

**EXPERT EVALUATION
OF CONFORMITY OF
MONGOLIAN
LEGISLATION
WITH INTERNATIONAL
HUMAN RIGHTS
TREATIES**



Mongolia

PROJECT ON MON 09/102

**“SUPPORT IN ACHIEVING MDG-9 ON HUMAN RIGHTS AND DEMOCRATIC GOVERNANCE
PHASE II”**

NATIONAL HUMAN RIGHTS COMMISSION OF MONGOLIA

EXPERT EVALUATION OF CONFORMITY OF MONGOLIAN LEGISLATION WITH INTERNATIONAL HUMAN RIGHTS TREATIES

Summary Report

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This survey is conducted within the scope of the Support in Achieving MDG-9 on Human Rights and Democratic Governance project jointly implemented by the Institute of Philosophy, Sociological and Law of the Mongolian Academy of Sciences and the United Nations Development Program and Oslo Governance Center. Researchers of the National Human Rights Commission of Mongolia gathered initial data for the survey and a team of experts prepared the survey report.

Evaluations, opinions and recommendations expressed in the survey are solely of the experts.

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EXPERT EVALUATION ON CONFORMITY OF MONGOLIAN LAWS WITH INTERNATIONAL TREATIES AND CONVENTIONS PROJECT

BACKGROUND

The implementation of this project in the framework of the Millennium Development Goal approved by the United Nations in 2000 has great importance. The necessity for implementation of this the project is related to following:

1. In 2000, United Nations Millennium Summit involving heads of states, prime ministers, ministers of foreign affairs of 189 countries was held to discuss upon issues facing humanity in the new millennium and the ways of resolving them. Therefore, firstly, they agreed to decrease the rate of poverty and hunger, and in the framework of this event, a historic document entitled “Millennium Declaration” was approved. This document includes Millennium Development Goals within it and each state was obliged to realize these goals in consistency with its level of development.
2. The State Great Khural Resolution no. 13 of 31 of January 2008 obliged the National Human Rights Commission and other state bodies to elaborate Millennium Development Goal indicators and methodologies, monitor and evaluate achievements on each indicator, and create and maintain special and itemized information database.
3. In 2008 with the previous evaluation conducted with the Support of the UNDP project for Support in achieving MDG9 on human rights and democratic governance in Mongolia II gave us the conformity level of 3.4 for Evaluation on Conformity of Mongolian laws with International Treaties. The second evaluation is intended to provide the comparison with the figure of 2008 and to apply the recommendations provided by the national consultant for improving the indicator, broadening the extent of documents covered, defining resource materials for review in conducting the evaluation.

Since 1921, Mongolia has established around 3000 bilateral and around 180 multilateral treaties. According to the Constitution of Mongolia, International treaties and conventions to which Mongolia is a party shall have the same effect as national legislation. Therefore, the national legislation of a country must comply with international treaties and conventions that it has ratified or at least with minimum standards of those international treaties and convention.

In the framework of strengthening human rights, fostering democratic governance, fully respecting and upholding the Universal Declaration of Human Rights, ensuring the freedom of media and providing the public with access to information, the expert evaluation of conformity of Mongolian laws and regulations with international human rights treaties and conventions are presented in percentage. Elaboration of the expert evaluation questionnaire involved not only researchers working in this field but also other researchers, specialists and public comments and recommendations.

In relation to the previous evaluation process, following improvements have been achieved:

1. Increase in the number of conventions relating to personal privacy and security that adds four more treaties on the initial six.
2. Selection of main provisions and articles of international treaties ratified by Mongolia.
3. Clarification on resource materials to be used for the evaluation.

PREPARATION

The experts of the working group were selected and appointed from the National Human Rights Commission and international organizations working in this field. Selection and appointment of experts was made based upon criteria such as their work experience, specialization in professional field, knowledge and previous research experience.

1. G.Och – Senior Officer, NHRCM
2. B.Battsetseg – Senior Officer, NHRCM
3. B.Altantuya – Amnesty International Mongolia, Executive Director

In accordance with the terms of reference, the selection of international human rights treaties and conventions to which Mongolia is party was made based upon the criteria of direct relation with the right to liberty and private safety.

1. International Covenant on Civil and Political Rights

Adopted by UN General Assembly Resolution 2200A (XXI) of 16 December 1966 and entered into force on 23 March 1976. Mongolia signed on 05 January 1968 and ratified on 18 November 1974.

2. International Covenant on Economic, Social and Cultural Rights

Adopted by UN General Assembly Resolution 2200A (XXI) of 16 December 1966 and entered into force on 03 January 1976. Mongolia signed on 5 January 1968 and ratified on 18 November 1974.

- 3. Convention on the Elimination of All Forms of Discrimination against Women**
Adopted by UN General Assembly Resolution 34/180 of 18 December 1979 and entered into force on 03 September 1981. Mongolia signed on 10 July 1980 and ratified on 14 May 1981.
- 4. Convention on the Rights of the Child**
Adopted by UN General Assembly Resolution 44/25 of 20 November 1989 and entered into force on 02 September 1990. Mongolia signed on 26 January 1990 and ratified on 05 July 1990.
- 5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**
Adopted by UN General Assembly Resolution 39/46 of 10 December 1984 and entered into force on 26 June 1987. Mongolia ratified on 02 November 2000.
- 6. Convention on the Elimination of All Forms of Racial Discrimination**
Adopted by UN General Assembly Resolution 2106(XX) of 21 December 1965 and entered into force on 04 January 1969. Mongolia signed on 03 May 1966 and ratified on 31 March 1969.
- 7. Convention on the Rights of Persons with Disabilities**
Adopted by UN General Assembly Resolution A/RES/61/106 of 06 December 2006 and entered into force 3 May 2008. Mongolia acceded on 13 May 2009.
- 8. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**
Adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May 2000 entry into force 12 February 2002. Mongolia ratified on 06 October 2004.
- 9. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**
Adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May 2000 entered into force on 18 January 2002. Mongolia signed on 12 November 2001 and ratified on 16 July 2003.
- 10. Protocol To Prevent, Suppress And Punish Trafficking In Persons, Especially Women And Children, Supplementing The United Nations Convention Against Transnational Organized Crime**

Adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/55/25 of 15 November 2000 entered into force on 25 December 2003. Mongolia acceded on 27 July 2008.

For the elaboration of assessment questionnaire, provisions of the convention were selected from those obliging the state party and provisions of Mongolian laws and regulations were selected from those that should include or must be included.

Six experts for evaluation on conformity of national legislation and regulations with international human rights treaties and conventions to which Mongolia is party were selected based upon following criteria:

1. Lawyer
2. Researcher specialized in field of human rights
3. Human rights research and monitoring experience
4. Experience in working with governmental and non-governmental organizations

The following experts fulfilling four criteria were selected and appointed:

1. M.Mendsaikhan /Professor of Law and head of International Law Department of the Law School of the National University of Mongolia/
2. M.Togtokhnyam /Head of National Center for Children/
3. M.Uyanga /Professor of Human Rights of the Law School of the National University of Mongolia, Former worker of Amnesty International/
4. G.Dalaijamts / Head of Ev-Aran NGO, member of NHRCM's Ex-Officio Board/
5. M.Munkhbat /Human Rights researcher/
6. D.Bayanbileg /Human Rights researcher/

Aforementioned experts evaluated the evaluation on "Expert Evaluation of Conformity of Mongolian laws and regulations with International Human Rights Treaties and Conventions Project" prepared and elaborated by the consultants.

METHODOLOGY

General evaluation was calculated through summarization of all given evaluations such as 1,2,3,4,5 that are given to provisions of the conventions that are chosen from those directly oblige the state party and relating to human rights, and provisions of Mongolia laws and regulations that directly related to the provisions of the specific convention.

Provision of a treaty	Provision of a law	Evaluation	Comments and recommendations
1.	1.	1-5 numerical expression	
2.	2.	1-5 numerical expression	

Experts will give their numerical evaluation on conformity of legal provisions with the content of the provisions of treaties and conventions related to the right to liberty and private safety through the criteria of similarity by using the evaluation points between one and five.

Meaning of evaluation points

1 point -Insufficient

2 points- Slightly above insufficiency

Three points- Medium

4 points- Higher than medium, but need further

5 points- Sufficient

The calculation of expert evaluation of a specific treaty or convention is conducted through utilization of the following formula:

$$K=Y1+Y2+Y3+Y4+Yn$$

Y total

K- Evaluation of conformity of Mongolian laws and regulations with relevant international human rights convention or treaty.

Y1 - Evaluation given to a specific provision of the law in comparison to the provision of the treaty or convention/numerical evaluation in a single cell/

Y total – total number of cells with numerical evaluations.

Following formula was used to calculate the final evaluation of conformity of Mongolian laws and regulations with international human rights treaties and conventions:

$$Y=K1+K2+K3+K4+Kn$$

K total

Y= Evaluation of conformity of Mongolian laws and regulations with international human rights treaties and conventions

K1- Evaluation given to a single treaty or convention

K total –total number of conventions

RESULTS

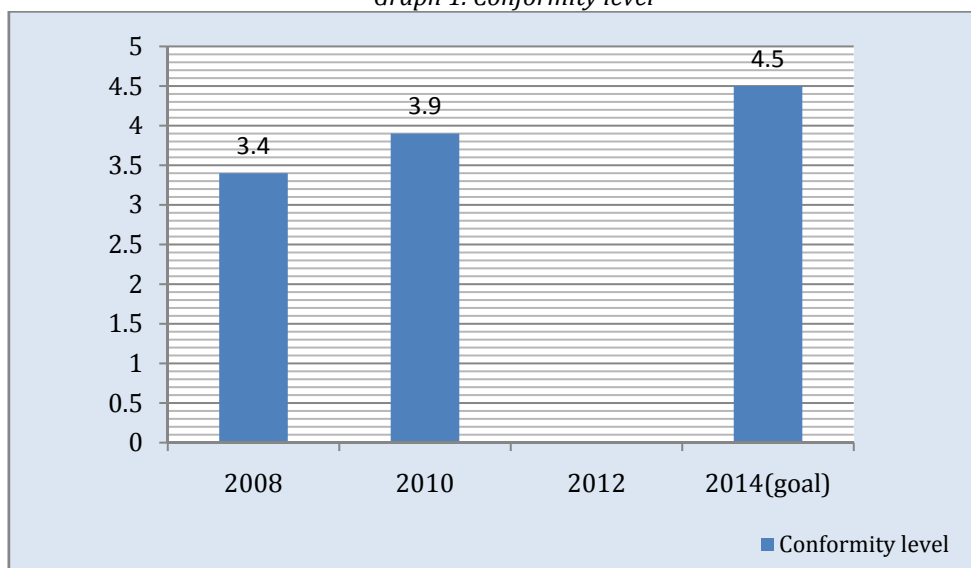
The evaluation, made by selecting laws from national legislation based on direct relation with right to liberty and private safety, and with abovementioned treaties and conventions, is shown in the table below.

№	International Treaties	Evaluation
1	Convention on the Rights of the Child	3.3
2	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	4.1
3	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	2.9
4	Protocol To Prevent, Suppress And Punish Trafficking In Persons, Especially Women And Children, Supplementing The United Nations Convention Against Transnational Organized Crime	4.2
5	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	2.8
6	International Covenant on Civil and Political Rights	4.4
7	International Covenant on Economic, Social and Cultural Rights	4.4
8	Convention on the Elimination of All Forms of Racial Discrimination	4.4
9	Convention on the Rights of Persons with Disabilities	4.2
10	Convention on the Elimination of All Forms of Discrimination against Women	4.3
	Total	39
	General evaluation	3.9

Expert Evaluation of Conformity of Mongolian Legislation with International Human Rights Treaties comes with the figure of 3.9 points of general evaluation. It presents that the level of compliance of Mongolian legislation with international treaties Mongolia ratified is medium showing that requirement for ensuring further compliance.

The comparison with the evaluation made in 2008 shows that conformity level has increase by 0.5 points. This means that improvements are taking place for ensuring conformity of Mongolian legislation with international treaties. Within last two years, Mongolia has ratified and acceded to the Convention on the Rights of Persons with Disabilities, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Thus, Mongolia is taking positive steps for ensuring rights of its citizens.

Graph 1. Conformity level



The evaluation for International Covenant on Economic, Social and Cultural Rights has been increased and for the Convention on the Rights of the Child and its protocols (Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) received lower evaluation. It proves that adoption of new legislation, amendments and improvement of the legal framework in relation to the abovementioned treaties is required.

CONCLUSIONS

Conclusions on further improvement of compliance of Mongolian domestic legislation with international treaties it ratified are made herein.

- The involvement of specialists and other professional organizations for supervising the content and definitions of an international treaty is insufficient in process of developing and adoption a draft law.
- Although the Constitution of Mongolia contains the concepts of international treaties to which Mongolia is a party to, it is required to ensure further compliance in regulations, such as the Criminal Code, Criminal Procedure Code and other regulatory legislation.
- Although it is essential that Mongolia acceded to a treaty affirming the rights of vulnerable groups, however, the domestic legal framework lacks regulations for respecting dignity and vulnerability of these people, which results in complications in implementation of the international treaty.

Thus, following measures need to be taken for improving the abovementioned situation.

- Involve specialists and other research organizations in bringing conclusions for complying Mongolia's domestic legislation with international treaties it ratified;
- On-time submission of reports of international treaties, improve the implementation of recommendations given from UN Committees, conduct advocacy activities on international treaties;
- Establishing a consolidated information database on international treaties.

RECOMMENDATIONS

Summary of comments made by experts on evaluation:

1. Though only a year has passed since the accession to the Convention on the Rights of Persons with Disabilities, experts have concluded that provision on the right to personal security and privacy of person with disabilities are commonly included in the existing national legislation. Even though it has a positive side ensuring the right of citizens, it is necessary to specify specific provisions in order to avoid the risk of leaving behind vulnerable groups. This comment shall refer also to the rights of women and children.
2. Adopt a separate law on gender equality.
3. Though slavery is inexistent in Mongolia, the national legislation still requires specific regulations on this issue.
4. In relation to the article 16 of the Convention on the Elimination of All Forms of Racial Discrimination, amends and further improvement must be made to the Law on Administrative Responsibility, Law on Education, Law on Domestic Violence.
5. Comply the definition of torture with the definition of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
6. Include in the new draft law on family the provisions indicated in articles 16 and 19 of the Convention on the Rights of the Child, within the framework of complying national legislation.

