

MONGOLIA

CERD 26th No. 18 (A/8418) (1971)

28. From its 56th to its 58th meetings, the Committee proceeded to determine formally its view as a Committee (as distinct from the views expressed at previous meetings, which were those of the individual members) as to which reports were “satisfactory”, in the sense that they furnished all or most of the required information, and which reports were “unsatisfactory” or “incomplete” and therefore needed to be supplemented by further information. The initial report (and supplementary report, if any) of each State Party was put before the Committee separately by the Chairman. Where there was no consensus, the question whether a State Party’s report (or reports) was “satisfactory” or whether, failing that, the Committee wished to request additional information from that State Party, was decided by vote.

...

35. [At its fourth session] The reports submitted by the following six States Parties were considered “complete”, and the Committee decided not to request them to supply additional information: ...
Mongolia ...

CERD 28TH NO.18 (A/9018) (1973)

90. The initial report of Mongolia, submitted on 30 July 1971, was considered satisfactory by the Committee at its fourth session. Its second periodic report, dated 7 August 1972, asserted that “no new developments have occurred” and affirmed that “the existing legislative, judicial and administrative measures contained in the [initial] report are still in force and have not been amended or altered.” This report was considered at the seventh session (127th meeting).

91. It was recalled that , although the Committee had at its fourth session declared the initial report of Mongolia satisfactory and had not formally requested the Government of Mongolia to furnish additional information, some members had in fact deemed the information in the initial report incomplete and raised some questions; it was regretted that the second periodic report contained no response to any of the questions raised at the fourth session.

92. In his statement, the representative of Mongolia said that he would transmit the views of the members of the Committee to his Government. He recalled that, in its initial report, Mongolia had endeavoured to demonstrate that there was no racial discrimination in Mongolia and to show how the legislation, which had been introduced by his Government throughout the years, dealt with that question. His Government continued to consider that it was its direct duty to carry out an unrelenting struggle against all forms of racial discrimination. He stressed the importance given in children’s education and in the communications media to the fostering of solidarity with all peoples and the rejection of racism.

93. The Committee decided to consider the second periodic report of Mongolia satisfactory and expressed the hope that the Government would submit the information requested under article 9 in the light of the guidelines laid by the Committee and the comments made in the current debate.

CERD 30TH NO. 18 (A/10018) (1975)

133. Members of the Committee noted the statements contained in the third periodic report of Mongolia that, during the period under review, no new legislative acts relating to the elimination of racial discrimination had been taken, all the legislative acts referred to in the previous reports remained in force and were fully respected, and no cases involving matters relating to racial discrimination had been brought before the courts. It was noted also that Mongolia had ratified the two International Covenants on Human Rights as well as the International Convention on the Suppression and Punishment of the Crime of Apartheid in 1974. The Committee took note of the information on measures giving effect to the provisions of article 7 as well as article 2, paragraph 2, of the Convention. With respect to the implementation of article 6 of the Convention, the information on the office of the Procurator appeared relevant. Members took note of the information concerning the reporting State's firm support of the policy of not establishing diplomatic, trade or other relations with colonial or racist régimes and of applying sanctions against the racist régimes in all spheres of international activity.

134. It was noted, however, that the text of article 53 of the criminal code, which appeared to correspond to the provisions of article 4, paragraph (a), of the Convention, was not supplied to the Committee, and a request that the text of that article be furnished in the next report was made, as well as an inquiry about the connotation of the concept of "nationalistic ideas," the propagation of which appeared to be subject to severe penalties under that article. It was asked whether there were other provisions of the criminal code which gave effect to the mandatory provisions of article 4, paragraph (b), of the Convention. With regard to article 6 of the Convention, an inquiry was made as to whether individuals who wished to lodge complaints concerning an act of racial discrimination committed by the authorities or other individuals could ask the Procurator to institute proceedings against them or whether the decision to do so remained at the discretion of the Procurator. Questions were asked about the ethnic composition of the population, and, specifically, why the information in the report under consideration was confined to the special measures relating to the Kazakhs whereas earlier reports had mentioned other minorities as well.

135. The representative of Mongolia assured the Committee that, in his Government's next report, the text of article 53 of the criminal code would be provided. With regard to the words "nationalistic ideas," used in the translations, it might have been more accurate to speak of "chauvinistic ideas," he suggested. His Government would try to amplify the information relating to the implementation of article 4 of the Convention in the future. Express reference was made in the report under consideration only to the Kazakhs because, with the exception of the Chinese and the Russians, the other groups mentioned in previous reports formed part of the Mongolian group and spoke dialects of the Mongolian language; the Kazakhs were the only real national minority. As for the Russians and Chinese, those who had permanent residence in Mongolia had the same rights as Mongolians but those who maintained their Chinese or Soviet citizenship could not participate in political life.

CERD A/34/18 (1979)

72. The fourth periodic report of Mongolia (CERD/C/34) was introduced by the representative of the reporting State who indicated, as stated in the report, that no violations of the laws prohibiting racial discrimination had been brought before the courts in Mongolia during the period under review.

73. Attention was drawn to a reference made in the report to article 53 of Mongolia's Code of Criminal Procedures, under which incitement and restriction of rights on racial grounds were punishable offences. It was pointed out that that provision conformed to article 4 (a) of the Convention, but there did not appear to be any provision which corresponded to article 4 (b). Members of the Committee stated that it would be helpful to know what were the terms of the legislative provision enacted in Mongolia to implement article 4 (b) of the Convention and also to have available the text of article 53 of that country's Code of Criminal Procedure.

74. A member of the Committee, referring to a statement in the report that Mongolian citizens enjoyed all the rights provided for in article 5 of the Convention, pointed out that the report did not refer to a specific law guaranteeing those rights and requested that the relevant provisions be made available in the next report. Another member of the Committee was of the view that the provisions of the Constitution of Mongolia were fully in keeping with the provisions of the Convention.

