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**MONGOLIA**

[22 August 2005]

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## I. LAND AND PEOPLE

### A. Land

1. Mongolia is located in North-East Asia between China and Russia. It is a landlocked country bordering on the east and north with Russia, and on the south and west with China. Mongolia's territory covers an area of 1,564,100 km<sup>2</sup>, larger than the overall combined territory of the United Kingdom, France, Germany and Italy. It is considered the seventh largest country in Asia and seventeenth in the world by its territory.
2. Mongolia possesses a great range of natural ecosystems and is divided into six basic natural zones differing in climate, landscape, soil, flora and fauna. They are (i) high mountain (5 per cent of territory); (ii) taiga or forest (5 per cent); (iii) mountain forest steppe (25 per cent); (iv) steppe (nearly the entire far-eastern part of the country); (5) desert steppe (over 20 per cent); and (vi) desert zones.
3. The country has an average altitude of 1,580 m above sea level. The highest point is the Nairamdal Peak, 4,374 m above sea level, and the lowest point is Khukh Nuur, 518 m above sea level.
4. Mongolia has a continental climate with large seasonal temperature fluctuations and a low level of total annual rainfall, averaging about 220 mm per year. The summer high temperature averages around 25° C while winter lows average around -25° C.
5. Only 0.77 per cent of Mongolia's land is arable due to climatic and geographical conditions. However, its conditions are well suited for livestock production. Nomadic herding of sheep, goats, cows, horses, yaks and camels is the foundation of the Mongolian economy. Approximately 65 per cent of the country's territory is covered by steppe grasslands, while the Gobi desert and mountainous region covers the rest of the territory.
6. Mongolia has over 8,000 deposits of 44 different natural resources such as copper, oil, coal, molybdenum, gold, uranium, lead, zinc, zeolites, rare earth elements, tungsten, phosphates, tin, nickel, fluorspar, and precious and semi-precious stones. As of 2003, over 200 of the deposits have been exploited, 24 of which are non-ferrous-metal deposits, 111 are gold, 34 are coal, 15 are salt, and about 50 are mineral deposits.
7. Mongolia is administratively divided into 21 *aimags* or provinces and the capital city Ulaanbaatar. *Aimags* are divided into *soums* which are further divided into *baghs*. The capital city is divided into districts which in turn are divided into *horoos*.

### B. People

8. As of 2002, the population of Mongolia was approximately 2.5 million and population density was 1.4 persons per km<sup>2</sup>, although it varies considerably across *aimags*/provinces/cities. Over 34 per cent of the population resides in the capital, Ulaanbaatar City, where the density is higher than in other parts of the country; 23 per cent of the population lives in other provincial centres.

**Table 1**  
**Percentage of resident population, proportion of urban and rural,**  
**by *aimags* and the Capital**

<i>Aimaigs</i> and the Capital	1997		1998		1999		2000		2001		2002	
	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural
Total	52.7	47.3	53.1	46.9	56.6	43.4	57.2	42.8	57.2	42.8	57.4	42.6
West Region												
Total	25.4	74.6	26.1	73.9	29.1	70.9	26.2	73.8	27.1	72.9	28.0	72.0
Bayan-Ulgii	26.9	73.1	26.0	74.0	30.8	69.2	29.3	70.7	29.9	70.1	30.2	69.8
Govi-Altai	24.8	75.2	23.2	76.8	28.3	71.7	25.2	74.8	25.8	74.2	29.5	70.5
Zavkhan	23.6	76.4	24.1	75.9	27.0	73.0	18.9	81.1	19.0	81.0	19.9	80.1
Uvs	24.3	75.7	26.4	73.6	29.2	70.8	27.0	73.0	30.1	69.9	27.6	72.4
Khovd	27.5	72.5	30.2	69.8	30.0	70.0	29.8	70.2	30.1	69.9	32.6	67.4
Khangai Region												
Total	30.3	69.7	29.1	70.9	32.2	67.8	29.9	70.1	31.9	68.1	33.0	67.0
Arkhangai	15.8	84.2	15.9	84.1	19.1	80.9	18.2	81.8	18.4	81.6	18.6	81.4
Bayankhongor	25.4	74.6	23.4	76.6	26.0	74.0	20.9	19.1	25.1	74.9	27.2	72.8
Bulgan	27.9	72.1	24.6	75.4	26.3	73.7	18.5	81.5	26.8	73.2	26.3	73.7
Ovorkhangai	17.6	82.4	16.7	83.3	17.1	82.9	16.7	83.3	18.0	82.0	18.3	81.7
Khovsgol	21.4	78.6	21.6	78.4	26.4	73.6	25.1	74.9	26.2	73.8	28.7	71.3
Orkhon	95.0	5.0	91.4	8.6	95.5	4.5	91.2	8.8	90.5	9.5	91.3	8.7
Central Region												
Total	42.0	58.0	41.8	58.2	45.4	54.6	38.2	61.8	45.4	54.6	43.0	57.0
Dornogovi	36.7	63.3	38.3	61.7	49.8	50.2	46.2	53.8	48.3	51.7	52.3	47.7
Dundgovi	19.8	80.2	20.9	79.1	28.2	71.8	19.5	80.5	26.9	73.1	19.9	80.1
Omnogovi	28.2	71.8	28.4	71.6	30.3	69.7	26.1	73.9	27.0	73.0	28.4	71.6
Selenge	55.7	44.3	54.7	45.3	56.5	43.5	34.2	65.8	56.7	43.3	49.3	50.7

