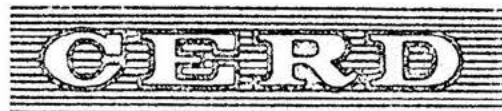


**INTERNATIONAL
CONVENTION
ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION**



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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

Twenty-sixth session

UN/SA COLLECTION

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

Seventh periodic reports of States parties due in 1982

Addendum

MONGOLIA 1/

[12 April 1982]

I. No new legislative acts having a direct bearing on the elimination of racial discrimination and the implementation of the International Convention have been adopted in the Mongolian People's Republic since the submission, in 1981, of the sixth periodic report on this question. All the legislative acts mentioned in the previous report remain in force and are fully respected.

The present report covers the period during which the Mongolian people observed the sixtieth anniversary of the Mongolian popular revolution, which destroyed feudal colonialist oppression and opened up broad prospects for social progress and prosperity.

The Mongolian people has, within a relatively short period of time, effected profound political, social, economic and spiritual changes in the country. From a backward country, Mongolia has been transformed into a socialist State with modern industrial and developing agricultural sectors and a flourishing culture. Social production is steadily increasing. As a result, the workers' material and cultural level of living is rising from year to year. The country is currently pursuing a comprehensive programme aimed at the all-round improvement of its people's material

1/ 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/R.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);
- (6) Sixth periodic report - CERD/C/66/Add.34 (CERD/C/SR.539).

well-being and level of culture. The facts are there to prove the fruitfulness of this programme. Between 1980 and 1960, the population's real income rose by 250 per cent, the volume of the social consumption fund by 450 per cent, and pensions and allowances by 1,170 per cent. There has been considerable success in developing public education, public health and culture. At present, 80 per cent of all persons above the age of 12 have received some form of education, and half of them have either completed or attended secondary school or higher educational institutions. There are now 107 hospital beds and 22 doctors for every 10,000 persons. The country's population has grown almost threefold during the period of popular power and rose by a factor of 1.7 in the past two decades.

Consistent support for the struggle of peoples for social and national liberation and against colonialism, neo-colonialism and all forms of racial discrimination is one of the basic principles of the foreign policy of the Mongolian People's Republic. Addressing the eighteenth session of the Mongolian People's Revolutionary Party, Yu. Tsedenbal, General Secretary of the Central Committee of the Mongolian People's Revolutionary Party and Chairman of the Presidium of the Great People's Khural of the Mongolian People's Republic, stressed that: "The Mongolian People's Republic firmly supports the just struggle of the peoples of Namibia and South Africa for national and social liberation against imperialism, colonialism and racism. It resolutely condemns the policy of the imperialist and hegemonist circles which support the inhuman system of apartheid". The Mongolian People's Republic maintains no trade, diplomatic or other relations with the racist régime of South Africa, supports resolutions on the struggle against racism, apartheid and racial discrimination and complies strictly with all decisions of the United Nations Security Council and General Assembly concerning the isolation of the Pretoria régime. It actively supported the declaration of the Decade for Action to Combat Racism and Racial Discrimination, and is taking an active part in its observance. The Mongolian People's Republic was one of the first States to become a party to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenants on Human Rights, thereby confirming its determination consistently to work for the total eradication of racism and racial discrimination.

II. The Mongolian popular revolution eliminated oppression on grounds of nationality from the country. The nationality question has been fully resolved in the Mongolian People's Republic.

1. As has already been pointed out in previous reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the Mongolian People's Republic has consistently applied and is continuing to apply the Constitutional principle of the equality of citizens, irrespective of their sex, race, nationality, religion or social origin or position. The Constitution of the Mongolian People's Republic, reflecting the essence of the country's socialist socio-economic structure, guarantees citizens of whatever nationality equality of rights in all spheres of official, economic, cultural, social and political life. Any direct or indirect restriction of the rights of citizens on account of their race or nationality and the advocacy of the ideas of racism, chauvinism or nationalism are forbidden by law.

Breaches of this principle are punishable by the courts as criminal offences. The Criminal Code (article 53) provides for the imposition of a penalty in the event of propaganda or agitation aimed at inciting national or racial hatred or discord, of the direct or indirect restriction of rights or of the establishment of direct or indirect privileges for citizens on the basis of their nationality or race.

