

INTERNATIONAL
CONVENTION
ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION



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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Twenty-first session

UN/SA COLLECTION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Fifth periodic reports of States Parties due in 1978

Addendum

MONGOLIA 1/

[5 November 1979]

I

This report is submitted in compliance with article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination, which entered into force in respect of the Mongolian People's Republic on 5 September 1969.

As has already been observed in the four preceding reports, from the day of its foundation the Mongolian People's Republic has pursued and continues to pursue a policy of refraining from all forms of racial discrimination and oppression, and consequently puts into practice the constitutional principle of the equality of citizens irrespective of sex, race and nationality, religion or social origin and position (article 76 of the Constitution of the Mongolian People's Republic).

The social and economic system in Mongolia, by its very essence, totally excludes the possibility of the manifestation of any forms of racism and racial discrimination. Such crimes as any kind of dissemination of ideas based on racial superiority or racial hatred, and any instigation of racial discrimination, are strictly prohibited in the Mongolian People's Republic. Article 83 of the Constitution of the Mongolian People's Republic stresses in particular that

1/ The fifth periodic report of Mongolia was due on 4 September 1978. For previous reports submitted by the Government of Mongolia and the summary records of meetings of the Committee at which such reports were considered, see:

- (1) Initial report - CERD/C/R.3/Add.53 (CERD/C/SR.62);
- (2) Second periodic report - CERD/C/R.30/Add.30 (CERD/C/SR.127);
- (3) Third periodic report - CERD/C/R.70/Add.35 (CERD/C/SR.243);
- (4) Fourth periodic report - CERD/C/34 (CERD/C/SR.411).

"Any direct or indirect restriction of the rights of citizens on account of their nationality or race and the advocacy of the ideas of chauvinism or nationalism are forbidden by law." Article 53 of the Code of Criminal Procedure of the Mongolian People's Republic provides that "propaganda or agitation aimed at inciting national or racial hostility or discord, as well as the direct or indirect restriction of the rights of citizens or the establishment of direct or indirect privileges for citizens on the basis of their social or racial origin shall be punishable by the deprivation of liberty for periods of up to three years, or by banishment."

II

1. Citizens of the Mongolian People's Republic have equal rights before the courts and all other bodies responsible for the administration of justice, irrespective of sex, race, nationality, religion, social origin, etc. These rights are embodied in the substantive and procedural legislation of the Mongolian People's Republic.

The Law on Court Organization of the Mongolian People's Republic states that justice in the Mongolian People's Republic is administered on the principle of equality of citizens before the law and the courts, irrespective of their social, property and occupational status, sex, nationality, race or creed.

Article 10 of that Law states that persons not knowing the Mongolian language are entitled to be fully informed of the documents relating to the case through an interpreter and have the right to address the court in their own language or in a language which they know well, in accordance with the legislation of the Mongolian People's Republic.

Article 71 of the Constitution of the Mongolian People's Republic states: "Judges are independent in their examination of cases and are subject only to the law".

2. The right to personal safety and protection by the State against bodily injury and illegal coercion by any individuals or groups whatever is based on the Constitution.

Persons committing such crimes are subject to measures of punishment in accordance with socialist principles of justice and with the nature and degree of the public danger. In particular, chapter III of the Special Section of the Code of Criminal Procedure of the Mongolian People's Republic of 31 January 1961 contains provisions relating to crimes against the life, health, freedom and dignity of the individual. Persons committing such crimes bear criminal responsibility under articles 69-96 of the Code of Criminal Procedure.

3. Citizens of the Mongolian People's Republic, irrespective of their sex, race and nationality have the right to participate freely in the administration of the State and society and also in the management of the economic life of the country, both through their representative bodies and directly. This right is ensured through the provision for all citizens of a real possibility to play an extensive part in all spheres of the country's State, political, economic and cultural life, and in particular to participate in elections and referendums, in the organization of various democratic societies, etc. All citizens who have attained the age of 18, with the exception of those found insane, are granted the right to vote in elections and be elected to all organs of State power (article 81 of the Constitution of the Mongolian People's Republic).