**Table 1 (continued)**

<i>Amaigs and the Capital</i>	1997		1998		1999		2000		2001		2002	
	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural
Tov	16.8	83.2	15.1	84.9	16.3	83.7	15.8	84.2	18.5	81.5	15.1	84.9
Darkh-uul	80.1	19.9	80.1	19.9	79.0	21.0	79.3	20.7	79.7	20.3	80.1	19.9
Govisumber	57.7	42.5	58.1	41.9	73.5	26.5	58.3	41.7	57.7	42.3	58.5	41.5
East Region												
Total	33.8	66.2	34.4	65.5	41.8	58.2	36.7	63.3	39.0	61.0	39.3	60.7
Dornod	39.6	60.4	41.8	58.2	55.3	44.7	50.6	49.4	50.3	49.7	50.5	49.5
Sukhbaatar	22.7	77.3	22.0	78.0	26.9	73.1	21.4	78.6	20.5	79.5	20.7	79.3
Khentii	36.4	63.6	36.2	63.8	39.3	60.7	34.1	65.9	41.5	58.5	42.3	57.7
Ulaanbaatar												
Ulaanbaatar	100.0	-	100.0	-	100.0	-	100.0	-	100.0	-	100.0	

9. The division of the population by gender is 49.6 per cent male and 50.4 per cent female. Prior to the 1944 census it was noted that females were outnumbered by the males, which may be attributed to the relatively higher female mortality or underreporting of females. Since 1944, the proportion of the female population has increased significantly as a result of a reduction in female death rates, particularly in childhood, the concomitant improvement in life expectancy and better coverage of the female population in the enumeration.

**Table 2**  
**Resident population by sex**

('000 persons)

Indicators	1997	1998	1999	2000	2001	2002
Total	2 307.5	2 340.1	2 373.5	2 407.5	2 442.5	2 475.4
Male	1 145.6	1 161.6	1 178.0	1 192.4	1 209.7	1 228.1
Female	1 161.9	1 178.5	1 195.5	1 215.1	1 232.8	1 247.3

Data from Population and Housing Census, 2000.

10. The ethnic composition of Mongolia is fairly homogeneous. The largest element of the population is Khalkha Mongols consisting of 94.9 per cent of its total. The nation's largest minority, accounting for 5 per cent of the population, is the Kazakh people. They are pastoral, Turkic-speaking, traditionally Muslim people who reside in western Mongolia. In recent years the national percentage of the Kazakh population has been affected by the emigration of considerable numbers of Kazakhs. Fifteen other ethnic groups, including Chinese and Russians, account for less than 1 per cent of the total population.

11. Around 90 per cent of Mongolia's population speaks Khalkh, one of the several dialects of the Mongol language; it is the standard language in Mongolia. Mongolian is an Altaic language related to the Turkic languages. All dialects spoken in Mongolia, except Buriat, are easily understood by native speakers of the language. The written language is based on standard Khalkh language. The traditional Mongol script was replaced by Cyrillic in the 1940s and it has been used ever since.

12. Mongolian citizens enjoy freedom of religious belief. About half of the populace practises the Yellow Sect of Buddhism. Although Mongolian Buddhism faced great persecution under the communist regime it survived among older people, in popular speech, which is rich in Buddhist expressions, and in common practices such as images and statutes of Buddha on families' special shelves with photos of relatives and other domestic memorabilia. Islam is the next-most-practised religion in Mongolia accounting for 4 per cent of the population. Kazakh Mongols are predominantly followers of Islamic thought. Around 6 per cent of the people are considered to be believers in shamanism and in various sects of Christianity.

13. The Mongolian population is relatively young. The population aged under 15 years comprised 32.6 per cent of the population while the population between 15 and 64 years of age makes up 63.9 per cent of the total. Statistics indicate that in recent years the proportion of the economically active population aged 15-64 years in the total population has steadily increased. Only 3.5 per cent of Mongolia's population is 65 years and over.