75. It was noted that the report mentioned bilateral agreements concluded by Mongolia with certain other countries providing for legal aid in civil, family and criminal matters to citizens of those countries residing in Mongolia. Members of the Committee inquired whether that meant that different treatment would be accorded to citizens of other countries with which no such agreements had been concluded, thus giving special legal assistance to certain aliens. If the basic rights of all aliens residing in Mongolia were guaranteed under the law, why was it necessary to provide for special treatment for those from certain countries. Another member explained, however, that the agreement concluded between Mongolia and the Union of Soviet Socialist Republics dealt exclusively with various forms of assistance to be provided to aliens and contained no discriminatory provisions, no provision to improve the lot of some or worsen that of others. Such agreements appeared to be necessary in cases where large numbers of the nationals of one country were resident in another country.

76. As regards the minority problem, some members indicated that a considerable number of Kazaks were living in Mongolia and, referring to article 83 of the Mongolian Constitution, requested the representative of Mongolia to supply the Committee with details on the way in which his country assisted the Kazak population in developing its culture and maintaining its mother tongue. Noting further that Kazaks also lived in the USSR, a member asked how Mongolia and the USSR co-operated with a view to safeguarding the cultural identity of the Kazak people.

77. Referring to the passage concerning article 72 of Mongolia's Constitution, some members asked what, if any, rules and principles governed the Procurator's power to institute criminal proceedings. In other words, the question was asked whether the Procurator was obliged to institute proceedings in cases where private citizens were seeking redress for damage suffered as a result of racial

discrimination or whether he had some discretionary power to decline to take action. It was noted that only if remedies were available under the laws to aggrieved persons would the provisions of article 6 of the Convention be fulfilled.

78. The representative of Mongolia, replying to questions concerning the bilateral agreement which had been entered into between his country and some other countries to provide for legal assistance to aliens on the basis of reciprocity, stated that such agreements did not imply that the persons concerned enjoyed any special privileges or immunities. It had been found necessary to enter into such agreements with States with which his country maintained close relations and with which there were exchanges of workers and students. Similar agreements might be signed with other countries should the need arise. The representative informed the Committee of the functions of the Procurator stating that the latter exercised supervision over the strict observance of the law and the provisions of the Convention and that no legal proceedings could be instituted without his agreement. In connection with article 4 (b) of the Convention, he stated that there were no specific laws in Mongolia concerning propaganda inciting racial discrimination for no such propaganda existed, but all racial discrimination was prohibited and punishable. The comments made by the members would be taken into account in the preparation of his Government's next periodic report.

CERD A/35/18 (1980)

176. The fifth periodic report of Mongolia (CERD/C/20/Add.37) was considered by the Committee together with the introductory statement made by the representative of the reporting State.

177. Members of the Committee noted with satisfaction that the report had been carefully prepared in accordance with the guidelines laid down by the Committee and provided a very complete picture of the implementation of the Convention by Mongolia as well as representing a serious effort to reply to questions raised in connection with Mongolia's fourth periodic report.

178. Some members drew attention to a reference made in the report regarding the implementation of article 2, paragraph 1 (d) of the Convention. While noting that incitement to racial hostility was an offence under the Code of Criminal Procedure, they nevertheless requested an explanation of the meaning of the word "nationalism" in article 83 of the Constitution of Mongolia where it seemed to be equated with chauvinism. Prohibition of the advocacy of chauvinism or nationalism appeared to them to be in contradiction to the UNESCO Declaration on Race and Racial Prejudice which referred to the right to retain one's separate identity.

179. In accordance with article 3 of the Convention, some members expressed satisfaction with the attitude of the Government of Mongolia towards the racist régime of South Africa and welcomed the fact that Mongolia was fulfilling all its obligations under international agreements relating to the struggle against racism and apartheid.

180. With respect to the implementation of article 4 of the Convention, members of the Committee stressed that article 83 of the Constitution of Mongolia allowed no organized propaganda promoting or inciting racial hostility, and that article 53 of the Mongolian Code of Criminal Procedure provided for the punishment of various infringements of the provisions of that article. It was pointed out, however, that there were other activities which did not appear to be covered, such as incitement to racial discrimination, as well as all acts of violence or incitement to such acts and the provision of any assistance to racist activities, including the financing thereof. Some members wondered if there was any legislation to that effect in Mongolia and asked for the text of articles 69 to 96 of the Code of Criminal Procedure which referred to crimes against the life, health, freedom and dignity of the individual as well as for additional information on measures taken to implement article 4 (b) of the Convention.

181. As regards article 5 of the Convention, it was noted that the report contained more complete information on the implementation of its provisions. Members of the Committee, asked, however, for clarification on the right to enter or leave Mongolia, the right to freedom of movement, the right to choose a place of residence, the right to marry and, in particular, the status of stateless persons. Information was requested on the conditions, if any, which the authorities placed on the exercise of these rights and on the grounds which were cited as justifying denial of these rights to an individual. Some members wondered what was the position of citizens of countries that had not signed legal aid agreements with Mongolia, who found themselves involved in civil, family or criminal cases.

182. A member of the Committee, noting that the report dealt with the right to work, enquired

whether there was freedom of choice of work in Mongolia or whether assignment to occupations was largely decided by organs of the State. He was also interested to know whether the workers had the possibility of belonging to more than one trade union.

183. Referring to the passage concerning article 76 of Mongolia's Constitution, some members asked how the freedom of anti-religious propaganda in that country could be reconciled with the freedom of conscience guaranteed in the Universal Declaration of Human Rights, in which it was stated that no State, group or person had any right to engage in any activity, or to perform any act aimed at the destruction of any of the rights and freedoms set forth therein; and whether it was possible to proselytize freely. Other members referred to the fact that certain freedoms were guaranteed exclusively in order to strengthen the socialist State system and asked whose responsibility it was to decide whether that condition had been fulfilled. It was also asked what limitations to certain rights could be based on the need to maintain public security and morality.

184. As regards the minority problem, some members requested the representative of Mongolia to give more information about the Kazakhs, their educational system and whether they were concentrated in certain regions of the country. The Committee was interested to learn to what extent the Kazakhs participated in the administration of the country and in the local and central representative bodies.

