

**INTERNATIONAL  
CONVENTION  
ON THE ELIMINATION  
OF ALL FORMS OF  
RACIAL DISCRIMINATION**



Distr.  
GENERAL

CERD/C/66/Add.34  
22 June 1981

ENGLISH  
Original: RUSSIAN

UN LIBRARY

COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION  
Twenty-fourth session

AUG 4 1981

UN/SA COLLECTION

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

Sixth periodic reports of States parties due in 1980

Addendum

MONGOLIA 1/

[22 June 1981]

In the period covered by the report, no new legislative or administrative measures having a direct bearing on the implementation of the provisions of the Convention were adopted. The legislative measures referred to in previous reports remain in force, and no complaints or submissions have been made to our courts concerning any form of racial discrimination.

The present report contains replies to questions raised at the time of the consideration of the fifth periodic report. The texts of the relevant legislative provisions are annexed.

1/ The sixth periodic report of Mongolia was due on 4 September 1980. 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);
- (5) Fifth periodic report - CERD/C/20/Add.37 (CERD/C/SR.467).

Section II of the fifth periodic report  
(continued)

Under the social system of the Mongolian People's Republic, every citizen is guaranteed an opportunity to work. Work is a sacred obligation of all able-bodied members of society and a point of honour for every citizen. Citizens have the right to work and to choose their occupation freely, regardless of nationality. Manual and non-manual workers exercise this right by concluding a contract to work at an undertaking, institution or organization (Labour Code of the Mongolian People's Republic, art. 2). They have the right, at their own discretion, to terminate a work contract concluded for an indefinite period by giving two weeks' notice to the administration (Labour Code, art. 38).

Children who have crossed into the territory of Mongolia and whose parents are unknown are recognized as citizens of the Republic, under article 3 of the Law on Mongolian Citizenship. On reaching the age of 15, such children are free to decide their own citizenship.

Under the Mongolian Constitution, citizens of the Republic enjoy such political freedoms as freedom of speech, freedom of the press, freedom of assembly including the right to attend mass meetings, and freedom to take part in demonstrations and processions. These rights may not be exercised to the detriment of the social and State system or of law and order, or against the legitimate interests and rights of citizens.

The Mongolian Constitution prohibits the advocacy of chauvinistic and nationalistic ideas, which are reactionary policies and ideologies aimed at arousing hostility and hatred between peoples of different races and nationalities and preaching national exclusiveness and the superiority of one nation over others. Nationalism and chauvinism in whatever form are deeply inimical to socialist internationalism and the interests of the working population. That is the basic idea behind our State policy on the nationality question.

Mongolian law, and in particular, article 83 of the Constitution and article 53 of the Criminal Code, strictly forbids any direct or indirect restriction of the rights of citizens on account of their race or nationality, advocacy of ideas of chauvinism or nationalism, or propaganda or agitation aimed at inciting national or racial hostility or discord. The concepts of "dissemination of ideas", "agitation" and "propaganda" also include the concept of "unlawful activities". Persons engaging or participating in such activities are punishable with three years' deprivation of liberty.

The law provides effective protection against any encroachment on the rights of citizens based on racial discrimination. The competent authorities take steps to stop acts of racial discrimination, in particular, by conducting a preliminary inquiry, arresting the guilty party, and so on. In the event of a violation of the laws governing the elimination of racial discrimination, the injured party has the right to apply to the judicial or other competent organs with a view to obtaining compensation for damages.

Citizens may own such property as is intended to satisfy their material and cultural needs. They may personally own their wages and savings, dwelling and individual farm, and items of personal and everyday domestic use (art. 72 of the Civil Code). Under article 75 of the Civil Code, citizens' personal property includes the property of handicraft workers who do not belong to co-operatives.

They may also own the necessary implements and means of production for running a small handicraft business, without the use of hired labour, and the resulting products.

### Section III of the fifth periodic report

Aliens resident in Mongolia are divided into two categories - permanent and temporary. The legal status of aliens permanently resident in Mongolia is regulated by an ordinance of the Council of Ministers of the Republic, while that of aliens temporarily resident is governed by the corresponding treaties. There is absolutely no distinction between the over-all civil rights enjoyed by aliens residing permanently in Mongolia and those accorded to citizens of the Republic.

