



UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL

E/1978/8/Add.6  
3 January 1978  
ENGLISH  
ORIGINAL: RUSSIAN

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Reports submitted in accordance with Council resolution 1988 (LX)  
by States Parties to the Covenant concerning rights covered by  
articles 6 to 9

MONGOLIA

[19 October 1977]

As one of the first States to sign and ratify the Covenants on Human Rights, the Mongolian People's Republic is promptly giving effect to their provisions. An analysis of the provisions of the Covenants shows that most of them coincide in one way or another with the provisions of the institutional and current legislation of the socialist countries, including the Mongolian People's Republic, despite the fact that the legislation in question was drawn up long before the adoption of the Covenants.

The legislation of the socialist countries places emphasis on political, legal and economic guarantees of the rights of citizens, thus creating the necessary conditions for the real enjoyment of those rights.

Of all human rights and freedoms, one of the most basic rights of workers is the right to work. Translating the right to work into reality means providing work for all who wish to work and protecting them against unemployment. In addition to work and protection against unemployment, workers are entitled to just and favourable conditions of work, an adequate standard of living in terms of food, clothing and housing, social security and medical care. In the Mongolian People's Republic, the principle of equal remuneration for work of equal value is established in law and is strictly observed. All workers receive an annual holiday with pay. The country is constantly improving living conditions through steady increases in production and in pay scales, price stability and the absence of inflation. All citizens are entitled to social security, and all manual and non-manual workers are covered by social insurance, which is paid for by the State. Medical care is free.

State legislation and trade-union bodies take broad measures to implement these and other rights related to guaranteed employment and job security, just and favourable conditions of work and the absence of discrimination.

## Article 6

### The right to work

The organization of social labour in the Mongolian People's Republic is based on the socialist economic system and public ownership of the means of production, which were established as a result of the victory of socialist social relations in Mongolian society.

In the Mongolian People's Republic, work is the sacred duty of all able-bodied members of society and a matter of honour for each citizen.

The labour rights of citizens of the Mongolian People's Republic are protected by law. 1974 saw the entry into force of the new Labour Code of the Mongolian People's Republic which legally secures the gains already achieved in the improvement of conditions of work and guarantees the protection of workers' labour rights.

Manual and non-manual workers exercise their right to work by signing a labour agreement. The labour legislation of the Mongolian People's Republic prohibits any unjustified refusal to grant a job. The Constitution of the Mongolian People's Republic clearly prohibits any direct or indirect restriction of rights or preferential treatment in granting jobs on the grounds of sex, race, nationality or religious beliefs. Manual and non-manual workers are entitled to a State-guaranteed wage commensurate with the quantity and quality of their work, irrespective of sex, race, nationality or religious beliefs.

Citizens of the Mongolian People's Republic, irrespective of their national origin, enjoy equal rights in all spheres of the country's state, economic, cultural, social and political life.

All direct or indirect curtailment of the rights of citizens on grounds of racial or national origin and the preaching of chauvinistic and nationalistic ideas is prohibited by law.

Pregnant women, nursing mothers and women with children aged less than one year cannot be dismissed by their employer.

If an enterprise, institution or organization is closed down completely, such persons can be dismissed but must be provided with alternative employment.

The fundamental goal of socialist production in the Mongolian People's Republic is to ensure constant increases in social product in order to build up the national income necessary for the maximum satisfaction of the constantly growing personal and collective needs of the members of a socialist society.

Manual and non-manual workers are entitled to a State-guaranteed wage commensurate with the quantity and quality of their work, to free time in accordance with legislation on the length of the working day and on annual

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holidays with pay, to healthy and safe working conditions, to free vocational training and free advanced training, to association in trade unions, to participation in management and to material assistance from the State in the form of State social insurance for old age, sickness and disability.

In case of industrial need, the management of an enterprise, institution or organization is entitled to transfer manual and non-manual workers for a period of up to one month to work not stipulated in the labour agreement either at the same enterprise, institution or organization or at another enterprise, institution or organization in the same locality; remuneration in such cases is for work performed but must not be lower than the average wage received in the previous job.

In the case of idle time, manual and non-manual workers are transferred to alternative work at the same enterprise, institution or organization for the entire period of the stoppage or to another enterprise, institution or organization in the same locality for a period of up to one month, account being taken of their profession or skill.

The management of enterprises, institutions and organizations must organize the work of manual and non-manual workers correctly, create the conditions required to raise labour productivity, ensure labour and production discipline, strictly observe labour legislation and rules concerning labour protection, attend to the needs and requests of manual and non-manual workers and improve working and living conditions.