**Table 3**

**Resident population by age and sex**

(’000 persons)

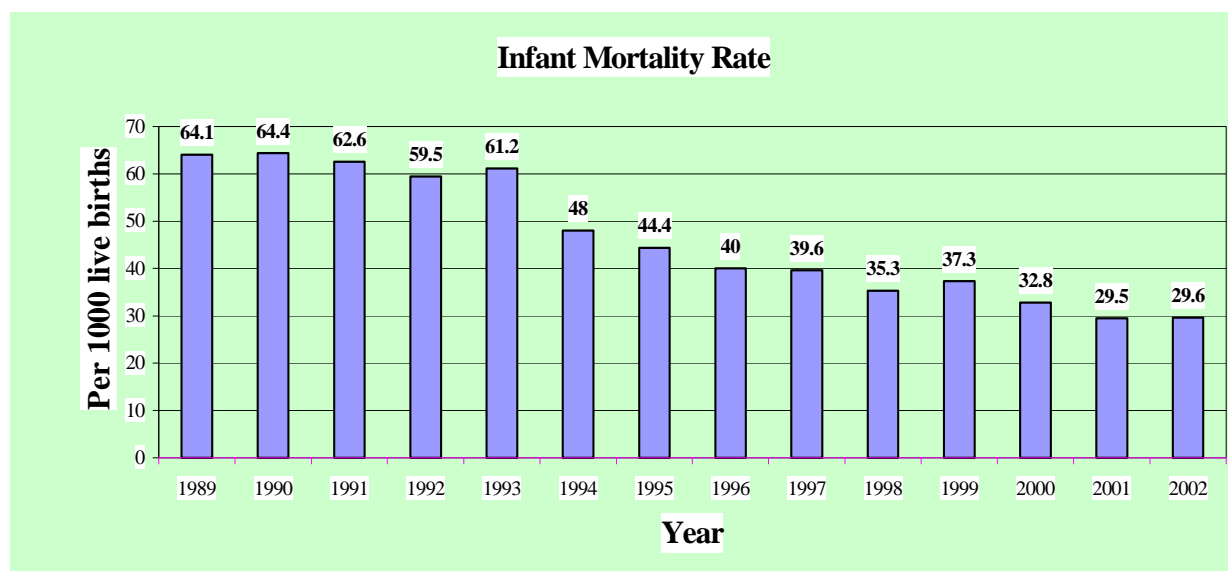
Age group	1997		1998		1999		2000		2001		2002	
	Total	Female	Total	Female	Total	Female	Total	Female	Total	Female	Total	Female
Total	2 307.5	1 161.9	2 340.1	1 178.5	2 373.5	1 178.5	2 407.5	1 215.1	2 442.5	1 232.8	2 475.4	1 247.3
Under 1	46.1	22.7	46.1	22.8	49.8	24.4	42.4	20.9	48.2	23.8	41.8	21.1
1-4	187.8	92.7	190.6	94.0	196.2	97.1	188.4	93.2	181.4	89.8	187.1	93.7
5-9	311.9	155.8	289.8	143.5	285.7	141.5	268.0	132.7	256.7	126.8	265.7	133.5
10-14	295.0	146.7	306.5	153.3	317.4	158.1	314.8	156.9	313.2	156.0	313.3	156.3
15-19	254.5	126.0	257.1	127.7	263.3	130.0	276.6	138.1	284.0	141.9	289.7	142.3
20-24	235.0	117.3	238.4	118.7	235.8	117.7	249.4	126.8	256.4	129.7	263.0	130.5
25-29	208.0	104.2	213.5	107.0	216.7	108.7	219.8	110.9	225.8	114.3	228.6	115.0
30-34	186.5	94.6	189.7	96.2	187.9	95.4	190.6	96.9	193.8	97.9	196.6	98.8
35-39	161.2	82.2	168.9	85.7	172.6	87.8	172.6	87.3	177.7	90.2	179.6	90.7
40-44	107.1	54.4	117.6	60.2	127.2	64.6	139.4	70.8	145.8	74.2	147.0	74.5
45-49	72.6	36.9	75.9	38.6	82.9	42.3	90.2	45.5	99.6	50.4	100.7	50.6
50-54	55.8	28.2	58.0	29.4	57.8	30.1	67.0	34.3	68.5	35.1	68.7	35.2
55-59	55.6	27.9	55.3	27.7	55.9	28.5	57.2	29.1	57.5	29.5	57.6	29.5
60-64	41.5	21.5	41.7	21.7	42.3	21.5	46.2	23.8	47.5	24.4	49.0	26.1
65-69	33.9	18.5	35.5	19.3	35.4	19.4	35.2	18.8	35.6	18.9	36.2	19.6
70+	55.0	32.3	55.5	32.7	46.6	28.4	49.7	29.1	50.8	29.9	50.8	29.9

Source: “Mongolia in a market system” statistical yearbook 1989-2002.

14. Life expectancy varies between the female and male populations. While life expectancy is 60.8 years for males, it is 65.5 for females. The life expectancy for the total population is 63.5 years.

15. The infant mortality rate has been reduced significantly in Mongolia over the past decade. Administrative data show that in 2002 the infant mortality rate declined to 29.6 per 1,000 live births from 48 in 1994 and 64.4 in 1990. This decline is attributable to such factors as a steep drop in the fertility rate as a response to the economic conditions, successful introduction of international standards in diagnosing and treating acute respiratory infections and diarrhoea, and effective promotion of breastfeeding. As mentioned, the total fertility rate has dramatically dropped during the transition period and at present stands at 2.26 children per woman, on average.

