



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Eighty-eighth session

23 November-11 December 2015

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted  
by States parties under article 9 of the Convention**

## List of themes in relation to the combined nineteenth to twenty- second periodic reports of Mongolia (CERD/C/MNG/19-22)

### Note by the Country Rapporteur

The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. This document contains a list of such themes. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

#### 1. Statistics on the ethnic make-up of the population and socioeconomic indicators

Lack of data on the enjoyment of economic, social and cultural rights by the different sections of the State party's population. Lack of data on the representation of the different ethnic groups at the different levels of public life.

#### 2. The Convention in domestic law, institutional and policy framework for its implementation (arts. 1, 2 and 4)

- (a) Cases of direct application of the Convention in the legal domestic order;
- (b) Any intention to adopt a specific and comprehensive anti-discrimination law (see CERD/C/MNG/19-22, paras. 10 and 11);
- (c) Information on any progress made to adopt a clear definition of racial discrimination in the legislation of the State party (see CERD/C/MNG/CO/18, para. 12);
- (d) Updated information on legislation and regulations on combatting racial discrimination in the civil and administrative fields (see CERD/C/MNG/CO/18, para. 14, and CERD/C/MNG/19-22, paras. 23 and 24);



(e) Further detailed information on the concrete responses to hate and racist speech and to hate-based violence, including investigation and prosecution (see CERD/C/MNG/19-22, para. 17). Information on the measures taken to combat racist organizations. Information on the existence of any provisions in domestic law declaring illegal and prohibiting organizations that promote and incite racial discrimination (see CERD/C/MNG/19-22, para. 16);

(f) Further detailed information on the differential treatment of foreign citizens by the law (see CERD/C/MNG/19-22, para. 28). Further detailed information on article 7, paragraph 1, of the Law of Mongolia on the Legal Status of Foreign Citizens (see CERD/C/MNG/19-22, para. 45).

**3. Economic, social and cultural rights of minority ethnic groups and other vulnerable or marginalized groups (art. 5)**

(a) Significant disparities in the enjoyment of economic, social and cultural rights, particularly affecting ethnic groups in rural and remote areas (see CERD/C/MNG/CO/18, para. 19);

(b) Information on any affirmative action measures to prevent the discrimination of minorities in the employment sector (see CERD/C/MNG/19-22, para. 65);

(c) Information on access to health care and education by asylum seekers and refugees (see CERD/C/MNG/19-22, paras. 74 and 78).

**4. Discrimination against non-citizens, including migrants, refugees and asylum seekers (arts. 5, 6 and 7)**

(a) Rights of non-citizens being granted on the basis of reciprocity which may infringe access by non-citizens to the rights and freedoms guaranteed under article 5 of the Convention (see CERD/C/MNG/CO/18, para. 17, and CERD/C/MNG/19-22, para. 47);

(b) Further detailed information on the indication in article 14, paragraph 1, of the Constitution that “all persons lawfully residing within Mongolia are equal before the law and the Court” (see CERD/C/MNG/19-22, para. 26);

(c) Information on any intention to withdraw article 16, paragraph 18, of the Constitution, according to which the right to travel and reside abroad may be limited exclusively by law in order to ensure the security of the nation and population and to maintain public order. Information on cases where this provision has been used towards asylum seekers or other minorities (see CERD/C/MNG/19-22, para. 36).

**5. Situation of minorities and indigenous peoples**

(a) Reported marginalization and discrimination of ethnic minorities and indigenous peoples;

(b) Information on the situation of minorities and indigenous peoples;

(c) Information on the measures taken to protect indigenous peoples, including the Dukha (Tsaatan) and national and ethnic minorities from discrimination and marginalization;

(d) Negative impact of mining licenses and concessions and other large-scale development projects on the right of indigenous peoples to pursue their traditional livelihoods and the right to their lands, territories and resources. In particular, mining licenses and concessions being reportedly frequently granted in the traditional territory of the Dukha (Tsaatan) without their free, prior and informed consent;

(e) Reported restriction of indigenous peoples' traditional hunting and reindeer herding activities;

(f) Updated information on the practical measures to facilitate access to education by children belonging to minority groups and indigenous peoples (see CERD/C/MNG/CO/18, para. 21, and CERD/C/MNG/19-22, paras. 81-83);

(g) Information on the measures taken and resources allocated to implement article 10, paragraph 2, of the Law on Courts, indicating that "persons who do not have command of Mongolian language with the help of translator or interpreter shall have a right to get introduced with all materials of the case, and to make a speech in court in their mother tongue" (see CERD/C/MNG/19-22, para. 27);

(h) Information on the measures taken to increase representation of minority groups and indigenous peoples in the police force (see CERD/C/MNG/CO/18, para. 15).

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