EXPERT EVALUATION OF CONFORMITY OF MONGOLIAN LEGISLATION WITH INTERNATIONAL HUMAN RIGHTS TREATIES

1. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

	Treaty provisions	National legislation	Expert evaluation	Justification and recommendation
	<p>Article 6 1. Every human being has the inherent right to life. Law shall protect this right. No one shall be arbitrarily deprived of his life. 2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court. 3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any</p>	<p>Constitution of Mongolia Article 16 The citizens of Mongolia shall be guaranteed the privilege to enjoy the following rights and freedoms: 2) Right to healthy and safe environment, and to be protected against environmental pollution and ecological imbalance. 4) Right to free choice of employment, favorable conditions of work, remuneration, rest and private enterprise. No one shall be unlawfully forced to work. Article 19 1. The State shall be responsible to the citizens for the creation of economic, social, legal and other guarantees for ensuring human rights and freedoms, to fight against violation of human rights and freedoms and to restore infringed rights. 2. Human rights and freedoms as defined by the Constitution and other laws in case of a state of emergency or war shall be subject to limitation only by a law. Such a law shall not affect the right to life, the freedom of thought, conscience and religion, as well as the right not to be subjected to torture, inhuman and cruel treatment. 3. In exercising his/her rights and freedoms one shall not infringe on the national security, rights and freedoms of others and violate public order Criminal Code 53.1. Persons who committed grave crimes may imposed death</p>		

<p>obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.</p> <p>4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.</p> <p>5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.</p> <p>6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.</p>	<p>penalty in the instances specified in the Special part of this Code.</p> <p>53.3. Persons who have been sentenced to death shall be entitled to the pardon request to the President of Mongolia. In case of pardon, the death penalty shall be substituted by imprisonment in prison for a term of 30 years.</p> <p>53.4. The death penalty may not be imposed to the persons who were under 16 years of age at the time of committing crime, men of over 60 years of age and women.</p> <p>81.2. Assassination of a state or public figure with the view specified in paragraph 1 above shall be punishable by imprisonment for a term of 15 to 25 years or the death penalty.</p> <p>84.1. Causing of explosions, arsons or other actions aimed at mass destruction of people, infliction of bodily injuries or another detriment to the health, destruction or damage of buildings, works, ways and means of communications or other property, sabotage actions in other ways, spread of virtual human, livestock or plant diseases, mass poisoning of people or mass death of humans, livestock and animals with a view of weakening the economic capacity of Mongolia shall be punishable by imprisonment for a term of 15 to 20 years.</p> <p>91.1. Murder without aggravating circumstances specified in paragraph 2 below shall be punishable by imprisonment for a period of 11 to 15 years.</p> <p>91.2. Murder:</p> <p style="padding-left: 40px;">91.2.1. of lucrative motives;</p> <p style="padding-left: 40px;">91.2.2. of hooliganism;</p>		
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<p>91.2.3. out of revenge; 91.2.4. by order; 91.2.5.with the purpose of taking, selling or transplanting the victim's organs or tissues; 91.2.6. committed with a view of concealing or to facilitating another crime; 91.2.7. in the course of extortion of property or robbery; 91.2.8. in the course of kidnapping or taking a hostage; 91.2.9. committed by a recidivist; 91.2.10. committed repeatedly (Articles 93 of this Code shall not apply); 91.2.11.committed by a group, a group at an advance agreement, an organized group or a criminal organization; 91.2.12. committed in an especially brutal way; 91.2.13. committed in a commonly dangerous way; 91.2.14. of a knowingly pregnant woman; 91.2.15. of a person knowingly unable to defend himself/herself; 91.2.16. of two or more persons; 91.2.17. Of a victim or his/her relative in connection with performing by the victim of his/her official or public duties shall be punishable by imprisonment for a period of 15 to 25 years or the death penalty.</p> <p>126.1. Sexual intercourse by physical violence, threat of violence or in other forms, or by taking advantage of helpless state of the victim, as well as by humiliating the victim shall be punishable by imprisonment for a term of up to 5 years.</p> <p>126.2. The same crime committed:</p> <p>126.2.1. by humiliating or torturing the victim; 126.2.3. inflicting a severe or a less severe bodily injury; 126.2.4. repeatedly;</p>		
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		<p>126.2.5. rape of a person under the legal age; 126.2.5. In a group or by group at an advance agreement shall be punishable by imprisonment for a term of more than 5 to 10 years.</p> <p>126.2.3. The same crime committed by a recidivist, rape of a child under the age of 14, or rape entailing death of the victim or another grave harm shall be punishable by imprisonment for a term of more than 15 to 25 years or the death penalty.</p> <p>177.2. The same crime committed by a recidivist, an organized group, and a criminal organization or if it has entailed human death another grave consequence shall be punishable by imprisonment for a term of more than 20 to 25 years or the death penalty.</p> <p>Article 302. Genocide</p> <p>302. Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing of members of the group; causing grave bodily injuries to members of the group; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group or deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part shall be punishable by imprisonment for a term of 20 to 25 years or the death penalty.</p>		
	<p>Article 7 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.</p>	<p>Constitution of Mongolia</p> <p>16.13 Right to personal liberty and safety. No person shall be searched, arrested, detained, persecuted or deprived of liberty save in accordance with procedures and grounds determined by law. No person shall be subjected to torture, inhuman, cruel or degrading treatment. Where a person is arrested he/she, his/her family and counsel shall be notified within a period established by law of the</p>		

reasons for and grounds of the arrest. Law shall protect privacy of citizens, their families, correspondence and residence.

Criminal Code

Article 65. Counting of the Period of Compulsory Measures of Medical Character

65.2. If the limitation period has not expired or there are no other grounds for remission of the culprit who after committing a crime or during the service of the sentence got ill with a mental illness, which deprives him/her of the possibility to realize or control, own actions the court shall impose penalty. The period of punishment of the person who has been imposed such after his/her recovery shall include the period of compulsory measure of medical character.

Criminal Procedures Code

10.4 It shall be prohibited to torture, to treat inhuman or cruel way any body and to insult his/her reputation.

Article 81. Testimony of Suspect

81.2 It is prohibited to coerce a suspect to give a testimony, or to subject him/her to inhuman or cruel treatment, or to insult his/her dignity.

Article 82. Testimony of Accused

82.3 It is prohibited to coerce an accused to give a testimony, or to subject him/her to inhuman or cruel treatment, or to insult his/her dignity.

Article 186. Common Procedures for Carrying out Inquiry and Investigation

186.3 Application of force and threat or other unlawful means and methods during an inquiry or investigation as well as creating circumstances dangerous to the health of the participants shall be prohibited.

Article 8

Constitution of Mongolia

<p>1. No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited.</p> <p>2. No one shall be held in servitude.</p> <p>3.</p> <p>(a) No one shall be required to perform forced or compulsory labour;</p> <p>(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;</p> <p>(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:</p> <p>(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;</p> <p>(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;</p> <p>(iii) Any service exacted in cases of</p>	<p>16. 4 Right to free choice of employment, favorable conditions of work, remuneration, rest and private enterprise. No one shall be unlawfully forced to work.</p> <p>16.13 Right to personal liberty and safety. No person shall be searched, arrested, detained, persecuted or deprived of liberty save in accordance with procedures and grounds determined by law. No person shall be subjected to torture, inhuman, cruel or degrading treatment. Where a person is arrested he/she, his/her family and counsel shall be notified within a period established by law of the reasons for and grounds of the arrest. Law shall protect privacy of citizens, their families, correspondence and residence.</p> <p>Criminal Code Article 50. Forced Labor</p> <p>50.1. Forced labor represents labor without remuneration for the benefit of society in the place determined by the decision execution authority in the instances specified in the Special Part of this Code.</p> <p>50.2. Forced labor shall be imposed for 100 to 500 hours. Forced labor shall be of duration of at least 3 hours per day.</p> <p>50.3. The unsaved term of the convict who deliberately evades forced labor shall be replaced by incarceration at the rate of 24 hours of labor to 1 working day of incarceration.</p> <p>50.4. Forced labor may not be imposed on the persons unable to work, pregnant women, women with children under the age of 3, women over 55 years of age, as well as men over 60 years of age and persons in the active military service.</p> <p>Article 113. Sale and purchase of humans</p>		
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	<p>emergency or calamity threatening the life or well-being of the community; (iv) Any work or service, which forms part of normal civil obligations.</p>	<p>113.1. Sale or acquisition of humans shall be punishable by a fine equal to 51 to 250 amounts of minimum salary, 300 to 500 hours of forced labor or imprisonment for a term of up to 3 years. 113.2. The same crime committed: 113.2.1.with the purpose of taking human blood, tissues or organs; 113.2.2.with the purpose of engaging the victim into prostitution; 113.2.3.repeatedly; 113.2.4. against two or more persons; 113.2.5. against a person under the legal age; 113.2.6. In a group, by a group at an advance agreement shall be punishable by imprisonment for a term of more than 5 to 10 years.113.3. The same crime committed on a permanent basis, by trafficking, by an organized group or a criminal organization or if it has entailed grave harm shall be punishable by imprisonment for a term of more than 10 to 15 years.</p> <p>Labour law 7.1. No one shall be the subject of forced labour.</p>		
	<p>Article 9 1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. 2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. 3. Anyone arrested or detained on</p>	<p>Constitution of Mongolia 16.13) Right to personal liberty and safety. No person shall be searched, arrested, detained, persecuted or deprived of liberty save in accordance with procedures and grounds determined by law. No person shall be subjected to torture, inhuman, cruel or degrading treatment. Where a person is arrested he/she, his/her family and counsel shall be notified within a period established by law of the reasons for and grounds of the arrest. Law shall protect privacy of citizens, their families, correspondence and residence.</p> <p>16.14) Right to appeal to the court to protect his/her right if he/she considers that the right of freedoms as spelt out by the Mongolian law or an international treaty have been violated; to be compensated for the damage illegally caused by other; not to testify against himself/herself, his/her family, or parents and children; to self-</p>		

<p>a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment.</p> <p>4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.</p> <p>5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.</p>	<p>defense; to receive legal assistance; to have evidence examined; to a fair trial; to be tried in his/her presence; to appeal against a court judgment, to seek pardon. Compelling to testify against him/her shall be prohibited. Every person shall be presumed innocent until proved guilty by a court by due process of law. Application of charges of convicted to the members his/her family and relatives shall be prohibited.</p> <p>Criminal Procedure Code</p> <p>Article 10. Ensuring the Right for Inviolability of Person</p> <p>10.1. No one may be suspected in a crime and subjected to arrest without grounds provided by this Law.</p> <p>10.5. During arrest of a suspect he/she shall be informed on the reason and grounds for the arrest, and reminded his/her right to have an defense counsel, to defend him/herself, to lodge a complaint to court and not to give testimony against him/herself.</p> <p>Article 58. Grounds for Arresting a Suspect</p> <p>58.1. A suspect shall be arrested if he/she has attempted to escape or if there is sufficient evidence to suspect him/her in committing grave or extremely grave crime.</p> <p>Article 59. Procedure for Arresting of Suspect</p> <p>59.1. An inquiry officer or investigator shall be obliged to draw up a decree of arresting a person suspected of committing a crime, and shall deliver it to a procurator and the procurator shall submit it to court for approval.</p> <p>59.3. Decree of arrest shall be presented to the suspect and his/her rights provided in Article 35 of this Law shall be explained to the suspect including the right to give testimony together with defense counsel and this fact shall be reflected in the record</p>		
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		<p>59.8. The calculation of arrest period shall be started from the moment of presenting the decree of arrest to the suspect.</p> <p>Article 61. Notification on Arrest of a Suspect</p> <p>61.1. An inquiry officer or investigator shall notify within 24 hours adult member of a suspect's family or relatives or defense counsel about arrest of the suspect, and his/her whereabouts or shall allow the person being arrested to notify himself/herself.</p> <p>61.2. If person being arrested is a foreign citizen, the Embassy or Diplomatic representative office of that person's country shall be notified through Central State Administrative Organ in charge of foreign relations within period specified in Article 61.1. Of this Law.</p> <p>Article 70. Cancellation or Change of Measures of Restraint</p> <p>70.1. Considering the classification of a crime and personality of suspect, accused or defendant previous measure of restraint shall be cancelled or changed to a more severe or a milder measure.</p> <p>70.2. The cancellation or change of measures of restraint shall be resolved with the proposition of an inquiry officer or an investigator only by a decree of the procurator who has made the decision or the procurator of higher instance authorized to supervise activities of the inquiry officer or the investigator, or by a judge approval or if the case is referred to a court, by a decree of court, or a judge order.</p> <p>70.3. Other measures of restraint, except arrest and confinement under guard, applied by decision of a procurator may be cancelled or changed only by the same procurator or a procurator of higher instance.</p> <p>Article 102. Right to Make Requests</p> <p>102.1. Participants to procedural actions shall have the right to present requests to an inquiry officer, investigator, procurator, court</p>		
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		<p>and judge on executing certain procedural action, on examining a circumstance, which has significance to a case, and on having their rights and legitimate interests protected.</p> <p>Article 106. Right to Lodge Complaint in Respect to Decision or Action of an Inquiry Officer, Investigator, Procurator and Court</p> <p>106.1. Participants to procedural actions and a citizen or legal entity whose rights or legitimate interests have been violated by the actions shall have the right to lodge a complaint in respect to a decision or action of an inquiry officer, investigator, procurator and court as provided in Article 20 of this Law.</p> <p>Article 388. The Right for Compensation of Damages</p> <p>388.1 Citizen of Mongolia, foreign citizen, stateless person shall have the right for compensation of property damages, mental consequences caused due to unlawful actions of inquiry officer, investigator, procurator or a judge and to have restored the right for pension, benefits, possession of dwelling and other rights.</p>		
	<p>Article 14</p> <p>1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (order public) or national security in a democratic society, or when the interest of the private lives of the parties so</p>	<p>Constitution of Mongolia</p> <p>14.1. All persons lawfully residing within Mongolia are equal before the law and the court.</p> <p>16.14 Right to appeal to the court to protect his/her right if he/she considers that the right of freedoms as spelt out by the Mongolian law or an international treaty have been violated; to be compensated for the damage illegally caused by other; not to testify against himself/herself, his/her family, or parents and children; to self-defense; to receive legal assistance; to have evidence examined; to a fair trial; to be tried in his/her presence; to appeal against a court judgment, to seek pardon. Compelling to testify against him/her shall be prohibited. Every person shall be presumed innocent until proved guilty by a court by due process of law. Application of charges of convicted to the members his/her family and relatives</p>		