By propaganda or agitation aimed at inciting national or racial hatred or discord is meant the dissemination by any means of ideas or views likely to provoke an unfriendly or hostile attitude, or mistrust or disdain towards a particular race, nationality or people. Acts that, because of a person's nationality or race, are an affront to his honour or dignity, but which are not aimed at inciting hatred towards a particular nationality or race, do not constitute elements of the crime in question. Such acts may be classed as insulting behaviour (article 93 of the Criminal Code).

There are various ways in which ideas and views which incite national or racial hatred or discord may be disseminated: public statements, dissemination of literature or illustrated material, etc.

The direct or indirect restriction of the rights of citizens on account of their nationality or race may be expressed in various forms of national or racial discrimination: infringement of citizens' rights as regards access to work or education, the registration of marriages, allocation of accommodation, fixing of payment for work done, etc.

The establishment of direct or indirect privileges for citizens because of their nationality or race may include the granting to certain persons, not because of their personal or professional ability but solely because they are of a particular nationality or race, of unlawful advantages and privileges (in access to employment or education, for work done, medical care, the allocation of accommodation, admission to social organizations, etc.).

The crime in question is considered to have been committed from the instant of engagement in propaganda or agitation aimed at inciting national or racial hatred or discord or from the instant of the actual restriction of rights or establishment of privileges.

From a subjective point of view, the crime in question is considered to be a deliberate act. A person who engages in propaganda and agitation is aware that he is disseminating ideas and views likely to incite national or racial hatred or discord and he wishes to arouse such feelings of hostility or discord in others.

With respect to the restriction of rights or the establishment of privileges, the guilty person is aware that his actions result in the infringement of rights or the establishment of unlawful advantages for citizens because of their nationality or race and he wishes to commit such actions.

The commission of the acts referred to under article 53 of the Criminal Code for the purpose of undermining or weakening the Mongolian People's Republic constitutes a particularly dangerous State crime. Any incitement to national or racial hatred or discord that is aimed at undermining or weakening the authority of the State is classified as agitation or propaganda against the Mongolian People's Republic (article 49 of the Criminal Code). Any direct or indirect restriction of rights or the establishment of direct or indirect privileges for citizens because of their national or racial origin, when undertaken with a view to weakening the Mongolian People's Republic is obligatorily classified as an act of sabotage (article 48 (b) of the Criminal Code).

Liability for the crime in question may be incurred by any person, whether a citizen of the Mongolian People's Republic, an alien or a Stateless person, who has attained the age of 16.

Any violation of national and racial equality is punishable by deprivation of liberty for up to three years, or by banishment.

In accordance with article 89 of the Constitution of the Mongolian People's Republic, "Every citizen of the Mongolian People's Republic has an obligation to bring up the younger generation in the spirit of respect for all working people without distinction of nationality".

2. The Mongolian People's Republic was one of the first countries to ratify the International Convention on the Suppression and Punishment of the Crime of Apartheid (8 August 1975) and complies with all its provisions. The provisions of the legislative instruments of the Mongolian People's Republic show that such phenomena as apartheid, racism and racial discrimination are incompatible with the principles underlying the country's socialist society.

The Mongolian people and Government have firmly condemned and continue to condemn the policy of apartheid - a most cruel form of racial discrimination and segregation - pursued by the Republic of South Africa. They demand the immediate implementation by all Governments of the numerous decisions taken by the United Nations on this question.

In accordance with article VI of the Convention, the Mongolian People's Republic strictly fulfils the decisions of the United Nations and other international organizations and bodies aimed at the eradication of apartheid and actively participates in efforts to achieve the purposes of the Convention.

The Mongolian People's Republic, proceeding from its position of principle, provides support and assistance to those fighting against apartheid, colonialism and racism and to national liberation movements in South Africa and Namibia.

All mass media are used to the fullest extent to unmask and condemn the crime of apartheid, and to illustrate and explain the efforts of the international community to eliminate apartheid, and the struggle of the peoples of southern Africa for their freedom and independence, democracy and social progress and against apartheid and racism.

International Anti-Apartheid Year was widely observed in the Mongolian People's Republic.

