



INTERNATIONAL
CONVENTION
ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION



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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Thirty-first session

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

Eighth periodic reports of States parties due in 1984

Addendum

MONGOLIA 1/

[26 December 1984]

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Annexes

- I. Extracts from the Penal Code (1961)
- II. Extracts from the Constitution (6 July 1960)

1/ A text in Russian containing legislation on education, provided by the Government of the Mongolian People's Republic with the present report, is on file with the Secretariat and will be made available to members of the Committee wishing to consult it.

For previous reports submitted by the Government of Mongolia and the summary records of the meetings of the Committee at which the reports were considered, see:

Initial report - CERD/C/R.3/Add.53 (CERD/C/SR.62);
Second periodic report - CERD/C/R.30/Add.30 (CERD/C/SR.127);
Third periodic report - CERD/C/R.70/Add.35 (CERD/C/SR.243);
Fourth periodic report - CERD/C/34 (CERD/C/SR.411);
Fifth periodic report - CERD/C/20/Add.37 (CERD/C/SR.467);
Sixth periodic report - CERD/C/66/Add.34 (CERD/C/SR.539);
Seventh periodic report - CERD/C/91/Add.10 (CERD/C/SR.581).

I. GENERAL

1. In its previous reports the Mongolian People's Republic submitted detailed information about its fulfilment of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. This report contains additional information relating, in particular, to questions raised by members of the Committee on the Elimination of Racial Discrimination.
2. No material changes having a direct bearing on the elimination of all forms of racial discrimination have been introduced in Mongolian law since the submission of the latest report. The legislative acts adopted during this period, in particular the Public Education Act (1983) and others, reaffirm the constitutional principle of the equality of citizens irrespective of their sex, race, nationality, religion or social origin and position.
3. The present report is submitted at a time when the Mongolian people are preparing to commemorate the sixtieth anniversary of the Third Congress of the Mongolian People's Revolutionary Party and the proclamation of Mongolia as a people's republic.
4. The Third Congress of the Mongolian People's Revolutionary Party laid down the general lines of the country's non-capitalist development, while the first Great People's Khural, held in November 1924, adopted the first genuinely democratic Constitution in the history of the Mongolian people, a Constitution which promulgated a law establishing the Mongolian People's Republic.
5. Article 1 of the first Mongolian Constitution read: "Supreme State power belongs to the people". Article 2 read: "...The principal objective of the Mongolian People's Republic is to eradicate the remnants of the old despotic order and of the world view which existed under the enslavers and oppressors and to strengthen the foundations of the new republican system on the basis of democratization of State control".
6. The Constitution legislatively affirmed and established the equality of rights of citizens irrespective of their sex, origin or religion. The Constitution proclaimed the right of working people to work, education and medical aid and granted them democratic rights and freedoms.
7. Subsequent Constitutions of the Mongolian People's Republic consolidated our people's gains in the field of material guarantees of the equality of citizens and ensured not only de jure equality before the law but also the de facto equality of citizens.

II. INFORMATION RELATING TO ARTICLES 2 TO 7

Article 2

8. As already stated in previous periodic reports, the constitutional principle of equality of citizens irrespective of race or nationality is consistently applied in the Mongolian People's Republic. The very essence of the socialist system precludes any manifestation of racism or racial discrimination.

Article 3

9. The Mongolian People's Republic consistently supports the just struggle of peoples against colonialism, neo-colonialism and apartheid and for national independence and social progress. Mongolia maintains no diplomatic, economic or other relations with the racist regime of South Africa and complies strictly with the resolutions and decisions of the United Nations General Assembly and Security Council concerning the isolation and boycott of the racist Pretoria regime.

10. It takes active part in activities of the United Nations and other international organizations directed towards the complete eradication of colonialism and racial oppression. The Mongolian delegation took part in the Second World Conference to Combat Racism and Racial Discrimination (Geneva, 1983) and the International Conference in Support of the Struggle of the Namibian People for Independence (Paris, 1983).