185. In connection with the implementation of article 6 of the Convention, some members noted the very comprehensive description in the report of the powers of the Procurator which seemed to provide the effective protection called for in the first part of that article; however, they stated that they had seen no reference to any legislative provisions which would ensure the right of a victim of discrimination to seek adequate reparation for damage. It was asked, whether an injured party, who had been the victim of an irregularity committed by the public administration, could initiate legal proceedings himself or refer the matter to civil courts. A member of the Committee wished to know how the independence of judges provided for in article 71 of the Constitution was guaranteed and how judges were appointed.

186. The Committee was satisfied that the report made it clear that measures were being taken to implement article 7 of the Convention. It was stated, however, that the information on the subject should be amplified in the next report and more specific information should be provided.

187. The representative of Mongolia, replying to questions of the Committee members, said that in Mongolia chauvinism was considered an extreme form of nationalism and both were regarded as reactionary phenomena aimed at the domination of one country by another.

188. With reference to the question of minorities the representative stated that Mongolia was divided into 28 regions and that the Kazakhs lived in one of those regions; that they occupied posts in many State bodies; that their children received schooling in their own language; and that they had their own radio programmes and newspapers. Concerning the right to enter or leave the country, the representative stated that this right was not subject to any restriction. Within the country itself, the right to freedom of movement and the right to choose a place of residence were not subject to any restrictions whatsoever. The legal status of aliens residing permanently or temporarily in Mongolia was based on the same rights and obligations as citizens, although they could not vote in

elections to organs of State power or serve as judges and were not liable for military service. On the question of the freedom of expression and assembly, freedom of the press and religious freedom, the representative reaffirmed that all those freedoms were guaranteed by the Constitution and that no discrimination existed. With regard to religious propaganda, nothing in Mongolian law prohibited either religious or anti-religious propaganda. With regard to remedies available to victims of discrimination, he pointed out that any citizen considering his rights to have been violated was entitled to lodge a complaint with the judicial, arbitral or public bodies. The officials presented with such complaints were obliged to respond within a week. If an investigation proved necessary, that investigation must be completed within one month. If the officials in question failed to fulfil their obligations the complaint could then be brought to the court or the Procurator.

189. The representative finally stated that the comments made by the members would be taken into account in the preparation of his Government's next periodic report.

CERD A/36/18 (1981)

446. The sixth periodic report of Mongolia (CERD/C/66/Add.34) was considered by the Committee together with the introductory statement made by the representative of the reporting State who said that according to provisions of the Constitution and the 1979 Judicial System Act, the judges serving in people's courts of Mongolia at all levels were elected and 41.67 per cent of them were representatives of national minorities. He also informed the Committee that since the submission of Mongolia's fifth periodic report, no legislation had been enacted having a direct bearing on the articles of the Convention.

447. Members of the Committee expressed satisfaction at the report which was considered to be very comprehensive, reflecting the intentions of the Mongolian Government to implement all aspects of the Convention and to continue a constructive dialogue with the Committee.

448. With regard to the implementation of article 2 of the Convention, the Committee drew attention especially to questions concerning the rights granted to minority nationalities and foreigners. Some members noted that the Mongolian provisions in general for the protection of its national minorities seemed effective. Further clarifications were asked for on the questions of whether separate administrative units existed for any of the numerous national minorities, in addition to the unit set up for the Kazakhs; how the provisions relating to minorities affected the implementation of economic social and cultural rights, in particular the right to free choice of employment; whether people living in one region had difficulty finding employment in another region because of language and cultural barriers; what policy the Government was pursuing with a view to bringing such minorities into the national mainstream in terms of language; and whether the laws of each State were the same or whether they reflected cultural and social variation and, if so, how such differences were resolved at the national level. It was also asked what possibilities existed for the members of national minorities to seek redress from courts or other State institutions when their rights were infringed.

449. Some members of the Committee observed that the provisions of article 4, paragraphs (a) and (b) of the Convention were only partially reflected in article 83 of the Constitution and article 53 of the Criminal Code, described in the report. For example, the provisions of article 83 of the Constitution concerning the prohibition of "advocacy of chauvinistic and nationalistic ideas" could not comply with the Convention because of its confusion of a number of concepts and the wide latitude which it offered as a result. It was asked how such ideas in themselves could be controlled and how sentiments, when not translated into criminal acts, could be dealt with by the criminal law. In the opinion of one member, however, Mongolian legislation, especially article 83 of the Constitution and article 53 of the Criminal Code, adequately prohibited all activities involving racial discrimination, since the propagation of ideas was closely related to other activities, which were subject to the same penalty. Some members requested that the full text of article 53 of the Criminal Code be made available to the Committee in the next periodic report of Mongolia.

450. In connection with the implementation of article 5 of the Convention, members of the Committee requested clarification of a definition concerning the statement in the report which spoke of the exercise of rights "to the detriment of the social and State system or of law and order." It was

asked whether there was any legislation regulating the press and whether people had the right to hold unorthodox opinions or espouse views which were at variance with those of the Government. Referring to the rights of citizens to freedom of movement within the territory and to leave and return to it, as well as to regulations governing the issue of passports and visas, members of the Committee asked what were the provisions of those regulations; what grounds would be regarded as justifying a refusal to issue such a document; whether there was any discrimination in the granting of such permission; and whether or not those provisions complied fully with article 5, paragraph (d) (i) and (ii) of the Convention. Additional information was also required on the condition for the termination of contract by the employer or enterprise and on the right to form and join trade unions.