3. Justice is administered in the Mongolian People's Republic on the principle of equality of citizens before the law and the courts, irrespective of their sex, race, nationality, religion or social, property or occupational status (Act of the Mongolian People's Republic, of 25 December 1978). Article 10 of this Act states that, "in accordance with the Constitution of the Mongolian People's Republic, legal proceedings are conducted in the Mongolian language. Persons not knowing the Mongolian language shall, in accordance with the Constitution of the Mongolian People's Republic, be fully informed through an interpreter of the documents relating to the case and have the right to address the court in their own language". Documents from investigations and court documents are handed over to the accused in a translation into his native language or some other language which he knows. Cases are examined openly in all courts and the right of the accused to defence is ensured. Judges are under an obligation to provide the accused with an opportunity to defend himself in accordance with the procedure established by law and to ensure the protection of his personal and property rights. Judges are independent in their examination of cases and are subject only to the law (articles 70-71 of the Constitution of the Mongolian People's Republic).

Under the Criminal Code, no one may be pronounced guilty of a crime or subjected to punishment except by the judgement of a court.

Accused persons have the right to be informed of the charges against them, to give explanations concerning the charges and to present evidence, to submit a petition, to acquaint themselves with the findings of the preliminary investigation (including all the relevant evidence), to request the removal from the case of officials or witnesses, to lodge complaints against the actions of persons conducting the inquiry and to demand the confrontation of witnesses.

4. In the Mongolian People's Republic, genuine freedom of the person and the rights and interests of individuals are not merely proclaimed, but are genuinely guaranteed and ensured by the entire system of socialist social relations and reliably protected by the law. The legislation of the Mongolian People's Republic protects the life, health, freedom, honour and dignity of the individual and the rights and interests of citizens against any form of infringement.

The Criminal Code of the Mongolian People's Republic contains a separate chapter (articles 69-96) concerning the penalties for crimes against man's inalienable blessings - life, health and freedom. Persons committing such crimes are held criminally responsible in accordance with articles 69-96. (These articles are described in detail in the sixth periodic report).

5. Irrespective of their sex, race or nationality, citizens of the Mongolian People's Republic have the right freely to participate in the administration of the State and society and also in the management of the country's economic life through their representative bodies, the people's Khurals, and through trade unions, youth and other organizations. This right is ensured by providing all citizens with 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, referendums, etc. All citizens who have attained the age of 18 are granted the right to vote in elections and to be elected to all organs of State power (article 81 of the Constitution of the Mongolian People's Republic).

As regards political rights, the principal example of the implementation of this principle during the period under consideration, is provided by the results of the regular elections to the Great People's Khural and local official bodies which were held on 21 June 1981. The elections demonstrated once again the flowering of socialist democracy. The results of these elections show that, of the 370 deputies in the Great People's Khural, and, the 15,313 deputies in the local government bodies, 81 (or 22.7 per cent) and 3,508 (or 22.9 per cent) respectively were elected from among representatives of a national minority.

6. 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) and also enjoy freedom of movement within the boundaries of the territory of the Republic (article 4 of the Family Code of the Mongolian People's Republic).

7. 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. Citizens of the Republic wishing to visit relatives or friends living abroad submit their applications to local police authorities and receive the relevant documents in accordance with the Regulations concerning exit from and entry into the Mongolian People's Republic on private business (1975).

Applications by citizens of the Mongolian People's Republic concerning travel abroad for the purposes of medical treatment are examined on the basis of certificates from medical committees and official permits from medical institutions.

8. The right to citizenship is governed by the Citizenship Act of the Mongolian People's Republic as confirmed in December 1974 by a Decree of the Presidium of the Great People's Khural of the Mongolian People's Republic. Article 3 of that Act provides for the recognition as citizens of the Republic of infants who have been born in the territory of the Mongolian People's Republic or of another State and one of whose parents is a Mongolian citizen; infants of aliens adopted by persons one of whom is a citizen of the Mongolian People's Republic; and children who have crossed into the territory of Mongolia or have been found within its borders and whose parents are unknown.

The question of dual citizenship is regulated by treaties or agreements between the Republic and the States concerned.

Aliens are granted Mongolian citizenship upon their own application and irrespective of their race, nationality or religion (article 6). An application by an alien for admission to Mongolian citizenship may be refused if the person concerned is serving a sentence under the Mongolian Criminal Code or is under investigation, mentally ill or feeble-minded, or for a number of other reasons specified by law.

9. 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. In accordance with article 3 of the Family Code of the Mongolian People's Republic (1973), joint conjugal life is based on the principles of voluntary mutual love and respect and on the mutual assistance of the persons entering into the marriage. No restriction of citizens' rights or discrimination on grounds of sex, race, nationality or religion is permitted at the time of marriage or in other family relations.

