall enjoy equal rights in political, economic, social, cultural fields and in family relationships, according to article 16.11.

72. The year 1995 was celebrated as the “Year of Culture” during which a variety of activities were carried out, and a Law on Culture was adopted in 1996.

#### *The right of access to public services*

73. In Mongolia the three forms of public transportation (trolley, train and bus) issue tickets for each journey. People under 16 and over 55 travel free.

74. Lots of private hotels were constructed for the “year of tourism 2003-2004”. The hotels were built according to international standards with standard, semi-luxury and luxury rooms for every person, without discrimination.



75. Restaurants, cafe and theatres for public use must have a sanitary permit from the relevant authority to ensure that service is in accordance with international standards.

### **Article 6**

76. The 1992 Constitution declares Mongolia to be a parliamentary republic, dividing power between the executive, legislative and judicial branches. The State Great Hural is the highest organ of State power and the highest executive organ of the State is the Government. The judicial system consists of the Supreme Court, provincial and capital city courts, regional courts, interregional courts and district courts. In addition, specialized courts such as criminal, civil and administrative courts (established in 2004) function under the supervision of the Supreme Court. The Constitutional Court (Tsets) is an independent organ exercising supreme supervision over the implementation of the Constitution and settles constitutional disputes as well as human rights matters, as stipulated in the Constitution.

77. The Constitutional Court received more than 700 complaints from Mongolian citizens since it was established in 1992, 300 of which concerned violations of their rights. The Constitutional Court made a final decision on 10 complaints finding violations of human rights stipulated in the Constitution.

78. The Constitution stipulates that everyone whose rights and freedoms are violated has the right of recourse to the courts. Everyone has “the right to appeal to the court to protect his/her rights if he/she considers that the rights or freedoms as spelt out by the Mongolian law or an international treaty have been violated; to be compensated for the damage illegally caused by others; not to testify against himself/herself, his/her family, or parents and children; to self-defence; to receive legal assistance; to have evidence examined; to a fair trial; to be tried in his/her presence; to appeal against a court decision, to seek pardon. Compulsion to testify against himself/herself shall be prohibited. Every person shall be presumed innocent until proven guilty by a court by due process of law. The penalties imposed on the convicted shall not be applicable to his/her family members and relatives” (article 16.14 of the Constitution).

### **Article 7**

79. Training and retraining activities are undertaken with the assistance of international organizations and under educational and cultural bilateral treaties which Mongolia has concluded with other countries. For example, under a World Bank project the National Center for Legal and Judicial Research, Training and Information was established by resolution No. 121, 2002 of the Government of Mongolia and its regulation and organizational structure were approved by Order No. 222, 2002 of the Minister of Justice and Home Affairs. This centre maintains a television studio to disseminate legal materials and promote legal education and understanding to citizens and to lawyers.

80. Mongolian Television and all radio stations are legal entities. According to the new law on Public National Television (2005) the boards of administration include representatives of political parties, cultural fields and citizens.

81. There were around 10 hours of language-learning programmes for Mongolians. In total, there are around 50 channels broadcasting bilingual programmes (English, Russian, Chinese, Japanese, German, French, Turkish, Korean, Kazakh, etc.) with subtitles for deaf persons.

82. In Mongolia 201 television and radio stations broadcast in Mongolia and all over the world through the Internet. Also, 1,493 newspapers and 391 bulletins are registered in the Ministry of Justice and Home Affairs of Mongolia in 2005.

83. 10 December is Human Rights Protection Day according to the Law on Celebrations and Memorial Days (2003).

### **III. CONCLUSION**

84. Mongolia appreciates the work done by the Committee on the Elimination of Racial Discrimination in promoting human rights among the people of the world. The Mongolian Government is committed to implementing the International Convention on the Elimination of All Forms of Racial Discrimination and to reporting to the Committee periodically.

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