11. The Mongolian public observes various dates connected with the struggle of peoples against racism and apartheid. Thus, a number of events were organized in 1983-1984 on the occasion of the International Day for the Elimination of Racial Discrimination, the Week of Solidarity with the Struggle of the Peoples of southern Africa, the Day of Solidarity with the People of Namibia, etc. Messages on behalf of the Mongolian Government were sent to the appropriate United Nations bodies on the occasion of some of those events.

Article 4

12. As already stated in previous reports, any limitation of citizens' rights on grounds of racial or national origin is prohibited in Mongolia. The socialist social system ensures the equality of all citizens in all fields of the country's social life. Violation of this principle entails the imposition of a criminal penalty by a court of law. The explanations which follow are given in reply to a question asked in the Committee on the Elimination of Racial Discrimination during the consideration of Mongolia's seventh periodic report in connection with article 93 of the Criminal Code of the Mongolian Peoples' Republic.

13. Respect of the honour and dignity of Mongolian citizens and their protection are guaranteed by the Mongolian Constitution and other legislative acts. All State bodies, public organizations and public officials are in duty bound to safeguard the rights and freedoms of citizens and to strengthen the guarantees pertaining thereto. These duties are set forth in the Public Education Act, the Public Health Act and other legislative acts. The specific forms of implementation of the right of citizens to judicial protection against encroachments of their personal freedom are defined in detail in the Criminal and Civil Codes, the Codes of Criminal Procedure and Civil Procedure, and the Act on the Judicial System of the Mongolian Peoples' Republic.

14. The Mongolian Criminal Code establishes criminal liability for crimes against the life and health or freedom and dignity of the person and against the personal property of Mongolian citizens. Citizens have a right to the protection of the courts against encroachments upon their honour and dignity. Citizens have a right under civil law to demand through the courts the refutation of information which is defamatory to their honour and dignity unless the person spreading such information can prove that it corresponds to reality. If such information has been spread in print, it must be refuted in print. In the event of non-compliance with a court decision to this effect, the guilty party is liable to be prosecuted. If a citizen has been slandered (i.e. if a false fabrication defaming him has been spread knowingly) in print or in some other form, or if he has been slandered by a person previously sentenced for slander, the guilty party or parties are subject to criminal proceedings. The penalty is more severe if the slander involves an accusation of having perpetrated a serious crime. Wilful disparagement of a person's honour and dignity by word, in writing or in any other form is also a punishable crime (article 93 of the Mongolian Criminal Code).

15. Coercing a woman to contract a marriage, or preventing her from contracting a marriage of her choice, is also punishable by law (article 94 of the Mongolian Criminal Code).

Article 5

16. With regard to the enjoyment of the rights and freedoms referred to in article 5 of the Convention, it has been stated in our previous reports that Mongolian legislation and practice provide reliable guarantees precluding direct or indirect limitation of rights or the establishment of direct or indirect advantages for citizens on account of their nationality or race. The relevant provisions of the Mongolian Constitution (articles 76-88) are reproduced in annex II to this report.

17. The following explanations can be given in reply to questions asked in the Committee during the consideration of Mongolia's seventh report in connection with article 5 of the Convention:

Separation of religion from the State and from the school and freedom of worship and of anti-religious propaganda are set forth in article 86 of the Mongolian Constitution. Freedom of conscience means not only the freedom to confess any religion but also that not to confess any religion. Freedom of anti-religious propaganda means that citizens holding atheistic convictions have the right to express and propagandize them freely, both orally and in print. Freedom of anti-religious propaganda is connected with such legal provisions as the separation of the school from the church, which means that no religious dogma can be taught in educational establishments.

