



**International Human Rights
Instruments**

Distr.: General
5 December 2013

Original: English

**Common core document forming part
of the reports of States parties**

Mongolia*

[2 July 2013]

* The present document is being issued without formal editing.

GE.13-49429



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I. General background

A. Geographic location and climatic conditions

1. Mongolia is a landlocked country in central Asia, situated between Russia and China, with a territory of 1,562,000 square kilometers. The territory is greater than that of Great Britain, France, Germany and Italy put together and ranks by size as 7th in Asia and 18th in the world.
2. The climate is severe and harsh with significant differences in the day and night temperatures as well as in hot and cold seasons, fluctuating between -45°C in winter to +40°C in summer. The amount of rainfall is low, averaging 250-400 mm in the northern part of the country and 100-150 mm in the southern part.
3. The majority of the territory is occupied by a desert and steppes with forests accounting for less than 10 per cent. Water resources of rivers are insufficient compared to the total territory of the country, soils are thin with average fertility, vulnerable to erosion and pollution. However, the majority of soils are virgin lands due to their use only as pasture for livestock.
4. There are abundant resources of minerals and raw materials such as gold, copper, uranium, coal, deposits of which have an international value.

B. History and culture

5. Humans started inhabiting the territory of the present Mongolia nearly one million years ago. In 2011, the 2200th anniversary of the first Hunnu Empire State established on the territory of present Mongolia was celebrated. The 800th anniversary of the Great Mongolian Empire established by Chinggis Khan and his heirs in the 12-13th century was commemorated in 2006. At the end of the 17th century Mongolia went under Manchu rule along with China for 200 years. An independent Mongolian Republic under the rule of Bogd Khan was declared as a result of a national liberation movement. Although a national democratic revolution took place in 1921, since the 1940s Mongolia became a satellite of the USSR and a part of a socialist block for nearly 40 years, which brought progress as well as setback. The main achievements of that period include improved public health, public education and culture as well as United Nations membership in 1961. With the victory of a democratic revolution in 1990, Mongolia became a democratic State with modern civilization.
6. The Mongols are a people with an ancient culture. The Mongolian language is of the Altai family and is a well developed language with a rich vocabulary. Mongolians use the ancient Mongolian script that has a thousand-year history along with the Cyrillic alphabet. Mongolian wrestling, horse racing, archery, long songs, throat singing and dances are a valuable contribution of Mongols to the global cultural heritage.

C. Population

7. Mongolia has a population of 2.7 million people and is considered a country with a small population with low density. Except for a small number of Kazakhs or Turkish origin, the population is in general homogenous, consisting of Mongols. In the last half of the last century, the population of the country grew by 66.1 per cent. In the first decade of the present century the population growth decreased to 13.7 per cent, but the 2010 World

Health Organization comparative data showed that the birth rate was 238 promilles (global average = 203), the mortality rate was 56 (global average = 86), the net growth was 182 (global average = 118), which are fine indicators.

8. Of the total population, young people under 35 account for 66.7 per cent and those over 60 years old account for 33.3 per cent. The process of aging of the population is predicted to be slow in the next 15-20 years, which makes the demographic load favorable and gives an opportunity for a “demographic window” to be open for a quite long time. As of 2009 the average life expectancy was 68, with that of men 64 and that of women 72. In 2010, the human development index was 0.622.

D. Economic situation

9. Nearly 20 years have passed since the transition of Mongolia from a centrally planned to a market economy. The first three years of transition were those of collapse. In the next four years the decline stopped and a slight growth was observed. Since 2000 the growth accelerated and reached 10.2 per cent in 2007. However, in 2009 it went down by 1.3 per cent, reaching 6.1 per cent in 2010. Experts view that the Mongolian economy will grow twofold in the next 3-4 years as a result of intensive development of mining and substantial growth will continue in the next 10 years.

10. Although Mongolia is ranked second in economic growth among 15 countries comparable to it, it is ranked only 14th by growth of employment, i.e. second from the end, which shows that benefits of growth should translate into high-income employment, spreading benefits to all population groups, which is a pressing issue in our society today. In the past years poverty has not decreased below 36 per cent, real unemployment remained at a double digit figure, the poverty depth grew from 8.8 in 2006 to 11.3 in 2007.