In accordance with the Constitution of the Mongolian People's Republic, every citizen has the right freely to apply to any of the organs of State power and administration and to submit written or verbal complaints and statements concerning illegal acts on the part of State organs or individual officials, and concerning facts of bureaucratic treatment or red tape. State organs and officials must without delay examine all complaints and statements submitted, adopt measures to put a stop to infringements of law and order and give the person concerned an answer on the substance of the statement or complaint (article 85 of the Constitution of the Mongolian People's Republic).

The obstruction by force, deceit, threat or bribery, of the free exercise by a citizen of the Mongolian People's Republic of his electoral right as laid down in the Constitution, as also the forgery of electoral documents or the deliberate miscounting of votes and the violation of the secrecy of the ballot, by a member of the electoral commission or any other official, is punishable under the Code of Criminal Procedure of the Mongolian People's Republic.

4. Citizens of the Mongolian People's Republic have the right to choose their place of residence (article 7 of the Civil Code of the Mongolian People's Republic); they also enjoy freedom of movement, in accordance with the legislation, within the boundaries of the territory of the Mongolian People's Republic (article 14 of the Family Code of the Mongolian People's Republic).

Citizens of the Mongolian People's Republic have the right to visit any country, including their own, and to return to their country with the authorization of the competent authorities.

5. The right to citizenship is governed by the Mongolian Citizenship Act of 1974. In the majority of cases Mongolian citizenship is granted if one of the parents of a child is a citizen of the Mongolian People's Republic.

6. In the Mongolian People's Republic, persons who have attained the age of 18 have the right to marry and freely to choose a spouse. Joint conjugal life in the Mongolian People's Republic is based on the principles of voluntary mutual love and respect, and on the comradely co-operation and mutual assistance of the persons entering into the marriage (article 3 of the Family Code of the Mongolian People's Republic).

Citizens of the Mongolian People's Republic enjoy equal rights in their family relations. No limitation of citizens' rights or establishment of privileges at the time of marriage or in other family relations on grounds of sex, race, nationality or religion is permitted (article 5 of the Family Code of the Mongolian People's Republic).

7. Citizens may own such property as is intended for the satisfaction of their material and cultural needs. Each citizen may personally own his wages and savings, his dwelling and individual farm, and items of personal and everyday domestic use (article 72 of the Civil Code of the Mongolian People's Republic).

The law permits property to be owned jointly by two or more citizens. A distinction is made between joint property and property held in common. Questions concerning the possession, use and disposition of property held in co-ownership are settled by common agreement between all the co-owners. In the event of disagreement, any one of the co-owners may appeal to the courts.

Co-ownership applies to the common property of spouses, farm property, the property of agricultural units, etc. Joint ownership is vested in the co-owners, regardless of sex and age. Any questions concerning the possession, use and disposition of jointly owned property are resolved by agreement between all the co-owners.

8. All citizens of the Mongolian People's Republic, with the exception of persons who have committed the premeditated murder of an heir or of any legal or testamentary successor, or any other serious premeditated crime causing the death of one of the above-mentioned persons, and if his guilt for such crime has been established by judicial verdict having legal force, have the right of legal or testamentary succession (article 377 of the Civil Code of the Mongolian People's Republic).

Every citizen may, by making a will, leave his property or part thereof to one or more persons, including both legal successors and others, or to the State or specific State, public or co-operative organizations (article 382 of the Civil Code of the Mongolian People's Republic).

9. Citizens of the Mongolian People's Republic are granted freedom of worship and freedom of anti-religious propaganda (article 36 of the Constitution of the Mongolian People's Republic). Article 37 of the Constitution states: "In conformity with the interests of the working people, and in order to strengthen the socialist State system of the Mongolian People's Republic, its citizens are guaranteed by law freedom of speech, freedom of the press, freedom of assembly, including mass meetings, and freedom to hold demonstrations and processions. These rights and freedoms are ensured by placing at the disposal of the working people and their organizations the material requisites for their realization".