<p>requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgment rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.</p> <p>2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.</p> <p>3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;</p> <p>(b) To have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing;</p> <p>(c) To be tried without undue delay;</p> <p>(d) To be tried in his presence, and</p>	<p>shall be prohibited.</p> <p style="text-align: center;">Criminal Code</p> <p>Article 4. Principle of Culpability As the Condition of the Criminal Liability</p> <p>4.1. Criminal liability shall be subjected on the persons whose guilt has been established by court.</p> <p>Article 6. Principle of Justice</p> <p>6.2. A culprit shall be subjected to criminal liability once only</p> <p style="text-align: center;">Criminal Code</p> <p>Article 13. Presumption of Innocence</p> <p>13.1 No one may be deemed guilty of committing a crime until a judgment of a court is issued.</p> <p>13.2 If there is a doubt in guilt of a suspect, accused or defendant, or interpretation or application of the Criminal Law¹ and this Law even though all evidence relevant to the case were considered, these shall be settled in favor of the suspect, accused or defendant.</p> <p>Article 14. Equality before the Law and the Courts</p> <p>14.1 All citizens in Mongolia are equal before the law and the courts without discrimination of their nationality, origin, language, race, age, sex, social origin and status, property, profession, occupation, religion, thoughts, opinion and education.</p> <p>Article 18. Ensuring the Right of Suspect, Accused, Defendant and Victim to be defended</p> <p>18.1 Suspect, accused, defendant and victim shall have the right to defend, to be defended themselves, and to receive other legal assistance.</p> <p>18.2 In circumstances provided by Article 40 of this Law, inquiry</p>		
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¹ Criminal Law of Mongolia is printed in #5 issue of "The State Information" bulletin.

<p>to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;</p> <p>(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;</p> <p>(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;</p> <p>(g) Not to be compelled to testify against himself or to confess guilt.</p> <p>4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.</p> <p>5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.</p> <p>6. When a person has by a final decision been convicted of a</p>	<p>officer, investigator, procurator and court shall have the mandatory duty to provide suspect, accused, defendant and victim with possibility to be defended.</p> <p>Article 19. Language in Which Proceedings Shall be executed</p> <p>19.1 Judicial proceedings shall be executed in Mongolian language and shall be documented in script of official carry out of the State business.</p> <p>19.2 If persons participating in criminal proceeding do not have command of Mongolian language then through his/her mother tongue or languages and scripts known to him/her or if mute or deaf then with the help of gestures and special signs and translator, interpreter shall be provided with the right to give testimony, to submit complaint, to make speech in court and to get introduced with all materials of the case.</p> <p>Article 35. Suspect</p> <p>The suspect shall have the following rights:</p> <p>1 to know for what crime he is being suspected;</p> <p>35.2.2 to be presented with decree on initiation of a case against him/her, on his/her arrest, and on taking measures of restraints against him/her;</p> <p>35.2.3 to present evidence and submit petition requiring examination of evidence;</p> <p>35.2.4 to give a testimony or refuse to give a testimony;</p> <p>35.2.5 to give a testimony in his/her own language or make use of a translator, interpreter;</p> <p>35.2.6 to submit challenges with regard to inquiry officer, investigator, procurator, translator, interpreter and expert;</p> <p>35.2.7 to make self-defense; to have an defense counsel as provided for in Article 39 of this Law;</p> <p>35.2.8 to have individual meeting with his/her defense counsel;</p> <p>35.2.9 to participate in criminal proceedings with the permission of inquiry officer or investigator;</p> <p>35.2.10 to lodge complaint regarding the actions and decisions of</p>		
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<p>criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.</p> <p>7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.</p>	<p>the inquiry officer, investigator or procurator;</p> <p>35.2.11 to require to be compensated for damages occurred due to activities of an inquiry officer, investigator, or procurator in violation of law.</p> <p>35.3 Suspect shall not bear the duty to give testimony against him/her or to prove his/her involvement in a crime or other circumstances of a crime.</p> <p>35.4 An inquiry officer or investigator shall inform the suspect immediately and an adult member of family or defense counsel within 48 hours on what crime he/she is suspected.</p> <p>Article 36. The Accused</p> <p>An accused is a person with respect to whom a decree to prosecute has been rendered by an inquiry officer or an investigator in accordance with the procedure established by this Law.</p> <p>An accused that is brought to trial shall be called a defendant; a defendant with respect to whom a judgment of conviction has been rendered shall be called a convict.</p> <p>The accused shall have the following right:</p> <p>36.3.1. to know for what offence he is accused of;</p> <p>36.3.2. to be presented with decree to prosecute as the accused and with decree on measures of restraint have been taken;</p> <p>36.3.3. to make self-defense; to have an defense counsel as provided for in Article 39 of this Law;</p> <p>36.3.4. to have individual meeting with his/her defense counsel;</p> <p>36.3.5. to give verbal or written explanation concerning the accusation presented to him;</p> <p>36.3.6. to give testimony or refuse to give a testimony;</p> <p>36.3.7. to present evidence, submit petition requiring an examination of evidence;</p> <p>36.3.8. to get presented with materials of the case involving him/her;</p> <p>36.3.9. to take part in the court session;</p>		
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36.3.10. to submit challenges with regard to inquiry officer, investigator, procurator, translator, interpreter, expert, judge, a citizens' representative, or secretary of a judicial session;

36.3.11. to lodge complaints regarding actions of an inquiry officer, investigator, procurator, and court proceedings;

36.3.12. to get familiar with decrees on appointment of experts and with their conclusions;

36.3.13. to give testimony in his/her mother tongue or known language, to make use of a translator, interpreter;

36.3.14. with the permission of an inquiry officer or investigator to be present in investigative actions at his/her own or the defense counsel's request, and to get familiar minutes of the actions and to request changes in the minutes;

36.3.15. to present a final speech at court session;

36.3.16. to appeal the judgment;

36.3.17. to acquaint him/herself with the protests and appeals on court judgment lodged by other persons and to give explanation regarding them;

36.3.18. To require to be compensated for damages occurred due to activities of an inquiry officer, procurator, investigator or judge in violation of law.

A defendant shall not be obliged to testify against himself, as well as to prove his/her innocence or any other circumstances of the case known to him.

36.4 A defendant shall not be obliged to testify against himself, as well as to prove his/her innocence or any other circumstances of the case known to him.

Article 47. Translator, Interpreter

47.1 In occasions described by Article 19.2 of this Law, inquiry officer, investigator, procurator or court shall issue a decision to appoint a person capable of translating and interpreting as a translator or interpreter and shall present the decision to him/her.

Article 235. Holding an Open Judicial Session

.235.1 Judicial session of courts of all instances shall be proceeded

		<p>openly except for protecting confidentiality of the state, organization or a person.</p> <p>Article 303. Persons Authorized to Lodge Appeal or Protest on Court Decree</p> <p>303.1 Convict, victim, their defense counsel and legal representative shall have the right to file an appeal on a decree of a court and the state prosecutor shall have a right to write a protest on the decree.</p> <p>Article 342. Lodging Complaint or Protest through Supervisory Procedure</p> <p>342.1 A complaint or protest may be lodged to the court of supervisory instance, according to provisions of Articles 303 and 304 of this Law, if it is considered that courts of first instance or appellate instance have violated the Criminal Procedure Law or have incorrectly applied the Criminal Law when reviewing and resolving a case.</p> <p>Article 388. The Right for Compensation of Damages</p> <p>388.1 Citizen of Mongolia, foreign citizen, stateless person shall have the right for compensation of property damages, mental consequences caused due to unlawful actions of inquiry officer, investigator, procurator or a judge and to have restored the right for pension, benefits, possession of dwelling and other rights.</p>		
	<p>Article 15</p> <p>1. No one shall be held guilty of any criminal offence because of any act or omission, which did not constitute a criminal offence, under national, or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of</p>	<p style="text-align: center;">Criminal Code</p> <p>Article 12. Grounds and rules of retroactive application of the criminal law</p> <p>12.1. A law decriminalizing an act (omission) or mitigating the penalty for it, improving the legal status of the person who commits the crime shall apply retroactively to an accused, defendant or the person who has served the penalty but who's conviction has not been expunged.</p> <p>12.2. A law criminalizing an act (omission) or toughening the penalty for it, worsening the legal status of the person who committed crime shall not apply retroactively to an accused, defendant or the person</p>		

<p>the offence, law for the imposition of the lighter penalty makes provision, the offender shall benefit thereby.</p> <p>2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission, which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.</p>	<p>who has served the penalty but whose conviction has not been expunged.</p> <p>12.3.A court shall reduce the penalty of a culprit who has been imposed one higher than the maximum amount established by a new law.</p> <p>12.4. A court shall reduce the penalty of a culprit who has been imposed one higher than the minimum amount in case a new law establishes a lower one.</p> <p style="text-align: center;">Criminal code</p> <p>Article 13. Presumption of Innocence</p> <p>13.1 No one may be deemed guilty of committing a crime until a judgment of a court is issued.</p> <p>13.2 If there is a doubt in guilt of a suspect, accused or defendant, or interpretation or application of the Criminal Law² and this Law even though all evidence relevant to the case were considered, these shall be settled in favor of the suspect, accused or defendant.</p> <p>Article 14. Equality before the Law and the Courts</p> <p>14.1 All citizens in Mongolia are equal before the law and the courts without discrimination of their nationality, origin, language, race, age, sex, social origin and status, property, profession, occupation, religion, thoughts, opinion and education.</p> <p>Article 24. Circumstances Excluding Criminal Proceedings</p> <p>24.1 A criminal case may not be initiated, and if initiated, procurator and court shall terminate according to provisions of this Law:</p> <p>24.1.1. in the absence of the elements of a crime;</p> <p>24.1.2. upon the expiration of the periods of limitation;</p> <p>24.1.3. the person involved in the crime has died (except in instances when proceedings are necessary in order to rehabilitate the deceased or to reopen a case with respect to other persons on</p>		
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² Criminal Law of Mongolia is printed in #5 issue of "The State Information" bulletin.

		<p>the basis of newly discovered circumstances);</p> <p>24.1.4. There is a valid decree previously issued to terminate the case.</p> <p>24.2 The court shall issue a decree on acquittal if circumstances provided for by Article 24.1.1. Of this Law are discovered during the judicial examination of a criminal case.</p> <p>24.3 If termination of a case based on the grounds stated in Articles 24.1.1. In addition, 24.1.2. of this Law is objected by the accused and his/her defense counsel, or on the grounds stated in 24.1.3 of this Law - by the defense counsel of the accused or member of his/her family, relative, their complaint shall be lodged to court and the court shall execute judicial examination in the usual manner and shall review and resolve whether the person involved in the case is guilty or not.</p> <p>24.4 The victim shall be informed if the criminal case is terminated according to provisions of 24.1. Of this, Law and the victim shall have the right lodge complaint on the decision according to rules set by this Law.</p>		
	<p>Article 17</p> <p>1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation.</p> <p>2. Everyone has the right to the protection of the law against such interference or attacks.</p>	<p style="text-align: center;">Constitution of Mongolia</p> <p>16.13 Right to personal liberty and safety. No person shall be searched, arrested, detained, persecuted or deprived of liberty save in accordance with procedures and grounds determined by law. No person shall be subjected to torture, inhuman, cruel or degrading treatment. Where a person is arrested he/she, his/her family and counsel shall be notified within a period established by law of the reasons for and grounds of the arrest. Law shall protect privacy of citizens, their families, correspondence and residence.</p> <p style="text-align: center;">Criminal Code</p> <p>Article 110. Slander</p> <p>110.1. Willful humiliation of an individual's honor or dignity expressed in the means of mass media shall be punishable by a fine equal to 20 to 50 amounts of minimum salary amount or by incarceration for a term of 1 to 3 months.</p> <p>Article 111. Defamation</p>		

111.1. Spreading of knowingly false fabrications defaming another individual shall be punishable by a fine equal to 20 to 50 amounts of minimum salary amount or by incarceration for a term of 1 to 3 months.

111.2. Spreading of libel to the public by means of mass media or committed by a person who previously was imposed administrative penalty for defamation or insult shall be punishable by a fine equal to 51 to 150 amounts of minimum salary or incarceration for a term of more than 3 to 6 months.

111.3. Defamation connected with accusing of a commission of a serious or grave crime shall be punishable by a fine equal to 151 to 250 amounts of minimum salary or by imprisonment for a term of 2 to 5 years.

Article 135. Violation of the privacy of correspondence

135.1. Violation of the inviolability of secrecy of private correspondence shall be punishable by a fine equal to 20 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

135.2 The same crime committed by abuse or excess of authority or with use of technical devices shall be punishable by a fine equal to 71 to 100 amounts of minimum salary, or by incarceration for a term of more than 3 to 6 months.

Article 136. Disclosure of private secrets

136.1. Intentional disclosure of a citizen's private secrets protected by law learnt in the course of official or professional activities shall be punishable by a fine equal to 20 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

136.2. The same crime committed by using the means of media shall be punishable by 251 to 400 hours of forced labor or by incarceration for a term of more than 3 to 6 months.