451. With regard to the implementation of article 6 of the Convention, members requested the text of article 85 of the Constitution as well as the text of provisions providing for other remedies, for example under the Code of Criminal Procedure of the Law on Supervision by the Procurator's Office, as well as detailed information about other competent organs and their powers which judged applications for compensation for damages. With regard to the provisions concerning courts and the election of judges, information was requested on how such elections were conducted and how a person became a candidate. In view of the large number of national minorities living in Mongolia, it was asked how the State Procurator was able to call in individuals for personal explanations and verifications, although the type of verification was not specified; how the defence of Mongolian citizens was organized; whether they had the right to assistance from a defence counsel during such verification, which was apparently similar to a preliminary investigation, or whether they were entitled to such counsel only in court. It would be helpful to have more information on the extent of the legal assistance granted to citizens, to citizens of foreign States with which Mongolia had agreements in this field and with those where no such agreements existed. One member wondered, however, if, as stated, legal assistance was granted to foreigners with permanent residence in the same way as to citizens, and why legal assistance agreements with some States were at all necessary. Concerning articles 72 and 74 of the Criminal Code which dealt with homicide and grievous bodily harm "as exceeding the limits of self-defense," it was asked whether the Code had made any provisions for a person accused of killing or wounding to be cleared of blame on the grounds of legitimate self-defence.

452. The Committee requested additional information on the implementation of article 7 of the Convention, in particular with regard to the inclusion of information on the United Nations in school curricula, and it was asked what age was such material introduced at the national level and within the national minorities.

453. The representative of Mongolia replied to some of the questions raised by members of the Committee. With regard to article 2 of the Convention, he stated that all national minorities, with the exception of the Kazakhs, spoke the same language. The report supplied information only on the Kazakhs since they alone had their own language. The other minorities differed only in their dialects, traditions and customs; there was no legislation to differentiate between the various minorities.

454. With regard to article 4, he read out an unofficial translation of article 53 of the Criminal Code, which provided that propaganda or agitation for the purpose of arousing nationalistic or racial hostilities or dissension, as well as direct or indirect restriction of rights or the establishment of

direct or indirect privileges for citizens, depending on the nationalities or races to which they belonged, should be punished by the deprivation of liberty for a term not exceeding three years, or by exile.

455. With regard to the problem of “nationalism,” he pointed out that, in the Mongolian language, there were two words which could be translated into English as “nationalism,” one in the sense of national identity, of which people should be proud, and the other in the sense of national exclusiveness and superiority, which was prohibited under the Convention. Official Mongolian texts employed the second word in referring to nationalism prohibited under the Constitution.

456. With regard to article 5, he explained in detail the regulations on the issue of passports and entry and exit visas, and stated that a person’s application for a visa either to enter or to leave the country could be refused if, for example, he was under investigation or on parole or was suffering from some mental disorder or had not submitted all the necessary documents. A foreign national who was a permanent resident in Mongolia was required to submit a special permission from his place of work or residence, in particular to ensure that he did not have any debts outstanding before he was authorized to leave. The right to work was guaranteed by the Constitution and the Labour Code, which regulated working conditions and applied to all those who had signed the labour agreement. The Labour Code also provided labour protection for women and teenage workers and specified the rights and duties of workers and management. According to the Labour Code, labour agreement could be terminated on the initiative of the employer, on the initiative of the worker himself or on the demand of the trade unions, who supervised the legality of the employer’s actions.

457. Referring to treaties on legal assistance, which his country had concluded with many other States, he said that their provisions did not grant privileges to citizens of the Contracting States and their main purpose was to enable the authorities of the contracting States to render assistance to each other. He also stated that, according to the Code of Criminal Procedure, anyone involved in judicial proceedings who did not speak Mongolian would be provided with an interpreter and had the right to get acquainted with the relevant documents, which would be translated into his language, and to speak his own language. As regards acts committed in self-defence, the representative said that articles 9 and 10 of the Criminal Code specified the cases in which such acts were considered justified and in which they were not. There were several constitutional provisions relating to the courts and the procurator’s office. They included the principles that proceedings should be open and that judges should be accountable before the electorate. They were independent in considering cases and were subject only to the law. The job of the Procurators was to maintain legality, protect the rights of citizens, and ensure that all organs of the State administration were in accordance with the law. If a citizen did not agree with the decision of the court, he could petition the Procurator, who was obliged to reply within 10 days, after duly considering all the relevant documents.

458. In conclusion, the representative assured the Committee that his Government would strive to reflect the concerns of members of the Committee when it drew up its next periodic report.

352. The seventh periodic report of Mongolia (CERD/C/91/Add.10) was considered by the Committee together with the introductory statement of the representative of the reporting State who drew attention, in particular, to a draft bill on public education which had been published on 10 July 1982 and was now open for the consideration of the entire nation. Debate on it would continue until 25 August and the views expressed thereon would be taken into consideration by the legislators. Article 4 of the draft bill proclaimed non-discrimination in education on account of sex, race, nationality, religion, social origin or position to be the primary principle of public educational policy. Another important provision was the right to receive education in one's native language. The draft bill would be transmitted to the Committee after its adoption. He finally stated that, since the submission of the previous report, there had been no violations of legislative acts prohibiting discrimination and, in judicial practice, no cases involving discrimination on grounds of race had been brought up.

353. It was pointed out by a member that the report was of good quality and it gave a precise idea of the problems faced by Mongolia and of its socio-economic system although it had certain deficiencies in terms of methodology.

354. Many questions were asked regarding the implementation of article 4 of the Convention, particularly in connection with the Criminal Code of Mongolia. With regard to acts of sabotage and the crimes of agitation or propaganda against the Mongolian People's Republic referred to in articles 48 (b) and 49 of the Criminal Code respectively, members requested further explanation as well as the transmission of the relevant legislative texts. Additional information was requested on the interpretation given to article 53 of the Criminal Code. Regarding a statement in the report as to ways in which ideas inciting racial discord might be disseminated, the Government was requested to transmit the legislation that applied to that subject. With reference to article 93 of the Penal Code, which declared a crime acts affronting a person's honour or dignity on grounds of nationality or race, it was asked whether acts which affected honour on different grounds would also be considered a crime.

