



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Combined twenty-third and twenty-fourth
periodic reports submitted by Mongolia under
article 9 of the Convention, due in 2018***


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I. Introduction

1. Mongolia hereby submits, combined in a single document, its twenty-third and twenty-fourth periodic reports, compliant with Article 37 of the concluding observations¹ on the nineteenth to twenty-second periodic reports by the Committee on the Elimination of Racial Discrimination.
2. The present report consists of two chapters. One part addresses all the points raised by the Committee's concluding observations, and part two reflects the measures taken to implement the International Convention on the Elimination of All Forms of Racial Discrimination under its Article 9. The report includes new data pertaining to the first half of 2018.
3. The report was uploaded on the official websites of governmental organizations² responsible for implementing the Convention.

II. Follow-up response to Committee's concluding observations

4. In accordance with article 36 of the Committee's concluding observations, this part of the report comprehensively addresses the points raised in articles 7, 16 and 27.

Article 1

Anti-discrimination legislation

Adopt specific and comprehensive legislation that defines racial discrimination in accordance with article 1 of the Convention and prohibits all forms of racial discrimination

5. Mongolia legalized the prohibition of discrimination in its 1992 Constitution³ as a fundamental principle.⁴ Therefore, this constitutional principle reflected in all major laws that regulate social relations. For example, the Law on the Courts (2012), Criminal Code (2015), Family Law (1999), Law on Civil Procedure (2002), Law on the Implementation of the Order on the Arrest or Detention of the Suspect or the Accused (1999) include provisions prohibiting discrimination of people on the basis of their national or ethnic origin, language, race, and religion. In other words, the current legislation, which is in force, is a comprehensive regulation aimed at prohibiting discrimination.
6. Although it is considered that proper legal environment has been established, the Ministry of Justice and Home Affairs requested National Legal Institute to conduct a research whether other countries have in place a comprehensive anti-discrimination legislation. Also, the conclusion of the survey is expected to determine the prospects of implementing the comprehensive legislation adapting to the specific Mongolian conditions.

¹ CERD/C/MNG/CO/19-22.

² Draft report was uploaded on June 15, 2018 on Ministry of Justice and Home Affairs website www.mojha.gov.mn.

³ See <http://legalinfo.mn/law/details/367?lawid=367>.

⁴ Paragraph 2 of article 14 of the Constitution of Mongolia provides, "no person shall be discriminated against on the basis of national or ethnic origin, language, race, age, sex, social origin and status, wealth, occupation and post, religion, opinion or education. Everyone shall have the right to act as a legal person."

Article 2

Lack of disaggregated data: (a) the socioeconomic situation of ethnic minority groups, such as the Kazakh and Tsaatan (Dukha) populations, and the representation of women from such groups in positions of leadership; and (b) the socioeconomic situation of non-citizens, including asylum seekers, refugees, migrants and stateless persons

(a) The socioeconomic situation of ethnic minority groups, such as the Kazakh and Tsaatan (Dukha) populations, and the representation of women from such groups in positions of leadership

7. In accordance with the article 8.1 of the Law on Population and Housing Census,⁵ as of 2010, Mongolia conducts a nationwide census every 10 years. In addition, under the article 7.1.2 of this law, Mongolia shall conduct an inter-censal survey every 5 years, between decennial censuses. The information in this part based on the data from 2015 inter-censal survey.

8. As of 2017, the population of Mongolia was 3 million 178 thousand. 49.2 percent of the population is male and 50.8 percent is female, giving a sex ratio of 96.7 percent. Among the total population, the proportion of people aged 0–14 year stands at 30.4, the proportion of people aged 15–64 year stands at 65.7, while the proportion of people aged 65 years and over stands at 3.9 percent. As of the end of 2017, the average life expectancy was 69.9, from which life expectancy of male was 65.9, and life expectancy of female was 75.4 years. In comparison to 2007 data, the average life expectancy increased by 3.4, and compared to 2012, it increased by 1.2 years respectively.

9. Kazakhs represent 3.9 percent, Tuva (Turegs) 0.1 percent, Tsaatan 0.02 percent of the total Mongolian population and these groups are considered as national ethnic minorities. According to the data from 2015, 28 different ethnic groups resided in Bayan-Ulgii province alone. 89.8 percent of its population is Kazakhs, 5.7 percent Uriankhais, and the remainder is Tuva, Khalkh, Durvud, Buriat, Bayad, Uuld, Zakhchin etc.⁶ In 2015, out of total population of 9155 people residing in Tsengel soum, Bayan-Ulgii province, 83.1 percent of them was Kazakhs and 14.1 percent (1 300 persons) was Tuva people.

10. There are 119.0 thousand Kazakhs in Mongolia and the majority lives in Bayan-Ulgii, Hovd provinces and Ulaanbaatar. The proportion of Kazakh population aged 0–14 represents 34.5 percent, the age group 15–64 represents 62.3 percent, and the persons aged over 65 represents 3.2 percent of the total. The Kazakh population who is over 15 years old by marital status: 34.6 percent is not married, 60.6 percent is married, and 4.8 percent is either widowed or divorced or separated. The data shows that 2.9 percent of the total Kazakh population is persons with disabilities.

11. As for education level, out of Kazakhs aged 6 years and older, 77.4 percent is educated, of which 11.6 percent obtained higher education, 3.9 percent obtained special education, 3.8 percent have technical and vocational education, 21.5 percent completed senior high school, 19.3 percent completed general secondary school and 17.3 percent completed primary level of education. 22.6 percent of Kazakh citizens is non-educated.

12. In terms of employment, 32.5 percent is employed, and 67.5 percent is unemployed. Out of total number of the employed Kazakhs, 53.8 percent is self-employed and 35.5 percent is paid employees. Whereas 47.3 percent of the unemployed Kazakh citizens is pursuing education, 12.9 percent is retired, 13.9 percent is looking for job and 9.2 percent is not able to find suitable employment.

