



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
23 August 2019

Original: English

Committee on the Elimination of Racial Discrimination Ninety-ninth session

Summary record of the 2754th meeting

Held at the Palais des Nations, Geneva, on Friday, 16 August 2019, at 10 a.m.

Chair: Mr. Amir
later: Mr. Murillo Martínez (Vice-Chair)
later: Mr. Amir

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined twenty-third and twenty-fourth periodic reports of Mongolia (continued)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.19-13977 (E) 220819 230819



* 1 9 1 3 9 7 7 *

Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



The meeting was called to order at 10 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Combined twenty-third and twenty-fourth periodic reports of Mongolia (continued)
([CERD/C/MNG/23-24](#) and [CERD/C/MNG/Q/23-24](#))

1. *At the invitation of the Chair, the delegation of Mongolia took places at the Committee table.*
2. **Mr. Bilguun** (Mongolia) said that the National Statistics Office of Mongolia had collected data on ethnic groups through population and household censuses, but those data had not been included in the report, owing to space constraints. According to the 2015 intercensal survey, the total population was around 3.5 million, including 28 ethnic groups, the largest of which had over 2.5 million members and the smallest only 7.
3. There were over 35,000 foreign nationals in Mongolia. Of those granted working visas, most were employed in the construction, mining and education sectors. Seven individuals registered with the Office of the United Nations High Commissioner for Refugees resided temporarily in Mongolia. Only one resident was registered as having entered the country illegally, and he had been granted a residency permit. The law provided that all persons who entered Mongolian territory legally, regardless of their status, had the same rights and obligations as Mongolian citizens, with the exception of military service.
4. All residents in Mongolia had the right to choose where they lived. The fact that Bayan-Ulgii province was inhabited mainly by ethnic minority groups was entirely a matter of free choice. Mongolia was a unified country, the laws of which were decided by the national parliament. Local governments did not have the authority to pass laws and were able to adopt only administrative acts. The proportion of persons with disabilities among the Tsaatan population was relatively high inter alia because of accidents and a Tsaatan cultural practice which prohibited intermarriage with people from other cultures.
5. **Mr. Nyam-Ochir** (Mongolia) said that there were six special education schools and two special education kindergartens in Mongolia, all of which were located in Ulaanbaatar. Outside the capital, special needs education was provided through groups at mainstream schools. The Government implemented an inclusive education policy, which meant that all children with special needs were accommodated at mainstream schools. Each district took stock of the number of children with special needs, and resources were allocated accordingly, including textbooks and specialized teachers. Education, culture and health committees in schools also provided support for children with special needs.
6. **Ms. Oyu** (Mongolia) said that, following the adoption of the Law on the Rights of Persons with Disabilities, a national policy to support the rights of persons with disabilities had been adopted and a specialized unit within the Ministry of Labour had been created to ensure its implementation. A national programme on the rights, participation and development of persons with disabilities had also been launched, and units had been created in the 21 provincial governments and in the capital to support the implementation of the law. The Government had consulted persons with disabilities when drafting the law.
7. The national employment support programme included specific support for persons with disabilities. In 2018, 3.6 billion tugriks had been allocated to such activities. Over 5,000 persons with disabilities had in some way taken part, including around 1,300 who had found employment. Special support was also provided to the parents of children with disabilities and to businesses run by the families of persons with disabilities. In addition, labour laws provided that all organizations with 25 employees or more must employ at least one person with disabilities, on penalty of a fine.
8. The main challenge to implementation of the rights of persons with disabilities was negative social attitudes. To combat the problem, the Government employed 32 national trainers to provide organizations with training on the rights of persons with disabilities.
9. **Mr. Bilguun** (Mongolia) said that, according to a study of the 28 ethnic groups in Mongolia, around 28,400 Kazakh individuals, 1,600 Tuva persons and 70 Tsaatan individuals

over the age of 15 years were in employment, primarily in the agricultural, fishing, reindeer herding and commercial sectors. The unemployment rate among those three ethnic groups remained high. A study on unemployment among Kazakhs had found that the main cause of unemployment – accounting for 43 per cent of cases – was that the respondents were studying. He detailed the various other reasons given by respondents for their unemployment, which included retirement, work in the home and disability, and which indicated that the inability to find work accounted for about 9 per cent of cases. Disaggregated data on unemployment were also available for the Tuva and Tsaatan populations.