In certain cases defined by law, management must hire disabled persons and provide them with special working conditions in accordance with medical recommendations.

The Council of Ministers of the Mongolian People's Republic, with the agreement of the Central Council of Mongolian Trade Unions, establishes quotas for all enterprises, institutions and organizations with regard to the hiring and industrial training of young people who have completed their studies at a general-education school or vocational and technical college and of other persons under 18 years of age.

Young workers who have graduated from vocational and technical colleges and young specialists who have completed their studies at higher or secondary specialized educational establishments receive work on the basis of their profession or skill.

In view of the current full-scale construction of socialism and the rapid development of the country's economy and culture, there is a constant and growing need to raise the educational, professional and cultural level of workers and to train highly qualified personnel for all branches of the economy. As a result of measures taken by the State, more than 60 per cent of today's workers have completed secondary or higher education and more than 70 per cent have some qualification.

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Our country has an integrated system of higher, specialized secondary, and vocational and technical education.

The planned management of social production ensures a correct balance between full employment and the need to raise labour efficiency.

At present, all able-bodied persons in the Mongolian People's Republic are employed in productive activities.

The increase in employment is due to the fact that the correct relationship has been established between the population's conscientious attitude towards work and additional manpower requirements within the national economy.

Manpower planning is based on the plans of each organization, institution and industrial enterprise in each town and district; consolidated data for each district, town, ministry and department are prepared in the light of their reports, and the over-all manpower requirements for the whole country are determined on that basis.

At the State level, questions relating to employment are dealt with by the State Committee on Labour and Wages of the Council of Ministers of the Mongolian People's Republic, and at the district and town levels they are dealt with by departments of labour and social security, which are subordinate to the State Committee.

The State Central Information Service receives consolidated manpower data and reports from local information organizations, and future policies are worked out on the basis of general conclusions drawn from an analysis of those data.

One of the elements entering into the preparation of guidelines for the development of the national economy is the balance of labour resources. The planning and report balance of labour resources is worked out on the basis of statistical information and data.

The problem of unemployment has been completely eliminated in our country. Manpower requirements show steady growth as a result of the continuing development of social production.

#### Article 7

##### The right to just and favourable conditions of work

The triumph of socialism in the Mongolian People's Republic has brought the complete and permanent elimination of the exploitation of man by man and of the causes giving rise to such exploitation. The working people of socialist Mongolia work for themselves and for their society.

The social system in the Mongolian People's Republic guarantees employment for

all citizens. The socialist principle of "From each according to his ability, to each according to his work" operates in the Mongolian People's Republic.

In the Mongolian People's Republic, the working people manage enterprises, which are State property, through the Hurals of People's Deputies and the organs of State administration established by them.

Under the Constitution of the Mongolian People's Republic, citizens of the Republic, irrespective of sex, race, nationality and religious beliefs, have an equal right to work, rest, free education and medical care and material assistance from the State in old age and in the event of disability, illness, loss of the breadwinner, etc.

Labour relations in the Mongolian People's Republic are regulated by the Labour Code of the Mongolian People's Republic, decrees of the Presidium of the Great People's Hural, decisions of the Council of Ministers of the Mongolian People's Republic, legally binding instruments drawn up by the State Committee on Labour and Wages of the Council of Ministers of the Mongolian People's Republic either in conjunction with the Central Council of Mongolian Trade Unions or independently, and instructions and other instruments relating to labour questions which have been approved by orders of sectoral ministries.

The Labour Code regulates labour relations in respect of all the country's manual and non-manual workers, promoting higher labour productivity and greater efficiency in social production and thus increasing the well-being of the workers; it sets high standards with respect to working conditions, establishes clear norms for the rights and obligations of management and workers, protects the interests of the socialist state in every possible way and guarantees the labour rights of workers.

The collective agreement represents an important form of participation by workers in the management of production. It is concluded in writing for a period of one year at enterprises and organizations by the trade-union committee, which acts on behalf of all manual and non-manual workers, and the management of enterprises and organizations which are legal entities.

The collective agreement is set out in the form of mutual obligations and deals essentially with the following subject-matter:

- (a) Basic questions relating to labour and wages, working hours and free time, material incentives, labour protection, and the improvement of living conditions and social amenities for manual and non-manual workers;
- (b) Questions connected with the fulfilment of the plan and measures to raise labour productivity and other related matters;
- (c) Questions connected with the participation of manual and non-manual workers in the management of production and other related matters.