355. With respect to article 5 of the Convention, clarification was requested as to the meaning of the freedom of anti-religious propaganda. It was asked how often it was necessary for Mongolian citizens to travel abroad for the purposes of medical treatment, since the report stated that there was only one doctor for every 470 persons; why some manual and non-manual workers were given sanatoria passes for conscientiously fulfilling their labour obligations and whether that corresponded to the right of equal pay for equal work; and whether workers were able to establish free trade unions. In that connection, it was also asked whether trade unions in Mongolia were not a social institution but carried out official functions. Noting that the percentage of the population that received secondary education was rather low, a member asked how the secondary education was organized, and, in particular, what the conditions of entrance into secondary schools were.

356. As to article 6 of the Convention, further information was requested concerning the remedies available to citizens, including the right of defence and how it was exercised. With reference to the processing of the application of citizens who wished to visit relatives or friends living abroad and concerning travel abroad for medical treatment, it was asked what remedies were available to a citizen if the local police authorities refused to grant his request.

357. The representative of Mongolia replied to a number of questions raised by members of the Committee. In reply to some questions concerning article 4 of the Convention, he stated that, according to article 93 of the Criminal Code, insulting behaviour was considered a criminal act and offenders were tried accordingly; depending on the degree of malicious intent specific provisions would apply to specific cases ranging from the imposition of a monetary penalty to confinement. He assured the Committee that his Government would supply in its next report the texts of articles of the Criminal Code which had been requested.

358. Turning to questions raised with respect to article 5 of the Convention, he said that, with respect to the travelling of Mongolian citizens abroad, the authorities made sure that Mongolians were assured accommodation in the foreign countries they wished to visit before they travel. Precautions were also taken to secure them medical assistance should they need it. Freedom of religion was assured by the Criminal Code in that any obstruction to the performance of religious rights was punishable under the Code. In 1953 a special religious seminary had been established. As to questions concerning trade unions, he said that, according to the latest data, they had 380,000 members, of which 50 per cent were engaged in material production, 30 per cent were office employees and professional staff and 20 per cent were agricultural workers. The Labour Code stipulated the rights and duties of trade unions, whose functions included intervention in labour disputes, including extensive legal and other protection to workers. Among the advantages and privileges offered to manual workers were money incentives, diplomas, certificates of appreciation, improved housing and passes to sanatoria. As to education, he pointed out that the percentage of the population attending secondary school was not low. The figure of 2,372 students for every 10,000 persons in the country included both primary school and secondary school. Partial secondary education was currently compulsory and students had to finish at least eight classes after which they were free to pursue studies at higher educational institutions or to be taught a specific trade. According to the programme adopted in 1981, all children should obtain 100 per cent secondary education by the end of 1985. Primary education comprised only four classes and had been free and compulsory since the 1950s.

CERD A/40/18 (1985)

482. The eighth periodic report of Mongolia (CERD/C/118/Add.22) was considered by the Committee at its 733rd and 734th meetings, on 9 August 1985 (CERD/C/SR.733 and SR.734).

483. The report was introduced by the representative of Mongolia, who said that it contained new information and replies to the questions raised during consideration of the previous report. He reaffirmed his Government's commitment to the implementation of the Convention. Mongolia continued its support for the struggle against colonialism, neo-colonialism and apartheid and consistently opposed racial discrimination.

484. The Committee commended the Mongolian Government for its thorough report which had followed the Committee's general guidelines (CERD/C/70/Rev.1) and provided a wealth of information answering many of the questions raised during the consideration of Mongolia's previous report. However, the Committee requested further information on the changes that had taken place in the population, in particular data on the various ethnic groups and minorities. It had also asked whether the Convention formed part of Mongolia's domestic law, and whether it could be directly invoked in the courts.

485. With regard to article 2, paragraph 2, in conjunction with article 5 of the Convention, the Committee noted that there were as many as 25 ethnic groups in the country, many of which had their own culture and language requiring special protection and promotion under the Convention. Members wished to know whether proper provisions were made for the representation of all those minorities in parliament, the executive and the judiciary; whether the economic development of the different nationalities in Mongolia was equal and what measures were being taken under the Public Education Act of 1982 to ensure education for the national minorities and the nomadic population in the pastoral areas. Additional information was also requested regarding the extent to which the culture of those minorities was being encouraged; and it was asked whether the different ethnic groups were aware of the literature and folklore of the other groups' cultures.

486. The Committee wished to receive information concerning the percentage of workers by nationality in the labour force, and asked under what agreements they were recruited to work in industry and in agriculture, and whether they had equal rights and opportunities. In that context, more details were requested on the number of persons of Chinese origin and their status, and whether they had resided long enough to acquire Mongolian citizenship, whether their conditions of work were governed by any agreement with the People's Republic of China, and under what conditions their contracts might be terminated.

487. With reference to article 3 of the Convention, the Committee noted that Mongolia's well-known and positive stand against apartheid was appreciated, in particular, the fact that it had no relations whatsoever with the racist régime of South Africa.

488. As far as article 4 of the Convention was concerned, members of the Committee pointed out that Mongolian legislation did not fully cover the provisions of paragraphs (b) and (c) of that article. Moreover, in articles 48 to 50 of the Criminal Code of Mongolia the terminology used was not the

same as in article 4 of the Convention. In that connection it was asked whether the organizations referred to in paragraph (b) of article 4, in particular, were covered by article 58 of the Constitution and whether the activities referred to in articles 48 and 49 of the Criminal Code would fall within the scope of article 4. Clarification was sought on that point.

489. In relation to article 5 of the Convention, members of the Committee noted with satisfaction that there were extensive provisions in the Mongolian Constitution and other legislation for safeguarding the social and economic rights of citizens. However, members were interested to know how the limitation in article 87 of the Constitution was interpreted and how the right to freedom of movement, freedom of association, inheritance and access to public places was applied in the country, as well as on what grounds a local militia authority had refused permission to citizens to visit relatives abroad or to travel abroad for medical treatment. They also wished to know if any special programmes had been initiated, in particular, to provide health care and educational facilities for pastoral groups.