Article 137. Violation of home

137.1. Violation of home in the forms of illegal entry by force or threat with such, unauthorized occupation, illegal eviction or search

		shall be punishable by a fine equal to 20 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months. 137.2. The same crime committed by abuse or excess of authority shall be punishable by a fine equal to 71 to 100 amounts of minimum salary with deprivation of the right to hold specified positions or engage in specified business for a term of up to 2 years, or by incarceration for a term of more than 3 to 6 months.		
	Article 20 1. Any propaganda for war shall be prohibited by law. 2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.	Criminal Code Article 298. Propaganda of war 298.1 Propaganda of or calls for war among the public shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or by incarceration for a term of 3 to 6 months or by incarceration for a term of 1 to 3 months. 298.2. The same crime committed with the use of means of mass media or by a civil servant shall be punishable by imprisonment for a term of 2 to 5 years.		
2. CONVENTION ON ELIMINATION OF RACIAL DISCRIMINATION				
№	Treaty provisions	National legislation	Expert evaluation	Justification and recommendation
1	Article 2 1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end: (a) Each State Party undertakes to engage in no	Constitution of Mongolia 14.2 No person shall be discriminated against based on ethnic origin, language, race, age, sex, social origin and status, property, occupation and post, religion, opinion or education. Everyone shall have the right to act as a legal person. 19.1 The State shall be responsible to the citizens for the creation of economic, social, legal and other guarantees for ensuring human rights and freedoms, to fight against violation of human rights and freedoms and to restore infringed rights.		

<p>act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;</p> <p>(b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;</p> <p>(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;</p> <p>(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;</p> <p>(e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.</p>	<p style="text-align: center;">Law on Civil Service</p> <p>16.1 No citizen, if the requirements set forth for the Government post are met, shall be discriminated against the holding of a government administrative post for the reasons of ethnic origin, race, sex, social background or position, wealth, occupation or post, religious conviction, opinion, party or public organization membership.</p>		
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	<p>2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.</p>			
2	<p>Article 4 States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one color or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human</p>	<p style="text-align: center;">Constitution of Mongolia</p> <p>16.10 Right to form a party or other public organizations and unite voluntarily in associations according to the social and personal interests and opinion. All political parties and other public organizations shall uphold public order and State security, and abide by law. Discrimination and persecution of a person or joining a political party or other public organization or for being their member shall be prohibited. Party membership of some categories of State employees may be suspended.</p> <p style="text-align: center;">Criminal code</p> <p>86.1. Propaganda with a view of stirring up of national, racial or religious hatred between peoples, direct or indirect restriction of their rights by discrimination or establishing privileges shall be punishable by imprisonment for a term of 6 to 10 years.</p> <p style="text-align: center;">Law on Non-Governmental Organizations</p>		

	<p>Rights and the rights expressly set forth in article 5 of this Convention, inter alia:</p> <p>(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another color or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;</p> <p>(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;</p> <p>(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.</p>	<p>5.4 It is prohibited to discriminate and impose limitations on human rights and freedoms for joining a non-governmental organization.</p> <p>16.1 It is prohibited to discriminate a state official to hold the position based on origin, race, gender, property, previous work, religion, opinion, political views and relation to any associations and other organizations.</p>		
3	<p>Article 5</p> <p>In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial</p>	<p style="text-align: center;">Constitution of Mongolia</p> <p>16.1 Right to life. Deprivation of human life shall be strictly prohibited unless capital punishment is imposed by due judgment of the court for the most serious crimes, constructed by Mongolian Penal Law.</p> <p>Criminal Code</p>		

<p>discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:</p> <p>(a) The right to equal treatment before the tribunals and all other organs administering justice;</p> <p>(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;</p> <p>(c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;</p> <p>(d) Other civil rights, in particular:</p> <p>(i) The right to freedom of movement and residence within the border of the State;</p> <p>(ii) The right to leave any country, including one's own, and to return to one's country;</p> <p>(iii) The right to nationality;</p> <p>(iv) The right to marriage and</p>	<p>Article 91. Murder</p> <p>91.1. Murder without aggravating circumstances specified in paragraph 2 below shall be punishable by imprisonment for a period of 11 to 15 years.</p> <p>Article 96. Intentional infliction of a severe bodily injury</p> <p>96.1. Intentional infliction of a severe injury that is, of a life-threatening injury or one which has entailed the loss of sight, hearing or any organ, or the loss by an organ of its functions, a mental illness or another detriment to health which has entailed or which has been expressed in irreversible disfigurement of the face or interruption of pregnancy, or which has caused a permanent loss of the working ability shall be punishable by imprisonment for a period of more than 5 to 7 years.</p> <p>Article 97. Infliction of a severe bodily injury by negligence</p> <p>97.1. Infliction of a severe bodily injury by negligence shall be punishable by imprisonment for a term of up to 2 years.</p> <p>Article 98. Intentional infliction of a less severe bodily injury</p> <p>98.1. Intentional infliction of a less severe bodily injury, which has caused a long-term detriment of health or a loss of the working ability for not less than one third, shall be punishable by 251 to 450 hours of forced labor or imprisonment for a term of up to 3 years.</p> <p>Article 99. Intentional infliction of a minor bodily injury</p> <p>99.1. Intentional infliction of a minor bodily injury, that is, the one that has caused a short-term detriment to health or a slight loss of the working ability shall be punishable by a fine equal to 5 to 20 minimum salary amounts or by incarceration for a period of 1 to 3 months.</p> <p style="text-align: center;">Law on Parliamentary Elections</p> <p>6.1. Every citizen of Mongolia having the legal capacity have the right to vote regardless of origin, race, gender, property, previous work, religion, opinion, political views and educational background.</p>		
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<p>choice of spouse;</p> <p>(v) The right to own property alone as well as in association with others;</p> <p>(vi) The right to inherit;</p> <p>(vii) The right to freedom of thought, conscience and religion;</p> <p>(viii) The right to freedom of opinion and expression;</p> <p>(ix) The right to freedom of peaceful assembly and association;</p> <p>(e) Economic, social and cultural rights, in particular:</p> <p>(i) The rights to work, to free choice of employment, to just and favorable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favorable remuneration;</p> <p>(ii) The right to form and join trade unions;</p> <p>(iii) The right to housing;</p> <p>(iv) The right to public health, medical care, social security and social services;</p> <p>(v) The right to education and training;</p> <p>(vi) The right to equal participation in cultural activities;</p> <p>(f) The right of access to any place or service intended for use by the public, such as transport hotels, restaurants, cafes, theatres and parks.</p>			
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4	<p>Article 6</p> <p>States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.</p>	<p style="text-align: center;">Constitution of Mongolia</p> <p>16.9. Right to take part in the conduct of State affairs directly or through representative bodies. The right to elect and to be elected to State bodies The right to elect shall be enjoyed from the age of eighteen years and the age eligible for being elected shall be defined by law according to the requirements in respect of the bodies or posts concerned.</p> <p style="text-align: center;">Law on Court</p> <p>Article 8.1</p> <p>Every person regardless of origin, race, language, gender, age, social origin, property, work, religion, opinion, educational background and other aspects such as private entity, form of property , authorization have equal rights before the court.</p>		
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3. CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

№	Treaty provisions	National legislation	Expert evaluation	Justification and recommendation
1	<p>Article 5 - Equality and non-discrimination</p> <p>1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.</p> <p>2. States Parties shall prohibit all discrimination based on disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.</p> <p>3. In order to promote equality and eliminate discrimination,</p>	<p style="text-align: center;">Constitution of Mongolia</p> <p>Article 14</p> <p>14.1. All persons lawfully residing within Mongolia are equal before the law and the court.</p> <p>14.2. No person shall be discriminated against based on ethnic origin, language, race, age, sex, social origin and status, property, occupation and post, religion, opinion or education. Everyone shall have the right to act as a legal person.</p>		

	<p>States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.</p> <p>4. Specific measures, which are necessary to accelerate or achieve de facto equality of persons with disabilities, shall not be considered discrimination under the terms of the present Convention.</p>			
2	<p>Article 10 - Right to life</p> <p>States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.</p>	<p>Constitution of Mongolia</p> <p>16.1 Right to life. Deprivation of human life shall be strictly prohibited unless capital punishment is imposed by due judgment of the court for the most serious crimes, constructed by Mongolian Penal Law.</p>		
3	<p>Article 12 - Equal recognition before the law</p> <p>1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.</p> <p>2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.</p> <p>3. States Parties shall respond appropriately to provide access by persons with disabilities to the support they may require in exercising their legal capacity.</p> <p>4. States Parties shall ensure that</p>	<p>Constitution of Mongolia</p> <p>14.1. All persons lawfully residing within Mongolia are equal before the law and the court.</p> <p>16.14. Right to appeal to the court to protect his/her right if he/she considers that the right of freedoms as spelt out by the Mongolian law or an international treaty have been violated; to be compensated for the damage illegally caused by other; not to testify against himself/herself, his/her family, or parents and children; to self-defense; to receive legal assistance; to have evidence examined; to a fair trial; to be tried in his/her presence; to appeal against a court judgment, to seek pardon. Compelling to testify against him/her shall be prohibited. Every person shall be presumed innocent until proved guilty by a court by due process of law. Application of charges of convicted to the members his/her family and relatives shall be prohibited.</p>		

<p>all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.</p> <p>5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their</p>	<p style="text-align: center;">Civil Code</p> <p>15.2 A court shall consider a citizen who is incapable of understanding the consequences of his/her own actions or of administering, his/her own affairs due to mental disorder to have been completely deprived of legal capacity, and shall appoint guardianship for him/her.</p> <p>15.3 A guardian shall conclude transactions on behalf of a person who has been considered to completely deprive of legal capacity.</p> <p style="text-align: center;">Criminal Procedure Code</p> <p>Article 14. Equality before the Law and the Courts</p> <p>14.1 All citizens in Mongolia are equal before the law and the courts without discrimination of their nationality, origin, language, race, age, sex, social origin and status, property, profession, occupation, religion, thoughts, opinion and education.</p>		
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	property.			
	<p>Article 14 - Liberty and security of the person</p> <p>1. States Parties shall ensure that persons with disabilities, on an equal basis with others:</p> <p>(a) Enjoy the right to liberty and security of person;</p> <p>(b) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.</p> <p>2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of this Convention, including by provision of reasonable accommodation.</p>	<p style="text-align: center;">Constitution of Mongolia</p> <p>16.13 Right to personal liberty and safety. No person shall be searched, arrested, detained, persecuted or deprived of liberty save in accordance with procedures and grounds determined by law. No person shall be subjected to torture, inhuman, cruel or degrading treatment. Where a person is arrested he/she, his/her family and counsel shall be notified within a period established by law of the reasons for and grounds of the arrest. Law shall protect privacy of citizens, their families, correspondence and residence.</p> <p>16.14 Right to appeal to the court to protect his/her right if he/she considers that the right of freedoms as spelt out by the Mongolian law or an international treaty have been violated; to be compensated for the damage illegally caused by other; not to testify against himself/herself, his/her family, or parents and children; to self-defense; to receive legal assistance; to have evidence examined; to a fair trial; to be tried in his/her presence; to appeal against a court judgment, to seek pardon. Compelling to testify against him/her shall be prohibited. Every person shall be presumed innocent until proved guilty by a court by due process of law. Application of charges of convicted to the members his/her family and relatives shall be prohibited.</p> <p style="text-align: center;">Criminal Procedure Code</p> <p>10.1 No one may be suspected in a crime and subjected to arrest without grounds provided by this Law.</p> <p>10.5. During arrest of a suspect he/she shall be informed on the reason and grounds for the arrest, and reminded his/her right to have an defense counsel, to defend him/herself, to lodge a complaint to court and not to give testimony against him/herself.</p> <p>Article 19. Language in Which Proceedings Shall be executed</p> <p>19.1 Judicial proceedings shall be executed in Mongolian language and shall be documented in script of official carry out of the State business.</p>		

		<p>19.2 If persons participating in criminal proceeding do not have command of Mongolian language then through his/her mother tongue or languages and scripts known to him/her or if mute or deaf then with the help of gestures and special signs and translator, interpreter shall be provided with the right to give testimony, to submit complaint, to make speech in court and to get introduced with all materials of the case.</p> <p>Article 106. Right to Lodge Complaint in Respect to Decision or Action of an Inquiry Officer, Investigator, Procurator and Court 106.1 Participants to procedural actions and a citizen or legal entity whose rights or legitimate interests have been violated by the actions shall have the right to lodge a complaint in respect to a decision or action of an inquiry officer, investigator, procurator and court as provided in Article 20 of this Law.</p>		
	<p>Article 15 - Freedom from torture or cruel, inhuman or degrading treatment or punishment 1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation. 2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.</p>	<p style="text-align: center;">Constitution of Mongolia</p> <p>16.13. Right to personal liberty and safety. No person shall be searched, arrested, detained, persecuted or deprived of liberty save in accordance with procedures and grounds determined by law. No person shall be subjected to torture, inhuman, cruel or degrading treatment. Where a person is arrested he/she, his/her family and counsel shall be notified within a period established by law of the reasons for and grounds of the arrest. Law shall protect privacy of citizens, their families, correspondence and residence.</p> <p style="text-align: center;">Criminal Code</p> <p>Article 65. Counting of the Period of Compulsory Measures of Medical Character 65.1. If the limitation period has not expired or there are no other grounds for remission of the culprit who after committing a crime or during the service of the sentence got ill with a mental illness, which deprives him/her of the possibility to realize or control, own actions the court shall impose penalty. The period of punishment of the person who has been</p>		

		<p>imposed such after his/her recovery shall include the period of compulsory measure of medical character.</p> <p>Criminal Procedure Code Article 10. Ensuring the Right for Inviolability of Person 10.4. It shall be prohibited to torture, to treat inhuman or cruel way any body and to insult his/her reputation.</p> <p>Article 81. Testimony of Suspect 81.2. It is prohibited to coerce a suspect to give a testimony, or to subject him/her to inhuman or cruel treatment, or to insult his/her dignity.</p> <p>Article 82. Testimony of Accused 82.3. It is prohibited to coerce an accused to give a testimony, or to subject him/her to inhuman or cruel treatment, or to insult his/her dignity.</p> <p>Article 186. Common Procedures for Carrying out Inquiry and Investigation 186.3. Application of force and threat or other unlawful means and methods during an inquiry or investigation as well as creating circumstances dangerous to the health of the participants shall be prohibited.</p>		
	<p>Article 16 - Freedom from exploitation, violence and abuse 1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both</p>	<p style="text-align: center;">Constitution of Mongolia</p> <p>16.4. Right to free choice of employment, favorable conditions of work, remuneration, rest and private enterprise. No one shall be unlawfully forced to work. 16.11 Men and women shall have equal right in political, economic, social, cultural fields and in family affairs. Marriage shall be based on</p>		