13. The number of women with higher education in 2015 had increased by 4.3 percent comparing to the Population and Housing Census in 2000, and by 1.2 percent compared to the data in 2010. Also, the percentage of women with diploma, bachelor degrees and higher education in 2000 was 2 percent lower than men, while this number had increased to 1.9

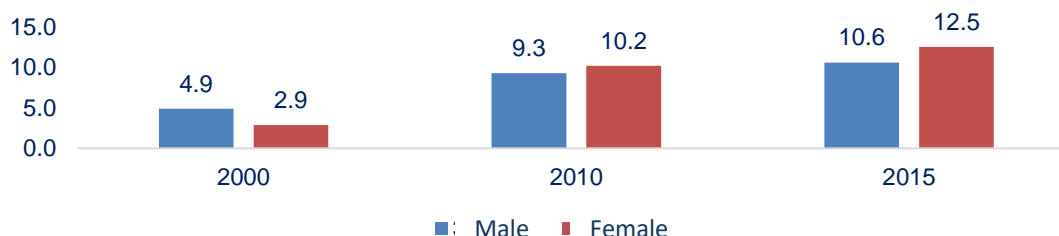
⁵ <http://legalinfo.mn/law/details/552?lawid=552> — last visited 2018.05.24.

⁶ Population and Housing Census, inter-censal survey 2015, www.1212.mn.

percent in 2015. In other words, the increase in the number of educated women in the minority group reflects the growing representation of women in leadership positions and their social status.

Figure 1. Percentage of Kazakhs with higher education.

**Proportion of Kazakhs with diploma, bachelor degrees and higher education
(by census years)**



Source: National Statistical Office.

14. There are 545 Tsaatans in Mongolia and the majority resides in Huvsgul province. As of 2015, there are 466 Tsaatans who belong to Tuva national minority group reside in Tsagaan nuur soum.⁷ Of the total Tsaatan population, 30.3 percent is people aged between 0–14, 65.3 percent is people aged between 15–64, and 4.4 percent is people aged above 65. According to marital status of Tsaatans aged 15 or above, 42.8 percent is single, 53.5 percent is married, and 3.7 percent is either widowed or divorced or separated. 6.3 percent of the Tsaatans is persons with disabilities. The Tsaatan population distribution by the marital status that is over 15 years old as follows, 42.8 percent not married, and 53.5 percent married, and 3.7 percent is widowed, divorced, and separated. The data shows that 6.3 percent of the total Tsaatan population is the persons with disabilities.

15. As for education level, the Tsaatans who are 6 years and older, 82.8 percent is educated, of which 6 percent earned higher education, 2.6 percent completed special education, 2.8 percent has technical and vocational education, 12.8 percent completed senior high school, 25.9 completed general secondary school and 32.7 percent are the people with primary level of education. 17.2 percent of the Tsaatans is non-educated.

16. In terms of employment, 44.6 percent of the Tsaatans is employed, and 55.4 percent is unemployed. Out of the employed Tsaatans 50.9 percent is self-employed, 25.5 percent is engaged in unpaid work of family-run businesses and production and 16.8 percent is paid employees. While 38.7 percent of the unemployed Tsaatans is pursuing education, 22 percent of them is retired, 17.7 percent is not able to find suitable employment and 5.4 percent is job-seekers.

17. As for Tuva ethnic group, the majority of all 4 063 Tuvas who live in Mongolia resides in Huvsgul province, and remainders sparsely reside in Bayan-Ulgii, Selenge, Hovd, Darkhan-Uul and Tuv provinces.

18. Of the total Tuva population, 32.8 percent is people aged between 0–14, 63.6 percent is people aged between 15–64, and 3.6 percent is people aged above 65. According to marital status of the Tuvas who are aged 15 or above, 36.1 percent of them is single, 54.1 percent is married, and 9.8 percent is either widowed, divorced or separated. 3.1 percent of the Tuvas is disabled.

19. In terms of education level among the population at age 6 and older, 83 percent is educated, of which 6.6 percent have higher level education, 2.6 percent completed special education, 3.3 percent obtained technical and vocational education, 21.7 percent completed senior high school, 23.8 percent of them completed general secondary school and 25

⁷ Population and Housing Census, inter-censal survey 2015, www.1212.mn.

percent are with primary level of education, whereas 17.2 percent of the Tuvas is non-educated.

20. 40.6 percent of Tuva ethnic group population is employed and 59.4 percent is unemployed. Out of the total number of employed persons 63.9 percent is self-employed, and 31.1 percent is paid employees. Whereas 44.9 percent of unemployed Tuvas are pursuing education, 16.4 percent is retired, 12 percent is not able to find suitable employment and 7 percent is job-seekers.

(b) The socioeconomic situation of non-citizens, including asylum seekers, refugees, migrants and stateless persons

21. Article 7.3.3 of the Law on the Legal Status of Foreign Nationals⁸ states that the foreign nationals have a right to seek political asylum in Mongolia. Also, the article 9.1 of the same law provides that the President of Mongolia shall grant the right of asylum to a foreign national who is subject to political persecution for their conviction that honored in Mongolia.

22. Article 7.2 legalizes the rights and obligations of foreign nationals and it stipulates that foreign nationals shall have rights and freedoms and duty to abide equal to Mongolian citizens in the conditions except stated in the law. Additionally, in accordance with the Constitution of Mongolia, the international treaties to which Mongolia is a Party shall become effective as domestic legislation upon the entry into force of the laws or on their ratification or accession.⁹ Moreover, the article 2.2 of the Law on the Legal Status of Foreign Nationals provides that the provisions of the international treaty shall prevail if an international treaty to which Mongolia is a party is inconsistent with the present Law.

