

**COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION**

Sixty- ninth session
31 July-18 August 2006

QUESTIONS PUT BY THE RAPPORTEUR

**IN CONNECTION WITH THE CONSIDERATION OF
THE SIXTEENTH TO EIGHTEENTH REPORTS OF
MONGOLIA
(CERD/C/476/Add.6)**

General information

1. According to the State party report (para. 59), international instruments are not self-executing in Mongolia and need to be incorporated into domestic legislation. Please explain whether all the provisions of the Convention have been incorporated into domestic law.
2. Please inform the Committee on the involvement of civil society organizations in the implementation of the Convention. Have they participated in the elaboration of the periodic report due to the Committee?

Composition and distribution of the population

3. Please provide more detailed information on the ethnic composition of the population mentioned in para. 6 of the State report, including the geographical location of the various ethnic groups within the country and their socio-economic status. Please also provide statistical information about non-citizens, including migrants and refugees residing in Mongolia.

Article 1

4. Does a definition of racial discrimination exist in domestic law? If so, is it in keeping with the definition contained in article 1 of the Convention? Are there any legal exceptions to the principle of non-discrimination?

Article 2

5. According to article 10.7 of the Law on the Legal Status of Foreign Citizens (1993), "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". Please provide detailed information on any instances where this provision was invoked, if any.
6. Does the State party intend to ratify the 1951 Convention relating to the Status of Refugees, the 1954 Convention relating to the Status of Stateless Persons or/and the 1964 Convention on the Reduction of Statelessness?

Article 4

7. In addition to the provisions of the Criminal Code cited in the State party's report (para. 18), does the State party envisage adopting specific penal legislation designed to implement article 4 (b) of the Convention, that is, to prohibit organizations which promote and incite racial discrimination?

Article 5

8. Article 16 ("Citizens' Rights") of the State party's Constitution enshrines a number of important rights and freedoms that are also stipulated in international human rights instrument to which Mongolia is a party. Please indicate in detail whether these guarantees are extended also to non-citizens. In this regard, the Rapporteur wishes to draw the attention of the State party to its General recommendation 30 (2004) on non-citizens.
9. How has the State party reacted to the report of the National Human Rights Commission on the "State of rights and freedoms of Tsaatan, national minority of Mongolia"? Has the State party adopted steps to implement the recommendations contained in this report?
10. Please provide information, including statistical data, on the participation of members of national minorities in Parliament, national and local government, the judiciary and the police.
11. Please describe the rationale behind the following provisions of the Law on the Legal Status of Foreign Citizens (1993):
 - a) the legally prescribed numerical thresholds for non-citizens, as stipulated in articles 24 and 25; and
 - b) the prohibition, as stipulated in article 10, for foreign citizens to i) engage in any political activities in Mongolia; and to ii) promote and practice a religion inconsistent with the traditional customs and laws.
12. Please provide information on the number of asylum requests and applications for refugee status received every year, if possible disaggregated by country of origin, age, sex, place of settlement and the grounds for rejection, if applicable (para. 35 of State party report). Please also provide information on rules and procedures governing the treatment of unaccompanied asylum seeking minors.
13. According to information before the Committee, trafficking in human beings is an issue of concern, with Mongolia being both a source and transit point for trafficking. Please provide information on the number and ethnic origin of victims of trafficking, especially women and girls, as well as on measures taken to combat trafficking and their results.
14. Please provide information on measures taken to reduce the disproportionate levels of poverty affecting ethnic minorities living in rural and remote regions,

and to ensure their equal access to employment, adequate housing, health care, social security and education.

15. Article 11.3 of the Law on the Legal Status of Foreign Citizens (1993) stipulates: “Foreign citizens who arrived in Mongolia on a labor contract and did not finish the contract term or terminated the contract before the end of the term shall not be allowed to enter into another contract with another organization or citizen”. Has the State party assessed the extent to which such provision may put foreign citizens at risk of economic exploitation?
16. According to the State party report (para. 6), there are 15 national minorities in Mongolia. What is the status of the various ethnic groups’ languages under domestic law? In particular, please provide information on the possibility for individuals to use their own national language in their dealings with the administration and courts. Please provide the text of the Official Language Law (paragraph 68 of the State party report) in English, if possible.
17. In addition to the information provided in paragraphs 81 and 82 of the State party report, please indicate whether persons belonging to national minorities have the right to create and use their own media and how many printed media, radio and television channels exist in national minority languages.

Article 6

18. According to paragraph 20 of the State party report, “In Mongolia there have been no reports of discrimination”. Does this refer to cases brought before the National Human Rights Commission of Mongolia, as well as those before the Courts? Has the State party taken into consideration that the absence of such cases could be the result of the victim’s ignorance of their individual rights, lack of confidence in the police and judicial authorities or the authority’s lack of attention or sensitivity to cases of racial discrimination?
19. What judicial and other remedies are available to victims of racial discrimination?

Article 7

20. To what extent does the current school curriculum include programmes to combat prejudice and to promote tolerance among ethnic groups? Please indicate to what extent pupils and students, at all levels of education, have access to information on the culture of national minorities of Mongolia. Please provide the text of the Law on Culture (1996) in English, if possible.
21. Please provide information on specific training programmes and courses, if any, for members of the judiciary, law enforcement officials, teachers, social workers and other public officials on the provisions of the Convention and their application.

22. Please indicate whether measures have been taken to disseminate the Convention among the general population and to sensitise it on issues related to racial discrimination.

Article 14

23. Please indicate whether the State party envisages making the declaration under Article 14 of the Convention for the Committee to receive individual complaints.