10. **Mr. Nyam-Ochir** (Mongolia) said that the education system in Mongolia comprised several stages: preschool, primary, secondary, high school and higher education. Primary education covered ages 6 to 10, and basic secondary education covered ages 10 to 14. When the report stated that 32.7 per cent of the Tsaatan population had primary-level education, the implication was that they had not continued with their schooling beyond that level.

11. In 2015, the parliament had adopted a national education policy which established the right of minorities to learn their own languages. The dual language programme had been introduced to allow students to study both Mongolian language and minority languages. Although it had had a positive impact on students, studies had shown that the level of Mongolian language knowledge had dropped among children from minority groups. The Government was aware that it needed to allocate more resources to Mongolian language teaching and to inform citizens about the economic benefits of learning the language. The central education authority had a department for developing scientific teaching methodologies and monitoring the implementation of the dual language programme, in particular the teaching of the Mongolian language. The Government also embraced good practices used in other countries with regard to dual language education.

12. The Law on Mongolian Language stipulated that support must be provided to minority languages through education and training. The national cultural policy included support for minority languages. For example, the Mongolian National Broadcaster aired a programme in the Buriat language, and Tsaatan children who lived in settled areas were taken on trips to witness the way of life of traditional Tsaatan communities. The law also granted special status to native languages and stipulated that ethnic minorities had the right to learn and preserve their languages. Ethnic languages were considered to be a component of the country's intangible cultural heritage and were protected as such through a national programme.

13. **Ms. Myagmarsuren** (Mongolia) said that data regarding unemployment was obtained inter alia from the census, which was conducted every 10 years. The statistics from 2010 indicated that there had been a high rate of unemployment among the Tuva people, while the overall unemployment rate in Mongolia had stood at approximately 15 or 20 per cent. Unemployment had since declined, both nationally and among the Tuva minority, and figures from the 2020 census might be quite different.

14. **Mr. Bilguun** (Mongolia) said that there were no specific legal provisions that protected the right to prior consultation of persons living in areas affected by mining activities. However, in accordance with general administrative laws, all individuals were entitled to participate in decision-making if they so wished. For a mining company to obtain a mining licence, it sent the territorial cadastre for the area in question with an application to the local governor, who ultimately made the decision as to whether the land could be mined. Once a mining request had been received, the governor consulted with local representative legislative bodies, which in turn consulted the local population. Pursuant to the Law on Administrative and Territorial Units of Mongolia and their Governance, civil society groups must inform the public authorities of their views regarding proposed prospecting activities before a decision was made to issue a permit.

15. Mongolia had four categories of protected areas: strictly protected areas, national parks, nature reserves and natural monuments. In line with a parliamentary decision of 2011, the area of Tsaagan nuur soum, where most of the ethnic minority of Tsaatans lived, had been designated as a protected area, which limited the issuance of mining licences. No artisanal mining activities had been registered in that area.

16. There were over 80 laws that contained provisions prohibiting racial discrimination, but no single law was in place dedicated solely to combating it. The Government had

requested the National Legal Institute to conduct studies on the benefits of introducing anti-discrimination legislation, but the results had been inconclusive. Nonetheless, the authorities were aware that the implementation of the numerous laws with clauses prohibiting racial discrimination was insufficient to tackle the problem, as public understanding of those laws was lacking. The Government would continue to consider drafting a unified law on racial discrimination. The Ministry of Justice and Home Affairs evaluated the implementation of national laws every five years. The authorities would have a clearer idea of whether to draft such legislation following the outcome of the next evaluation.