<p>within and outside the, from all forms of exploitation, violence and abuse, including their gender-based aspects.</p> <p>2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.</p> <p>3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that independent authorities effectively monitor all facilities and programmes designed to serve persons with disabilities.</p> <p>4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with</p>	<p>the equality and mutual consent of the spouses who have reached the age defined by law. The State shall protect the interests of the family, motherhood and the child.</p> <p>16.13. Right to personal liberty and safety. No person shall be searched, arrested, detained, persecuted or deprived of liberty save in accordance with procedures and grounds determined by law. No person shall be subjected to torture, inhuman, cruel or degrading treatment. Where a person is arrested he/she, his/her family and counsel shall be notified within a period established by law of the reasons for and grounds of the arrest. Law shall protect privacy of citizens, their families, correspondence and residence.</p> <p style="text-align: center;">Civil Code</p> <p>497.1. If citizens or legal entity consider that their name, dignity or business reputation are defamed, then they shall be entitled to deny such information and claim recovery of damages caused by such defamation.</p> <p>Law on Social Welfare of Persons with Disabilities</p> <p>Article 6. Rehabilitation of a person with disabilities</p> <p>6.1 Persons indicated therein article 3 have the right to receive rehabilitation service for the goal of participating in social relations, learning based on own capabilities and developing of capacity. Rehabilitation service shall be offered in following forms: health, professional, educational, labor, social and psychological.</p> <p>6.2 Services provided in article 6.1 shall be given by medical, nursery, training facility or a protease, orthopedic item manufacturing entity.</p> <p>6.3 rehabilitation service for persons with disabilities can be conducted by individuals private entities, non-government organizations based on contractual relation where the cost is fully or partially covered.</p>		
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<p>disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.</p> <p>5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.</p>			
<p>Article 22 - Respect for privacy</p> <p>1. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence or other types of communication or to unlawful attacks on his or her honor and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.</p> <p>2. States Parties shall protect the privacy of personal, health and</p>	<p style="text-align: center;">Constitution of Mongolia</p> <p>16. 13. Right to personal liberty and safety. No person shall be searched, arrested, detained, persecuted or deprived of liberty save in accordance with procedures and grounds determined by law. No person shall be subjected to torture, inhuman, cruel or degrading treatment. Where a person is arrested he/she, his/her family and counsel shall be notified within a period established by law of the reasons for and grounds of the arrest. Law shall protect privacy of citizens, their families, correspondence and residence.</p> <p style="text-align: center;">Criminal Code</p> <p>Article 110. Slander</p> <p>110.1. Willful humiliation of an individual's honor or dignity expressed in the means of mass media shall be punishable by a fine equal to 20 to 50 amounts of minimum salary amount or by incarceration for a term of 1 to 3 months.</p>		

<p>rehabilitation information of persons with disabilities on an equal basis with others.</p>	<p>Article 111. Defamation 111.1. Spreading of knowingly false fabrications defaming another individual shall be punishable by a fine equal to 20 to 50 amounts of minimum salary amount or by incarceration for a term of 1 to 3 months. 111.2. Spreading of libel to the public by means of mass media or committed by a person who previously was imposed administrative penalty for defamation or insult shall be punishable by a fine equal to 51 to 150 amounts of minimum salary or incarceration for a term of more than 3 to 6 months. 111.3. Defamation connected with accusing of a commission of a serious or grave crime shall be punishable by a fine equal to 151 to 250 amounts of minimum salary or by imprisonment for a term of 2 to 5 years.</p> <p>Article 135. Violation of the privacy of correspondence 135.1. Violation of the inviolability of secrecy of private correspondence shall be punishable by a fine equal to 20 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months. 135.2 The same crime committed by abuse or excess of authority or with use of technical devices shall be punishable by a fine equal to 71 to 100 amounts of minimum salary, or by incarceration for a term of more than 3 to 6 months.</p> <p>Article 136. Disclosure of private secrets 136.1. Intentional disclosure of a citizen’s private secrets protected by law learnt in the course of official or professional activities shall be punishable by a fine equal to 20 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months. 136.2. The same crime committed by using the means of media shall be punishable by 251 to 400 hours of forced labor or by incarceration for a term of more than 3 to 6 months.</p>		
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Article 137. Violation of home

137.1. Violation of home in the forms of illegal entry by force or threat with such, unauthorized occupation, illegal eviction or search shall be punishable by a fine equal to 20 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

137.2. The same crime committed by abuse or excess of authority shall be punishable by a fine equal to 71 to 100 amounts of minimum salary with deprivation of the right to hold specified positions or engage in specified business for a term of up to 2 years, or by incarceration for a term of more than 3 to 6 months.

Law on Privacy

Article 2. Personal items of privacy

"Personal privacy" is to be considered as items, such as information, documents, material items, of a Mongolian citizen, foreigner, stateless person and the unveiling of which could cause harm to the person's lawful interests, dignity.

Article 4. Personal items of privacy

Items of personal privacy shall contain following:

- 1/ correspondence;
- 2/ health condition
- 3/ property;
- 4/ family matters;
- 5/ other issue protected by the law.

Article 5. Protecting Privacy

- 1. A person shall protect his/ her own privacy
- 2. In cases of necessity the state call put protection on items of privacy according to the law.
- 3. State official shall be authorized to be acquainted with the items of privacy based on lawful permission and grounds
- 4. It is prohibited for persons lawfully obtaining the privacy item to disseminate it.

4. INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

4. INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS				
	Treaty provisions	National legislation	Expert evaluation	Justification and recommendation
	<p>Article 2</p> <p>2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</p>	<p align="center">Constitution of Mongolia</p> <p>Article 14</p> <p>1. All persons lawfully residing within Mongolia are equal before the law and the court. 2. No person shall be discriminated against because of ethnic origin, language, race, age, sex, social origin and status, property, occupation and post, religion, opinion or education. Everyone shall have the right to act as a legal person.</p>		
Convention on Elimination of all forms of Discrimination against Women				
	Treaty provisions	National legislation	Expert evaluation	Justification and recommendation
	<p>Article 2</p> <p>States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:</p> <p>(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;</p> <p>(b) To adopt appropriate legislative and other measures,</p>	<p align="center">Constitution of Mongolia</p> <p>Article 14</p> <p>1. All persons lawfully residing within Mongolia are equal before the law and the court. 2. No person shall be discriminated against based on ethnic origin, language, race, age, sex, social origin and status, property, occupation and post, religion, opinion or education. Everyone shall have the right to act as a legal person.</p> <p>Article 16</p>		

<p>including sanctions where appropriate, prohibiting all discrimination against women;</p> <p>(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;</p> <p>(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;</p> <p>(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;</p> <p>(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;</p> <p>(g) To repeal all national penal provisions which constitute discrimination against women.</p>	<p>16. 11 Men and women shall have equal right in political, economic, social, cultural fields and in family affairs. Marriage shall be based on the equality and mutual consent of the spouses who have reached the age defined by law. The State shall protect the interests of the family, motherhood and the child.</p> <p>16.13 Right to personal liberty and safety. No person shall be searched, arrested, detained, persecuted or deprived of liberty save in accordance with procedures and grounds determined by law. No person shall be subjected to torture, inhuman, cruel or degrading treatment. Where a person is arrested he/she, his/her family and counsel shall be notified within a period established by law of the reasons for and grounds of the arrest. Law shall protect privacy of citizens, their families, correspondence and residence.</p> <p style="text-align: center;">Criminal Code</p> <p>Article 5. Principle of Equality before Law and Court</p> <p>5.1. A culprit who's guilt has been established by court shall be subject to criminal liability irrespective of his/her ethnic origin, language, race, age, sex, social origin and status, property, official position, occupation, religion, opinion, belief and education.</p> <p style="text-align: center;">Criminal Procedure Code</p> <p>Article 14. Equality before the Law and the</p>		
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		<p>Courts</p> <p>All citizens in Mongolia are equal before the law and the courts without discrimination of their nationality, origin, language, race, age, sex, social origin and status, property, profession, occupation, religion, thoughts, opinion and education.</p> <p>Civil Procedure Code</p> <p>Article 4. Equality before the court 4.1 In civil case consideration process, every person regardless of origin, race, language, gender, age, social origin, property, work, religion, opinion, educational background and other aspects such as private entity, form of property, authorization have equal rights before the court.</p> <p>Law on the Court</p> <p>Article 8. Everyone's shall be equally treated before the law and the court.</p>		
	<p>Article 5 States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women; (b) To ensure that family education includes a proper understanding of maternity as a social function and the</p>	<p>Criminal Code</p> <p>Article 110. Slander 110.1. Willful humiliation of an individual's honor or dignity expressed in the means of mass media shall be punishable by a fine equal to 20 to 50 amounts of minimum salary amount or by incarceration for a term of 1 to 3 months.</p> <p>Article 95. Bringing to suicide 95.1. Bringing to suicide of the victim who is in a</p>		

<p>recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.</p>	<p>material dependence, subordination or inferiority to the culprit through brutal treatment or systematic humiliation of his/her honor and dignity shall be punishable by imprisonment for a period of 2 to 5 years.</p> <p>Article 125. Satisfaction of sexual desire in unnatural manner 125.1. Satisfaction of sexual desire in an unnatural manner by violence or threat of violence or by taking advantage of the helpless situation of the victim, as well as by humiliation shall be punishable by imprisonment for a term of 2 to 5 years. Article 126. Rape 126.1. Sexual intercourse by physical violence, threat of violence or in other forms, or by taking advantage of helpless state of the victim, as well as by humiliating the victim shall be punishable by imprisonment for a term of up to 5 years. Article 127. Forcing a woman into abortion 127.1. Forcing a woman into abortion shall be punishable by 251 to 400 hours of forced labor, incarceration for a term of 3 to 6 months or imprisonment for a term of up to 2 years.</p>		
<p>Article 6 States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.</p>	<p>Criminal Code Article 113. Sale and purchase of humans 113.1. Sale or acquisition of humans shall be punishable by a fine equal to 51 to 250 amounts of minimum salary, 300 to 500 hours of forced labor or imprisonment for a term of up to 3</p>		

		<p>years.</p> <p>113.3. The same crime committed on a permanent basis, by trafficking, by an organized group or a criminal organization or if it has entailed grave harm shall be punishable by imprisonment for a term of more than 10 to 15 years.</p> <p>Article 124. Inducing others to engage in prostitution and organizing of prostitution</p> <p>124.1. Inducing others to engage in prostitution by physical violence, threat of violence or deception shall be punishable by a fine equal to 150 to 250 amounts of minimum salary or by incarceration for a term of more than 3 to 6 months.</p> <p>124.2. Setting up, running, financing of borders, soutenering, provision of means of transport or premises for engaging in prostitution shall be punishable by a fine equal to 200 to 250 amounts of minimum salary, 300 to 400 hours of forced labor or imprisonment for a term of up to 3 years.</p> <p>124.3. The same crime committed by an organized group shall be punishable by imprisonment for a term of more than 3 to 5 years.</p> <p style="text-align: center;">Law on Family</p> <p>30.1. The court can decide to exclude the parental right, if parents have used wrongfully their parental rights / drop away a child, get lost</p>		
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		on purpose, torture, sell, take in hostage, prostitute, use for greedy purpose, involve in illegal actions/ treated violently with the child repeatedly, tried to involve into sexual intercourse or made sexual intercourse, put in mental heavy pressure, avoided to bring up the child on purpose, used alcoholic and toxic substances constantly.		
	<p>Article 9</p> <p>1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.</p> <p>2. States Parties shall grant women equal rights with men with respect to the nationality of their children.</p>	<p align="center">Constitution of Mongolia</p> <p>Article 15</p> <p>15.2. Deprivation of Mongolian citizenship, exile and extradition of citizens of Mongolia shall be prohibited.</p> <p>Law on the legal Status of a Foreigner</p> <p>Relevant administrative agency for civil registration of the capital city or the relevant local authority for civil registration shall make</p> <p>25.1 Civil status registration of a foreigner, and the information shall be provided to the relevant administrative agency for civil registration on monthly basis.</p> <p>28.1 The request for short term residence permit for a foreigner who registered own civil status with a Mongolian citizen or spouse, parents, children of a foreigner with residence permit shall be made to and granted by the administrative agency for registration of foreigners within the timeframe provided in article 27.1 of the present law.</p>		
	Article 11	Constitution of Mongolia		