**Chart 1**



16. Despite the continuously decreasing trend the maternal mortality rate is still relatively high in Mongolia due to factors like the economic situation, environmental conditions, poor infrastructure, and the low quality of medical services. The maternal mortality rate reached 109.5 deaths per 100,000 live births in 2003, the low for the decade. It is higher in remote rural areas than the national average and varies between regions of the country.



**Table 3**  
**Number of maternal deaths, by provinces/*aimag* and the Capital**

<i>Aimags</i> and the Capital	1997	1998	1999	2000	2001	2002
Total	71	80	90	81	82	57
<b>West Region</b>						
Total	22	26	26	23	30	13
Bayan-Ulgii	6	7	9	11	6	4
Govi-Altai	3	7	1	2	1	1
Zavkhan	4	3	3	3	8	4
Uvs	5	2	7	2	9	3
Khovd	4	7	6	5	6	1
<b>Khangai Region</b>						
Total	20	24	22	17	20	10
Arkhangai	4	7	6	4	8	2
Bayankhongor	4	4	5	3	2	1
Bulgan	2	3	1	1	-	-
Ovorkhangai	8	4	4	4	4	6
Khovsgol	-	4	6	4	4	1
Orkhon	2	2	-	1	2	-
<b>Central Region</b>						
Total	16	8	12	11	5	9
Dornogovi	2	-	2	1	-	2
Dundgovi	1	-	2	1	1	-
Omnogovi	3	2	-	1	-	-
Selenge	2	1	3	4	1	3
Tov	4	4	2	2	-	3
Darkhan-Uul	4	1	3	2	3	-
Govisumber	-	-	-	-	-	1
<b>East Region</b>						
Total	7	7	9	5	9	2
Dornod	3	1	3	2	2	-
Sukhbaatar	2	3	2	-	4	1
Khentii	2	3	4	3	3	1
<b>Ulaanbaatar</b>						
Ulaanbaatar	6	15	21	25	18	23

17. Mongolia is one of the nations that enjoy a high level of adult literacy. In 2002 the literacy rate was 97.8 per cent of the total population. This high rate of adult literacy is mainly due to the educational system during the communist era. In terms of female literacy, Mongolia achieved an impressive result: while 97.6 per cent of the male population is considered to be literate, 97.5 per cent of the female populace is literate.

**Table 4**

**Percentage of literate among the population 15 years and above  
by sex, 1989-2000**

Literacy	Male		Female		Total	
	1989	2000	1989	2000	1989	2000
Literate	98.2	98.0	94.9	97.5	96.5	97.8

**Table 5**

**Percentage of literate among the population 10 years old and over,  
by sex and urban-rural residence, 2000**

Literacy	Urban		Rural		Total	
	Male	Female	Male	Female	Male	Female
Literate	98.9	98.7	95.9	95.7	97.6	97.5

*Source:* 2000 Population and Housing Census: Gender in Mongolia.

18. Mongolia has made substantial progress towards its transition to a market economy from the centrally planned economic system, launched in the early 1990s. In order to accelerate the transition process, the Government of Mongolia introduced a series of reforms including the phased liberalization of State-controlled prices and tariffs, privatization of State-owned enterprises, establishment of a two-tier banking system, liberalization of foreign trade, adoption of a floating exchange rate system, implementation of tight monetary and fiscal policies aimed at reducing inflation, and the adoption and enforcement of laws to encourage fair competition and create a favourable environment for private-sector development.

19. Initially, Mongolia experienced a severe economic crisis during the early 1990s and the national income level fell sharply. Unemployment soared, poverty increased and the country faced social problems such as street children, homeless people, an ever-increasing crime rate and alcohol abuse.

### **C. The economy**

20. Signs of an economic recovery emerged in 1995 when the economy grew for the first time since the beginning of the transition. Inflation was brought under control and the private sector began to show signs of improvement.

21. The GDP growth rate increased up to 2.3 per cent in 1994 from a decline of 9.5 per cent in 1992 and has remained positive since then (table 6). The GDP per capita or purchasing power parity among men in 2003 was estimated at \$2,303.20 while it was \$1,950 among women. In 1998 per capita income was estimated at \$390 and it reached \$605.6 in 2004.