The Mongolian Civil Code provides that citizens of other countries and stateless persons resident in Mongolia shall enjoy civil legal capacity and responsibility on an equal footing with citizens of the Republic. The civil rights enjoyed by aliens and stateless persons include such rights as the right to own personal property in accordance with the law, the right to inherit and bequeath property, rights over discoveries and inventions, authorship rights, etc.

Under article 400 of the Civil Code, citizens of a foreign country and stateless persons living in Mongolia enjoy civil security on an equal footing with Mongolian citizens.

Citizens of a foreign country have the following rights ("Regulations governing residence by citizens of a foreign country in the Mongolian People's Republic on a private basis"):

To announce their intention of prolonging their stay in the Republic in accordance with the established procedure, to work during their stay in a particular branch of the economy, to study, and to educate their children at schools, kindergartens and day nurseries;

To express their wish to acquire Mongolian citizenship;

To enjoy payment for their labour, holidays, labour protection and medical services on an equal footing with Mongolian citizens;

To be rewarded for active and fruitful participation in socially useful work and to receive, in accordance with the Labour Act, an old-age pension, and a pension and other assistance in the event of temporary or permanent loss of working capacity.

The safety of aliens and stateless persons residing in Mongolia is guaranteed in the same way as for Mongolian citizens. There is no limit to the length of their stay. They also have the right to settle in any place within the national territory in accordance with the established procedure.

If citizens of foreign States with which the Republic has no agreement on legal assistance in civil, family and criminal matters enter into legal relationships involving Mongolian citizens, they will be granted legal assistance within the limits of the national legislation and the universally recognized principles of international law.

Section IV of the fifth periodic report

Ethnically, the Mongolian people in general constitute one nation. Despite their diversity of manners and customs, they are on an equal footing as regards their political, social and political rights and obligations. There are more than 20 national minorities living in Mongolia - Khalka (75.3 per cent), Kazakhs (5.2 per cent), Durbudy (2.9 per cent), Buriady (2.5 per cent), Bayady, Torgudy, Khotoni, Darkhady, Barag: Zakhari, Zakhginy, Uriankhai, Uzunchin, etc. (14.1 per cent).

The western part of the country is settled by the Kazakhs, who constitute an administrative unit, i.e. they live in the territory of one of the 18 aimaks (regions). Numerically, they represent 5.2 per cent of the total population. In this aimak, newspapers are published in the national language and business correspondence is also conducted in the Kazakh language. Teaching at all schools of general education is also in the Kazakh language. The aimak has its own broadcasting station and newspaper printed in the national language. The Kazakhs are free to follow their own customs and ceremonies and enjoy equal rights in every sphere of the country's social and political life.

Travel abroad by Mongolian citizens for private or business reasons and their return to the country are governed by the "Regulations on the issue of passports and exit and entry visas" approved by resolution No. 537 of the Council of Ministers of the Mongolian People's Republic of 9 December 1964. Permission to enter or leave the country is granted by the Mongolian Ministry of Foreign Affairs, diplomatic missions and consulates and the Central Office of the State Militia, by issuing visas and foreign passports.

Under article 5 of the Mongolian Family Code (1973), citizens of the Republic enjoy equal rights in their family relations. No limitation of their rights or establishment of privileges at the time of marriage or in other family relations on grounds of sex, nationality or religion is permitted.

An explanation of the pernicious nature of racist and nationalistic prejudices forms part of the process of education and instruction at all levels. In particular, "Social science" is taught at schools of general education, and "Fundamentals of the Mongolian State and law" and "International law" at higher educational establishments.

Under the existing laws, justice in Mongolia is administered by the Supreme Court of the Republic and by the aimak, municipal and district courts. All courts are elected.

The Supreme Court is elected for a term of four years by the Great People's Khural, to which it is accountable.

The aimak and municipal courts are elected for a term of three years by sessions of the aimak and municipal Khurals of people's deputies. Besides professional judges, people's assessors are also elected. Aimak and municipal courts are accountable to the corresponding Khurals of aimak or municipal people's deputies. Circuit and district judges are elected in the same way and for the same term. The people's assessors are likewise elected for a term of three years, at district citizens' meetings.



In administering justice, judges and people's assessors are independent and subject only to the law. This highly important democratic principle is reflected not only in the legislation governing criminal procedure (Code of Criminal Procedure, art. 17), but also in the country's Constitution. Its significance is that it makes it possible for judges to perform their functions and pronounce judgement on the basis of the law, guided by their inner convictions and socialist sense of justice.