10. 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 right to own personal property is protected by law.

The law permits property to be owned jointly by two or more citizens. 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, irrespective of their sex or age.

The Constitution of the Mongolian People's Republic prohibits the use of personal property to the detriment of State and social interests. Property may not be used for the production of unearned income.

11. Every citizen of the Mongolian People's Republic, with the exception of persons who have committed the premeditated murder of an heir or of any 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, has the right of legal or testamentary succession.

Every citizen may, by making a will, leave all 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, dividing the property between them as he deems appropriate.

12. Citizens of the Mongolian People's Republic are granted freedom of worship and freedom of anti-religious propaganda.

However, the law of the Mongolian People's Republic does not permit the abuse of this freedom in order to disparage the reputation of others or to disseminate ideas or concepts directed against State security, social order, health or public morals.

13. The Constitution of the Mongolian People's Republic states that "Citizens of the Mongolian People's Republic have the right of association in social organizations: trade unions, co-operative associations, youth, sports and other organizations, cultural and scientific societies, as well as societies aimed at strengthening peace and friendship among peoples, etc."

The Mongolian trade unions are the largest workers' organizations in the country. They have 360,000 members, of whom 57.2 per cent are manual workers. In the Mongolian People's Republic, there are 24 aimak (regional) and municipal trade union councils, headed by the Central Council of Mongolian Trade Unions. The trade unions now comprise more than 5,700 trade union groups, with 124,400 active members, i.e., every third member of a trade union is an active member.

The trade union organizations, which fulfil particular functions of State organs, have in recent years instigated the drafting and adoption of more than 200 legislative acts. They deal daily with questions of social insurance, the organization of treatment at sanatoria and health resorts and of workers' leisure. Mongolian trade unions make a significant contribution to the instilling in the broad masses of the workers of a spirit of intolerance towards racial prejudice.

14. In accordance with the relevant legislative act, provision is made for the equitable distribution of housing to citizens without any discrimination. In the period 1976-1980, the volume of housing construction in the Mongolian People's Republic rose by between 80 and 90 per cent. The rapid increase in housing construction has been accompanied by steady improvement in housing conditions and the level of amenities available in homes. During the next five-year period, it is planned to construct dwellings with a total of 830,000 square metres of living space.

15. Whatever their sex, race, nationality, social origin or status 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 assistance under the social insurance scheme and of State pensions, as well as by the broad development of a network of medical institutions, free medical attention for workers and the development of the labour protection system.

The Health Protection Act of the Mongolian People's Republic states that "citizens of the Mongolian People's Republic are guaranteed generally-accessible, free and qualified medical assistance"; this is provided by State public health institutions. There are at present in operation in the country 54 aimak and municipal amalgamated and specialized hospitals, 50 inter-district hospitals, and 282 medical and 1,095 midwifery centres.

In every year of the past two decades, the State has earmarked 10 per cent of its budget for the protection of the health of the people. There is one doctor for every 470 persons, and each citizen has the possibility of visiting a doctor eight times a year.

Citizens of the Mongolian People's Republic receive considerable material assistance through the system of State social security and insurance and in the form of the help provided to the working people by State and social organizations. This includes annual payment by the State of monetary allowances to mothers of large families and grants and payments out of the special funds of trade unions. At present, there are more than ten types of pensions and allowances in the Mongolian People's Republic, including pensions for old age, invalidity and the loss of the breadwinner. 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 Act on State pensions (28 March 1958), the Rules governing the payment of allowances out of State and social insurance funds (18 November 1974), and others.

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

16. All citizens of the Mongolian People's Republic, irrespective of nationality or race, are guaranteed the right to education from the primary school level to that of higher educational institutions. At present, every fourth citizen of the Mongolian People's Republic attends an educational institution. With every passing year, the volume of instruction is expanding at all levels within the public education system. At present, for every 10,000 persons in the country, there are 2,372 students in general educational schools, 140 in higher educational institutions, and 246 in specialized secondary schools and in vocational establishments. General educational and higher educational establishments pay special attention to bringing up the younger generation in a spirit of friendship among peoples and of intolerance towards discrimination based on race and nationality.

17. Whatever their sex, race, nationality, religion or social origin or status, citizens of the Mongolian People's Republic have the right to participate in the cultural life of the country. An extensive network of cultural and artistic institutions has been created with a view to ensuring the exercise of this right. There are at present in the country 15 theatres, 772 libraries, 411 palaces of culture and 30 museums.