**Table 6****Annual change of GDP, by industries**

Industries	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
GDP	4.2	-2.5	-9.2	-9.5	-3.0	2.3	6.3	2.4	4.0	3.5	3.2	1.1	1.0	4.0
Agriculture, hunting and forestry	4.4	-1.3	-4.4	-2.1	-2.7	2.7	4.2	4.4	4.3	6.4	4.2	-14.9	-18.5	-10.7
Mining and quarrying								6.1	5.6	4.9	3.2	6.6	9.6	-6.9
Manufacturing	2.2	1.3	-7.6	-7.6	-8.4	2.5	-44.2	-13.8	-15.0	3.2	-2.8	-3.3	31.8	22.1
Electricity, gas and water supply								0.7	0.4	3.2	4.6	0.4	3.5	3.9
Construction	-8.4	-24.6	-16.5	-45.5	-16.2	10.5	10.6	2.6	-2.7	-1.1	1.6	-14.6	10.8	18.5
Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods	20.7	-1.4	-12.2	-22.7	5.3	0.0	-3.8	0.3	17.1	-3.1	1.3	26.1	9.8	13.3
Hotels and restaurants								6.8	0.2	0.5	8.7	13.2	-6.9	4.6
Transport, storage and communication	-8.1	-5.6	-38.8	-17.8	-4.7	-2.3	-1.2	11.2	5.8	7.4	6.1	25.2	14.9	16.2
Financial intermediation								42.2	-26.7	-33.0	39.9	7.0	22.4	7.3
Real estate, renting and other business activities								4.2	-2.4	8.4	-4.7	12.5	7.1	25.2
Public administration and defence; compulsory social security	-1.2	-6.0	27.6	5.5	-2.2	6.5	-70.7	3.5	2.2	1.9	1.5	3.5	-5.7	-0.3
Education								4.0	4.1	6.8	4.6	3.2	1.3	4.9
Health and social work								4.4	3.0	1.4	3.1	-0.1	4.6	2.9
Other community, social and personal service activities								0.8	6.2	5.3	0.5	57.1	10.4	49.2

22. In 1996 prices of the State-controlled electricity, heating, fuel, as well as some selected consumer products and services, were totally liberalized, which, along with the tight fiscal and monetary policies resulted in a decline of the inflation rate from triple digits to a single digit. By the end of 2004 the inflation rate was estimated at 11 per cent, reflecting the stabilization of food prices and a strong currency.

23. Despite the positive trend in the economic sector, poverty and unemployment remain critical issues of concern. The unemployment rate in 2004 was estimated at 3.4 per cent and more than half of it is among women; the unemployment rate among women is 3.8 per cent, which is higher than the national level and the male unemployment rate.

24. Income poverty is a new phenomenon in Mongolia, virtually non-existent before 1990. According to a recent survey, 36.1 per cent of the population is below the income poverty line. There is an increase in income disparity between urban centres and rural areas as well as between males and females. Women suffer a much higher incidence of poverty than men throughout the country, in both urban and rural parts of Mongolia. The 1998 data reveal that the proportion of poor women (43.8 per cent) is more than double the proportion of poor men (21.4 per cent) in the capital city, Ulaanbaatar. A similar differential exists in rural parts of the country. In addition, families with a large number of children and households headed by women are more vulnerable to falling into poverty.

25. The 2000 census data show that 16.3 per cent of households are headed by females. This figure indicates a nationwide increase in the proportion of female-headed household from previous years.

**Table 7**  
**Poverty indicators**

	Per capita		Depth		Severity	
	1995	1998	1995	1998	1995	1998
Urban	38.5	39.4	12.2	13.9	5.7	7.1
Of which						
Ulaanbaatar	35.1	34.1	10.4	13.0	4.5	7.4
Rural	33.1	32.6	8.9	9.8	3.6	4.4
Total	36.3	35.6	10.9	11.7	4.8	5.6

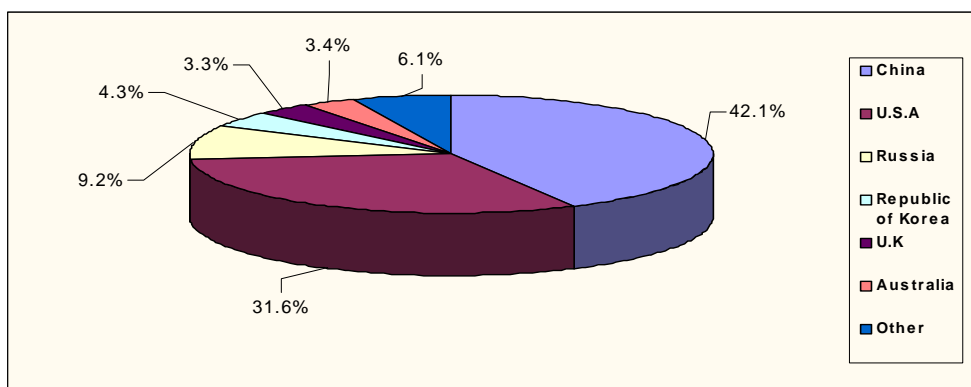
**Table 8**  
**Total population and poor population growth, 1995-1998**

	Population growth		Number of poor ('000)		Poor population growth	
	1995-1998		1995	1998	1995-1998	
	Thousand persons	%			Thousand persons	%
Urban	30.1	2.5	471	493.4	22.4	4.8
Of which						
Ulaanbaatar	39.9	6.5	214	221.6	7.6	3.6
Aimag centres	-9.8	-1.6	257	271.8	14.8	5.8
Rural	76.9	6.8	350	369.9	19.9	5.7
Total	107	4.7	828	849.8	21.8	2.6

26. Mongolia's economy is heavily impacted by its neighbours. In fact, Mongolia purchases 80 per cent of its petroleum products and a substantial amount of electric power from Russia, leaving it vulnerable to price increases. China is Mongolia's chief export partner and a main source of the shadow or grey economy. The country settled a debt of US\$ 11 billion with Russia at the end of 2003 on very favourable terms. Its external debt amounts to US\$ 1,191,000,000 at present.

