

**NATIONAL HUMAN RIGHTS COMMISSION OF MONGOLIA**

Ensuring the realistic implementation of  
everyone's human rights

**ANNUAL ACTIVITY REPORT**

**2004-2005**

Ulaanbaatar  
August 2005

**NHRCM MISSION:**

To champion the sacred cause of promoting and protecting human rights in order to create the realistic implementation of the human rights of everyone in Mongolia.

**FOREWORD**

The National Human Rights Commission of Mongolia is now in its fourth year, following its establishment in February 2001. Since that time the Commission has functioned under a Strategic Plan developed every three years. This year the Commission adopted its second Strategic Plan for the period 2004-2006 and has started implementing it. The strategic plan identified four main goals of the Commission for the period 2004-2006.

**Goal One**

The development of a human rights knowledge, culture and spirit so that people are aware of their rights and freedoms, and are prepared to stand up for them.

**Goal Two**

The development of a human rights culture in the legislature, executive and local government, the judiciary and law enforcement agencies, in which people's human rights are respected in their daily work along with obligations under the Constitution, the laws of Mongolia and international human rights treaties. Promotion of compliance with human rights principles by the private sector.

**Goal Three**

Effective cooperation with non-governmental organizations and civil society organizations enhancement of their human rights capacity.

**Goal Four**

The consolidation of the NHRCM as Mongolia's expert human rights organization that is able to fulfill its vision, mission and mandate as determined by the law, and is so recognized by the official sector, civil society and general public, as well as regionally.

This report presents the Commission's activities for the years 2004 and 2005, in light of the goals and objectives set out in the Strategic Plan. The report consists of the following main sections:

- Human rights education
- Human rights promotion
- Human rights examination, research and inquiry
- Complaints handling
- Opinions, recommendations and demands
- International cooperation

## **1. Human Rights Education and Training**

### **1.1 Human rights training**

According to its Human Rights Education Plan, the Commission carries out human rights training and awareness raising for specific target groups, the general public; it also addresses the formal education system.

#### **1.1 .1 Training of legal professionals**

- Judges and prosecutors from the capital city, its districts and provinces on protection of human rights in detention centres and prisons;
- Chief and deputy prosecutors from the capital city, its districts and provinces on relations between human rights and prosecutors' oversight in criminal procedure;
- Judges, prosecutors and investigators on the current situation of trafficking of women;
- Police officers from the two thirds of the capital city district police departments and the railway police unit on human rights in criminal procedure;
- Judges from the capital city, its districts and police officers on the Convention against Torture during re-training in collaboration with the National Legal Center and the Police Academy;
- Lawyers from the capital city and the provinces on protection of human rights in criminal procedure in collaboration with the Mongolian Bar Association;
- Officers of the Court Decision Enforcement Agency on human rights principles and the Convention against Torture;
- Investigators in charge of juveniles from the provinces on the Convention against Torture;
- Establishment of a human rights center at the Police Academy in cooperation with the organisation and UNDP.

#### **1.1.2. Training of government officials**

- \* Human rights education and promotional activities as part of "Human Rights Open Days" in all 21 provinces with the purpose to raise awareness of local authorities and corporate sector on the government obligations under international human rights instruments, the Constitution and laws of Mongolia;
- \* The Government Task Force preparing treaty implementation reports on International Covenant on Civil and Political Rights and the Convention against Torture;
- \* Local authorities of Khuvsgul province and Tsagaannuur soum where a national minority resides on human rights and the rights of minorities;
- \* Individuals and NGOs in Tsagaannuur soum on project development and fundraising;
- \* Local professional inspection agency employees on human rights understanding;

#### **1.1.3. Training of other target groups**

- Central and local government officers in charge of complaints handling, advocates and NGOs on skills to resolve complaints of violations of human rights through mediation and conciliation";
- Regional human rights training of trainers as part of "Human Rights Open Days" in road shows in two provinces. The training involved local government officers from several provinces.

- Series of public seminars on human rights and torture and the right to claim compensation”,
- Authorized local representatives of the Commission on the methodology of organizing human rights open days and human rights training
- Law students from three law schools who later provided free legal service to indigent under the project that established free legal aid centers for the citizens of three ger districts in the capital city
- Journalists from all provinces on human rights in cooperation with “Gan Uzeg” Foundation of the Mongolian Press Institute
- Journalists on human rights of people with HIV/AIDS;

#### **1.1.4 Formal education system**

- Training of lecturers of all law schools on methodology of teaching human rights under the Model Human Rights Curriculum Development project for law schools.
- \* Conference involving relevant ministries, institutions, and universities on reforming human rights education program;
- \* Training of secondary school teachers on methodology of teaching human rights in cooperation with the relevant ministries, universities, and experts with the support of UNESCO in three provinces; and meeting with school authorities in another province;

#### **1.1.5 Major achievements**

Over the numerous training programs it has organized, the Commission has considerably increased and improved its expertise in effective methods of teaching, training and organizing human rights training programs. The training materials and handouts developed on the initiative of both Commissioners and staff have received high praise from participants.