<p>1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:</p> <p>(a) The right to work as an inalienable right of all human beings;</p> <p>(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;</p> <p>(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;</p> <p>(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;</p> <p>(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;</p> <p>(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.</p> <p>2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:</p> <p>(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;</p> <p>(b) To introduce maternity leave with pay or with</p>	<p>16.4 Right to free choice of employment, favorable conditions of work, remuneration, rest and private enterprise. No one shall be unlawfully forced to work.</p> <p>16.5 Right to material and financial assistance in old age, disability, childbirth and childcare and in other circumstances as provided by law;</p> <p>16.6 Right to the protection of health and medical care. Law shall define the procedure and conditions of free medical aid.</p> <p style="text-align: center;">Law on Labour</p> <p>7.2. The establishment of discrimination, limitation, or privilege based on nationality, race, sex, social origin or status, wealth, religion, or point of view is prohibited.</p> <p>141.1.3. If there has been discrimination based on social origin, status, nationality, race, sex, wealth, religion or point of view; limitations or advantages have been created, or when hiring a citizen or in the course of labour relations the rights and freedom of an employee have been limited in a manner unrelated to the nature of the work or duties, then the judge shall fine an official 5,000-25,000 to <i>grogs</i> and business entity and organization - 50,000-100,000 to <i>grogs</i>;</p> <p>49.2 Remuneration of the same amount shall be established for male and female employees performing the same work.</p> <p style="text-align: center;">Law on subsidies and pensions from the social welfare fund</p> <p>4. Right for elderly persons to receive pension</p>		
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<p>comparable social benefits without loss of former employment, seniority or social allowances; (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities; (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them. 3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.</p>	<p>7. Rights to receive disability subsidies 12. Right to subsidies for the loss of a guardian 17. Right to receive subsidies for temporary loss of work capability. 191. Right to receive pregnancy and maternal subsidies</p>		
<p>Article 15 1. States Parties shall accord to women equality with men before the law. 2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals. 3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect, which is directed at restricting the legal capacity of women, shall be deemed null and void. 4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and the freedom to choose their residence and domicile.</p>	<p>Constitution of Mongolia Article 14 14.1. All persons lawfully residing within Mongolia are equal before the law and the court. 16.18 Right to freedom of movement within the country and freedom to choose the place of one's residence, right to travel or reside abroad, to return to home country. The right to travel and reside abroad may be limited exclusively by law in order to ensure the security of the nation and population and protect public order.</p> <p>Criminal Procedure Code Article 14. Equality before the Law and the Courts 14.1 All citizens in Mongolia are equal before the law and the courts without discrimination of their nationality, origin, language, race, age, sex,</p>		

		<p>social origin and status, property, profession, occupation, religion, thoughts, opinion and education.</p> <p>Article 5. Principle of Equality before Law and Court 5.1. A culprit who's guilt has been established by court shall be subject to criminal liability irrespective of his/her ethnic origin, language, race, age, sex, social origin and status, property, official position, occupation, religion, opinion, belief and education.</p> <p>Civil Procedure Code Article 4. Equality before the court 4.1 In civil case consideration process, every person regardless of origin, race, language, gender, age, social origin, property, work, religion, opinion, educational background and other aspects such as private entity, form of property, authorization have equal rights before the court.</p> <p>Law on Foreigner's Legal Status 8.1. Every person lawfully residing in Mongolia</p> <p style="text-align: center;">Civil Code</p> <p>1. The present Civil Code shall determine the legal status of participants in the civil turnover and regulate the property relations and personal non-property relations connected thereto based on equality as well as of the autonomy of will and property of the participants therein.</p> <p>Article 56. Void transaction</p>		
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		<p>56.1 A transaction shall be deemed void if:</p> <p>56.1.1 breaches law or contradicts commonly accepted or behavioral norms;</p> <p>56.1.2 made fictitiously;</p> <p>56.1.3 made with the purpose of concealing another transaction;</p> <p>56.1.4 made to represent a specific will, without genuine intention, with recklessness, and with foresight of its disclosure;</p> <p>56.1.5 made by a person without legal capacity;</p> <p>56.1.6 made by a citizen incapable to understand consequences of own conduct, nor able to manage self properly, due to mental illness, at the time s/he is officially not considered incapable legally;</p> <p>56.1.7 expressed by a person with full legal capability at the time of incapacity to understand consequences of own conduct or in the state of temporary derangement</p> <p>56.1.8 made with a breach of form defined by law or without consent of the respective person as stipulated by law</p> <p>56.1.9 made by a legal person in breach of the main purpose of her/his own conduct;</p> <p>56.1.10 other transactions concluded because of void transactions mentioned above.</p> <p>56.2. In case the parties learn about the conditions of considering void the transaction, specified in Article 56.1 of this law, after concluding it, but if it meets the requirements of another transaction, and if parties wish, the transaction that meets requirements shall be deemed valid.</p>		
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		<p>56.3 In case a person concluded transaction specified in Articles 56.1.2-56.1.4 and 56.1.8 of this law, later acknowledges the validity of the will expressed in the contract and expresses it in a form stipulated by law, the transaction shall be considered newly made and valid.</p> <p>56.4. An interested person may request to eliminate the consequences arising from the void transaction.</p> <p>56.5. If for parties to the transaction, specified in Article 56.1 of this law, it is impossible to mutually return all objects transferred by the transaction, they shall be liable to pay the price.</p> <p>56.6 The person guilty for concluding a void transaction shall reimburse losses caused to others.</p> <p>Article 57. Transaction could be deemed void</p> <p>57.1. Based on grounds and procedures specified by law, Court may consider void a transaction at the request of an interested party.</p> <p>57.2. Transaction ruled by Court as void shall be invalid from the moment of its conclusion.</p> <p>57.3. Transaction contradicting the form agreed by contract may be deemed by Court void at the request of an interested party.</p> <p>57.4. Obvious mistake made by a party to the transaction while expressing its will in writing or making payments, shall not serves as grounds for considering the transaction void. The person made such a mistake shall be liable to correct it.</p> <p style="text-align: center;">Law on Family</p>		
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	<p>Article 16 1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (a) The same right to enter into marriage; (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent; (c) The same rights and responsibilities during marriage and at its dissolution; (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount; (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights; (f) The same rights and responsibilities with regard to guardianship, warship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount; (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation; (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration,</p>	<p style="text-align: center;">Constitution of Mongolia</p> <p>Article 16 16.3 Right to fair acquisition, possession and inheritance of movable and immovable property. Illegal confiscation and requisitioning of the private property of citizens shall be prohibited. If the State and its body's appropriate private property based on exclusive public need, they shall do so with due compensation and payment. 16.11 Men and women shall have equal right in political, economic, social, cultural fields and in family affairs. Marriage shall be based on the equality and mutual consent of the spouses who have reached the age defined by law. The State shall protect the interests of the family, motherhood and the child.</p> <p>Civil Procedure Code 132.4 In accordance with the Law on Family, if spouses cannot reach a consensus or if one of the spouses is under constant pressure of violence that threatens the life, health and causes severe harm and danger to children or it has been proved to be taken place, the judge shall have authority to divorce the marriage without taking measures given in article 132.1 of the present law.</p>		

<p>enjoyment and disposition of property, whether free of charge or for a valuable consideration.</p> <p>2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.</p>	<p>Article 127. Child alimony and division of mutual property</p> <p>127.1 The court shall settle the divorce along with the issue relating to nomination of a guardian for the child, division of mutual property, setting alimony for the spouse who is ill, lost capability to work, in need of economic assistance.</p> <p style="text-align: center;">Law on Family</p> <p>4.1. The marriage should be equal and voluntary.</p> <p>6.1. Mongolian male and female citizens, aged 18 and over, or a Mongolian citizen with a foreign citizen or a stateless person can marry on ground of mutual consents in Mongolia unless it is contradict to 9.1 of this law.</p> <p>6.6. If a Mongolian citizen marries with a Mongolian citizen, a foreign citizen or a stateless person in territory of other country, this law shall regulate the rights and obligations unless they have chosen otherwise.</p> <p>10.2. Spouses exercise same rights in planning family, residing, choosing a position and profession freely, having separate property, owning, occupying, employing and disposing common property, and being compensated for mental and material damages caused by the wrong doer.</p> <p>26.1. Parents exercise same rights and undertake same duties to bring up a child.</p> <p style="text-align: center;">Law on Civil Registration</p> <p>18.6. Women with Mongolian citizenship</p>		
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		married to a foreigner have the right to be registered with the family name of her spouse		
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5. CONVENTION ON THE RIGHTS OF THE CHILD

	Treaty provisions	National legislation	Expert evaluation	Justification and recommendation
	<p>Article 1 For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.</p>	<p>Law on Child Rights Protection Article 3 Legal framework This law shall protect the rights of ac child from birth until 18 years of age.</p>		
	<p>Article 8</p> <p>1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.</p> <p>2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.</p>	<p>Law on Child Rights Protection Article 23. Ensuring the implementation of the law on child rights protection The Government, Governors of all stages, other organization authorized by the law, officials within owns mandate shall ensure the implementation of the law on child rights protection. Non-governmental organizations, officials within their mandate for developing, protecting children shall provide their supervision in ensuring the implementation of the law on child rights protection.</p> <p>Law on Mongolian citizen’s travel and migration in abroad Article 7. Travel and migration of persons without legal capacity or minors. 1. Minors or persons without legal capacity shall travel and migrate only in presence of parents or legal guardians 2. In case a minor of 16-18 years old with Mongolian citizenship travels or migrates, he/ she shall require the consent of parents or legal</p>		

		guardian.		
Article 13	<p>1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, orally, either in writing or in print, in the form of art, or through any other media of the child's choice.</p> <p>2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:</p> <p>(a) For respect of the rights or reputations of others; or</p> <p>(b) For the protection of national security or of public order (order public), or of public health or morals.</p>	<p>Law on Child Rights Protection</p> <p>Article 4. Principles</p> <p>Following main principles shall apply in protecting rights of the child:</p> <p>1/ to not discriminate a child and his/her parents, guardian based on their origin, race, language, gender, age, social origin, property, work, religion, opinion, educational background and other aspects such as private entity, form of property , health;</p> <p>2/state, individuals, entities shall prioritize the interest of the child;</p> <p>3/ parents, guardians, care takers have equal responsibility for the child's physical, mental , moral and educational development;</p> <p>4/ the state and family shall have the main duty for the child's life, development, protection and participation in social life;</p> <p>5/ the rights of a child to seek and receive information, to association, to religion, to travel in and return from abroad shall not be in conflict with Mongolia's national security, rights and freedoms of others, health, public order, traditional morals.</p>		
Article 16	<p>1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honor</p>			

<p>and reputation.</p> <p>2. The child has the right to the protection of the law against such interference or attacks.</p>			
<p>Article 19</p> <p>1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.</p> <p>2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.</p>	<p>Article 7. Child Rights Protection</p> <p>3. A child shall have the right to protection of privacy of own dignity, health and correspondence and inviolability of his residence.</p>		
<p>Article 33</p> <p>States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.</p>	<p>Article 7. Child Rights Protection</p> <p>A child must not be unlawfully separated from his/her parents. A child can be separated from his/her parents only based on the regulations provided by the law through a judge's verdict. In this case, the child shall be under the care of the state.</p> <p>In case parents, guardians, caretakers, violate the rights of the child, the child has the right to terminate, suspend and restore, if the cause has been reduced, own legal relations with them.</p>		

		<p>A child shall have the right to protection of privacy of own dignity, health and correspondence and inviolability of his residence.</p> <p>Law on combating pornography</p> <p>Article 8. Prohibition on erotic films, picture, scene and dance</p> <p>8.1. Following is prohibited during presentation of erotic films, picture, scene, striptease, contest and dance:</p> <p>8.1.1 To present the films, pictures, scenes in places not indicated and authorized by the central administrative authority for education.</p> <p>8.1.2. Transmit through public television;</p> <p>8.1.3. Show to persons less than 18 years of age.</p>		
	<p>Article 34</p> <p>States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:</p> <p>(a) The inducement or coercion of a child to engage in any unlawful sexual activity;</p> <p>(b) The exploitative use of children in prostitution or other unlawful sexual practices;</p> <p>(c) The exploitative use of children in pornographic performances and materials.</p>	<p>Law on combating pornography</p>		

	<p>Article 35</p> <p>States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.</p>			
	<p>Article 37</p> <p>States Parties shall ensure that:</p> <p>(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;</p> <p>(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;</p> <p>(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner, which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;</p>	<p>Law on Child Rights Protection</p> <p>7. 4. it is prohibited to involve children in crimes, violations, violence, gambling, pornography, conflicts of adults, alcohol, tobacco, drugs, poisoning chemicals; humiliate, flout, abuse, kidnap, take as hostage, traffic in person; slave, put in similar conditions, purposely change, abandon; torture, spy, use in devastation activities, force to engagement and marriage; force adoption, detain, travel abroad and limit in return.</p> <p>Criminal Procedure Code</p> <p>Article 76. Limitation of Power to Administer and Dispose Assets</p> <p>76.1 In order to ensure decisions on civil suit or on protection of assets, court, procurator, and inquiry officer or investigator may issue a decree and with the permission of a procurator may limit the right of suspect, accused, defendant or persons responsible for an asset to administer and dispose assets.</p> <p>Article 376. Stay of execution of Decree against Minor</p>		

<p>(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.</p>	<p>376.1 Relief from conviction of a minor convict with respect to whom the execution of decree has been stayed shall be resolved out by a court at the convict's place of residence upon the joint petition of a commission for cases of minors and the Police.</p> <p>376.2 Annulling the decree on the stay of execution of the sentence to imprisonment based on grounds provided by Criminal Law and directing the convicted person to serve the sentence physically shall be resolved by a court at the place of residence of the convict upon the joint proposal of a commission for cases of minors and the Police.</p> <p>Law on enforcement of the decision to detain suspects and accused</p> <p>Article 31. Detention of a minor.</p> <p>31.1. Living conditions and alimentation shall be having improved for minor prisoners.</p> <p>31.2. The duration of minor prisoners outside shall be one hour or more.</p> <p>Law against alcohol abuse</p> <p>8.5 In case where a minor abused alcohol and brought to the detoxification center, the officials of the facility shall contact parents, guardians, care takers and give the minor to their authority. If contact with parents, guardians, caretakers was not established, the minor shall be received and kept at the center.</p> <p>Criminal Procedure Code</p> <p>Article 366. Arrest and Confinement under</p>		
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		<p>Guard of a Minor</p> <p>A minor may be arrested or confined under guard only if the crime committed is grave or exceptionally grave crime or if there exist exceptional occasion provided in Articles 58, 62 and 68 of this Law.</p> <p>Information on arrest or confinement of a minor shall be delivered to his/her parents, other legal representatives or defense counsel within 12 hours.</p> <p>Minors arrested or confined under guard shall be kept separate from adults or convicted minors.</p> <p>The principal term of investigation of a minor with confinement shall be 1 month and total term of investigation with confinement shall not exceed 18 months.</p>		
	<p>Article 39</p> <p>States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment, which fosters the health, self-respect and dignity of the child.</p>	<p>Criminal Procedures Code</p> <p>Article 364. Special Rules of executing Criminal Proceedings in Crimes Committed by Minors</p> <p>In addition to the general rules provided by this Law, the special rules described by this Chapter shall be guiding in executing criminal proceedings in crimes committed by minors. The rules described by this Chapter shall be applicable to cases of persons who had not reached the full age now of committing a crime.</p> <p>Law on Child Rights Protection</p>		