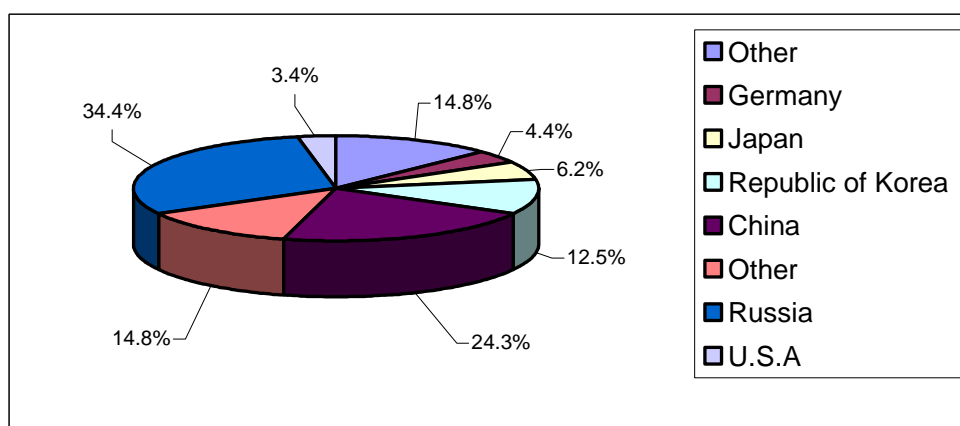
**Chart 2**

**Export composition by country, 2002**



**Chart 3**

**Import composition by country, 2002**



## II. GENERAL POLITICAL STRUCTURE

27. From its independence in 1921 to the democratic revolution in 1990 Mongolia lived under successive communist regimes, accepting economic assistance and political patronage from the former Soviet Union. The Government was a one-party system presided over by the Mongolian People's Revolutionary Party (MPRP). The party exercised political supervision and control over the pyramidal structure of representative governmental bodies known as *hural*s.

28. The highly centralized political structure was divided into three major parts: the executive branch presided over by the Council of Ministers; the legislative branch represented at the national level by the unicameral People's Great Hural (the national assembly); and the judicial branch with a Supreme Court presiding over a system of law administered by courts and by an Office of the Procurator of the Republic. The duties and responsibilities of each of these major bodies were identified in the Constitution promulgated in 1960. MPRP was the apex of the governmental system through its authoritative Political Bureau of the party's Central Committee. This nine-person body comprised the presiding leadership of the country and was headed by the party General Secretary. Each province and *soum* had its own party organization that conveyed the policies and programmes decided by the Political Bureau, and directed the work of its agricultural cooperatives and the local government executive committees in implementing party programmes at that level. The concentration of power at the top of the political system and within party channels had, throughout history, helped to create a complacent party and government bureaucracy, a development that hampered the leadership's plans to modernize the country and to stimulate economic development in the late 1980s.

29. The Mongolian People's Republic underwent a major transition in the development of its Government and political institutions in the late 1980s. Beginning in 1984, the country had embarked on a programme to restructure its political and economic system in ways that engaged the entire population and made it responsible and accountable for the country's modernization. Much of the inspiration for this programme came from the Soviet Union's examples of *glasnost* (openness) and *perestroika* (political system reform). Openings to the West increased Mongolia's options within the international community and provided additional developmental models.

30. Disintegration of the socialist system, which was one of the historic events of the late 1980s and early 1990s, opened up possibilities for Mongolia to make essential changes in the political and socio-economic life of the country. After the collapse of the Soviet Union a peaceful transition to a democratic system was launched in Mongolia. The principles of a democratic system were thoroughly worked out and a new Constitution of Mongolia was adopted on 13 January 1992 entering into force on 12 February 1992.

### A. The President

31. The Constitution states, "The President is the Head of the State and the embodiment of the unity of Mongolia." The President is also the commander-in-chief of the armed forces and the head of the National Security Council.

32. A presidential candidate shall be an indigenous citizen of Mongolia, have attained the age of 45 years and have resided for a minimum of five years preceding the election in

Mongolia. The presidential candidates are nominated by the political parties represented in the State Ikh Hural and the President is popularly elected by a national majority for a four-year term. The presidential tenure is limited to two four-year terms. The last elections were held in May 2005 and the MPRP candidate, Nambaryn Enkhbayar, was elected as the President of Mongolia.

33. Article 33 of the Constitution assigns the following powers to the President:

- (a) To veto all or parts of the legislation enacted by the State Ikh Hural. However, the veto can be overridden by the State Ikh Hural with a two-thirds majority;
- (b) To issue decrees, which become effective with the Prime Minister's signature;
- (c) To represent the Mongolian State in diplomatic relations and, in consultation with the State Ikh Hural, to conclude international treaties on behalf of Mongolia;
- (d) To nominate the Prime Minister;
- (e) To call for the Government's dissolution;
- (f) To initiate legislation;
- (g) To declare a state of emergency or a state of war.