17. The Law on the Legal Status of Lawyers stipulated that the members of the judiciary were to be given one hour per year of mandatory training on human rights. The training did not focus specifically on racial discrimination, but it was integrated within the course. The training curriculum had been developed by the Bar Association and approved by the National Human Rights Commission. The National Programme on Improving Public Legal Education had been adopted in 2018 and was implemented by the Ministry of Justice and Home Affairs. Human rights-based training courses were a component of the Programme. While the courses did not refer specifically to the Convention, the training of paralegals under the Programme specifically referred to the Convention.

18. *Mr. Murillo Martínez, Vice-Chair, took the Chair.*

19. **Ms. Oyu** (Mongolia) said that the Constitution stipulated that international treaties to which Mongolia was a party would become part of domestic law once they had been ratified. However, if it was found that an international treaty was not in line with the Constitution, it would not be ratified.

20. **Mr. Bolt** (Mongolia) said that, in 2015, 20 persons had been investigated for their involvement in nationalist non-governmental organizations (NGOs). Eight of those persons had been convicted and two had been sentenced to prison. As NGOs did not keep records of their membership, it was impossible to know how many followers they had.

21. **Mr. Bilguun** (Mongolia) said that the Dayar Mongol organization had not been officially registered with the authorities. The Government had not dissolved the organization, but the organization had itself disbanded.

22. *Mr. Amir resumed the Chair.*

23. **Mr. Bolt** (Mongolia) said that four cases of hate crimes had been reported in 2018. The cases in question had involved robberies and were not dealt with as hate crimes per se, so the Government had not included them in its State party report.

24. **Mr. Bilguun** (Mongolia) said that under the Criminal Code, penalties could be handed down in the form of fines that were imposed in terms of settlement units, which were equivalent to about USD 0.40. There were currently four nationalist NGOs officially registered in the country. Such organizations never clearly mentioned their nationalist leanings during the registration process. For example, Bosoo khukh Mongol had been established in 2017 as a public oversight NGO, but the National Police Agency was now monitoring its activities following reports that it was inciting racial hatred.

25. The revised draft law on non-governmental organizations would soon be submitted to the parliament for approval. The revised draft contained a provision that prohibited discrimination on a number of grounds, one of which was race. It also stipulated that an NGO would be dissolved if it was ascertained that it had committed an act of racial discrimination.

26. **Ms. Oyu** (Mongolia) said that Mongolia had not acceded to the 1951 Convention relating to the Status of Refugees. However, the Constitution provided that any foreigners who had been subjected to discrimination in their country of origin for political reasons could seek asylum in Mongolia. Under the Criminal Code, an individual who illegally crossed the border into Mongolia to seek asylum could not be held criminally liable for illegal entry. The Government was working with the Office of the United Nations High Commissioner for Refugees (UNHCR) to shape its refugee policy. Refugees were initially entitled to stay in Mongolia for a period of 6 to 12 months, after which they could move to a third country. Between 2007 and 2019, UNHCR had recorded a total of 66 asylum seekers and refugees who had sought and received residency in Mongolia.

27. **Ms. Myagmarsuren** (Mongolia) said that Mongolia had in 2015 acceded to the International Labour Organization (ILO) Employment Service Convention, 1948 (No. 88) and the ILO Private Employment Agencies Convention, 1997 (No. 181). New amendments had been drafted to the Labour Law to harmonize it with the ILO Conventions, and the amendments included a reference to tripartite agreements. Additional requirements for employers had also been introduced into the Employment Promotion Law.

28. **Mr. Bilguun** (Mongolia) said that the budget of the National Human Rights Commission had been reduced in 2016 by 100 million tugriks owing to an economic crisis that had resulted in cutbacks for all State bodies. In 2017, the budget for the Commission had increased to almost 800 million tugriks, and in 2018 to over 1 billion tugriks. The budget for 2019 was roughly the same as for 2018. The revised draft law on the National Human Rights Commission had been submitted to the parliament for approval. The draft contained provisions increasing human resources and the budget.