Evidence of the Commission’s achievements in human rights training and education is seen in the increasing number of requests coming from various organizations and institutions seeking to organize human rights training and from the positive expressions of appreciation in the surveys conducted at the end of each training session or workshop.

## **2. Human Rights Promotion**

### **2.1 Promotion through media**

- \* The series of ten human rights radio programs developed in 2003 with the support of the OHCHR and UNDP, and broadcast by the Mongolian National Radio, was sent to the authorized local representatives of the Commission in the capital and all provinces of the country for broadcast at the local level to the general public, ongoing;
- \* A radio drama promoting the rights of the child was broadcasted on local radio stations in three selected provinces;
- \* Nine different TV documentaries were broadcasted to the general public. The themes included annual student contest organized by the Commission, minority rights, freedom to demonstrate peacefully and to hold public meetings, right to land, rights of the people with disabilities, right to claim compensation, torture and human rights, and right to adequate food;

- \* With the purpose to raise public awareness on torture, a series of TV commercials on two TV channels including the national TV;
- \* Regular media coverage of the National Inquiry against Torture launched by the Commission in 2005.

## **2.2 Public activities**

- Public hearings on the 2004 and 2005 Reports on the Status of Human Rights and Freedoms in Mongolia, involving government and non-government organizations, international community and the media;
- Presentation of new publications of the Commission on the occasion of the International Human Rights Day;
- Student contest on the theme “Torture and Human Rights” on the occasion of International Human Rights Day among law schools;
- Essay writing contest on torture and human rights, women’s rights and the rights of minorities among university students, researchers, scholars and the general public;
- \* Lectures, seminars and various contests on the request from government and non-government organizations such as contest for the best human rights definition and motto initiated by the Central Intelligence Service School;
- \* Messages to the public from the Chief Commissioner on the occasions of International Human Rights Day, International Women’s Rights Day, International Child Rights Day etc.;
- \* The Commission developed, published and distributing different publications including the Reports on the Status of Human Rights and Freedoms, quarterly newsletters, pamphlets, training materials, handbooks and books such as “Compilation of the Mongolian Government Reports to the UN Human Right Committees; Recommendations of the UN Treaty Bodies”;
- \* International human rights conventions and treaties to which Mongolia is a party were published officially;
- “Human Rights” a quarterly journal that was formerly run by HURISTMON project was adopted to the Commission since 2005. The journal is a human rights specialized publication distributed to a variety of audiences including government, non-government organizations, local governments, academic institutions etc.

## **2.2 Major achievements**

Many requests came from various organizations to conduct joint human rights promotion activities in 2004.

Jointly with the Ministry of Foreign Affairs, the Commission organized the official publication of the international human rights conventions and treaties to which Mongolia is a party and published them in the State Gazette, the official magazine where laws and regulations are published.

## **3. Human Rights Examination, Research and Inquiry**

### **3.1 Human Rights Research and Studies**

- \* Human rights analysis of national legislation with basic human rights principles;
- \* Studies on:
  - 1) freedom to demonstrate peacefully and freedom of assembly;
  - 2) the right to land ownership and possession;

- 3) the right to live in a healthy environment, right to protection from environmental pollution and damage to the ecological balance;
- 4) social protection of vulnerable social groups, and the right to material and financial aid prescribed in legislation;
- 5) principles for non-discrimination in employment;
- 6) the right to vote and to be elected;
- 7) the right to safe environment;
- 8) the right to adequate food;
- 9) violence against children;
- 10) sexual harassment at workplace;
- 11) the right to information.

Findings of the above-mentioned surveys and studies were put together in the annual Reports on the Status of Human Rights and Freedoms in Mongolia by the Commission along with recommendations, opinions and proposals submitted to relevant institutions and officials.

There are two ongoing studies:

- 1) Evaluation of human rights course in secondary schools with the support of UNESCO; As a result of this nationwide study, recommendations will be developed and submitted to relevant authorities with a view to improve human rights education in secondary schools; minimum qualification standards of teachers of human rights will be developed.
- 2) Nationwide study of the right to association and collective bargaining to review the implementation of the ILO Conventions No.87 and 98 and the Mongolian Law on Trade Unions; under the study there have been investigations and legal analysis of national laws in light of international standards.