10. Citizens of the Mongolian People's Republic have the right to work and to payment for their work in accordance with its quantity and quality. This right is ensured by the advantages accruing from the socialist system of economy established in the Mongolian People's Republic, which gives each citizen every opportunity to employ his knowledge and labour in any branch of economy and culture without let or hindrance, and to receive a guaranteed recompense according to the labour expended (article 77 of the Constitution of the Mongolian People's Republic).

The right of Mongolian citizens to work is guaranteed by the socialist organization of the national economy, the steady expansion of the productive forces of society, the elimination of the possibility of economic crises, and the eradication of unemployment.

Manual and non-manual workers have the right to wages, guaranteed by the State, commensurate with the quantity and quality of the work done, the right to rest in accordance with the legislation concerning the limitation of the working day and annual paid leave, the right to healthy and safe conditions of work, to free job training and free training to improve their qualifications, and also to participate in the management of production (article 2 of the Labour Code of the Mongolian People's Republic).

Manual and non-manual workers receive equal pay for equal work, irrespective of sex, age, race and nationality.

The administrations of undertakings, establishments and organizations are required to ensure the proper organization of the work of manual and non-manual workers, to comply strictly with labour legislation and labour protection regulations, to pay careful heed to the needs and requests of manual and non-manual workers, and to improve their working and living conditions (article 113 of the Labour Code of the Mongolian People's Republic).

The administrations of enterprises, establishments and organizations are required to introduce modern safety techniques for the prevention of industrial accidents, and to ensure conditions of health and hygiene designed to prevent the occurrence of occupational diseases among manual and non-manual workers (article 132 of the Labour Code of the Mongolian People's Republic).

11. In accordance with the Constitution of the Mongolian People's Republic, citizens are guaranteed the right of association in trade unions (article 8 of the Constitution of the Mongolian People's Republic).

Mongolian trade unions are organized on a production basis, that is, manual and non-manual workers employed in the largest and most important branches of production or sectors of economic activity are associated in large nation-wide unions. Under this system, manual and non-manual workers employed in one undertaking or establishment are associated in one trade union, and the members of each trade union are all employed in the same branch of the national economy. The country's trade union movement is administered by the Central Council of Mongolian Trade Unions.

12. Citizens of the Mongolian People's Republic have the right to accommodation and the inviolability of their homes is guaranteed.

13. In the Mongolian People's Republic, a comprehensive set of social, economic and medical measures has been introduced to protect the health of the population and to provide generally-accessible, free and qualified medical assistance (article 3 of the Health Protection Act of the Mongolian People's Republic). Citizens of the Mongolian People's Republic have the right to material assistance in old age, in cases of disability and in cases of sickness or the loss of the breadwinner. This right is ensured by the granting to workers of State pensions under the social insurance system or through the special funds of co-operative organizations, as well as by the broad development of a network of medical institutions and holiday resorts, free medical attention for the people and the development of the labour protection system (article 79 of the Constitution of the Mongolian People's Republic).

These basic rights are implemented through various normative acts adopted by the Presidium of the Great People's Khural and the Council of Ministers of the Mongolian People's Republic, such as the law on State pensions and allowances, the rules governing the payment of allowances out of State social insurance funds and the instructions relating to pensions and allowances for members of agricultural bodies.

All pensions and allowances payable to workers under the social welfare and social insurance system are drawn entirely from State funds.

In accordance with the Labour Code of the Mongolian People's Republic, allowances are granted, through the State social insurance system, for temporary disability, pregnancy and confinement and the birth of a child.

Workers covered by the State social insurance system have the right to receive allowances (regulation on the conditions governing the payment of allowances under the State social insurance system).

State pensions are granted for old age, disability and in the event of the loss of the breadwinner. All citizens are entitled to a State pension if they become disabled in the course of the performance of their State or public duties; disabled members of such families are also granted pensions in the case of the loss of the breadwinner, (articles 1 and 2 of the Pensions Act of the Mongolian People's Republic).

Pensioners may, if they wish, be fully maintained at the expense of the State, while retaining an appropriate proportion of the pension awarded.