29. **Mr. Bold** (Mongolia) said that, since 2015, crimes committed on grounds of racial or other discrimination had been punishable by between 5 and 12 years of imprisonment. If the discrimination was carried out by an organization, the sentence ranged from 5 to 20 years' imprisonment.

30. Only one mining licence had been issued on the territory where the Tsaatans resided, and mining activities were no longer taking place there. Although some sources estimated the total number of Tsaatans at 200 or 300, 600 people had self-identified as belonging to that group. Foreign nationals and stateless people residing in Mongolia had the same rights and obligations as citizens, except for the obligation to serve in the military. Four cases of hate speech had been investigated in 2018, and no cases had been investigated so far in 2019.

31. **Ms. Myagmarsuren** (Mongolia) said that the delegation had noted the Committee's recommendation to ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), and would convey that suggestion to the Government.

32. **Ms. Oyu** (Mongolia) said that there were currently 10,000 foreign nationals working in Mongolia. In 2007, a labour exchange programme agreement had been signed between Mongolia and the Democratic People's Republic of Korea. In 2017, there had been 1,000 citizens of that State working in Mongolia under the terms of the agreement. However, in 2017, pursuant to Security Council resolutions imposing sanctions on the Democratic People's Republic of Korea, the programme had been discontinued.

33. All police officers were bound to observe article 14 of the Constitution, which prohibited any discrimination against persons based on their nationality, ethnicity, language, race, or other characteristics. Individuals who suffered any form of discrimination at the hands of a law enforcement officer could complain confidentially by calling the 126 telephone hotline. So far, no cases of proven misconduct by police officers had been recorded.

34. While the Government could not comment on the reasons underlying the decisions taken by individual Kazakh nationals to return to their home country, it was likely that many of them had been influenced by the call issued by the former President of Kazakhstan, Nursultan Nazarbayev, for the diaspora to return to their homeland. The fact that dual citizenship was not allowed under Mongolian law was likely to be another factor that had accounted for the departure of some 60,000 people from Mongolia to Kazakhstan. However, the number of former Mongolian citizens returning from Kazakhstan and asking to restore their Mongolian citizenship had been steadily increasing in recent years. She cited statistics indicating that there had been an increase in the number of marriages between Mongolian women and Chinese men, and that in total, around 6 per cent of the Mongolian women who married entered into marriages with foreign nationals.

35. **Mr. Bilguun** (Mongolia) said that paralegals and lawyers received completely different training and performed very different roles. Lawyers were officially registered with the Mongolian Bar Association, while paralegals were from different backgrounds and professions but had limited legal training that they put into practice to help various sectors of the population.

36. **Mr. Yeung Sik Yuen** (Country Rapporteur) said that the Committee had, in its previous concluding observations (CERD/C/MNG/CO/19-22), recommended that the State party should abolish the numerical threshold for the entry and residence of non-citizens and take action to eliminate any administrative obstacles to foreigners exiting the country. Recent reports suggested that foreign businessmen, in particular, had been asked to pay money to the State before being allowed to leave the country. The Committee would like some clarification from the delegation regarding the Government's policy.

37. Although the delegation had rightly pointed out that most Buriad people lived outside Mongolia, there was a considerable number living in the territory of the State party. He therefore repeated his question about the measures taken by the Government for the protection of minority languages classified as endangered by the United Nations Educational, Scientific and Cultural Organization (UNESCO). What had been done to promote and protect the Buriad language?

38. The Committee would be grateful for further information on the processes in place for including residents in decision-making with respect to mining and other land development processes. He thanked the delegation for the information on convictions for offences related to discrimination handed down during the reporting period. The Committee would welcome information on the number and type of charges brought against the individuals in question, as well as on the sentences imposed by the courts.