With regard to the questions raised by a number of members of the Committee during the consideration of its sixth report, the Mongolian People's Republic offers the following explanations:

1. Implementation of article 7 of the Convention

The Mongolian People's Republic has always made and is continuing to make intensive efforts to educate all citizens, particularly young persons, in a spirit of internationalism and of friendship among peoples, in a spirit of opposition to all forms of racial prejudice. In the Republic, study of the provisions of Mongolian legislation and the rules of international law concerning the equal rights of all races and peoples begins in school. These questions are studied in secondary schools as part of the courses on "Fundamentals of the Mongolian State

and law" and "Social science". In addition, secondary schools have once-weekly political education courses during which students discuss current international events. This subject is studied in greater detail in the universities and other higher educational institutions.

A major role is played by the mass media, which popularize the ideas of national and racial equality, friendship and mutual understanding among peoples. Periodicals, radio and television acquaint the public at large with the international struggle against racism and racial discrimination and the role played by the United Nations in intensifying this struggle.

Campaigns are constantly conducted in the Mongolian People's Republic in support of peoples fighting against racism, racial discrimination and apartheid and in favour of the just struggle of peoples for their independence. For example, every year there are public meetings devoted to the International Day for the Elimination of Racial Discrimination, the Day of Solidarity with the Struggle of the Arab People of Palestine for their Rights, the Day of Solidarity with the People of Namibia, and Africa Day. Wide publicity is given in the Mongolian People's Republic to measures taken by the United Nations and other international organizations in connection with the Decade for Action to Combat Racism and Racial Discrimination.

2. Equal pay for equal work. Termination of a work contract.

(1) In accordance with the Constitution, and regardless of their sex, race, nationality or religion, 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 all the advantages accruing from the socialist economic system, which gives each citizen the opportunity to employ his knowledge and labour in any branch of the economy and culture, and to receive a guaranteed recompense according to the labour expended.

The right of 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.

The Labour Code of the Mongolian People's Republic (3 July 1973) states that "Manual and non-manual workers have the right to State-guaranteed wages commensurate with the quantity and quality of the work done". The wage scale is established on the basis of the workers' qualifications and working conditions. Manual and non-manual workers employed in difficult or unhealthy surroundings or in harsh climatic conditions are granted certain privileges and additional wages.

In addition to the basic wage, there is a well-ordered system of material incentives. For honest and conscientious work and outstanding production, the administrations of enterprises, establishments and organizations are empowered to offer encouragement in the form of certificates of gratitude, monetary bonuses, valuable gifts or testimonials. They may also nominate manual or non-manual workers for State decorations (Labour Code, article 116).

Manual and non-manual workers who successfully and conscientiously fulfil their labour obligations are granted advantages and privileges in the socio-cultural field and in respect to living conditions (sanitoria passes, improved housing, etc.).

The level of wages is constantly rising. In the period 1976-1980, the average monthly wage of manual and non-manual workers increased by four per cent and the average annual income of members of public-sector agricultural combines by 13 per cent. The Basic Guidelines for the development of the national economy and culture of the Mongolian People's Republic in the period 1981-1985 provide for increases in the real and monetary assets of the population as follows: rises of 4-6 per cent in the average monthly wages of manual and non-manual workers and of 20-23 per cent in the average monetary income of members of agricultural combines.

In accordance with the Labour Code of the Mongolian People's Republic, all enterprises and establishments are required to create healthy and safe working conditions, to introduce modern safety techniques and to ensure conditions of health and hygiene designed to prevent the occurrence of occupational diseases among manual and non-manual workers.

(2) The administrations of enterprises, institutions and organizations may take steps to terminate contracts of employment concluded for an indefinite period or to terminate prior to their expiry contracts of employment concluded for a fixed term in the following cases:

(a) Liquidation of the enterprise, institution or organization or reduction in the number or status of workers;

(b) Unsuitability of a manual or non-manual worker for the work to be performed or the position held because his lack of qualifications or his state of health prevents him from continuing in such activity;

(c) Systematic failure by a manual or non-manual worker to fulfil his obligations under the contract of employment, or violation of the factory labour regulations, absence without due cause or appearance at work in a state of intoxication if he has already been subjected to disciplinary measures or social punishment;

(d) Commission by a worker performing educational functions of an immoral act incompatible with his continuation of the work in question;

(e) Reinstatement of a manual or non-manual worker who previously carried out the work in question;

(f) Commission of offences by a worker dealing directly with money or valuables if such actions provide grounds for a loss of faith in him on the part of the administration.