23. Foreign nationals have the right to work or engage in business activity that is not prohibited by law. The article 30.1¹⁰ of Law on the Legal Status of Foreign Nationals states that the state administrative body in charge of foreign nationals shall grant residence permit to foreign nationals who came to Mongolia for work, investment, study, training, scientific and research purposes considering the requests of state administrative bodies in charge of investment, labor and education and its authorized organizations. Granting of such permit may be issued not only to foreign nationals with a residence permit but also to their family members.

24. Following is the status of residence permit between 2015 and 2018. In 2015 out of total 20 635 residence permits 16 181 were HG visas, which is granted to foreign nationals visiting the country to work under the employment agreement. In 2016, upon granting 14 852 residence permits 10 778 were HG visas, in 2017 out of 14 846 permits 10 320, and in 2018¹¹ 2 497 from total of 3 764 permits were HG visas.

25. In terms of health care services, 2 362 foreign nationals attended in preventive medical check-up at the health centers of the capital and provinces in 2015. The figure was 1 544 in 2016 and 3 017 in 2017.

26. Withdrawal of Mongolian citizenship, exile and extradition of citizens are prohibited by the Constitution of Mongolia. The grounds and procedures for the acquisition, or loss of Mongolian citizenship may be defined only by law. Moreover, the Constitution of Mongolia provides that the President of Mongolia shall decide the matters related to granting and withdrawing Mongolian citizenship. The relations related to Mongolian citizenship, acquisition, restoration, and withdrawal of citizenship shall be regulated by the Law of Mongolia on Citizenship.¹²

27. Between 1994 and 2018, total of 60 099 Kazakhs renounced their Mongolian citizenship in favor of acquiring the citizenship of the Republic of Kazakhstan. In the period of 2001–2017, 1799 Kazakhs restored their Mongolian citizenship. The main reason

⁸ See <http://legalinfo.mn/law/details/211?lawid=211>.

⁹ The Constitution of Mongolia, Article 10.3.

¹⁰ See <http://legalinfo.mn/law/details/211?lawid=211>.

¹¹ Information dated to 20 May 2018.

¹² See <http://legalinfo.mn/law/details/525?lawid=525>.

for the migration of citizens of Kazakh ethnicity is due to the fact that the Republic of Kazakhstan has an open policy in granting its citizenship to ethnic Kazakhs of other countries. Furthermore, the county provides financial benefits, assistance, and allowances to those citizens who acquired its citizenship.

28. Mongolia and Kazakhstan are working on an agreement that can ease the citizenship procedures for Mongolian citizens who reside permanently in the Republic of Kazakhstan and for the citizens of the Republic of Kazakhstan who reside permanently in Mongolia. The agreement also aims to prevent loss of citizenship, dual citizenship and being stateless.

Article 3

Racist hate speech

Taking note that the revised Criminal Code was adopted by Parliament on 4 December 2015, the Committee recommended that the State party ensure that the provisions prohibiting racist hate speech are in accordance with article 4 of the Convention, explicitly prohibiting, as offences: (a) all dissemination of ideas based on racial superiority or hatred; (b) incitement to racial discrimination; and (c) incitement to acts of violence against any race or group of persons of another color or ethnic origin

29. The Criminal Code that was enacted in 2015 had entered into force on 1 July 2017. Following Order A/58 of the Minister of Justice and Home Affairs the Working Group was established to make amendments to the Criminal Code according to the recommendations of the Committee.¹³ The newly amended version of Criminal Code and had entered into force on 1 July 2017.

30. The revised version of the Criminal Code reflects the following amendments; Articles under Chapter 14 “Crime against personal and political rights and freedoms” such as article 14.1 “Discrimination”, article 14.2 “Obstruction of the right to seek and receive information”, article 14.3 “Violation of the right to freedom of expression and press”, article 14.4 “Obstruction of the right to freedom of conscience and religion.”

31. The article 14.1 provides that discrimination against and restriction of rights and freedoms of persons based on their nationality, ethnicity, language, race, age, gender, social background and status, wealth, occupation, job position, religion, opinion, education, sexual orientation and health status and restrictions of rights and freedoms shall be punishable by a fine equal to 450–5 400 settlement units or 240–720 hours of community service or a travel ban from one month up to one year.

32. In article 19.9 of the Criminal Code “Disruption of national unity” is considered a crime. This article provides “Propaganda with a view of stirring up of a national, ethnical, language, racial or religious hostility and hatred between people, and organizing activities promoting, advocating the separatism, discriminating, abusing, restricting the rights or establishing preferences shall be punished by imprisonment for the term of 5 to 12 years.

Combating racist hate speech, in which it is underlined, inter alia, that the criminalization of racist expression should be reserved for the most serious cases and that less serious cases should be addressed by means other than criminal law.

33. The permanent Working Group had been established following the Order A/243 by the Minister of Justice and Home Affairs on 25 September 2017 mandated with the task of ensuring the effective implementation of the revised Criminal Code, Criminal Procedure Code, Law on Offence, Offence Procedure Law, Law on Prosecution, Law on Enforcement of Court Decision, improving its coherence with other relevant legislations and taking appropriate actions if necessary.

¹³ The law on amendment to the Criminal Code was enacted on 11 May 2017.

Article 4

Racist organizations and hate crimes

The Committee requested further information on the outcome of cases of racially motivated violence that has been investigated, and on the process of dissolution of the organization Dayar Mongol; recommended to declare illegal and prohibit organizations that promote and incite racial discrimination, as well as the participation of individuals in such organizations or activities as an offence punishable by law; also recommends that the State party ensure that all cases of racially motivated violence are promptly and effectively investigated and that perpetrators are prosecuted; further recommends that the State party adopt appropriate measures in the fields of teaching, education, culture and information to combat prejudices and other underlying causes of the existence of ultra-nationalist and neo-Nazi organizations

34. There have been no racially motivated crimes or offenses registered in Mongolia in relation to the restrictions of the freedom of expression, the separatist views caused by the conflicts of ethnic groups and the persecution against one`s will.