39. Several issues remained unclear with respect to the Dayar Mongol organization. In the periodic report, it was listed as an officially registered organization, yet the Government had claimed in its replies that the group was no longer registered. He would welcome clarification on its current status, particularly in the light of the fact that a number of individuals on social media platforms claimed to be members of that group.

40. **Mr. Avtonomov** said that the State party should consider examining why the statistics regarding the number of Tsaatans residing in Mongolia varied so widely. It might be that people were more willing to self-identify once certain measures had been taken in favour of a particular minority. It was preferable for official statistics to be as inclusive as possible. The participation of Mongolia in the International Decade for People of African Descent would be beneficial both for the State party and the international community. He would like to know whether any programmes were in place for cooperation between the State party and the Russian Federation and Kazakhstan for the benefit of minority populations that also lived in those countries. It would perhaps be advisable for the State party to continue or revive cooperation activities aimed at preserving the languages and cultures of minorities such as the Buriad and Tuva communities.

41. **Mr. Bilguun** (Mongolia) said that the delegation would consult the UNESCO national committee about the preservation of the Buriad language and would report back to the Committee at a later stage. With respect to consultation and prior and informed consent on the granting of mining licences, he wished to stress that the Government consulted with residents before adopting any changes in land policies. However, the law did not stipulate that information must be supplied in writing or in any particular form. When an administrative decision was taken, the relevant authority decided how many consultations were to be held and who would participate in them. If the area concerned was covered by a mining licence, there was no legal requirement to provide written notices to the local population.

42. **Mr. Bold** (Mongolia) said that the sentences handed down following convictions for offences related to discrimination had included a year's imprisonment, fines of 10 million tugriks and release on the condition of not leaving the country.

43. **Mr. Bilguun** (Mongolia) said that the 18 NGOs mentioned in the periodic report as having nationalistic views had never defined themselves as nationalistic. Rather, they had been defined as nationalistic by the police, on the basis of their inquiries and investigations. In response, the police undertook measures to prevent such organizations from engaging in violence. The Dayar Mongol organization had, as mentioned, voluntarily disbanded and was no longer registered with the State authorities. The former head of the organization had made a public announcement to say that the logos and garments of the organization had been returned and that the organization itself no longer existed. The authorities would be pleased

if the number of people of Tsaatan ethnicity was increasing, as the Government was keen to preserve the culture, traditions and language of that ethnic minority. As the Buriad minority lived on the territory of three countries, the Government would willingly cooperate with the other two States for the preservation of the Buriad language and culture. It would report back to the Committee on those endeavours in its next periodic report. Reference to the “official registration” of an organization meant its registration as an environmental or public oversight organization, not as a nationalistic organization.

44. Under the Constitution, international treaties were given domestic effect upon their ratification, but the delegation acknowledged that the provisions of those treaties were not sufficiently leveraged by the courts. The Government therefore needed to make more concerted efforts to provide training and implement awareness-raising measures for judges, prosecutors and law enforcement officials.

45. The Human Rights Subcommittee and the National Human Rights Commission were separate bodies. The Subcommittee operated under a standing committee of the Mongolian parliament and was comprised of parliamentarians. It developed human rights policy documents and suggestions which its parent body, the standing committee, submitted to the parliament for deliberation. For their part, the members of the National Human Rights Commission were not parliamentarians, but they were appointed by the parliament. The Commission was entirely independent and issued suggestions and recommendations regarding human rights questions in Mongolia, including suggestions for the adoption of legislation. It conducted research and studies to identify whether national legislation was in line with ratified conventions; it also conducted training for the general public and for various organizations. It was the Commission that submitted information to international human rights treaty bodies.

46. A revised draft law on the National Human Rights Commission had been submitted to the parliament. The Commission was currently limited to issuing recommendations. Under the revised draft law, it would be able to take more concrete action in the event of human rights violations. It would also have an additional member, and its mandate regarding the implementation of international instruments would be expanded.