490. Regarding the right to freedom of thought, conscience and religion the Committee pointed out that anti-religious propaganda was provided for under article 86 of the Mongolian Constitution, but that no mention was made of religious propaganda. In that connection, it was asked how that freedom was reconciled with articles 53 and 93 of the Constitution and whether persons who professed a religion were allowed access to political office; whether prejudice was encouraged in the attitude of people towards other countries where religion was important; and whether the Government would treat Buddhists as second-class citizens.

491. In connection with article 6 of the Convention, members of the Committee were interested in receiving information concerning cases of racial discrimination in order to ascertain what provisions had been applied by the courts and what remedies had been assured. Furthermore, members wanted to know the procedure to be followed if acts of racial discrimination were committed by private persons and not by public authorities, and how damages would be assessed in such cases. Clarification was also requested on whether any expeditive channel of recourse procedures existed in Mongolia, such as habeas corpus or amparo (enforcement of constitutional rights), for people who considered that their fundamental rights had not been respected.

492. Several members were interested in receiving the syllabuses of educational establishments concerning the struggle against racism.

493. Replying to questions raised and comments made by members of the Committee, the representative of Mongolia stated that there were various minorities in his country, of which the Kazakhs were the largest, accounting for 5.3 per cent of the total population. They had been one of the least developed of the ethnic groups in the country before the establishment of the Mongolian People's Republic, but had made tremendous progress in recent years. Over 90 per cent of the population spoke Mongolian, which included a number of dialects, while the Kazakhs spoke their own language. Apart from the Kazakhs, minorities were scattered throughout the People's Republic.

494. Concerning work opportunities for ethnic minorities, he confirmed that each citizen had the right to work and to vocational training; no restrictions were placed upon members of ethnic groups, who were to be found in all sectors of the economy. Foreigners resident in the country also had the

same access as citizens to work, rights and benefits. They could work in any sector of the economy under the same terms and conditions as Mongolian workers, could undertake full-time studies and were free to send their children to the school of their choice.

495. In connection with article 5 of the Convention, he stated that all Mongolian citizens had the right to freedom of movement and residence within the country and the right to travel abroad either to work or for personal reasons. Travel abroad required a passport and an exit visa. Each application was considered and a decision taken in strict conformity with the laws and regulations in force. Foreigners were also free to travel about in the country and to live where they chose. They could acquire Mongolian citizenship by applying to the competent local authority. The same applied in the case of renunciation of Mongolian citizenship.

496. He said that the Mongolian Civil Code recognized the right to private ownership of property and consequently the right of inheritance. Article 72 of the Civil Code stipulated that all goods capable of satisfying the material and cultural needs of a person were susceptible of private ownership.

497. Replying to a question, he stated that freedom of thought, conscience and religion was guaranteed by law in particular by articles 86 and 87 of the Constitution. In addition, there was a law separating State and religion. One of the basic measures protecting religious freedom was the constitutional principle of equality of all citizens (art. 76). The freedom of religion included the right not to follow any religion at all. There was a Buddhist monastery in the People's Republic of Mongolia and the religious services were open to all believers.

498. Referring to the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association, the representative explained that those rights were enshrined in the Constitution. All Mongolian citizens could freely express their opinions and exchange views in open discussions about political, economic, cultural, social and other issues. They were also free to hold demonstrations. Workers and their organizations had the right to use public buildings for their meetings and could also hold street demonstrations to make their views known. In addition, they had access to the press and television and had a say in the drafting of laws and in the conduct of referendums.

499. In reply to questions about the level of education, he said that there were currently 597 schools in Mongolia: in 126 of them the period of schooling lasted 10 years while in the others it lasted eight years. There were some 20,000 students in technical institutes and more than 19,000 students in higher educational establishments. The spread of education was reflected in the fact that for every 10,000 inhabitants, 2,723 were undergoing some form of education. Secondary and higher educational institutions provided students with knowledge of what was being done in the fight against racial discrimination and special attention was given to instilling in young people in particular and all citizens in general a spirit of internationalism and friendship among all peoples.

500. In conclusion, the representative assured the Committee that all comments and observations would be taken into account in the preparation of Mongolia's next periodic report.

CERD A/44/18 (1989)

213. The ninth and tenth periodic reports of Mongolia (CERD/C/149/Add.23 and CERD/C/172/Add.10) were considered by the Committee at its 839th and 840th meetings, held on 14 August 1989 (CERD/C/SR.839 and 840).

214. The representative of the reporting State, in introducing the reports, said that they covered the period December 1985 - August 1988 and that the emphasis had been put, as to their content, on the developments in the Mongolian judicial system aimed at implementing the provisions of the Convention and on the questions raised and comments made by members of the Committee during the consideration of his Government's eighth periodic report. He stressed that since the Committee's consideration of the eighth report, no instance of a violation had been recorded in his country, a fact which showed that Mongolian legislation prohibiting discrimination and guaranteeing equality had set up effective legal means to protect victims or compensate for harm caused in the event of discrimination and on the basis of race, sex and nationality.

215. The representative of Mongolia pointed out that important changes were taking place in his country at present in connection with the restructuring and renewal of all spheres of life. They entailed a reform of the judicial system; updating and enforcement of existing legislation; the enactment of new legislative acts; and the improvement of the community's knowledge of legal affairs.

216. Since the submission of the tenth report, efforts to clarify and supplement existing legislation relating to the Convention had produced positive results. In that connection, mention was made and a description given of the new version of the Citizenship Act; of the bill on co-operatives, which had been adopted recently and would come into force on 1 January 1990; and of the Decree of the Presidium of the Great People's Khural on the measures to prevent AIDS.

217. Members of the Committee congratulated the Government of Mongolia on its very informative reports and thanked its representative for his introduction. With reference to changes that had taken place in the ethnic composition of the population, members sought further clarification on the exact number and social status of all nationalities and ethnic groups living in Mongolia and on the difference between the terms "nationalities" and "ethnic groups." Within the same context it was asked what had been the reasons for the expulsion, in 1983, of 6,000 to 7,000 Chinese; whether that practice had ceased; how many Chinese remained in Mongolia; and whether any consular treaty have been signed by Mongolia with China. With regard to the process of restructuring in Mongolia, members wished to know whether perestroika was having any influence on the economy.