		<p>Social welfare for children</p> <p>Article14. Involving children in social welfare Social welfare, subsidies, support for children shall be regulated through Mongolian legislation.</p> <p>Individuals, non-governmental organizations, private entities providing social welfare, and support to children must receive permission from state administrative authority.</p> <p>The Government Minister in charge of social welfare shall approve regulation for child transfer to a care center, internal regulation of the center.</p> <p>Individuals, non-governmental organizations, private entities providing social welfare, and support to children shall have following responsibility:</p> <p>1/ ensure safe, healthy, non-violent environment that complies with child's age, physical and mental development.</p> <p>2/ensure medical insurance, vaccination, medical examination, preventive examination, health protection</p> <p>3/ensure quality food, clothes and utensils adequately suiting child's physical development and hygiene standards</p> <p>4/cooperate with individuals, organizations and private entities on ensuring the possibility and environment to educate, develop.</p> <p>5/Prevent and protect children from being involved crimes or other violations</p> <p>6/Protect, respect and non- discriminate children</p>		
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		<p>7/ Provide information on social welfare given to children, its reports and registry of the children to the province and capital city governor's office.</p> <p>8/not to unlawfully transfer children to others</p>		
	<p>Article 40</p> <p>1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.</p> <p>2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:</p> <p>(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;</p> <p>(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:</p> <p>(i) To be presumed innocent until proven guilty according to law;</p> <p>(ii) To be informed promptly and directly of the charges</p>	<p style="text-align: center;">Criminal Procedure Code</p> <p>Article 370. Procedure for Interrogating Minor Suspect or Accused</p> <p>Interrogation of a minor suspect or accused shall not last longer than 2 hours at a time or in total 4 hours for a day and there shall be a break if the interrogation is going to last longer than 2 hours.</p> <p style="text-align: center;">Criminal Code</p> <p>Article 21. Age Limit for Criminal Liability</p> <p>21.1. Persons who have attained 16 years of age at the time of committing a crime shall be subject to criminal liability.</p> <p>21.2. Persons of 14 to 16 years of age shall be subject to criminal liability for homicide (Article 91), deliberate infliction of a severe bodily injury (Article 96), rape (Article 126), theft in aggravating circumstances (Article 145), misappropriation (Article 146), robbery (Article 147), deliberate destruction or damage of property (Article 153) and hooliganism in aggravating circumstances (Articles 181.2 and</p>		

<p>against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defense;</p> <p>(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;</p> <p>(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;</p> <p>(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;</p> <p>(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;</p> <p>(vii) To have his or her privacy fully respected at all stages of the proceedings.</p> <p>3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:</p>	<p>181.3).</p> <p>21.3. If the court finds that the culprit who has committed for the first time a minor or a less serious crime before attaining the age of 18 may be reformed without imposing punishment, it may apply a measure of coercion of educational character specified in this Code.</p> <p style="text-align: center;">Law on Child Rights Protection</p> <p>Article 7. Child Rights Protection</p> <p>5. Government and non-government organizations, officials shall provide support to children in prison to respect their dignity, improve own education, develop own talent work within the law.</p> <p>It is prohibited to detain minors with adults. The relevant Government Minister in charge of the issue shall approve regulation on child detention and imprisonment.</p>		
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<p>(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;</p> <p>(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards be fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counseling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate to both their circumstances and the offence.</p>			
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6. THE CHILD HAS THE RIGHT TO THE PROTECTION OF THE LAW AGAINST SUCH INTERFERENCE OR ATTACKS

Treaty provisions	National legislation	Expert evaluation	Justification and recommendation
<p>Article 1 States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.</p>	<p align="center">Law on Recruitment</p> <p>Article 10. 10.1. Recruitment preparation resources shall be composed on persons complying with the age limit for military service and preparation service.</p> <p align="center">Law on military obligations and status a military serviceman</p> <p>Article9</p>		

		9. 2.A male Mongolian citizens of age between 18-25 shall be recruited for military service. Once a person receives a call for military service, he shall be considered as a recruit.		
	Article 2 States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.	Law on military obligations and status a military serviceman Article9 9. 2.A male Mongolian citizens of age between 18-25 shall be recruited for military service. Once a person receives a call for military service, he shall be considered as a recruit.		
	Article 4 1. Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years. 2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices. 3. The application of the present article shall not affect the legal status of any party to an armed conflict.	Criminal Code Article 303. Use of mercenaries 303.1. Use of foreign mercenaries in armed conflicts or warfare, training, financing or support of them in other forms shall be punishable by imprisonment for a term of more than 5 to 8 years. 303.2. The same crime committed by abuse of one's official position, or involving of the persons under the legal age shall be punishable by imprisonment for a term of more than 10 to 15 years. 303.3. Mercenaries who have participated in an armed conflict or warfare shall be punishable by imprisonment for a term of 3 to 5 years.		

7. OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

	Treaty provisions	National legislation	Expert evaluation	Justification and recommendation
	<p>Article 3</p> <p>1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnational or on an individual or organized basis:</p> <p>(a) In the context of sale of children as defined in article 2:</p> <p>(i) Offering, delivering or accepting, by whatever means, a child for the purpose of:</p> <p>a. Sexual exploitation of the child;</p> <p>b. Transfer of organs of the child for profit;</p> <p>c. Engagement of the child in forced labour;</p> <p>(ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;</p> <p>(b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;</p> <p>(c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.</p> <p>2. Subject to the provisions of the national law of a State Party, the same shall apply to an attempt to commit any of the said acts and to complicity or participation in any of the said acts.</p> <p>3. Each State Party shall make such offences punishable by appropriate penalties that take into account their grave nature.</p> <p>4. Subject to the provisions of its national law, each State Party shall take measures, where appropriate, to establish</p>	<p align="center">Criminal Code</p> <p>Article 113. Sale and purchase of humans</p> <p>113.1. Sale or acquisition of humans shall be punishable by a fine equal to 51 to 250 amounts of minimum salary, 300 to 500 hours of forced labor or imprisonment for a term of up to 3 years.</p> <p>113.2. The same crime committed:</p> <p>113.2.1.with the purpose of taking human blood, tissues or organs;</p> <p>113.2.2.with the purpose of engaging the victim into prostitution;</p> <p>113.2.3.repeatedly;</p> <p>113.2.4. against two or more persons;</p> <p>113.2.5. against a person under the legal age;</p> <p>113.2.6. In a group, by a group at an advance agreement shall be punishable by imprisonment for a term of more than 5 to 10 years.</p> <p>113.3. The same crime committed on a permanent basis, by trafficking, by an organized group or a criminal organization or if it has entailed grave harm shall be punishable by imprisonment for a term of more than 10 to 15 years.</p> <p>Article 114. Involving into criminal actions of</p>		

<p>the liability of legal persons for offences established in paragraph 1 of the present article. Subject to the legal principles of the State Party, such liability of legal persons may be criminal, civil or administrative.</p> <p>5. States Parties shall take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.</p>	<p>persons under legal age</p> <p>114.1. Involving persons under legal age into criminal activities by using force, threat with such, deceit or in other ways shall be punishable by 100 to 200 hours of forced labor or by incarceration for a term of 1 to 3 months.</p> <p>114.2. The same crime committed by a parent, guardian, custodian or a <u>pedagogue</u> assigned by law the duty of upbringing the persons under legal age shall be punishable by 201 to 500 hours of forced labor or by imprisonment for a term of up to 5 years.</p> <p>114.3. Involving persons under legal age into an organized group or criminal organization or into committing a serious or grave crime shall be punishable by imprisonment for a term of more than 5 to 8 years.</p> <p>Article 115. Involving persons under legal age into heavy drinking, drug abuse, prostitution, vagrancy and beggary</p> <p>115.1. Involving persons under legal age into heavy drinking, drug abuse, prostitution, vagrancy and beggary shall be punishable by a fine equal to 20 to 50 amounts of minimum salary, 100 to 250 hours of forced labor or by incarceration for a term of 1 to 3 months.</p> <p>115.2. The same crime committed by a parent, guardian, custodian or a <u>pedagogue</u> assigned the duty of upbringing the persons under legal age by law shall be punishable by a fine equal to 51 to 100 amounts of minimum salary, or by incarceration for a term of more than 3 to 6 months with or without deprivation of the right to hold specified positions or engage in specified</p>		
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business for a term of up to 2 years.

115.3. The same crime committed repeatedly, by using violence or threat with such shall be punishable by 100 to 250 hours of forced labor or imprisonment for a term of 3 to 5 years.

Article 121. Forcing a child to labor

121.1. Illegally forcing a child to labor shall be punishable by a fine equal to 51 to 250 amounts of minimum salary or imprisonment for a term of up to 4 years.

Article 122. Sexual intercourse with a person under the age of 16

107.1. Sexual intercourse with a person who knowingly is under the age of 16 shall be punishable by a fine equal to 51 to 150 amounts of minimum salary, 251 to 300 hours of forced labor or imprisonment for a term of up to 3 years.

Article 123. Advertising and dissemination of pornography and prostitution

123.1. Preparation, dissemination, sale, display to the public, crossing of the state frontier of the press, literature, films, video tapes and other items advertising pornography shall be punishable by a fine equal to 31 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

123.2. Inducing a person under 16 to engage in the same crime shall be punishable by a fine equal to 71 to 100 amounts of minimum salary amount or by incarceration for a term of more

		<p>than 3 to 6 months.</p> <p>123.3. The same crime committed by use of violence against a minor, by a person who previously was sentenced for this crime, by an organized group or by a criminal organization shall be punishable by imprisonment for a term of up to 5 years.</p> <p>Article 116. Switching or illegal adoption of children</p> <p>116.1 Intentional switching or illegal adoption of a child shall be punishable by a fine equal to 51 to 200 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or by imprisonment for a term of 2 to 5 years.</p> <p>Article 101. Illegal taking of human blood, organs or tissues</p> <p>101.1. Taking of human blood, organs or tissues by use of violence or threat with such shall be punishable by imprisonment for a term of up to 4 years with or without deprivation of the right to hold specified positions or engage in specified business for up to 3 years.</p> <p>Criminal Code</p> <p>Article 49. Confiscation of Property</p> <p>49.2. Seizure of items created by way of crime, arms and means used for committing it, or income gained by way of crime and other things incidental thereto shall be mandatory in addition to the confiscation of property.</p>		
	<p>Article 8</p> <p>1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the</p>	<p>Criminal Procedure Code</p> <p>Article 42. Victim</p>		

<p>practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:</p> <p>(a) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;</p> <p>(b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;</p> <p>(c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;</p> <p>(d) Providing appropriate support services to child victims throughout the legal process;</p> <p>(e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;</p> <p>(f) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;</p> <p>(g) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.</p> <p>2. States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.</p> <p>3. States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.</p> <p>4. States Parties shall take measures to ensure appropriate</p>	<p>A person to whom moral, physical, or property harm is caused by a crime shall be deemed as a victim.</p> <p>A citizen shall be declared a victim by decree of an inquiry officer, an investigator, or a court, or by a ruling of judge.</p> <p>The victim or his representative shall have the following rights:</p> <p>42.3.1. to have a defense counsel;</p> <p>42.3.2. to present evidence;</p> <p>42.3.3. to submit petition concerning necessity of analysis of evidence;</p> <p>42.3.4. to participate in Judicial session of a court,</p> <p>42.3.5. put questions to defendant, witness, and expert;</p> <p>42.3.6. to appeal from the actions and decisions of an inquiry officer, investigator, procurator and court,</p> <p>42.3.7. to speak in own mother tongue or give testimony in known language and make use of a translator, interpreter;</p> <p>42.3.8. to become familiar with all the materials of the case upon completion of the case;</p> <p>42.3.9. to require to be compensated losses incurred due to crime;</p> <p>42.3.10. to make copy of court decree on acquittal or sentencing and compile a complaint through an appeal and review procedure;</p> <p>42.3.11. to become familiar with the materials related to complaint and protest submitted by other parties with respect to decision of court, and to give explanation;</p> <p>42.3.12. to submit challenges to inquiry</p>		
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<p>training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the present Protocol.</p> <p>5. States Parties shall, in appropriate cases, adopt measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences.</p> <p>6. Nothing in the present article shall be construed to be prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.</p>	<p>officer, investigator, procurator, translator, interpreter, judge, citizens' representative and secretary of a judicial session;</p> <p>If the victim has died because of a crime, or has lost his/her legal abilities, his/her family members or close relatives shall have the rights provided by the present Article.</p> <p>Victim shall have following duties:</p> <p>42.5.1. to appear as summoned by inquiry officer, investigator, procurator, and court;</p> <p>42.5.2. to give truthful testimony with respect to a case;</p> <p>42.5.3. to keep in confidential documents related to a case which become known to him/her;</p> <p>42.5.4. To obey order of judicial session and criminal proceedings.</p> <p>If victim refuses or avoids intentionally giving testimony or gives false testimony, he/she shall be liable as provided by Criminal Law.</p>		
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8. PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN TO THE CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

	Treaty provisions	National legislation	Expert evaluation	Justification and recommendation
1	<p>Article 3. Use of terms For the purposes of this Protocol: (a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;</p>	<p>Article 113. Sale and purchase of humans</p> <p>113.1. Sale or acquisition of humans shall be punishable by a fine equal to 51 to 250 amounts of minimum salary, 300 to 500 hours of forced labor or imprisonment for a term of up to 3 years.</p> <p>113.2. The same crime committed:</p> <p>113.2.1. with the purpose of taking human blood, tissues or organs;</p> <p>113.2.2. with the purpose of engaging the victim into prostitution;</p> <p>113.2.3. repeatedly;</p> <p>113.2.4. against two or more persons;</p> <p>113.2.5. against a person under the legal age;</p>		