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The provisions of the collective agreement comply with legally established standards. Officials guilty of non-compliance with the obligations laid down by the collective agreement can be held responsible within certain limits.

An important instrument for safeguarding workers' interests is the labour agreement; this is an agreement between workers and enterprises, institutions and organizations under which the worker undertakes to work in a given profession, trade or job in conformity with internal labour regulations and the enterprise or organization undertakes to pay the worker a wage and provide him with the working conditions stipulated in labour legislation, the collective agreement and any agreement signed by the parties concerned.

Labour disputes arising between manual and non-manual workers and management are examined by labour dispute commissions, trade-union committees and people's courts. Manual and non-manual workers can appeal to labour dispute commissions at any time, there being no deadline for submission of the appeal. If unjustly dismissed or transferred, workers can appeal to a court of law within one month of receiving the management's decision concerning the dismissal or transfer.

Manual and non-manual workers who are reinstated in their original positions receive the average wage for the entire period of enforced absence or the difference in wages for the time spent in a lower-paid position.

If there is any delay in the management's implementation of a court decision concerning reinstatement, the manual or non-manual worker also receives the wages or difference in wages for the period beginning on the day of the court's decision and ending on the day of its implementation.

Questions relating to wages, guarantees and compensation are regulated by the Labour Code and other normative instruments.

Wages in Mongolian society are organized in accordance with a series of economic laws, the most important of which is the law of distribution according to work.

The Mongolian State, acting in conjunction with the Mongolian trade unions, takes wide-ranging measures to increase production, to ensure the implementation of work safety regulations and to provide the most favourable possible conditions of work so as to satisfy the physical and spiritual needs of workers.

In order to provide manual and non-manual workers with the most favourable and safest possible working conditions, the State supervises the observance of work safety rules through State technical inspection bodies (this is in addition to the technical inspections carried out by trade unions). There are also regular State sanitary inspections to ensure the observance by enterprises, institutions and organizations of standards of hygiene, sanitation regulations and epidemic-control regulations; these inspections are carried out by the organs and institutions of the sanitation and epidemiology service of the Ministry of Health in accordance with the Statute on State Sanitary Inspection in the Mongolian People's Republic.

As legally established in the Constitution of the Mongolian People's Republic adopted by the supreme organ of State power in 1960 and the Labour Code of the Mongolian People's Republic adopted in 1973, all workers in our country have equal opportunities with regard to professional advancement to appropriate higher levels on the basis of length of service and qualifications and irrespective of sex, nationality, race and religious beliefs.

The relevant decisions have been taken by the Central Committee of the Mongolian People's Revolutionary Party and the Council of Ministers of the Mongolian People's Republic, and they are being successfully implemented.

The State gives a great deal of attention to the correct organization of workers' rest and leisure.

Manual and non-manual workers receive annual leave with pay. In 1974, the duration of their basic leave was extended by three days. In addition to this basic leave, workers receive additional leave which, for those working under difficult or dangerous conditions and for those with irregular working hours, amounts to 3, 7 or 11 working days. Workers who are employed in the mining industry and who work underground receive additional leave of 11 to 23 working days, depending on their period of uninterrupted service. Over and above their basic and additional leave, workers also receive two additional days' leave for 15 years of uninterrupted service and one day's additional leave for every five years of uninterrupted service.

In addition, women with five or more children and disabled persons in categories I and II who work are entitled to spend 14 to 21 days' leave once a year in rest homes free of charge.

In accordance with the Constitution and labour legislation, women in the Mongolian People's Republic receive the same pay as men for equal work.

It is prohibited to employ women in work performed under difficult or dangerous conditions or in work underground.

It is also prohibited for women to carry or move weights which exceed the established limits.

Enterprises, institutions and organizations which make extensive use of female labour organize nurseries and kindergartens, rooms for breast-feeding and personal hygiene rooms.

Where necessary, trade-union organizations and enterprises provide pregnant women and single mothers with passes to sanatoria and holiday homes either free of charge or at reduced rates; they also provide them with material aid from the social insurance funds of the enterprise, institution, organization, etc.

The working people of our country spend their free time in cultural and educational institutions, and the network of these institutions is being expanded

and improved every year. Between 1970 and 1975, the number of clubs and houses of culture increased by a factor of 6.1 and there was a fivefold increase in the number of recreation and reading rooms, a twentyfold increase in the number of libraries, a threefold increase in the number of theatres, ensembles and other professional artistic groups, and a threefold increase in the number of cinemas and mobile cinemas.