218. As for article 2 of the Convention, members having noted that a comprehensive review of the Penal Code had just been completed, expressed their wish that the relevant provisions of that code might be presented to the Committee.

219. With regard to the implementation of article 3 of the Convention, they noted that Mongolia's role was most commendable. At the same time they wished to know whether Mongolia provided any financial support to the United Nations bodies fighting apartheid and helping the liberation

movements.

220. Regarding the implementation of article 4 of the Convention, members expressed the view that a more direct approach was needed in order to make it clear to the general public that certain acts were punishable by law and, to that end, the provisions contained in paragraphs (b) and (c) of article 4 should find more adequate reflection in the national legislation.

221. As far as the implementation of article 5 was concerned, information was required on the composition of the labour force by nationality, the percentage of employment in Mongolia, the percentage of Mongolians who had houses and how the right to individual economic activity was realized in the agricultural sector. Members also wished to know what language of instruction was used for those who spoke dialects and how the nomadic and pastoral people were required to study under the Public Education Act of 1982; whether the Soyombo script was common to all the dialects and what the literacy rate was of the nomadic and pastoral peoples; whether the goal of the programme adopted in 1987, namely, that all children should have access to a complete secondary education by the end of 1995, would be achieved. More detailed information was sought on the activities of the Great People's Khural and its role *vis-à-vis* the State, and on the role of the citizens volunteers' committees at the neighbourhood level. While appreciating the quality of representation in the Legislative Branch of the Government, members asked what the situation was with regard to participation of all the minorities in the Executive Branch. Having noted that article 85 of the Constitution guaranteed the right of citizens to lodge an appeal against illegal and discriminatory actions by State bodies, they wished to know how often such a procedure had been used. Members also wished to know how the equilibrium between Buddhism and socialism was maintained in what was fundamentally an atheist State; whether Kazakhs had any mosques to pray in; and whether freedom of movement and residence was guaranteed to all citizens and whether there were any restrictions on that basic right.

222. With reference to article 7 of the Convention and noting that Mongolia had made great efforts to implement provisions contained therein, members sought further information on what it was doing to raise the level of legal awareness, through proper education and training, of teachers, lawyers and magistrates, the police and other security personnel who had to deal with the public.

223. In reply to the questions put by members of the Committee, the representative of the State party said that the concept of perestroika was very broad and embraced all spheres of economic, social and cultural life. The aims of the restructuring in Mongolia were to ensure as far as possible the economic independence of co-operatives and work collectives, democratization of planning and management, combatting bureaucratization and promotion of initiative. With reference to the number of nationalities, he said that there were in fact 25 national and ethnic groups and that they had been clearly distinguished in the reports. He went on to say that the most numerous were the Kazakhs, who accounted for 5.4 per cent of the country's population and spoke their own language. As for the other groups, most of them spoke Mongolian, but there were also local dialects. In reply to the question concerning the situation of the Chinese minority, he explained that there had been no arbitrary expulsion in 1983; the Mongolian authorities had asked those Chinese nationals to work in certain places far from the capital where manpower was needed, but they had refused and had preferred to return to their own country. He added that Mongolia had signed a consular treaty with China in 1988. He also said that for centuries his country had maintained traditional relations with

China and that those relations were excellent in all respects.

224. In reply to the questions asked in connection with article 2 of the Convention, the representative, citing the statement contained in the tenth report that “a variety of legislation has been adopted here prohibiting all forms of racial discrimination,” said that it did in fact refer to certain provisions that had been included in legislation concerning the prevention and elimination of racial discrimination. He said that the new version of article 70 of the Penal Code reproduced exactly the wording of article 53 of the old version of the Penal Code. In connection with the implementation of article 3 of the Convention, he pointed out that it was clearly stated in the reports that the Mongolian People’s Republic condemned the apartheid system and unreservedly supported the national liberation movements in southern Africa, both morally and politically.

225. With regard to article 4 of the Convention, referring to the violation of national and racial equality, he said that the applicable article of the Constitution was not article 30 but article 70, whereby propaganda or incitement to racial hatred and direct or indirect restrictions on the rights of citizens on grounds of nationality or race, were liable to penalties of up to three years’ imprisonment or to the penalty of exile.

226. In reply to the questions asked regarding implementation of article 5 of the Convention, he said that where housing was concerned, the main problem in Mongolia was the improvement of housing conditions since everyone already had a place to live; he reminded the Committee that it was on the initiative of Mongolia that the Commission on Human Rights had adopted a resolution on the right to housing. Regarding Soyombo, he said that it was again being taught in all schools and had been for some years. A general eight-year education was compulsory throughout the country and the entire adult population could read and write. Kazakh children attended primary and secondary schools where they were taught in Kazakh and where they also learned Mongolian. Concerning the education to which the children of nomadic tribes had access, he said that despite the vast extent of Mongolia’s territory with its low-density population, the Mongolian authorities had succeeded in ensuring full eight-year schooling for all school-age groups. Referring to access to Western literature, he said that books of Western authors were to be found in all bookshops and that a number of works, for example, those of Balzac and Hugo, had been translated into Mongolian.

227. With reference to the Great People’s Khural, or Parliament, the representative of Mongolia said that the working procedures of that body would be considerably modified in the context of perestroika and that the next report would reflect those changes. He added that representatives of the national minorities, which accounted for 25 per cent of the membership of the Parliament, were entitled to participate fully in the work of the bodies of the executive branch. He emphasized in this regard that in appointments to posts account was taken only of the individual’s abilities and not of any kind of origin.

228. With regard to coexistence between the State and religion, he referred to article 86 of the Constitution and quoted the Dalai Lama, who had noted during one of his visits to Mongolia that Buddhism and socialism were not incompatible.