A manual or non-manual worker has the right voluntarily to terminate a contract of employment concluded for an indefinite period by giving two weeks' notice to the administration. Upon the expiry of this period, the administration of the undertaking, institution or organization is required to hand over to the worker his labour book and to settle accounts with him.

A manual or non-manual worker may voluntarily terminate a contract of employment concluded for a fixed term by giving three days' notice to the administration:

(a) In the event of illness or invalidity which prevents him from performing the work specified in the contract;

(b) In the event of the systematic failure of the administration to respect the relevant labour legislation or its obligations under a collective or individual contract of employment;

(c) For any other valid reasons.

At the request of a trade union organ (not below the level of an aimak or municipal council), an administration is required to terminate a contract of employment with a leading worker or to remove him from his post if he violates labour laws, fails to fulfil his obligations under a collective contract, or adopts bureaucratic attitudes or tolerates red tape.

The worker or the administration may appeal against the request of the trade union organ to a higher trade union organ, whose decision is final.

EXTRACTS FROM LEGISLATION CONCERNING THE PROHIBITION OF ALL FORMS
OF DISCRIMINATION BASED ON NATIONALITY AND RACE

Code of Criminal Procedure of the Mongolian People's Republic

Article 18. The language of court proceedings

Court proceedings shall be conducted in the Mongolian language. Persons not knowing the Mongolian language are guaranteed the right to the services of an interpreter in order that they may acquaint themselves fully with the material in the case and the right to make statements, to give evidence and to address the court in their native language or in another language which they know.

Article 20. Ensuring the right of an accused person to defence

An accused person has the right to defence.

It shall be compulsory for the investigating magistrate, the procurator and the court to ensure that an accused person has the possibility of defending himself in accordance with the procedure established by law against the charge made against him and of protecting his personal and property rights.

Article 47. Mandatory participation of a person appearing on behalf of the accused */

The participation in court proceedings of a person appearing on behalf of the accused shall be mandatory for cases:

- (1) In which the State Procurator or another public prosecutor participates;
- (2) Involving dumb, deaf, blind and other persons who, because of their physical or mental defects, are unable themselves to exercise their right to defence;
- (3) Involving minors;
- (4) Involving persons not knowing the Mongolian language;
- (5) Between persons with conflicting interests and in which one of those persons has someone to appear on his behalf;
- (6) Involving persons brought before the court for crimes for which the death penalty may be imposed.

With regard to the cases mentioned in paragraphs 2 and 3 of this article, the participation of a person appearing on behalf of the accused shall also be mandatory during the preliminary investigation.

*/ Translator's note: The Russian term "zashchitnik" denotes the lawyer, close relative or official of a State, trade union or voluntary organ who speaks and presents evidence for the accused. A court may authorize other persons to fulfil these functions.

When in cases referred to in this article, neither the accused himself, his legal representative, one of his relatives, nor any other persons acting at his request or with his consent has invited any person to appear on his behalf, it shall be compulsory for the investigator or the court to ensure the participation of such a person in the proceedings.

Article 64. Removal of an interpreter.

An interpreter may not participate in criminal proceedings where the grounds mentioned in article 57 of this Code exist or where his incompetence has been demonstrated.

Where such grounds exist, the interpreter's removal may be called for by a suspect, an accused person, the prosecutor, the counsel for the defence, the injured party, the civil plaintiff, the civil defendant or their representatives.

The fact that a person has previously participated in the case as an interpreter does not constitute grounds for his removal.

Decisions as to the removal of an interpreter shall be taken: during an inquiry, by the person conducting that inquiry; during a preliminary investigation, by the investigator or the procurator; and in a court, by the court examining the case in question.

Article 139. Participation of an interpreter.

In the cases provided for in article 18 of this Code, a person conducting an inquiry or an investigator shall, in the performance of their functions, call on the services of an interpreter. In that event, the person conducting the inquiry or the investigator shall inform the interpreter of his rights and duties and warn him of the penalties for giving a deliberately false translation; the performance of this obligation shall be noted in the record of the relevant investigatory process and confirmed by the interpreter's signature.