35. In Mongolia, there were no cases registered, related to disruptions of national unity. Although there are little signs of minor conflicts between some nationalities and ethnic groups in Mongolia, there has been no significant problem that led to ethnic conflict.

36. There are 18 officially registered¹⁴ non-governmental organizations, groups, and movements with nationalist view in Mongolia. Eight of them, namely, Dayar Mongol, Tsagaan khas, Talyn tsuuvur chono, Khas Mongol, Nagoon khas, Khukh Mongol, Bosoo khukh Mongol, Mongols of the world green union are active and have approximately 200 active supporters and followers.

37. If a non-governmental organization is registered as provided in Article 6 of the law on Non-governmental Organizations, the Court can dissolve the non-governmental organization on the following grounds: 1/ the non-governmental organization has conducted activities inconsistent with its purpose; 2/ the non-governmental organization has conducted activities of a severe nature and has repeatedly violated laws. Particularly, it is within judicial power to dissolve an organization on the ground of conducting activities inconsistent with its purpose.¹⁵

38. Furthermore, paragraph 2 and Article 9 of the Criminal Code provided the responsibilities of legal persons. It is possible that the Court applies compulsory measures such as 1/suspension of rights, 2/dissolvment and 3/confiscation of property and income as additional penalties to the principal punishments.¹⁶ In other words, this law provides a possibility to use compulsory measures and dissolve the non-governmental organization that is legally registered, however, has been proven that it has committed crime, while imposing criminal responsibility.

39. The executive branch has not dissolved Dayar Mongol group, which is registered as non-governmental organization.

40. The Work Group has been established following the Order A/257 by the Minister of Justice and Home Affairs on 12 October 2017 with the task to draft a revision of the Law on Non-governmental organizations. Under the revised law, the registration and monitoring of non-governmental organizations activities will be regulated.

41. Mongolia is a member of the Human Rights Council since 1 January 2016. Mongolia voted “in favor” in support of the resolution initiated by the African group “From rhetoric to reality: a global call for concrete action against racism, racial discrimination,

¹⁴ National Police Agency registry.

¹⁵ Survey on necessity and requirement to revise the Law on Non-governmental Organization, Joint project of MOJIA and Swiss Development Agency “Citizen participation Project II, Ulaanbaatar, 2017, p. 22–24.

¹⁶ Article 9.2, section 2 of Criminal Code.

xenophobia and related intolerance”, the Human Rights Council resolution 34/35¹⁷ to renew the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and resolution 34/36¹⁸ as well. Also, Mongolia joined the consensus on 32/17¹⁹ resolution initiated by Argentina, Brazil, Colombia, Paraguay, and Uruguay.

42. Since 1997 the UN General Assembly has adopted the Durban Declaration and Program Action addressing racism, racial discrimination, xenophobia and related intolerance. Mongolia is a co-author of this resolution.

43. Mongolia voted “in favor” for the resolution “A global call for combating glorification of Nazism, neo-Nazism and other related practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance” which was initiated by Russia and adopted by UN General Assembly.

Article 5

Asylum seekers, refugees and stateless persons

Take effective measures to fully guarantee the rights of asylum seekers, refugees, and stateless persons

44. As provided in subparagraph 9, paragraph 1 of Article 33 of the Constitution, the President of Mongolia shall exercise the prerogative right to decide matters related to granting and withdrawing Mongolian citizenship and guaranteeing asylum right.

45. Mongolia engages in the cooperation with the Office of the United Nations High Commissioner for Refugees on the basis of relevant laws and regulations. The statistic of January 2018 shows that at the requests which were received at the Immigration Agency of Mongolia, the issues of 5 refugees had resolved in accordance with the laws and regulations.

46. As per the first half of 2018, no official political refugee request has been filed in Mongolia.

47. The matters related to acquisition, cessation of citizenship are regulated by the Law on Citizenship, Law on the Legal Status of Foreign Nationals and the “Procedures on determining eligibility criteria for foreign citizens and stateless people requesting citizenship of Mongolia” adopted by the Government resolution 62 of 2003. The Law on Citizenship²⁰ also regulates the procedures for citizenship application, reviewing the application and decision making.

48. There is no provision or regulation provided in the Law on the Legal Status of Foreign Nationals that worsens the legal status of stateless persons versus citizens of any other state. Therefore, stateless persons have equal rights and duties with foreign citizens. Of the total 664 legislations in effect in the country, over 50 laws provide rights, duties and restrictions of foreign citizens.

49. Foreign nationals enjoy the following twenty two rights, such as, to acquire citizenship, to use land for certain period of time and with charges, to exploit natural resources and shall pay fee, to receive benefits and pensions, to adopt the child of Mongolian nationality, to have their properties insured like any other Mongolian citizen, to participate in demonstrations and assemblies, to drive vehicle with a valid international license, to enjoy the right to intellectual property, to officially address to the government organizations and public officials, to found business entity and be a shareholder, to receive

¹⁷ Mandate of the Special Rapporteur on contemporary forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance.

¹⁸ Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination.

¹⁹ Addressing the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls.

²⁰ See <http://legalinfo.mn/law/details/525?lawid=525>, article 22, section 5.

social benefits, to bid in tender with certain restrictions, to be employed, to trade in stock exchange, to work as a lawyer, to work as a bodyguard, to travel without visa to free zones, to work in health organizations, to conduct professional activities, and to use water and to do fishing.

50. At the same time, foreign nationals have to abide the following seven duties: to immediately inform fire emergency, to participate in firefighting, to get vaccinated, to report to the relevant authorities about the wages and incomes of employees, to pay taxes, to enroll in compulsory health insurance and to write official documents in Mongolian language.