#### **B. The legislative branch**

34. The 1992 Constitution declares Mongolia to be a parliamentary republic, dividing the power between executive, legislative and judicial branches. Article 20 of the Constitution named "The State Ikh Hural" as the highest organ of State power and vested supreme legislative power in it. The State Ikh Hural is unicameral and consists of 76 members elected by free and direct popular vote to serve a four-year term. It is empowered to enact and amend laws, determine domestic and foreign policy, ratify international agreements, approve the State budget and declare a state of war and a state of emergency.

35. The State Ikh Hural exercises its power through its sessions and other organizational forms. The State Ikh Hural convenes ordinary sessions, which are held once in six months lasting less than 75 working days, and special sessions at the demand of more than one third of its members or at the initiative of the President and the Speaker of the State Ikh Hural.

36. The State Ikh Hural has standing committees dealing with specific areas.

37. Mongolia's first multiparty elections for the State Ikh Hural were held in 1992 and since then three parliamentary elections have taken place. In the last parliamentary elections, which were held on 27 June 2004, MPRP won 48.8 per cent of the total popular vote, the Motherland Democracy Coalition, which includes parties such as the Democratic Party,

the Citizens' Will Republican Party and the Motherland-Mongolian New Socialist Democratic Party, received 44.8 per cent while the Mongolian Republican Party won 1.5 per cent of the total votes, and independent candidates became eligible to hold seats in the Parliament receiving 3.5 per cent of the popular vote.

38. The Speaker and Vice-Speaker of the State Ikh Hural are elected from among the members of the State Ikh Hural by secret ballot and serve four-year terms of office.

### **C. The executive branch**

39. The highest executive organ of the State is the Government, comprised of the Prime Minister and members. The Prime Minister is nominated by the President and confirmed by the State Ikh Hural. The Prime Minister chooses the Cabinet, subject to State Ikh Hural approval. The term of the mandate of the Government is four years.

40. The Government organizes and ensures nationwide implementation of the Constitution and other laws, provides leadership to central State administrative bodies, directs the activities of local administrations, undertakes measures for the protection of human rights and freedoms, and carries out Mongolian foreign policy. The Government is accountable for its work to the State Ikh Hural.

41. The Government issues resolutions and ordinances signed by the Prime Minister and concerned ministers in conformity with the laws and regulations.

42. Dissolution of the Government occurs upon the Prime Minister's resignation, the simultaneous resignation of half of the Cabinet, or upon the State Ikh Hural's vote for dissolution.

43. As a result of the last parliamentary elections, a new Government was formed in 2004 and a member of the Democratic Party, Tsakhiagiin Elbegdorj, was appointed as the Prime Minister of Mongolia. At present Mongolia is chiefly administered by 13 ministries together with other government-related agencies.

### **D. The judiciary**

44. Article 47 vested the judicial power exclusively in the courts. The judicial system consists of the Supreme Court, *aimag* and Capital city courts, *soum* courts, inter-*soum* courts and district courts. In addition, specialized courts such as criminal, civil and administrative courts function under the supervision of the Supreme Court.

45. The Supreme Court is the highest judicial organ and serves as the appellate court for *aimag* and Capital city courts. The Supreme Court consists of the Chief Justice and 16 judges appointed by the President upon their presentation to the State Ikh Hural by the General Council of Courts. Judges are appointed for a six-year term.

46. Judges of the Supreme Court and other courts are independent and subject to the law only. Independence of the judiciary is ensured by the General Council of Courts.



47. The *aimag* and Capital city courts are the appellate courts empowered to hear and decide appeals of cases and disputes that were decided by *soum*, inter-*soum* and district courts on the complaint of the participants to the court proceedings.

48. *Soum*, inter-*soum* and district courts are the courts of first instance that consider all cases and disputes in the first instance, except for those cases within the jurisdiction of the Supreme Court, *aimag* or Capital city courts or specialized courts.

49. Specialized courts consider cases and disputes within their jurisdiction.

### **E. The Constitutional Court**

50. Mongolia followed the example of other civil law countries, establishing the constitutional court known as Tsets. Tsets is an independent organ exercising supreme supervision over the implementation of the Constitution. It consists of nine members who serve six-year terms and are subordinate only to the Constitution.

51. The Constitution empowers Tsets to settle constitutional disputes, to issue judgement to the State Ikh Hural on the constitutionality of laws, decrees and other decisions of the State Ikh Hural and the President, as well as government resolutions and international treaties signed by Mongolia, and to invalidate those decisions if it sees them as being incompatible with the Constitution.

## **III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED**

52. Although previous Mongolian constitutions, the constitutions of 1924, 1940 and 1960, recognized many of the essential human rights and freedoms, citizens had been encountering discrimination on the basis of their social origin, ownership of private property, religious beliefs, and political views. The Constitution of 1992 additionally ensures the “right of everyone to be recognized everywhere as a person before the law”, “the right of persons to be equal before the law and the courts”, and outlaws “discrimination [between] persons on the basis of ethnic origin, language, culture, race, age, sex, social origin or status, occupation or post, property, religion, opinion or education”.