Section V of the fifth periodic report

Under article 72 of the Mongolian Constitution, the State Procurator exercises supreme supervisory power to ensure strict observance of the citizen's political, work, housing, individual, property and other rights and interests safeguarded by the law.

In exercising supreme supervision on behalf of the State over the implementation of the country's laws, the State Procurator and the procurators subordinate to him are called upon to take prompt measures to deal with any infringement of the laws, regardless of the offender.

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

Demand from any organizations and institutions any documents, information and other materials they require in connection with their supervisory functions;

Carry out on-the-spot verification on the basis of submissions, complaints and other information concerning the violation of the law;

Require personal explanations from officials and citizens concerning violations of the laws, etc., (Law on Supervision by the Procurator's Office of the Mongolian People's Republic, art. 16).

ANNEX

CRIMINAL CODE OF THE MONGOLIAN PEOPLE'S REPUBLIC

CRIMES AGAINST LIFE, HEALTH, FREEDOM  
AND HUMAN DIGNITY

Article 69. Wilful homicide

Wilful homicide shall be punishable with five to 15 years' deprivation of liberty with or without two to five years' banishment (version of Decree No. 143 of the Presidium of the Great People's Khural of the Mongolian People's Republic of 2 November 1966).

Article 70. Wilful homicide with aggravating circumstances

Wilful homicide:

(a) Resulting from a desire for gain, from hooliganism or from other base motives;

(b) Committed in connection with the performance, by the victim, of his official duties or public activities in the absence of the conditions specified in article 47 of this Code;

(c) Committed repeatedly or by a person previously convicted of inflicting grievous bodily harm or committing robbery with violence;

(d) Simultaneously killing two or more persons or a woman whom the guilty party knew to be pregnant, or committed in a way endangering the lives of many people;

(e) Committed with particular cruelty;

(f) Intended to conceal another crime or facilitate its perpetration

Shall be punishable with 10 to 15 years' deprivation of liberty with or without two to five years' banishment, or with the death penalty. Any person who commits a crime for reasons of gain may be further punished with confiscation of his property (version of Decree No. 143 of the Presidium of the Great People's Khural of the Mongolian People's Republic of 2 November 1966).

Article 71. Wilful homicide committed in a state of acute emotional excitement

Wilful homicide committed by a person in a state of acute emotional excitement provoked by the unlawful violence or outrageous behaviour of the injured party, or by any other unlawful acts committed by the latter, if such acts entailed or could have entailed serious consequences for the guilty party or those close to him

Shall be punishable with three to eight years' deprivation of liberty.

Article 72. Homicide by negligence or as a result of exceeding the limits of self-defence

Homicide by negligence or as a result of exceeding the limits of self-defence

Shall be punishable with up to five years' deprivation of liberty.

Article 73. Wilful grievous bodily harm

(a) Wilful bodily harm endangering life or entailing loss of sight or hearing, or of any organ or its functions, lasting facial disfigurement, interruption of pregnancy, mental illness, or a health impairment combined with continuing loss of at least one-third of the victim's working capacity

Shall be punishable with three to eight years' deprivation of liberty with or without banishment for two to five years.

(b) The same acts, if they result in the death of the victim or amount to torture, are committed repeatedly or are committed by a person previously convicted of wilful homicide or robbery with violence

Shall be punishable with five to 12 years' deprivation of liberty with or without banishment for two to five years.

(c) The acts specified under (a), if committed by the guilty party in a state of acute emotional excitement provoked by the unlawful violence or outrageous behaviour of the injured party, or by any other unlawful acts committed by the latter, which entailed or could have entailed serious consequences for the guilty party or those close to him

Shall be punishable with up to five years' deprivation of liberty (version of Decree No. 143 of the Presidium of the Great People's Khural of the Mongolian People's Republic of 2 November 1966).

Article 74. Grievous bodily harm inflicted through negligence or as a result of exceeding the limits of self-defence

Grievous bodily harm inflicted through negligence or as a result of exceeding the limits of self-defence

Shall be punishable with up to two years' deprivation of liberty or up to 18 months' corrective labour.