51. Once stateless person is granted residence permit in Mongolia, he/she shall enjoy the rights and fulfill the duties as provided in the law. Additionally, it becomes open for the stateless person to request the acquisition of Mongolian citizenship or restore his/her previous citizenship. The Immigration Agency of Mongolia is in charge of implementing the policies in registering, documenting stateless persons and granting residence permit. The stateless persons residing in Mongolia in the last three years²¹ are shown by nationality and the previous citizenships: 12 persons from the Republic of Kazakhstan in 2016, 13 in 2017, and 13 as of June 2018; 5 are from the People's Republic of China in 2016, 5 in 2017 and 5 as of June 2018; 21 persons from Tibet in 2016, 5 in 2017 and 6 persons as of June 2018; 6 persons from the Russian Federation 6 persons in 2016, 5 in 2017 and 6 stateless persons as of June 2018.

Immigration policy

Eradicate the numerical threshold for the entry and residence of non-citizens according to nationality

52. The regulation on “The residence of foreign citizens in Mongolia and their registration” which was adopted by the Government resolution 146 of 2018 guides the procedures of the registration, delisting, granting residence permit, extending and modifying the permit of the short-term foreign visitors staying in Mongolia for more than 30 days period, and foreign national residing in the country for private or official purposes, and stateless persons.

53. It is legislated that “If the ratio of foreign residents and immigrants residing in Mongolia is lower than 0.4 percent of the total population of Mongolia, the Mongolian Parliament shall define, once during its term of office, the number and composition of immigrants to be permitted in territorial and administrative units of Mongolia considering the proposal submitted by the Government. If the ratio is above 0.4 percent, the Parliament would do it annually.”²² Within the ratio limits approved by the Parliament decree, foreign nationals and stateless persons who meet the set criteria is able to apply for immigration.

54. The immigration permit shall be granted within the number²³ provided in paragraph 5 and Article 29 of the Law on Legal Status of Foreign Nationals upon consideration of the request made by foreign national, his/her educational and professional backgrounds, the domestic situation and economic capacity of the country, and taking into account the comments of competent law enforcement agencies. If the foreign national decides to stay longer in the country, the residence permit period will be extended according to the conditions and regulations set by the Government resolution 219 of 2 June 2015.

55. On 10 January 2018, the Cabinet decided to submit to the Parliament a draft decree on “The number, composition and residence locations of foreign immigrants for the period

²¹ Data as of 31 December 2016, 31 December 2017 and 1 June 2018. The Immigration Agency information received in June 2018.

²² Article 29.6 of the Law on the Legal Status of Foreign Nationals — See <http://legalinfo.mn/law/details/211?lawid=211>.

²³ Article 29.5 of the Law on the Legal Status of Foreign Nationals provides “The number of immigrants and foreign nationals residing in Mongolia may be up to 0.5 percent of the citizens of Mongolia and among them nationals of one country up to 0.17 percent.”

2018–2020.²⁴ Under this draft, the immigration permit issued to a child born to immigrant parents shall not be included in the numerical threshold set by the decree. The draft was discussed at the spring session of the Parliament and it was rejected based on Article 19.3.7²⁵ of the Law on the procedures of parliamentary sessions.²⁶

56. Starting from 2018, in cooperation with Mongolian Bar Association, the Government has been providing legal counseling in foreign languages to improve the quality and accessibility of legal aid to foreign nationals. According to the provisions of the Law on the legal assistance to indigent defendants, Legal Aid Center is providing free legal counseling and attorney services to indigent suspects, accused and defendants. This is to assure the right to legal assistance that is guaranteed by the Constitution of Mongolia and international treaties and norms. The Center provides the same legal assistance to foreign nationals.

57. Consular Department of the Ministry of Foreign Affairs and Legal Aid Center had organized a conference on “Legal Environment for Legal Assistance for Foreigners” on 1 March 2018 which introduced the work of the Center that provides free counseling services to foreigners in English, German, Chinese, Korean and Russian. The consular officials from 18 diplomatic missions in Ulaanbaatar, the officials from the Ministry of Justice and Home Affairs, National Police Agency and Mongolian Immigration Agency attended at this event.

Migrant workers

Taking concrete measures to combat the forced or compulsory labor of migrant workers and to ensure that working conditions meet international standards

58. In accordance with 23rd provision of the Committee’s concluding observations on the nineteen to twenty-second periodic reports of the country, the detailed information has been provided below on combating the forced or compulsory labor of migrant workers and the working conditions thereof.

59. The issues related to sending labor force abroad, receiving labor force and specialists from abroad is regulated by the Law on Sending Labor Force Abroad and Receiving Labor Force and Specialist from Abroad²⁷ which was adopted on 12 April 2001. Due to the needs and requirements derived from social development and practices, the law has been amended²⁸ for seven times. Under the amendment of 2017, in the cases when the domestic labor force is not sufficient for implementing nationwide mega programs, projects and construction works and for eliminating the consequences of natural disasters, foreign labor force can be mobilized on the basis of the Government decision.²⁹ The amended law also states that the Government of Mongolia shall provide the same assistance and support with which it extends to Mongolian citizen when foreign citizen lost his/her life due to the natural disasters, fire or flood.³⁰ The amendments are proven to be a positive step to protect the rights of foreign workers in the country. The law also provides the Government by its resolution approves the percentage of foreign labor force and specialists. As of June 2018, the citizens from 82 countries are employed in Mongolia.³¹ More specifically, there was 5

²⁴ A draft resolution on the Number, Composition and Geographical Location of Foreign Immigrants for the period 2018–2020 was discussed during the 10 January 2018 Cabinet meeting. The resolution to submit it to the Parliament is reflected in Meeting Minutes #3.

²⁵ See <http://legalinfo.mn/law/details/356?lawid=356>.

²⁶ Decree 22 by Mongolian Parliament on “Rejecting the resolution draft”, 9 February 2018; State Information #8, 2018. See also <http://legalinfo.mn/law/details/13187?lawid=13187>.

²⁷ See <http://legalinfo.mn/law/details/35?lawid=35>.