In the matter of helping workers to make the best use of their free time and raise their standard of education, economic knowledge, qualifications and technical skills, an important role is played by the schools of socialist labour organized by the Mongolian trade unions. Over the last three years, these schools have enabled thousands and thousands of the country's manual and non-manual workers to improve their technical qualifications and economic knowledge.

The Mongolian State gives a great deal of attention to the development of a mass physical education movement with a view to helping workers to use their free time in a rational and profitable manner and to improve their health. Approximately 40 per cent of all manual and non-manual workers now regularly participate in the various physical education and sporting clubs and circles.

At the same time that it is creating favourable conditions of work and leisure, the Mongolian State is constantly taking steps to increase workers' free time. During the last five-year plan, the services available to the population increased by a factor of 3.4; laundry and dry-cleaning services, for example, increased by a factor of 3.2. A whole series of measures is being implemented in order to improve communal amenities and provide more efficient services. All this reduces the time which workers have to spend on housework and thus increases their free time.

In accordance with the decisions taken at the Seventeenth Congress of the Mongolian People's Revolutionary Party, which were aimed at more effectively meeting the growing material and spiritual needs of the people, the current five-year plan (1976-1980) provides for further increases in the real and money income of the population, improved working conditions, improvements in the supply of consumer goods, expansion of the housing construction programme, increases in the scope and volume of communal services, increases in the educational and cultural level of the working people, improved medical services, healthier conditions for mothers and children, educational facilities for the rising generation, the creation of appropriate material and moral incentives, and measures to increase the effect of such incentives on the process of raising productive efficiency.

#### Article 8

(a) Under the Constitution of the Mongolian People's Republic, manual and non-manual workers are entitled to form trade unions. As provided in article 8, paragraph 1 (a), of the Covenant, no restrictions are placed on the exercise of this right other than those which are prescribed by the Constitution of the



Mongolian People's Republic and are necessary in our socialist society in the interests of national security or public order or for the protection of the rights and freedoms of others.

(b) Mongolian trade unions are organized on an industry basis. This means that manual and non-manual workers form large, nation-wide unions on the basis of the largest and most important branch of industry or sector of economic activity in which they are employed. Under this system, workers who are employed at the same enterprise (factory, State farm, etc.) or institution are members of the same trade union, and each trade union is made up of workers employed in the same sector of the economy.

The over-all management of the country's trade-union movement is the responsibility of the Central Council of Mongolian Trade Unions.

Through their central committees, members of a given union are entitled to establish and strengthen ties with the corresponding trade unions in other countries of the world.

(c) Mongolian trade unions function in accordance with statutes which they themselves adopt and are not required to register with State bodies.

Mongolian trade unions, as represented by the Central Council of Mongolian Trade Unions, are entitled to initiate legislation.

#### Article 9

##### Information on the right to social security

1. One of the successes achieved by the Mongolian people during the years of the people's revolution is the emergence and development of the right to social security in our country.

The right to social security is set out in article 79 of the Constitution of the Mongolian People's Republic: "Citizens of the Mongolian People's Republic have the right to material assistance from the State in old age and in the event of disability, illness or loss of the breadwinner."

This right is ensured through the payment of allowances under a system of social security and social insurance and a special fund established by co-operative organizations and through expansion of the network of resorts and rest homes, the provision of free medical care and the improvement of labour protection.

These fundamental rights are given effect through normative instruments adopted by the Presidium of the Great People's Hural and the Council of Ministers of the Mongolian People's Republic; the instruments in question include the State Pensions and Allowances Act, the Health Services Act, regulations concerning the payment of allowances by the State social insurance system, and instructions

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concerning pensions and allowances for members of agricultural combines as established in the statutes of agricultural combines.

All pensions and allowances paid to workers through the social security and social insurance systems are paid for by the State.

2 (a) The Health Services Act of the Mongolian People's Republic states: "Institutions and organizations involved in the provision of health services in the Mongolian People's Republic provide all citizens with free medical care." Citizens thus receive free medical care.

Under the social security system, the State also provides disabled persons, where necessary, with prostheses, hearing devices, specialized means of transport and other assistance.

(b) Manual and non-manual workers who are temporarily incapacitated receive an allowance from the State social insurance fund, and members of agricultural combines receive an allowance from the co-operative fund for pensions and allowances. This allowance is paid in respect of ordinary illness, domestic injuries, industrial accidents, occupational diseases, absence from work to care for a sick member of the family, quarantine, treatment at a health resort and hospitalization for the fitting of prostheses.