11. Proper, insightful management of mining development with regard to national interests, development and diversification of labor-intensive sectors such as infrastructure, processing and food industry, the service sector, will help to avoid the resource curse, thus providing a basis for long-term sustainable development. One of the specifics of economic development of our country is due to the fact that the majority of production and services or over 70 per cent is produced by the private sector. Development of the private sector and privatization made an impact on the social life in two ways. Researchers noticed that while badly-managed privatization of State factories led to rise in unemployment and poverty, newly established private enterprises and services became a factor for increasing demand for workforce, thus affecting unemployment in a positive way.

II. Constitution, political and legal structure

12. The new Constitution passed in 1992 declared that Mongolia is a parliamentary republic. The public authority in Mongolia is distributed by sectors with the State Great Khural as the highest law-making institution, the Government as the highest executive body, and the Supreme Court as the highest judicial power. The State Great Khural has one chamber and consists of 76 members elected by citizens eligible for election, on the basis of universal, free, direct suffrage. It is the highest organ of State power and has an exclusive power to enact laws.

13. The Government comprises the Prime Minister and its members, the ministers. General and specialized ministries have the power to elaborate policies and implement comprehensive measures with special coordinating and implementing agencies of the Government.

14. Judicial power is vested in courts of all levels, the Prosecutor's Office and the Supreme Court.

15. The President is the Head of State, elected by universal elections and he/she shall exercise a power to initiate or to veto against a law, to appoint and dismiss judges, to propose to the State Great Khural the candidature for the appointment to the post of Prime Minister.

16. The territory of Mongolia is divided administratively into aimags and a capital city; aimags are subdivided into soums; soums into baghs; the capital city is subdivided into districts and districts into khoroo. The self-governing bodies in the above units are Khurals of Representatives of the citizens and public meetings of citizens of the respective territories and Governors of all levels.

17. Non-governmental organizations (NGOs) represent civil society in Mongolia. They are established and operate in line with the 1997 Law on NGOs. At present, there are 8329 registered NGOs that operate in different fields.

18. Relations between religions, churches and temples are regulated by the law and principles of mutual non-involvement of the State and church in State affairs and in religious activities that guarantee freedom of religious worship and provide conditions for introduction of different religious movements.

19. At present, different Buddhist, Christian, Muslim, Bahai, Shamanist and Moon religious organizations have been registered, of which over 50 per cent are Buddhist and nearly 40 per cent are Christian.

20. Civil society organizations, political parties and trade unions conduct their activities on the basis of special laws. Fascist and communist parties are prohibited.

21. There are at present 27 registered parties in Mongolia. The Mongolian Democratic Party, the Mongolian People's Party, the Civil Will and the Green Party have seats in the Parliament. In the 2008 elections the Mongolian People's Party won 59.2 per cent and the Democratic Party – 38.9 per cent of seats in the parliament. Of 76 parliament members only 3 are women.

22. Judiciary authority is included in a special chapter in the Constitution of Mongolia, with articles 47–56 regulating basic judicial power relations such as the court and the prosecutor's system, their basic duties and principles of their operations. They are examined in detail in the Law on the Court and the Law on Prosecutor's Office. Article 16 of the Constitution states that every citizen has "the right to appeal to the court to protect his/her rights if he/she considers that the rights or freedoms have been violated; to self-defense; to receive legal assistance; to have evidence examined; to fair trial. Every person shall be presumed innocent until proved guilty by a court by due process of law", which is a concept followed by the judiciary of the country.

23. Article 40.1.4 of the Law on Criminal procedures indicates that if a person is incapable of exercising his/her right for self-defense because of speech, hearing, vision impairments or mental illness, a lawyer and an interpreter, the sign-language interpreter should be present at court, which is followed at all levels of case registration, investigation, prosecution and court. However, there is a lack of data on the percentage of cases concerning persons with disabilities out of the total number of cases at court.

24. In the last few years there is a trend for the rise of crime, which worries the society, but it is necessary to notice that detection of criminal cases has improved.

III. Protection and support of human rights

A. Recognition of international human rights standards and norms

25. Information on the main international documents related to human rights that were acceded by Mongolia is shown in the following tables.