²⁸ Amended in 2006, 2008, 2011, 2012, 2013, 2015, and 2017. These amendments were followed by amendments in other legislation.

²⁹ Amended by the law adopted on 2 February 2017. Article 7.3 of the Law on Sending Labor Force Abroad and Receiving Labor Force and Specialist from Abroad. See <http://legalinfo.mn/law/details/35?lawid=35>.

³⁰ Ibid. Article 7.4 of the Law on Sending Labor Force Abroad and Receiving Labor Force and Specialist from Abroad.

³¹ Ministry of Labor and Social Protection, 2012–2018 survey.

938 active foreign employees with working permit as of 31 December 2016, 7 892 as of the same period of 2017, and there has been 9 619 as of 30 June 2018.³²

60. Mongolia has been obliged to refine the domestic legislations and ensure its conformity with the concepts and principles of the fundamental conventions of International Labor Organization and its Employment Service Convention (No.88, Mongolia joined in 2016), and Private Employment Agencies Convention (No.181) to which Mongolia is a party. Furthermore, Mongolia is exploring the possibilities to join the Protocol of 2014 to the Convention of Forced or Compulsory Labor (No.29) and the Conventions on Labor Inspection (C81 and No.C129).

61. In order to implement the UN Security Council's Resolution S/RES/2375 on strengthening the sanctions against the DPRK, the Standing Committee on Security and Foreign Policy of the State Great Khural passed the resolution No.8 on 13th November 2017. The Parliamentary resolution stated that "starting from the year 2018, the granting and extending the working permits of the DPRK contract workers shall be suspended". It was further decided that, upon the termination of the intergovernmental labour agreement which has been valid for the last 10 years, the workers shall be sent back to the DPRK.

Article 6

Access to remedies

Mongolia's measures to reform the judiciary be taken in a comprehensive and holistic manner so as to address the root causes of corruption and lack of transparency and ensure access to effective remedies; ensure that mandatory training for judges, prosecutors, court officials, lawyers and other related professions includes training in the Convention

62. Mongolia is implementing the comprehensive measures to reform the judiciary to address the root causes of corruption, lack of transparency and to ensure access to effective remedies.

63. The National Anti-Corruption Program was adopted by the Government resolution 114 in 2017.³³ The purpose of the Program is to prevent from the corruption risks in all levels of government organizations, government officials, private sector, civil society and political groups. The Program is also designed to promote honesty and its ideals among the public and to create open, transparent and accountable society. The Government resolution ordered the Cabinet members, the Heads of Government agencies and the Governors of aimag and the capital city annually report the implementation of the Program to the Anti-Corruption Agency.

64. Judges, prosecutors, court officials, lawyers and other concerned officials have been involved in the training programs on the Convention on the Elimination of All Forms of Racial Discrimination among. Ministry of Justice and Home Affairs in collaboration with National Legal Institute and Bar Association conducted the "Training on LGBT Rights for Law Enforcement Officers" on 3 May 2018. The training provided the knowledge on investigation, resolution of the crimes involved LGBT, on how to protect the rights of LGBT people and the international norms on the crimes of discrimination. The law enforcement officials had been involved in the training who have the functions of protecting the rights of LGBT and have them accessed to the remedy when their rights and interests are violated.

65. The Police Department has launched a 24 hour hotline — 126 to receive timely complaints and information from citizens about the communication skills, ethics, and bureaucratism of police officers.

The Committee recommends intensifying its efforts to raise awareness of remedies that are available to victims of racial discrimination.

³² General Department of Labor and Social Welfare data.

³³ See <https://www.iaac.mn/page/90?menu=210>.

66. “National Program on Improving Public Legal Education” was adopted by the Government resolution 50 of 2018. The objective of the Program is to build a system which enables continuous improvement of public legal education by delivering legal knowledge and information that fulfill the needs and demands of citizens in an open, accessible and simplified way both online and offline.

67. The Program will be implemented in two phases for the period of five years. During the first phase from 2018 to 2020, it is planned to build a system which enables the continuous improvement of public legal education. The second phase of 2012 to 2022, shall assess the activities of the first phase and take measures to enforce the system. The implementation of the program will be governed by the Ministry of Justice and Home Affairs.

National human rights institution

Ensure that the National Human Rights Commission receives sufficient funding to guarantee its full independence and effectiveness in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)

68. The funding provided to the National Human Rights Commission from the state budget is intended to increase the Commission’s operations and human resources. The following table explains the ratio of the approved budget and the human resources, vacancies.

Figure 2: Human Right Commission budget and vacancies

<i>Year</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
Approved budget (thou. MNT)	312 972.9	437 714.8	546 636.0	830 328.0	831 463.9	731 634.8	791 825.2
Amount of growth compared to previous year	-	124 741.9	108 921.2	283 692.1	1 135.9	(99 829.1)	60 190.4
Percentage growth over previous year		40%	25%	52%	0%	-12%	8%
Amount of growth compared to 2011		124 741.9	233 663.1	517 355.1	518 491.0	418 661.9	478 852.3
Percentage growth over 2011		40%	75%	165%	166%	134%	153%
Approved vacancy	20	26	28	49	49	49	49
Amount of growth compared to previous year		6	2	21	0	0	0
Percentage growth over previous year		30%	8%	75%	0%	0%	0%
Amount of growth compared to 2011		6	8	29	29	29	29
Percentage growth over 2011		30%	40%	145%	145%	145%	145%
Additional funding				39 873.20	153 287.66	170 074.48	40 000.00

Source: Research report on effectiveness of the Law on National Human Rights Commission implementation, MOJHA.

69. The Working Group was established by the order A/66 by the Minister of Justice and Home Affairs to outline a revised draft law on National Human Right Commission. The chair of the Working Group has adopted the revised draft. The working group is exploring the possibility of establishing national preventive mechanism in this regard.