As regards the amount of the allowance, workers with up to five years' service receive 40 to 60 per cent of their average monthly wage, those with five to seven years' service receive 60 to 80 per cent, and those with 7 to 13 years' service and above receive 80 to 90 per cent.

(c) Women receive maternity leave of 45 calendar days before and 56 calendar days after giving birth, and post-delivery leave is extended to 70 days in the event of complications during childbirth or the birth of two or more children. Maternity allowances are paid through the social insurance system. Workers who have worked without interruption for up to seven months receive an allowance of 50 per cent of their average monthly wage, and those who have worked longer than seven months receive 100 per cent.

Mothers who have received the "Glory of Motherhood" medal, first or second class, receive an allowance of 100 per cent of their average monthly wage, regardless of length of service.

(d) Disability pensions are paid to manual and non-manual workers suffering from category I, II or III disabilities, which involve permanent or long-term loss of working capacity.

The causes of loss of working capacity are divided into various categories, namely industrial accidents, occupational diseases and ordinary illness.

Disability pensions vary in accordance with the cause of the loss of working capacity, conditions of work, age, length of service, and category of disability.

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(e) Manual and non-manual workers are entitled to old-age pensions under the following conditions:

Men when they reach 60 years of age and have worked for at least 25 years;

Women when they reach 55 years of age and have worked for at least 20 years.

The following categories of workers enjoy special privileges with regard to old-age pensions:

- Manual and non-manual workers employed underground or in tasks involving hot or dangerous conditions:

Men are entitled to a pension when they reach 50 years of age and have worked for at least 20 years, not less than 10 of which must have been spent under the above-mentioned conditions;

Women are entitled to a pension when they reach 45 years of age and have worked for 15 years, 7 years 6 months of which must have been spent under the above-mentioned conditions;

- Manual and non-manual workers in other jobs involving difficult working conditions:

Men are entitled to a pension when they reach 55 years of age and have worked for at least 25 years, not less than 12 years 6 months of which must have been spent under the above-mentioned conditions;

Women are entitled to a pension when they reach 50 years of age and have worked for at least 20 years, not less than 10 of which must have been spent under the above-mentioned conditions;

- Women who have given birth to four or more children and have brought the children up until the age of six years are entitled to an old-age pension when they reach 50 years of age and have worked for at least 15 years;

- Blind manual and non-manual workers who are receiving a disability pension are entitled to receive an old-age pension instead: men when they reach 50 years of age and have worked for at least 15 years, and women when they reach 40 years of age and have worked for at least 10 years.

Manual and non-manual workers who are employed and have reached the age at which they are entitled to a pension, but who have not worked long enough to receive a full pension, receive an old-age pension proportional to their length of service, provided that they have worked for at least five years.

The minimum monthly old-age pension is 150 tugriks, and the maximum 800 tugriks.

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(f) Pensions for loss of the breadwinner are paid to non-able-bodied family members who were dependants of the deceased manual or non-manual worker.

Families of manual and non-manual workers who die as a result of an industrial accident or an occupational disease receive a pension the amount of which depends on the conditions of work and the number of non-able-bodied family members but is not affected by the length of service of the breadwinner.

The families of manual and non-manual workers who die as a result of ordinary illness receive a pension the amount of which depends on the length of service of the breadwinner and the above-mentioned factors.

(g) Manual and non-manual workers who are temporarily incapacitated as a result of an industrial accident or an occupational disease receive an allowance of 100 per cent of their wages irrespective of their length of service.

Workers who are incapacitated for an extended period for either of the above-mentioned reasons receive an allowance in accordance with their category of disability.

3. The basic type of family allowance is that paid to families with a large number of children.

This allowance is paid to mothers with four or more children as follows:

Mothers with 4 to 6 children - 400-1,200 tugriks;

Mothers with 7 to 9 children - 1,750-3,150 tugriks;

Mothers with 10 or more children - 400 tugriks for each child until the age of 16.

In addition, mothers who give birth to two children receive a one-time payment of 500 tugriks for each child, while those who give birth to three or more children receive a similar payment of 1,000 tugriks for each child and the children are brought up free of charge at nurseries until the age of three years.

In addition to this kind of direct material assistance for families, the State provides free nursery and kindergarten facilities (parents pay a small share of the cost of meals at kindergartens), subsidizes the production of children's clothing and school equipment, provides free education in all schools at the various levels and provides grants to students at higher and secondary educational institutions.

Our country's social system guarantees employment for all citizens. There is therefore no unemployment.

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