229. He said that the inhabitants of the country had the right of freedom of movement within the national territory, but that in practice there were certain difficulties since the Government could not

agree to everyone leaving the capital to go and live, for example, in the country or in places with a more agreeable climate.

CERD A/52/18 (1997)

377. At its 1213th meeting, held on 21 March 1997 (see CERD/C/SR.1213), the Committee reviewed the implementation of the Convention by Mongolia based upon its previous reports (CERD/C/149/Add.23 and CERD/C/172/Add.10) and its consideration by the Committee (see CERD/C/SR.383-340). The Committee noted with regret that no report had been submitted to the Committee since 1988.

378. The Committee regretted that Mongolia had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided that a communication should be sent to the Government of Mongolia setting out its reporting obligations under the Convention and urging that the dialogue with the Committee should be resumed as soon as possible.

379. The Committee suggests that the Government of Mongolia may wish to avail itself of the technical assistance offered under the advisory services and technical assistance programme of the United Nations High Commissioner for Human Rights/Centre for Human Rights, with the aim of drawing up and submitting as soon as possible an updated report drafted in accordance with the reporting guidelines.

CERD A/54/18 (1999)

230. The Committee considered the eleventh to fifteenth periodic reports of Mongolia (CERD/C/338/Add.3) at its 1327th and 1328th meetings (see CERD/C/SR.1327 and 1328), on 16 and 17 March 1999. At its 1332nd meeting (see CERD/C/SR.1332), on 19 March 1999, it adopted the following concluding observations.

A. Introduction

231. The Committee welcomes the eleventh, twelfth, thirteenth, fourteenth and fifteenth periodic reports submitted by the Government of Mongolia in one document and the introductory presentation made by the delegation, as well as the opportunity thus offered to recommence its dialogue with the State party. The Committee notes with satisfaction that the report followed the guidelines. Nevertheless, the Committee is of the view that the information in the report was too succinct and that the report did not include information on specific legal provisions or examples of the actual implementation of the Convention.

B. Factors and difficulties impeding the implementation of the Convention

232. The Committee notes that the State party is in a period of economical and political transition, and that the difficulties of this transition have a great impact on the population.

C. Positive aspects

233. The Committee expresses its satisfaction at the statement by the State party's delegation that the international conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination, to which the State party has acceded, have become an integral part of its domestic legislation.

234. The Committee welcomes the enactment of the State party's Constitution (1992), which has included the prohibition of racial discrimination. The enactment of the Law of Mongolia on the Legal Status of Foreign Citizens (1993), which establishes equality between foreigners and Mongolian citizens in the exercise of their rights and freedoms, is also welcomed by the Committee.

235. The Committee welcomes the efforts of the State party to revise its domestic legislation in accordance with its new Constitution (1992). It also notes with satisfaction that the provisions of international instruments on human rights to which Mongolia is a party are duly taken into consideration in the process of legislative reform.

236. The Committee welcomes the information contained in the report concerning the Law on Education (1995), which prohibits racial discrimination in the field of education. Educational measures which provide for the inclusion in the school curricula of the teaching of human rights, including the need to combat and condemn racial discrimination, are also welcomed by the Committee.

237. The Committee also expresses satisfaction at the efforts undertaken by the State party to raise awareness of and promote action against all forms of racial discrimination.

238. The Committee welcomes the State Policy on Culture (1996), adopted by the State Great Khural of Mongolia, which provides means to ensure the preservation, respect, enrichment and development of the heritage, culture and traditions of ethnic groups.

239. The Committee notes with appreciation the State party's implementation of international cooperation programmes in the field of human rights education, in cooperation with the Office of the United Nations High Commissioner for Human Rights.

D. Principal subjects of concern

240. While the Committee notes with appreciation the State party's efforts in the field of legislative reform, it remains concerned about the lack of comprehensive legislation to combat discrimination based on race, colour, descent, or national or ethnic origin.

241. Although the Committee notes that the State party's report includes information on the demographic composition of Mongolia, it regrets the lack of information on the socio-economic situation of the different ethnic minority groups living in the State party.

242. The Committee notes that the State party's Criminal Code (art. 7) largely reflects the provision contained in article 4 (a) of the Convention. However, it remains concerned that the provisions of article 4 (b) and (c) of the Convention are not included in the Criminal Code.

243. Although the Committee notes that the State party's Constitution (1992) and the Law on the Legal Status of Foreign Citizens (1993) guarantee the rights enshrined in article 5 of the Convention, it expresses its concern at the absence of specific legislation to prohibit racial discrimination in the enjoyment of such rights.

244. While the Committee notes that article 19 of the State party's Constitution (1992) establishes the State's obligation to provide remedies in cases of human rights violations, it expresses its concern at the lack of specific legislation for the provision of compensation, as enshrined in article 6 of the Convention.

E. Suggestions and recommendations

245. The State party should give serious consideration to the enactment of a comprehensive law on ethnic minorities and combat discrimination based on race, colour, descent, or national or ethnic origin. The Committee recommends that the State party continue providing training programmes for law enforcement officials, in accordance with article 7 of the Convention and general recommendation XIII of the Committee.

246. The Committee encourages the State party to continue exploring ways of providing specific protection to all ethnic groups living in its territory. The Committee further recommends that the State party include in its next report statistical data on the socio-economic situation of the different

ethnic minority groups.

247. The Committee recommends that the State party take the necessary steps to comply fully with the provisions of article 4 of the Convention. In order to be able to evaluate the implementation of article 4 of the Convention, the Committee also recommends that the State party include in its next report the relevant articles of the Criminal Code.

248. The Committee recommends that the State party review its civil and penal legislation in order to bring it into full conformity with the principles and provisions of the Convention, in particular articles 5 and 6 of the Convention.

249. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention.

250. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention. Some members of the Committee requested that the State party consider the possibility of making such a declaration.

251. The Committee recommends that the State party's next periodic report, due on 20 April 2000, be an updating report, and take into account all the suggestions and recommendations contained in the present concluding observations.

252. The Committee suggests to the State party that the report and these concluding observations be widely distributed to the public.