Article 7

Ethnic minorities

Undertake regular and comprehensive human rights-based assessments of the situation of ethnic minorities to develop appropriate policies and to ensure that such policies are effective in eliminating any obstacles to the enjoyment by minorities of their rights, particularly in relation to poverty, unemployment and lack of access to education in minority languages

70. The Constitution of Mongolia, Law on Education, Law on Primary and Secondary Education, and Law on Mongolian Language guarantee the right of ethnic minorities to education. Under these laws, the right of ethnic minorities to mother tongue learning and mother tongue-based education is legitimated. The laws also established the duties of the State to provide such opportunities.

71. Particularly, paragraph 1 and Article 8 of the Constitution of Mongolia provides “The Mongolian language is the official language of the State,” and paragraph 2 states “Paragraph (1) shall not affect the right of national minorities of other tongues to use their native languages in education and communication and in the pursuit of cultural, artistic, and scientific activities.”

72. Moreover, Article 5.1.4 of the Law on Education states “... shall all be given equal opportunities of receiving education in their mother tongue” and Article 30.1.12 of the same law legislates “organize works for national minors in learning, inheriting traditional culture and traditions, and communicating in the mother tongue in the school environment”. Additionally, Article 4.1.1 of the Law on Primary and Secondary Education states the concept of primary education shall aim at teaching proficiency in speaking in the mother tongue, understandable expression of thoughts, reading and writing.

73. Article 13.1.4 of the Law on Mongolian Language defines the duties of the state administrative organization in charge of education and science affairs as “to conduct schooling in bilingual programme if the majority of students is from ethnic minority with different language, and to approve the concept of bilingual programme”, and Article 13.1.5 provides “to organize activities to enable ethnic minority to possess education, to inherit their culture and traditions, and to conduct scientific activities in Mongolian and in their mother tongue”.

74. The Working Group³⁴ of the Ministry of Education, Culture, Science and Sports worked in Bayan-Ulgii province from 28 to 31 June 2018 to observe the professional and methodological functions of the Department of Education and Culture of Bayan-Ulgii province, the professional qualifications of the provincial school principals and teachers, and their abilities to conduct classes and courses in Mongolian language. The working group is also tasked to make conclusions and recommendations of follow up activities to improve education quality.

75. The research section on the education of ethnic minority and Mongolian children in overseas was established at the Institute of Education. The functions of the section are assessing the conditions of schooling and education of ethnic minority children, designing education program and curriculum, developing textbooks and learning tools, supporting professional development of and providing methodological support for teachers.

³⁴ Order A/10 of the Minister of Education, Culture, Science and Sports on “Establishment of the Work Group”.

76. The Government is pursuing the policy that ethnic minority children have textbooks in their mother tongue in their primary schools. There are 43³⁵ public and private secondary schools in Bayan-Ulgii province and one school in Hovd soum of Hovd province where children of Kazakh minorities study. The primary school programs in these schools are conducted in their mother tongue.³⁶ The Government had funded the translation and publishing of all textbooks which are used in primary schools elsewhere in the country. The sufficient number of textbooks had been published and provided to the school libraries.

77. The Government is firm on the policy to make the mother tongue textbooks available. "Native language" textbooks of Kazakh language for I, II, III, IV, V, VI, and VII grades had been written and published. The Kazakh schools had been provided the sufficient numbers of textbooks. It is planned to publish and distribute Kazakh language and literature textbooks of VIII grade in the year 2018. Along the "Tuva Language Program" approved by the order 387 of 2005 by the Minister of Education, Culture, Science and Sports, Tuva language textbooks for I, II and III grades had been written and distributed to schools in Tsengel soum of Bayan-Ulgii province and Tsagaan nuur soum of Khuvsgul province. Tuva language textbook for IV grade is being written in these days.

78. In order to provide a comprehensive understanding of Mongolia's minority situation, it is necessary to address issues of the minorities within minority groups. The statistics of 2015 inter-censal survey show that 3.9 percent of the total population of the country is Kazakhs and 75.6 percent of them live in Bayan-Ulgii province alone. The population of Bayan-Ulgii province consists of 89.8 percent Kazakhs, 5.7 percent of Uriankhais, 1.4 percent Tuvas, 1.2 percent Khalkh, 0.7 percent Buriats, and 0.2 percent other minorities. National Kazakh minority receives education and makes decisions in their mother tongue on the territory of their residence. However, the children of other ethnic minorities residing in Bayan-Ulgii province do not get sufficient knowledge of dual languages, specifically Mongolian. Due to the language barriers, Khalkh, Uriankhai, Tuva, Durvud, Buriad and other ethnic minority citizens' participation opportunity in decision-making process is limited and are subject to unemployment and poverty.

79. As it was revealed in the report of the Work Group which was established by the order A/110 of the Minister of Education, Culture, Science and Sports which was on mission in Bayan-Ulgii province from 28 to 31 June 2018, the priority need of ensuring the preparation of introducing Mongolian language classes starting from the second grade and improving the capacity of dual language teachers. The Group inquired if the additional State funding which is due to be allocated because of the peculiarity and difference of the education plan and program of the region to Bayan-Ulgii province has efficiently been used as designated. However, the Working group was responded that the matter was not reflected in their budget. If the funding would be properly re-allocated, there is potential to improve the dual language programs and prepare teachers and instructors who speaks Mongolian and understands the language and culture of the different ethnic groups.

80. The Government had established the quota for the Tsaatan citizens in order to enable them to be enrolled in universities. In 2017, five children of Tsaatan ethnic origin that graduated from Tsagaan nuur soum school of Khuvsgul province were enrolled in the universities. Moreover, eleven Tsaatan children received scholarships from the State budget.

81. The legal environment to provide training costs from the government in case of providing vocational trainings such as pedagogy and doctor trainings for Tsaatan citizens upon their request is being implemented.