In accordance with the Labour Code of the Mongolian People's Republic, manual and non-manual workers who successfully and conscientiously fulfil their labour obligations are accorded priority advantages and privileges in the field of socio-cultural and welfare services (free pass to a sanatorium or rest home, improved housing conditions, etc.). This does not mean that other workers and employees do not enjoy such rights. Front-rank workers, manual and non-manual workers who overfulfil planned assignments, and winners in socialist emulation contests are granted privileges and advantages in this field as an incentive and an encouragement. This is not reflected in their wages.

18. In Mongolia, the work of workers and employees is paid in accordance with its quantity and quality. Equal pay is given for equal work.

Under article 82 of the Constitution, Mongolian citizens have the right to unite in public organizations, trade unions and other organizations which represent and protect their interests.

19. Mongolian trade unions, which are the country's largest public organization, occupy a prominent place in the political system of our society. Mongolian trade unions unite in their ranks 94.7 per cent of all manual and non-manual workers employed in various branches of the national economy and culture. The activities of trade unions are oriented towards the fulfilment of a two-fold task: that of assisting the development of the national economy and that of developing activism and initiative among the workers and involving them in the running of social production and the defence of their lawful rights and interests. Mongolian trade unions participate extensively in solving important economic, social and cultural problems. The State encourages the trade unions' activities in every way and establishes the conditions for the performance of their social duties. All State bodies, enterprises and institutions are under obligation to assist the trade unions in every way.

20. The State does not decide and takes no part in decisions on matters concerning the setting up of trade unions or the cessation of their activities. Trade unions are organized and operate in accordance with statutes adopted by them.

A new Public Education Act (December 1982), setting forth as one of its basic provisions the principle of equality of citizens in receiving an education irrespective of their race or nationality (article 4 of the Public Education Act of the Mongolian People's Republic), was approved during the review period.

21. The partial or complete secondary school is a unified general-education school providing general secondary education. All children reaching the age of eight years by the start of the school year attend general-education schools. The period of schooling is 10 years. Students having completed eight years of schooling receive a certificate of eight years of education entitling them to enter the next form or a special or polytechnical secondary educational establishment. Graduates of the eight-year school may also directly enter employment. Graduates of the 10-year school receive a secondary-education diploma which guarantees the right to enter a higher educational establishment, technical school or special secondary educational establishment.

22. The Seventeenth Congress of the Mongolian People's Revolutionary Party (1976) formulated the objective in the field of public education of making incomplete secondary education universal throughout the country. As a result of steps taken to expand the network of general-education schools and consolidating their material basis, this task has today been, in the main, achieved.

23. The Eighteenth Congress of the MPRP (1981) decided that it was essential to step up work on preparations for the gradual introduction of universal complete secondary education for children of school age.

24. Today there are in Mongolia 585 general-educational schools attended by 402,600 children.

Article 6

25. The information below supplements our earlier reports and contains answers to questions asked in the Committee during the consideration of Mongolia's seventh report.

26. State bodies and officials in the Mongolian People's Republic are under obligation to safeguard the rights and freedoms of citizens. This is set forth in a number of Mongolian legislative acts, in particular the Public Education Act and the Public Health Act. Specific forms of citizens' rights to judicial protection from encroachments on their life and health, personal freedom and property are laid down in the Civil and Criminal Codes, the Act on the Judicial System, and the codes of civil and criminal procedure.

27. Civil rights are protected by the courts and those relating to contractual and other property relations between State organizations by the State arbitration tribunal in accordance with the relevant decree. The State arbitration tribunal also protects civil rights in connection with property relations between co-operative and public organizations and also between State organizations with the consent of the co-operative and public organizations concerned.

28. The courts and the State arbitration tribunal safeguard civil rights by recognizing those rights; punishing actions which violate those rights and restoring the situation which existed before the violation of the right; enforcing the discharge of obligations in kind; and recovering damages for the benefit of the victim from persons who have violated a right.

29. Civil rights are safeguarded by public courts or other public organizations in cases and in accordance with procedures established by law. In cases specially provided by law, safeguarding civil rights is carried out administratively.