53. Articles 16 and 18 of the Constitution establish equal rights and freedoms not only of Mongolian citizens, but also of all persons residing in Mongolia, including aliens and stateless persons. Some examples of such rights and freedoms include: the rights to life, a healthy and safe environment, education, personal liberty and safety, free choice of employment, freedom of association, freedom of movement, freedom to exercise one’s religion and freedom of thought, opinion, belief, speech, the press and peaceful assembly, as well as the right to a fair trial, appeal against court decisions and to seek pardons.

54. Article 19 of the Constitution reads, “The State is responsible to the citizens for the creation of economic, social, legal and other guarantees ensuring human rights and freedoms, for the prevention of violations of human rights and freedoms, and the restoration of infringed rights.”

55. The judiciary plays a prominent role in guaranteeing human rights and freedoms. As mentioned earlier, judges of the courts are appointed by the President upon the proposal by the General Council of Courts while the chief justices of all levels of court except for the Supreme Court are appointed by the President for a six-year term on the proposal of the General Council of Courts. The Chief Justice of the Supreme Court is nominated by the Supreme Court and appointed by the President.

### **The Office of the Prosecutor-General**

56. Article 56 states that the Prosecutor-General “exercises supervision over the inquiry into and investigation of cases and the execution of punishment, and participates in the court proceedings on behalf of the State”.

57. In accordance with the Constitution, the Prosecutor-General’s Office has two main functions. One is supervisory. Prosecutors supervise inquiries by the police in both criminal and civil cases, and by customs and administrative organs. They do not perform any actual investigatory work themselves; their role is to ensure that investigations are carried out according to law. All investigations must be registered with the Prosecutor-General’s Office at the outset and prosecutors are then involved at every stage of proceedings. The investigator must obtain permission of the Prosecutor-General’s Office before any search or inquiry can be made that infringes on the liberty of the subject.

58. Another role of the Prosecutor-General’s Office is to represent the State in both civil and criminal proceedings. It can also take part in civil cases in which the State is not a party and can appeal decisions in cases in which it has not appeared if it believes that the decision is contrary to law. The Prosecutor-General sits in all plenary sessions of the Supreme Court.

59. Since it became a Member of the United Nations in 1961 Mongolia has ratified a number of core international treaties and conventions on human rights, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Its new Constitution proclaims human rights in conformity with international human rights instruments and establishes the foundation of a mechanism to protect and promote human rights. Article 10.3 reads: “The international treaties to which Mongolia is a Party become effective as domestic legislation upon the entry into force of the laws on their ratification or accession.” However, the international instruments are not self-executing in Mongolia and need to be incorporated into domestic legislation.

60. The National Human Rights Commission of Mongolia was established under the Law on the National Human Rights Commission of Mongolia that was ratified by the State Ikh Hural on 7 December 2000. It is an institution charged with the duty and responsibility to monitor implementation of the human rights provisions of the Constitution and the international treaties and conventions to which Mongolia is a party. The Commission performs the following functions:

- (a) Reviews and processes complaints of violations of human rights and freedoms;
- (b) Advises, through recommendations and proposals, on the conformity of national legislative acts and administrative decisions with key human rights principles;
- (c) Encourages agreement with and ratification of international human rights treaties;
- (d) Makes suggestions for effective implementation of the international human rights covenants and assists the Government in preparing its treaty reports;
- (e) Increases public awareness of laws and international treaties related to human rights.

61. The Constitution guarantees a person's right to appeal to the court for protection and grants remedies where appropriate if it is considered that the rights or freedoms spelled out by Mongolian law or an international treaty have been violated. A person also may complain to the National Human Rights Commission for the issuance of recommendations to the relevant authorities to redress the issue.

#### **IV. INFORMATION AND PUBLICITY**

62. The responsibility to disseminate international agreements ratified by the State of Mongolia falls under the Government of Mongolia and the National Human Rights Commission. Efforts to acquaint the public with international human rights instruments and increase awareness of their rights and freedoms have been undertaken through seminars, training and other projects in collaboration with local human rights non-governmental organizations and international organizations.

63. International human rights instruments are translated into the Mongolian language and disseminated both in Mongolian and English to all government institutions and the public.

64. The mass media, including the press, radio and TV, constantly pay attention to human rights advocacy and dissemination of information about the purposes and principles of human rights instruments. Every year specific activities are undertaken to commemorate the anniversary of the Universal Declaration of Human Rights. Seminars and workshops on human rights are regularly conducted for lawyers, the judiciary, members of the non-governmental organization community, as well as for the members of other professions. The mass media inform, publicize and explain about these activities.

65. The Ministry for Foreign Affairs and the Ministry of Justice and Home Affairs, in collaboration with line ministries, are responsible for compiling reports for the United Nations treaty monitoring bodies on the implementation of the human rights treaties to which Mongolia is a party. In the preparation of reports, civil society organizations conducting activities in the area of human rights promotion may make observations.

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