Article 75. Bodily harm impairing health

(a) Wilful bodily harm not endangering life or entailing the consequences specified in article 73 of this Code, but impairing health or causing loss of working capacity

Shall be punishable with up to five years' deprivation of liberty.

(b) Bodily harm entailing the consequences specified under (a), if inflicted through negligence or as a result of exceeding the limits of self-defence

Shall be punishable with up to 18 months' corrective labour or with a public reprimand (version of Decree No. 80 of the Presidium of the Great People's Khural of the Mongolian People's Republic of 31 March 1964).

Article 76. Wilful slight bodily harm

(a) Wilful bodily harm not entailing the consequences specified in articles 73 and 75 of this Code

Shall be punishable with up to 18 months' corrective labour, or a fine of up to 1,000 tugriks, or up to one year's deprivation of liberty.

(b) The same acts committed with the use of knives or other weapons or by a group of people or repeatedly

Shall be punishable with up to three years' deprivation of liberty (in the version of Decree No. 80 of the Presidium of the Great People's Khural of the Mongolian People's Republic of 31 March 1964).

Article 77. Assault and torture

(a) The deliberate infliction of blows or deliberate assault, other violent acts causing suffering

Shall be punishable with up to one year's corrective labour, or a fine of up to 300 tugriks, or the application of measures of a social nature;

(b) Systematic assault or other acts amounting to torture

Shall be punishable with up to three years' deprivation of liberty or with up to 18 months' corrective labour;

(c) The acts specified under (a) of this article, if committed repeatedly or with other aggravating circumstances

Shall be punishable with up to two years' deprivation of liberty or up to 18 months' corrective labour (in the version of Decree No. 80 of the Presidium of the Great People's Khural of the Mongolian People's Republic of 31 March 1964).

Article 78. Threat of homicide

A threat of homicide, where there is a fear that this threat may be executed

Shall be punishable with up to four years' deprivation of liberty or up to four years' banishment (version of Decree No. 60 of the Presidium of the Great People's Khural of the Mongolian People's Republic of 24 March 1967).

Article 79. Cruelty towards a person in a dependent situation

(a) Systematic cruelty towards a person who is economically or otherwise dependent on the guilty party, or systematic humiliation of that person

Shall be punishable with up to three years' deprivation of liberty or up to 18 months' corrective labour.



(b) The same acts, if they lead to suicide or attempted suicide  
shall be punishable with up to six years' deprivation of liberty.

Article 90. Evasion of the responsibility to provide  
for children's maintenance

Persistent evasion by parents of their obligation to pay amounts awarded by a court for the maintenance of their children, or failure of parents to maintain their dependent minor children or children who are unfit for work

shall be punishable with up to one year's deprivation of liberty or up to 18 months' corrective labour.

Article 91. Persistent evasion of the obligation  
to assist parents or spouse

Persistent evasion of the obligation to provide material assistance to parents or spouse who are unfit for work and unable to support themselves

shall be punishable with up to 18 months' corrective labour, or a fine of up to 300 tugriks, or the application of measures of a social nature.

Article 92. Libel

(a) The deliberate spreading of lies defaming another person

shall be punishable with up to one year's deprivation of liberty, or up to one year's corrective labour, or the application of measures of a social nature.

(b) Defamation reproduced in print or in some other form, or committed by a person previously convicted of defamation

shall be punishable with up to two years' deprivation of liberty or with up to 18 months' corrective labour.

(c) Defamation combined with the accusation of having committed a serious crime

shall be punishable with up to four years' deprivation of liberty.

Article 93. Insulting behaviour

(a) Wilful disparagement of a person's honour and dignity by word, in writing or in any other form

shall be punishable with up to six months' corrective labour or the application of measures of a social nature.

(b) An insult reproduced in print or in some other form

shall be punishable with up to 18 months' corrective labour, or a fine of up to 300 tugriks, or the application of measures of a social nature.

Article 95. Abuse of guardianship rights

The use of guardianship powers for purposes of gain, or the leaving of a ward unsupervised and without the necessary assistance

Shall be punishable with up to 18 months' deprivation of liberty, or up to 18 months' corrective labour, or the application of measures of a social nature.

Article 96. Unlawful deprivation of liberty

(a) Unlawful deprivation of liberty, if it does not amount to a crime of office, or a crime against justice

Shall be punishable with up to 18 months' deprivation of liberty or 18 months' corrective labour.