In cases where the local militia authority has refused permission to citizens to visit relatives abroad or to travel abroad for medical treatment, citizens can apply to the central police directorate or to the appropriate executive authority of the Khurals of People's Deputies (the organ of State power).

Article 7

30. Great attention is given in Mongolia to educating citizens, and especially young people, in a spirit of internationalism, friendship and mutual understanding among peoples and of intolerance towards manifestations of national or racial prejudice. Matters relating to the struggle against racism and racial discrimination are included in the syllabuses of educational establishments at all levels.

31. The mass information media, the periodic press, radio and television, give extensive publicity to events organized by the United Nations in the struggle against racism and racial discrimination.

32. Within the framework of international days proclaimed by the United Nations (United Nations Day, Human Rights Day, Day for the Elimination of Racial Discrimination, etc.), measures are taken to popularize the objectives and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Convention on the Elimination of all Forms of Racial Discrimination.

Annex IEXTRACTS FROM LEGISLATION RELATING TO THE PROHIBITION OF
DISCRIMINATION ON GROUNDS OF NATIONALITY OR RACECriminal Code of the Mongolian
People's Republic (1961)Article 48. Subversive activities

(b) An act directed at undermining industry, trade, agriculture, the monetary system, trade or other branches of the national economy or the activities of State bodies or public organizations with the aim of weakening the Mongolian People's Republic, if performed through the utilization of State or public institutions, enterprises or organizations or through interference in their normal operation, shall be punishable with eight to 15 years' deprivation of liberty with confiscation of property and with or without two to five years' banishment.

Article 49. Agitation and propaganda against the Mongolian People's Republic

(a) Agitation or propaganda carried out with the aim of undermining or weakening the State power of the Mongolian People's Republic, the spreading, for the same purposes, of slanderous fabrications defaming the State or social system of the Mongolian People's Republic, or the preparation or dissemination, for the same purposes, of literature of similar content shall be punishable with up to five years' deprivation of liberty.

(b) The same acts committed by a person previously convicted of a specially dangerous crime against the State, or committed in wartime, shall be punishable with three to eight years' deprivation of liberty.

Article 50. War propaganda

War propaganda in any form shall be punishable with two to six years' deprivation of liberty.

Article 53. Violation of national and racial equality

Propaganda or agitation aimed at inciting national or racial enmity or discord, or direct or indirect limitation of rights or the establishment of direct or indirect advantages of citizens on grounds of their nationality or race, shall be punishable with up to three years' deprivation of liberty or with banishment.

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 94. Coercion of a woman to contract a marriage or prevention from contracting a marriage

Coercing a woman to contract a marriage, or preventing a woman from contracting a marriage of her choice or from terminating a marriage according to the established procedure, through the use of force, threats or of the remnants of local customs, shall be punishable with up to one year's deprivation of liberty, or up to 18 months' corrective labour, or public reprimand.

Annex IIMongolian Constitution (of 6 July 1960)Article 76

Citizens of the Mongolian People's Republic enjoy equal rights irrespective of sex, race and nationality; religion or social origin and position.

Article 77

Citizens of the Mongolian People's Republic have the right to work and to payment for their work in accordance with its quantity and quality.

This right is ensured by the advantages accruing from the socialist system of economy established in the Mongolian People's Republic, which gives each citizen every opportunity to employ his knowledge and labour in any branch of economy and culture without let or hindrance, and to receive a guaranteed recompense according to the labour expended.

Article 78

Citizens of the Mongolian People's Republic have the right to leisure.

This right is ensured by the establishment of a maximum working day of eight hours, the reduction of the working day in a number of special trades, the establishment of a weekly rest-day and annual paid holidays for factory, office and professional workers, and by placing at the disposal of the working people sanatoria, holiday homes, theatres, clubs and other welfare institutions.

The policy of the Mongolian People's Republic is directed towards increasing, in the future, as the productive forces of the country develop, the amount of free time available to the working people by reducing working time and by improving social services and placing them more within the reach of the working people so that they may employ their leisure for recuperation, for their physical and spiritual growth and for the improvement of their knowledge.