14. Under the Constitution, citizens of the Mongolian People's Republic have the right to education. This right is ensured by free tuition, the extension of the network of schools providing general education, special secondary schools and higher educational establishments, and by a system for improving qualifications as well as by a State system of scholarship grants for students of special secondary schools and higher educational establishments (article 80 of the Constitution).

The vocational training of workers and employees and the improvement of their qualifications is ensured by a system of vocational and technical, individual, group and class instruction, and also by the training of workers in higher and secondary special educational establishments, without such persons having to interrupt their production activities (article 175 of the Labour Code of the Mongolian People's Republic).

15. Citizens of the Mongolian People's Republic, irrespective of their nationality, have equal rights in all spheres, including the country's cultural life (article 83 of the Constitution).

Municipal enterprises, transport, communications, roads and scientific and cultural establishments are the property of the State, that is, of the whole people (article 10 of the Constitution). Consequently, citizens of the Mongolian People's Republic have the right of access to any place or any type of service, to transport facilities, hotels, theatres, etc.

III

Citizens of other countries and stateless persons resident in the Mongolian People's Republic enjoy in the Republic civil legal capacity on an equal footing with citizens of the Mongolian People's Republic (article 400 of the Civil Code of the Mongolian People's Republic).

Agreements for the provision of legal assistance in civil, family and criminal matters are concluded for the purpose of creating favourable circumstances for making legal aid available to the citizens of other countries. The Mongolian People's Republic has concluded such agreements for the provision of legal assistance with the USSR (5 August 1958), the Hungarian People's Republic (22 November 1968), the Polish People's Republic (14 September 1971), the Czechoslovak Socialist Republic (18 October 1976) and the German Democratic Republic (6 May 1977). There has never been any violation of the provisions of these agreements.

IV

In accordance with article 76 of the Constitution, citizens of the Mongolian People's Republic enjoy equal rights irrespective of sex, race and nationality, religion or social origin and position. Any direct or indirect restriction of the rights of citizens on account of their nationality or race and the advocacy of the ideas of chauvinism or nationalism are forbidden by law. The Mongolian People's Republic ensures for the representatives of all nationalities living in the territory of the Republic the opportunity to develop their national culture and to receive tuition and conduct business in their own native language.

The Kazakhs possess absolutely all rights in all spheres of the country's State, economic, cultural and social and political life. Kazakhs, either through their competent organs or in a personal capacity, may freely communicate with Kazakhs living in the USSR. They may freely receive periodicals and other literature from Kazakhstan; they have the right to travel to Soviet Kazakhstan on private visits or for official or business reasons, and they may invite Soviet Kazakhs to the Mongolian People's Republic in accordance with the appropriate procedure.

V.

Supreme supervisory power over the strict observance of the law by all ministries and other central administrative bodies and the institutions and organizations subordinate to them, by local State bodies and also all public and co-operative organizations, as well as by officials and citizens of the Mongolian People's Republic, is vested in the Procurator (Government Attorney) of the Republic (article 72 of the Constitution of the Mongolian People's Republic, and article 1 of the Law on Supervision by the Procurator's office of the Mongolian People's Republic).

The Procurator of the Mongolian People's Republic is appointed by the Great People's Khural for a term of four years. The Procurator of the Mongolian People's Republic is responsible and accountable to the Great People's Khural and to its Presidium (article 73 of the Constitution). The power of procuratorial supervision in the localities is vested in the aimak, town and district procurators appointed by the Procurator of the Mongolian People's Republic for a term of three years.

The Procurator of the Mongolian People's Republic and the procurators subordinate to him perform the following functions which are vested in them:

1. Supervision of the strict observance of the country's laws by all ministries and departments, institutions and undertakings subordinate to them and also by local executive branches of Khurals of people's deputies and public and co-operative organizations, as well as by officials and citizens;
2. Supervision of the strict observance of the laws in the activities of the organs of inquiry and in the course of preliminary investigations;
3. Supervision of the legality and soundness of verdicts, judgments and decisions of the courts and of decrees issued by judges, of their implementation and also of the legality of the actions of parties to lawsuits;
4. Supervision of the strict observance of the laws in places of detention;

5. The institution of criminal proceedings against persons guilty of the commission of crimes (article 3 of the Law on Supervision by the Procurator's office of the Mongolian People's Republic).