82. The Presidential issued the decree No. 42 on 29 March 2013 in order to improve the living standards of Tsaatan people residing in Tsagaan nuur soum of Khuvsgul province and herding reindeers in taiga and develop their education, health, and social welfare. In the framework of this decree, several actions have been taken. For example, two doctors, a midwife and two assistant doctors working in the Tsagaan nuur soum health center, that serves the Tsaatan community, receive annually a 40 percent increase of basic salary since

³⁵ Based on data retrieved from <http://edu.bo.gov.mn/ebs.php> and information received from h Ministry of Education, Culture, Science and Sports.

³⁶ Elementary school includes I–V grades.

2004. The total amount of received salary increase is 60 172 010 MNT and if this number is divided by years; 13.361.692MNT in 2014, 13.714.992MNT in 2015, 14.042.096MNT in 2016, in 2017 13.074.586MNT, and as of May 2018, 5.978.644MNT. Within the framework of the initiative to provide bagh (brigade) doctors with transportation, in 2016 and 2017, supplied west and east bagh (brigade) doctors with 1.5mil MNT worth motorbike, respectively, from local development fund. In 2017 the State fund provided with ambulance vehicle. Within the framework of the capacity development of health workers, trained in 2014 one person as a gynecologist, in 2015 one person as an infant nurse, in 2017 one person as an infant nurse and one person as a nurse for elderly in 2018 from the hospital in Tsagaan nuur soum. As a result, it became possible to provide specialized health care services locally and the quality of the medical care has improved.

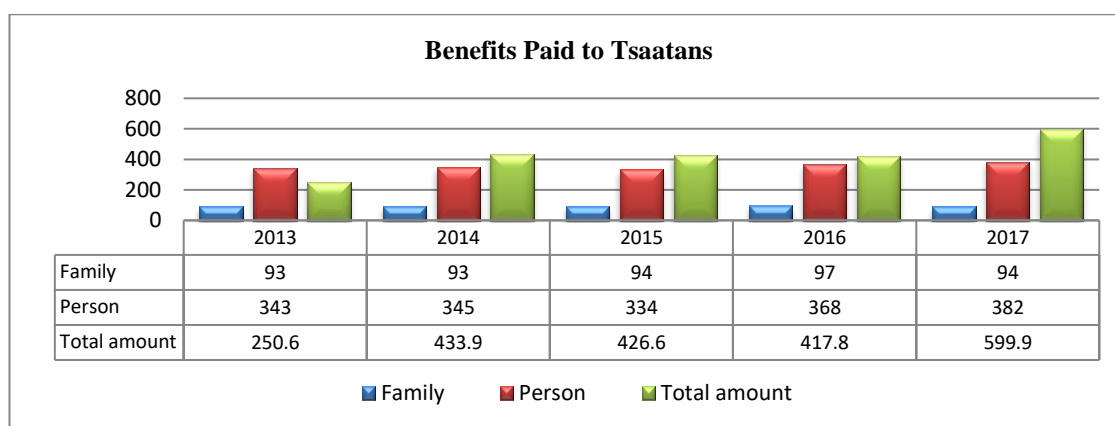
Indigenous peoples

In the light of its general recommendation No. 23 (1997) on the rights of indigenous peoples and the United Nations Declaration on the Rights of Indigenous Peoples, ensure that the Tsaatan people are fully and effectively consulted on all decisions affecting them, including with regard to the issuing of mining licences, any restrictions on hunting practices and government policies and programmes intended to improve their standard of living

83. Issued a Presidential Decree No.42 on 29 March 2013 in order to stimulate the implementation actions of the “Program to restore the reindeer farming and improve the farmers living standard”, which is aimed to improve the living standard of Tsaatan people residing in Tsagaan nuur soum of Khuvsgul province and herding reindeers in taiga, to develop their education, health and social welfare and to restore reindeer farming. In order to implement this decree, following the Government resolution 168 of 2013, 369 citizens, as of first quarter of 2018, received monetary subsidy (334 citizens from 94 families (128 children, 206 adults) in 2015, 368 citizens 95 families (155 children, 213 adults) in 2016, and 382 citizens in 2017). Additionally, in 2016–2017, totally 164 people were involved in State’s initiative to pay Tsaatan people monthly social security contribution. Also, 36 citizens are receiving a pension from the social security fund.

84. All children of Tsaatan family receive monetary benefit and nine elderly over 65 years collect benefits in accordance to article 12.3 of the Law on the Elderly.³⁷ The following table shows paid benefits.

Figure 3. Benefits paid to Tsaatans



Source: National Statistics Bureau.

85. That is considered that the social welfare of Tsaatan people that live in taiga has been improved dramatically since the government started to provide a monthly subsidy, to pay their monthly social security contributions, and enrolled in social security.

³⁷ See <http://legalinfo.mn/law/details/12453?lawid=12453>.

86. Following advantages that affect their lives were created: 1) The Tsaatans are able to fully register in social insurance and receiving its services and benefits, in case of old age, loss of the ability to work, death, and childbirth; 2) Due to the ability to buy different type of food from reindeer meat, the number of reindeer increased. For example, the number rose from 1 705 in 2014, to 1 823 in 2015 and 2 119 in 2016; 3) They stopped poaching and grazing; 4) Started to place the child benefit money into savings account instead of using it for their living expense.

87. The issue of illegal extraction of natural resources in soums of Khuvsgul province, where Tsaatan people live, existed in 2012. However, currently, this problem has been completely stopped.

88. Provision on ensuring equal enjoyment or exercise of human rights and fundamental freedoms, and securing adequate advancement of racial and ethnic groups, social groups and their members was included in the cooperation contract between the Ministry of Mining and Heavy Industry and the Minerals Professional Council and also, in the Trilateral Agreement on Labor and Society between geology and mining and heavy industry sectors, respectively. Currently, discussing to with related parties to implement this provision sector-wide.

III. Conclusion

89. The Government of Mongolia would like to emphasize its significant efforts to implement and organize actions in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination.