Table 1

Fundamental conventions and protocols related to human rights ratified by Mongolia

<i>Names of conventions</i>	<i>Acceded/ratified in</i>
UNESCO Convention Against Discrimination in Education (1960)	1964
International Convention on the Elimination of All Forms of Racial Discrimination (1965)	1969
International Covenant on Civil and Political Rights (1966)	1974
International Covenant on Economic, Social and Cultural Rights (1966)	1974
Convention on the Elimination of All Forms of Discrimination against Women (1979)	1981
Convention on the Rights of the Child (1989)	1990
Optional Protocol to the International Covenant on Civil and Political Rights (1976)	1991
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962)	1991
Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1993)	1998
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)	2000
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	2003
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)	2004
Convention on the Rights of Persons with Disabilities (2006)	2009
Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006)	2009
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (2008)	2010

Table 2

ILO conventions ratified by Mongolia

<i>Names of conventions</i>	<i>Acceded/ratified in</i>
Right to Organise and Collective Bargaining Convention (98)	1969
Freedom of Association and Protection of the Right to Organise (87)	1969

<i>Names of conventions</i>	<i>Acceded/ratified in</i>
Equal Remuneration Convention (100)	1969
Discrimination (Employment and Occupation) Convention (111)	1969
Workers' representatives Convention (135)	1974
Tripartite Consultation Convention (144)	1998
Employment Policy Convention (122)	2005
Forced Labour Convention (29)	2005
Abolition of Forced Labour Convention 105)	2005
Worst Forms of Child Labour Convention (182)	2000
Occupational Safety and Health Convention (155)	1998
Vocational rehabilitation and Employment (Disabled Persons) Convention (159)	2002
Minimum Age convention (138)	1981
Minimum Age (Underground Work) Convention (123)	1981
Maternity Protection Convention (Revised) (103)	1969

B. Protection of human rights as reflected in national legislation

26. The Constitution of Mongolia has a separate chapter on rights and freedoms of Mongolian citizen, which include the right to life (16), the right to free choice of employment, favorable conditions of work, remuneration, rest (16-4), the right to material and financial assistance in old age, disability, childbirth and childcare and in other circumstances as provided by law (16-5), the right to protection of health and medical care (16-6), the right to education with provision of basic general education free of charge (16-7).

27. Implementation of the above rights reflected in the Constitution, detailed legal coordination is shown in laws and regulations in each field. These laws will be mentioned in detail in parts on implementation of related articles of the Covenant.

28. One of the important instruments of human rights protection is liability for those who violated the law. All laws mentioned previously include compensations for victims and liabilities of persons who violated the law.

1. Support of human rights at national level

29. The Government of Mongolia understands that protection of human rights and freedoms by law depends in great measure on the capacity of citizens to realize their rights and support by the State and community in this aspect. The Government has taken significant measures such as development of policies and strategies by law-making and implementing agencies, development of specific programs and legislation, allocation of necessary budget and resources, organization of training, promotion in mass media, cooperation with public and non-governmental organizations operating in the field of general and special human rights, in the interest of different social groups.

30. Such offices as the National Commissioner for Human Rights, the National Authority for Children – a Government implementing agency, operate in the structure of the executive organizations. The National Council for Human Rights, the National Council on Gender Equality, the National Council for Children, the Tripartite National Committee on Labor and Social Consensus, the National Council on Employment, the National Council on Vocational Education and Training headed by the Prime Minister and other high officials at the level of Ministers are among organizations that operate to protect rights and interests of citizen. There are agencies in charge of implementing human rights in such ministries as Ministry of Education, Science and Culture, Ministry of Social Welfare and Labor and the Ministry of Health.

31. In order to raise awareness on human rights, including rights of vulnerable, special groups, protection and support of their rights, such activities as distribution of handouts and printed materials, and organization of training are conducted among civil servants and management.

32. The Government of Mongolia pays special attention to the importance of cooperation between the State, community and private organizations, the mass media, their close relations and assistance in protection and support of human rights and freedoms, especially of interests of vulnerable groups of population. Special measures taken by the Government in this field are described in the part of the report related to specific provisions of the Covenant.