		<p>113.2.6. In a group, by a group at an advance agreement shall be punishable by imprisonment for a term of more than 5 to 10 years.</p> <p>113.3. The same crime committed on a permanent basis, by trafficking, by an organized group or a criminal organization or if it has entailed grave harm shall be punishable by imprisonment for a term of more than 10 to 15 years.</p>		
2	<p>Article 5. Criminalization</p> <p>1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.</p> <p>2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:</p> <p>(a) Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;</p> <p>(b) Participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and</p> <p>(c) Organizing or directing other persons to commit</p>	<p>Article 113. Sale and purchase of humans</p> <p>113.1. Sale or acquisition of humans shall be punishable by a fine equal to 51 to 250 amounts of minimum salary, 300 to 500 hours of forced labor or imprisonment for a term of up to 3 years.</p> <p>113.2. The same crime committed:</p> <p>113.2.1.with the purpose of taking human blood, tissues or organs;</p> <p>113.2.2.with the purpose of engaging the victim into</p>		

	<p>an offence established in accordance with paragraph 1 of this article.</p>	<p>prostitution; 113.2.3.repeatedly; 113.2.4. against two or more persons; 113.2.5. against a person under the legal age;</p> <p>113.2.6. In a group, by a group at an advance agreement shall be punishable by imprisonment for a term of more than 5 to 10 years. 113.3. The same crime committed on a permanent basis, by trafficking, by an organized group or a criminal organization or if it has entailed grave harm shall be punishable by imprisonment for a term of more than 10 to 15 years.</p>		
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9. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

	Treaty provisions	National legislation	Expert evaluation	Justification and recommendation
	<p>Article 1</p> <p>1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or</p>	<p>Constitution of Mongolia</p> <p>16.13 Right to personal liberty and safety. No person shall be searched, arrested, detained, persecuted or deprived of liberty save in accordance with procedures and grounds determined by law. No person shall be subjected to torture, inhuman, cruel or degrading treatment. Where a person is arrested he/she, his/her family and counsel shall be notified within a period established by law of the reasons for and grounds of the arrest. Law shall protect privacy of citizens, their families, correspondence and residence.</p> <p>16.14 Right to appeal to the court to protect his/her right if he/she considers that the right of freedoms as spelt out by the Mongolian law or an international treaty have been violated; to be compensated for the damage illegally caused by other; not to testify against himself/herself, his/her family, or parents and children; to self-defense; to receive legal assistance; to have evidence examined; to a fair trial; to be tried in his/her presence; to appeal against a court judgment, to seek pardon. Compelling to testify</p>		

	<p>incidental to lawful sanctions.</p>	<p>against him/her shall be prohibited. Every person shall be presumed innocent until proved guilty by a court by due process of law. Application of charges of convicted to the members his/her family and relatives shall be prohibited.</p> <p style="text-align: center;">Criminal Code</p> <p>Article 251. Forcing of testimony</p> <p>251.1. Forcing of testimony by an inquirer or investigator by threat, violence, torture, humiliation, deception or other illegal methods shall be punishable by imprisonment for a term of up to 5 years with or without deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years.</p> <p style="text-align: center;">Criminal Procedure Code</p> <p>Article 10. Ensuring the Right for Inviolability of Person</p> <p>10.4 It shall be prohibited to torture, to treat inhuman or cruel way any body and to insult his/her reputation.</p> <p>10.5 During arrest of a suspect he/she shall be informed on the reason and grounds for the arrest, and reminded his/her right to have an defense counsel, to defend him/herself, to lodge a complaint to court and not to give testimony against him/herself.</p>		
<p>Article 2</p>	<p>1. Each State Party shall take</p>	<p>Constitution of Mongolia</p> <p>16.13 Right to personal liberty and safety. No person shall be searched, arrested, detained, persecuted or deprived or liberty save in</p>		

	<p>effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.</p> <p>2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.</p> <p>3. An order from a superior officer or a public authority may not be invoked as a justification of torture.</p>	<p>accordance with procedures and grounds determined by law. No person shall be subjected to torture, inhuman, cruel or degrading treatment. Where a person is arrested he/she, his/her family and counsel shall be notified within a period established by law of the reasons for and grounds of the arrest. Law shall protect privacy of citizens, their families, correspondence and residence.</p> <p style="text-align: center;">Criminal code</p> <p>Article 44. Fulfilling orders and decrees</p> <p>44.1. Causing harm to the rights and interests protected by this Code in the course of fulfilling mandatory orders or decrees shall not constitute a crime. The person giving an illegal order or decree shall be subject to criminal liability for the harm caused.</p> <p>44.2. A person causing harm to others' rights and interests protected by this Code by fulfilling a knowingly illegal order or decree shall be subject to criminal liability. A person who fails to fulfill a knowingly illegal order or decree shall not be subject to criminal liability.</p> <p style="text-align: center;">Law on Civil Service</p> <p>13.1. Government administrative service employees shall have the following duties in common:</p> <p>4 To implement the lawful decisions of higher ranking officers;</p>		
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	<p>Article 3</p> <p>1. No State Party shall expel, return ("refuter") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.</p> <p>2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.</p>	<p>Criminal Procedure Code</p> <p>Article 406. Refusal to Transfer</p> <p>. In following occasions a transfer of a criminal shall not take place:</p> <p>406.1.1. if the person is a citizen of Mongolia;</p> <p>406.1.2. if the criminal has been awarded asylum in Mongolia;</p> <p>406.1.3. if the grounds for the request to transfer are not considered to be a crime in Mongolia;</p> <p>406.1.4. If the statute of limitation for the particular crime has been expired according to legislation of Mongolia or there are circumstances based on other grounds excluding initiating of criminal case or sentencing.</p> <p>Article 411. Refusing to Transfer Convict Sentenced to Imprisonment to Country of His/her Jurisdiction</p> <p>. In following occasions it may be refused to transfer a person sentenced to imprisonment by a court of Mongolia to his/her country of jurisdiction:</p> <p>411.1.1. if no action, for which the person has been sentenced, is considered to be a crime by legislation of the person's country of jurisdiction;</p> <p>411.1.2. if it is not possible to enforce the sentence in the country of jurisdiction due to fact that time limit for prosecuting the crime has</p>		
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		<p>expired by legislation of the person's country of jurisdiction or for other reasons;</p> <p>411.1.3. if the convict or the country that has requested to transfer has not implemented a provision of the decree with respect to civil claim or has not submitted such a guarantee;</p> <p>411.1.4. if agreement has not been reached on transferring the convict based on conditions provided by international agreements;</p> <p>411.1.5. If the convict was a permanent resident in Mongolia.</p>		
	<p>Article 13</p> <p>Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation because of his complaint or any evidence given.</p>	<p style="text-align: center;">Criminal Procedure Code</p> <p>Article 20. Right to Complain on Proceedings or Decision Complaints on actions and decisions of inquiry officer, investigator, procurator and court may be lodged according to rules set by this Law.</p> <p>Article 102. Right to Make Requests 1. Participants to procedural actions shall have the right to present requests to an inquiry officer, investigator, procurator, court and judge on executing certain procedural action, on examining a circumstance, which has significance to a case, and on having their rights and legitimate interests protected.</p>		
	<p>Article 14</p> <p>1. Each State Party shall ensure in its legal system that the victim of</p>	<p style="text-align: center;">Criminal Procedure Code</p> <p>Article 388. The Right for Compensation of Damages 388.1 Citizen of Mongolia, foreign citizen,</p>		

	<p>an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim because of an act of torture, his dependants shall be entitled to compensation.</p> <p>2. Nothing in this article shall affect any right of the victim or other persons to compensation, which may exist under national law.</p>	<p>stateless person shall have the right for compensation of property damages, mental consequences caused due to unlawful actions of inquiry officer, investigator, procurator or a judge and to have restored the right for pension, benefits, possession of dwelling and other rights.</p> <p>Article 389. Grounds for compensation of damages 389.1 Damages caused to a citizen because of unlawful sentencing, arrest, confinement under guard, unlawful termination of his/her professional duties, keeping in medical institution, or compelled treatment shall be the responsibility of the State and compensated by the State irrespective of degree of guilt of the inquiry officer, investigator, procurator or court.</p>		
	<p>Article 15 Each State Party shall ensure that any statement, which is established to have been made because of torture, shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.</p>	<p style="text-align: center;">Constitution of Mongolia</p> <p>Article 19 1. The State shall be responsible to the citizens for the creation of economic, social, legal and other guarantees for ensuring human rights and freedoms, to fight against violation of human rights and freedoms and to restore infringed rights.</p> <p style="text-align: center;">Law on Prosecutor’s Organization</p> <p>Article 12. Prosecutor’s supervision on criminal case registration, investigation</p> <p>12.1. A prosecutor shall supervise criminal case registration, investigation in following circumstances:</p>		

		<p>12.1.1. supervise whether complaints and information solving process in criminal case registration, investigation is in accordance with the law;</p> <p>12.1.2. supervise whether criminal case registration, investigation based on the grounds and regulations provided in the Criminal Procedure Code;</p> <p>12.1.3. supervise whether the Criminal Procedure Code is duly implemented;</p> <p>12.1.4. supervise the legal grounds of detention and other measures on suspects</p> <p>12.1.5. Supervise the compliance of the conduct in implementation of the detention decision of suspects.</p> <p style="text-align: center;">Law on Police Organizations</p> <p>51.3. Central police organization shall provide daily internal supervision on the conduct of the whole police organization, officials, administration, commanders and combat, investigate and restore violations of legislation, code of conduct, human rights and freedoms.</p> <p style="text-align: center;">Law on the National Human Rights Commission</p> <p>Article 13. Powers of the Commission</p> <p>13.1. The Commission shall exercise the following powers:</p>		
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		<p>the Staff;</p> <p>14.1.3. To deal with internal organizational matters of the Commission;</p> <p>Article 15. Powers of Commissioners with respect to the acceptance of Complaints</p> <p>15.1 Commissioners shall exercise the following powers with respect to the acceptance of complaints:</p> <p>15.1.1. To accept and examine complaints;</p> <p>15.1.2. To refuse to accept the complaints which do not meet the requirements provided in Art 11 of this Law;</p> <p>15.1.3. To transfer complaints with respect to criminal and/ or civil cases and disputes to relevant authorities or officials according to their jurisdiction;</p> <p>15.1.4. To explain to the Complainant what rights and duties he/she has with regard to the restoration of violated rights.</p> <p>Article 16. Powers of Commissioners with respect to Inquiry of Complaints</p> <p>16.1 Commissioners shall exercise the following powers during the course of inquiry into complaints:</p> <p>16.1.1. To take explanations in writing from the Complainant and relevant business entities, organizations, officials or individual persons and take explanations orally and take notes thereon if the Complainant is illiterate;</p> <p>16.1.2. To summon the Complainant and relevant persons;</p> <p>16.1.3. To have unrestricted access to any business entity or organization and to participate in their meetings and conferences, and to meet in</p>		
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		<p>person with the relevant officials;</p> <p>16.1.4. To obtain without any charge the necessary evidence, official documents and information from organizations and/or officials, and to be acquainted with them on the spot;</p> <p>16.1.5. To appoint experts from the appropriate organizations in a case of necessity for the specialized knowledge, and to get their expert-opinions;</p> <p>16.1.6. To transfer a complaint to the relevant authorities or officials according to their jurisdiction, if it is considered that this complaint has a nature of criminal or civil case during the course of examination;</p> <p>16.1.7. To conduct alone an inquiry into the activities of business entities, organizations or officials, or jointly based on a proposal by the competent State authority and their officials;</p> <p>16.1.8. To access the confidential data/secrets of the State, organization or individual person in accordance with procedure established by the relevant law, if Commissioners considers it necessary during the course of exercise of his/her powers;</p> <p>16.2. Commissioners shall keep in good faith the confidential data/secrets of the State, organization or individual person, which he/she came to know about during the course of conducting the official business or which has been informed to him/her in trust.</p> <p>Article 17. Powers of Commissioners in respect of Decision-making on Complaints</p> <p>17.1 Commissioners shall exercise the following</p>		
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		<p>powers with respect to making a decision on complaints:</p> <p>17.1.1. To submit claims to the Courts with regard to issues of violations of human rights and freedoms by business entities, organizations, officials or individual persons to participate in person or through a representative in judicial proceedings in accordance with procedure established by the law;</p> <p>17.1.2. To put forward requests to the competent authorities or officials with regard to imposing administrative sanctions on officials who, as he/she considers, have violated human rights and freedoms;</p> <p>17.1.3. To demand organizations or officials to stop activities which violate human rights and freedoms, or which create conditions for such violations;</p> <p>17.1.4. To decide the issues by way of conciliation of the parties.</p> <p>17.1.5. To return a complaint to the Complainant if he/she considers it to be without grounds.</p> <p>17.2. Claims lodged under Art 17.1.1 shall be exempted from court expenses.</p> <p>17.3. Commissioners shall have an obligation to inform the Complainant with regard to results of his/her complaint examination activities.</p> <p>Article 18. Other Powers of Commissioners with respect to Fulfilling of Human Rights and Freedoms</p> <p>18.1. Commissioners may participate in the advisory capacity in sessions of the State Great Hural or in meetings of the Government Cabinet</p>		
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		<p>restore human rights and freedoms and eliminate the violations if he/she has considered that business entity, organization or official has violated human rights and freedoms.</p> <p>19.3. Commissioners shall make recommendations within his/her own competence and deliver them to relevant business entities, organizations or officials in order to eliminate reasons and conditions in case there is possibility for violations of human rights and freedoms.</p> <p>19.4. Business entities, organizations or officials shall inform in writing with regard to measures undertaken within 1 (one) week if they have received demands, and within 30 (thirty) days if they have received recommendations from Commissioners.</p> <p>19.5. Commissioners may approach the Court, according to the procedure established by law, with regard to the business entities, organizations or officials which have refused to undertake relevant measures as provided under his/her demands and/or recommendations.</p> <p>19.6. Commissioners shall have a right to publish and report his/her issued demands or recommendations through the mass media.</p>		
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