Article 79

Citizens of the Mongolian People's Republic have the right to maintenance in old age, in cases of disability, in cases of sickness or the loss of the bread-winner.

This right is ensured by the granting of assistance through the social insurance system, by state pensions, through the special funds of co-operative organizations as well as by extending the network of medical institutions and holiday resorts, by free medical attention for the people and by the development of the labour protection system.

Article 80

Citizens of the Mongolian People's Republic have the right to education. This right is ensured by free tuition, the extension of the network of schools providing general education, special secondary schools and higher educational establishments and by a system for improving trade qualifications as well as by a state system of scholarship grants for students of special secondary schools and higher educational establishments.

Article 81

Citizens of the Mongolian People's Republic have the right to participate freely in the administration of the state and society and also in guiding the economic life of the country both directly and through their representative bodies. This right is ensured by granting all citizens the real possibility to play an extensive part in all spheres of the country's political, economic and cultural life, in particular, to participate in elections, referendums, the organization of various democratic societies, etc.

All citizens of the Mongolian People's Republic who have attained the age of 18, with the exception of those found insane, are granted the right to vote in elections and be elected to all organs of state power.

Article 82

Citizens of the Mongolian People's Republic have the right to unite in public organizations: trade unions, co-operative associations, youth, sports and other organizations, cultural and scientific societies, and also societies for strengthening world peace, etc.

The more active and politically conscious citizens in the ranks of the working class, members of co-operatives and working intelligentsia unite in the Mongolian People's Revolutionary Party, which is the vanguard and leader of all state and other mass organizations of the working people.

Article 83

Citizens of the Mongolian People's Republic, irrespective of their nationality, have equal rights in all spheres of economic, cultural, social and political life of the country.

Any direct or indirect restriction of the rights of citizens on account of their nationality or race and the advocacy of the ideas of chauvinism or nationalism are forbidden by law. The Mongolian People's Republic ensures representatives of all nationalities living on the territory of the Republic the opportunity to develop their national culture and to receive tuition and conduct business in their own native language.

The Mongolian People's Republic grants the right of asylum to foreign citizens persecuted for their defence of the interests of the working people, for participation in the national liberation movement, for their activities to strengthen peace and for scientific activities.

Article 84

Women in the Mongolian People's Republic are accorded the same rights as men in all spheres of economic, state, cultural, social and political life. The realization of these rights is ensured by according women the same conditions of work, leisure, social insurance and education as men, by the state promotion of mother and child welfare, state assistance for mothers of large families, leave of absence from work before and after confinement with full pay and the extension of the network of maternity hospitals, nurseries and kindergartens.

The infringement, in any form whatsoever, of the equal rights of men and women is forbidden by law.

Article 85

Every citizen of the Mongolian People's Republic has the right freely to apply to any of the organs of state power and administration and to submit written or verbal complaints and statements concerning illegal acts on the part of state organs or people in office, and concerning facts of bureaucratic treatment or red tape. State organs and people in office shall, without delay, examine all complaints and statements submitted, adopt measures to check infringements of law and order and give an answer on the substance of the statement or complaint.

Article 86

Religion in the Mongolian People's Republic is separated from the state and from the school. Citizens of the Mongolian People's Republic are granted freedom of worship and freedom of antireligious propaganda.

Article 87

In conformity with the interests of the working people, and in order to strengthen the socialist state system of the Mongolian People's Republic, its citizens are guaranteed by law:

1. Freedom of speech;
2. Freedom of the press;
3. Freedom of assembly, including mass meetings;
4. Freedom to hold demonstrations and processions.

These freedoms are ensured by placing at the disposal of the working people and their organizations the material requisites for their realization.

Article 88

Citizens of the Mongolian People's Republic are guaranteed inviolability of the person and the home and privacy of correspondence. No person may be arrested except by order of the court or with the sanction of the Procurator.