47. **Mr. Nyam-Ochir** (Mongolia) said that, since the adoption of the Constitution in 1992, Mongolia had been making significant efforts to safeguard human rights and democratic principles. The national legislation included provisions calling for education on human rights, and the subject was included in curricula at all levels, from primary to higher education. At the secondary level, human rights were included in the sociology curriculum. The School of Law of the Mongolian National University provided modules on human rights and international human right law in its bachelor’s, master’s and PhD courses. Since 2013, over 17,000 students had participated in elective courses on human rights. Teacher training universities also held courses on human rights. As a result, students had gained a better understanding of issues of discrimination and of their own rights.

48. **Ms. Myagmarsuren** (Mongolia) said that there had been over 10,000 foreign nationals with work permits in Mongolia in 2018. Their rights were protected under the national legislation on migrant workers. A bill had been drafted that would increase the accountability of employers with regard to migrant workers. Under that draft legislation, employers would be deprived of their right to employ migrant labour if it was ascertained that their workers’ salaries were not paid or that workplace safety was not ensured. The labour inspectorate was responsible for overseeing respect for the rights of migrant workers. There were 137 labour inspectors in the country, including 32 health inspectors and 66 safety inspectors.

49. **Mr. Calí Tzay** said that he would like to know why so few of the ethnic minorities in the country self-identified as indigenous. He would appreciate further information regarding the licences granted to mining companies and would like to know whether mining companies were still authorized to return to areas in which mining activities had been halted. Given that the principle of consultation was established in the country’s legislation, the delegation should indicate whether consultations were undertaken before the Government issued mining licences, in order to ensure that the Government had the consent of the affected indigenous peoples. In view of the concerns expressed in the report of the Special Rapporteur on the

issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment on his mission to Mongolia (A/HRC/37/58/Add.2), it would be helpful to the Committee if the delegation indicated whether there were any measures in place to reduce the production of coal and its impact on ethnic minorities.

50. **Mr. Diaby** said that he would like to know whether the Government planned to take measures to revoke the registrations or authorizations of organizations that claimed to be operating in the environmental sphere but were, in fact, nationalist organizations. Noting that, under the national legislation, nationality could be withdrawn, he asked the delegation to indicate whether there were any mechanisms in place to prevent statelessness. Did the Government plan to ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness? He would also appreciate statistics on the population of African descent in the country and information regarding commemorative measures taken by the Government in the context of the International Decade for People of African Descent.

51. **Mr. Bilguun** (Mongolia) said that so few ethnic groups self-identified as indigenous because Mongolia had existed as a State for more than 2,000 years. Historically, many ethnic groups had been present in the territory of Mongolia. The question should therefore be considered from a historical and cultural perspective.

52. **Mr. Munkhtuya** (Mongolia) said that, to date, over 3,000 mining licences had been issued in the country. Under administrative law, local administrations must undertake consultations with the local people regarding the possibility of establishing mining projects. The national legislation provided for the sustainable use of land and established the requirement for consultation. Thus, local people were consulted and informed before mining projects began. As for the health impact of mining projects, environmental management plans were mandatory for each project. In the absence of an environmental impact assessment, had the competent local official could not approve the management plan.

53. **Mr. Yeung Sik Yuen** said that the Committee and the delegation shared the common goal of ensuring respect for and observance of the rights enshrined in the Convention. While the Government had made progress in that regard, work remained to be done. He welcomed the recent adoption of legislation on persons with disabilities and suggested that the Government might consider providing financial incentives for employing persons with disabilities.

54. **Mr. Bilguun** (Mongolia) said that the Government would continue to work with all relevant stakeholders to eliminate all forms of racial discrimination. Work would be undertaken with civil society to develop policies for the promotion and protection of human rights. Future periodic reports would be submitted in a timely manner.

The meeting rose at 1.05 p.m.