The Procurator of the Mongolian People's Republic and the procurators subordinate to him co-ordinate the activities of the law-enforcement authorities in combating criminality, in its prevention and also in the timely detection and removal of causes and conditions encouraging the commission of crime (article 4 of the Law on Supervision by the Procurator's office of the Mongolian People's Republic).

The Procurator of the Mongolian People's Republic and the procurators subordinate to him ensure observance of the principle of the uniform and proper application of the laws of the Mongolian People's Republic throughout the territory of the country, regardless of local or departmental peculiarities (article 5 of the Law on Supervision by the Procurator's office of the Mongolian People's Republic).

The Procurator of the Mongolian People's Republic and the procurators subordinate to him, exercising on behalf of the State supreme supervisory authority over the implementation of the laws, are required to deal promptly with any violations of the laws regardless of who was responsible for these violations (article 6 of the Law on Supervision by the Procurator's office of the Mongolian People's Republic).

The Procurator of the Mongolian People's Republic, within the limits of his competence and in implementation of the laws in force, issues orders and instructions which are binding upon all organs of the Procurator's Office as also upon the organs of inquiry and preliminary investigation and the administrations of places of detention (article 12 of the Law on Supervision by the Procurator's office of the People's Republic of Mongolia).

The Procurator of the Mongolian People's Republic and the procurators subordinate to him, within the limits of their competence, are responsible for supervision of the following:

- (a) The strict conformity of legislative acts (decrees, orders, regulations, instructions, injunctions, decisions) issued by ministries, departments and their subordinate institutions and also by local executive branches of Khurals of people's deputies and public and co-operative organizations, with the Constitution and other laws of the Mongolian People's Republic and with legislative acts of the Council of Ministers of the Mongolian People's Republic;
- (b) The strict implementation of the laws of the Mongolian People's Republic by officials and citizens (article 15 of the Law on Supervision by the Procurator's office of the Mongolian People's Republic).

The Procurator of the Mongolian People's Republic and the procurators subordinate to him may, in exercise of their functions:

1. Demand to see the ordinances, rulings, regulations, instructions, orders, decisions and other legal documents to be issued by ministries, departments and their subordinate institutions and undertakings, and also by the local executive branches of Khurals of people's deputies and public and co-operative organizations, with a view to ensuring that they are in conformity with the laws in force;

2. Demand from ministries, departments, their subordinate institutions and undertakings, and also from local executive branches of Khurals of people's deputies and social and co-operative organizations and officials, any documents, information and other materials they require in connexion with their supervisory functions;
3. Carry out on-the-spot verification on the basis of statements, complaints and other information concerning the violation of the law;
4. Require ministries, departments, their subordinate institutions and undertakings, as well as local executive branches of Khurals of people's deputies and social and co-operative organizations and officials to conduct, in connexion with information in their possession concerning violations of laws, verifications and investigations of the activities of their subordinate institutions, organizations, undertakings and officials, and demand to see documents and material relating to the results of the verifications and investigations;
5. Require personal explanations from officials and citizens concerning violations of the laws;
6. Engage appropriate specialists, when necessary, for purposes of supervision and verification;
7. Participate in the work of assemblies and meetings of State and public organizations, submit to them for consideration reports and information concerning compliance with the laws, make recommendations and proposals on questions relating to the implementation of the laws, take steps to publicize the laws, and assist in increasing the legal consciousness of the workers (article 16 of the Law on Supervision by the Procurator's office of the Mongolian People's Republic).

The Procurator of the Mongolian People's Republic and the procurators subordinate to him are required to place before State organs and public organizations proposals concerning violations of the laws and for the elimination of the causes and conditions of such violations (article 23 of the Law on Supervision by the Procurator's office of the Mongolian People's Republic).