### **3.2 Human Rights Investigations**

- Nationwide investigation into all places of detention to assess the implementation of international and national laws was carried out by the Commission jointly with the Ministry of Justice and Home Affairs;
- Investigation of conditions in pre-trial detention centers based on complaints received by the Commission; issued demands and recommendations as appropriate;
- Inquiry into the rights of the child who are in child care centers in the capital city; issued demands and recommendations as appropriate;

### **3.3 Public inquiry against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment**

The inquiry was launched in January 2005 with the purpose to to determine the factors and conditions of the prevalence of torture and inhuman, cruel or degrading treatment during police processing and in some prosecution offices, and law enforcement institutions; to reveal reasons and grounds that facilitate torture; to assess and evaluate working methods of combating torture; to identify effective prevention measures; to raise public awareness; and to create proper knowledge and attitudes among law enforcement officials.

- \* To date, the Commission has carried out public hearings in three provinces which were specific with meetings and discussions with the relevant justice authorities, inquiry into the conditions of pre-trial detention centers, investigations of complaints from inmates and individuals who alleged to have been subject to torture.

- \* Moreover, the Commission has carried out reviews of the complaints received by internal inspection mechanisms of the police and prosecutor's office.
- \* A significant inquiry was conducted into the conditions of the largest and one of the allegedly worst pre-trial detention center located in Ulaanbaatar; understanding and cooperation have been established with relevant authorities.
- \* The progress and early findings of the inquiry were presented to the UN Special Rapporteur during his visit in June 2005.

The inquiry is the first comprehensive or systematic attempt to look into the situation of torture and ill-treatment since 2001 when Mongolia ratified the Convention against Torture.

### 3.3 Major achievements

Since 2003 the Commission has been conducting research and surveys with the assistance of national consultants on specific human rights issues. This has the advantage for the Commission of attracting professional researchers and enables the NHRCM to deploy its human resources efficiently.

Public hearings of the Commission's annual "Human Rights Status Report" have become an important regular event. Public hearings are organized to consider comments, recommendations and observations from both state and non-government agencies. Academics have substantially improved their follow-up reports and the hearings paved way to many progressive ideas, helping increase credibility of the Commission.

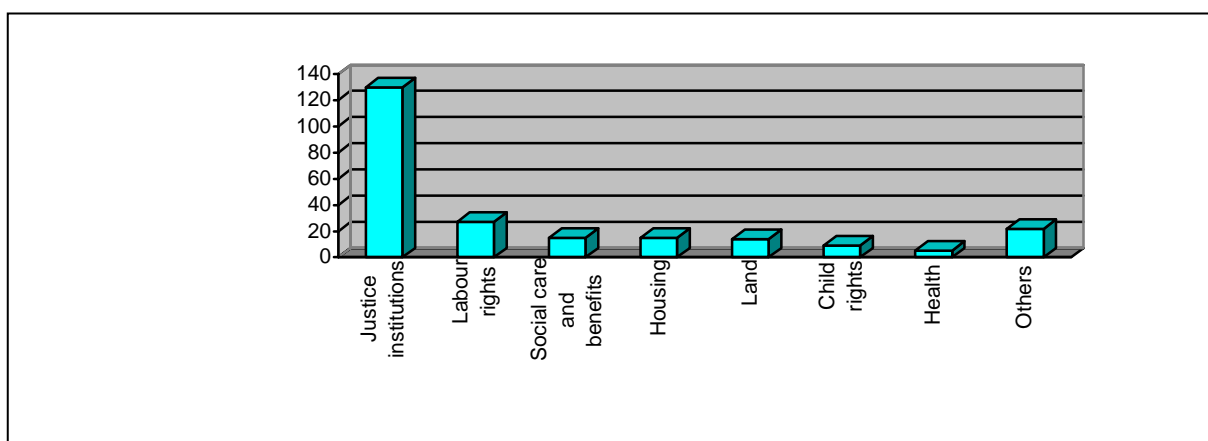
Investigations and inquiries within the framework of Human Rights Open Days in the provinces have been important for on-site assessment of human rights situations in rural areas and offer a possibility to review the implementation of recommendations during previous visits.

## 4. Complaints handling and processing

### 4.1 Complaints handling and human rights monitoring

The Commission received a total of 263 complaints in 2004-2005: 49.5% of these complaints were related to justice institutions, 10% concerned violations of labour rights, 5.7% about social care and benefits, another 5.7% about housing, 5.3% about right to possess and own land, 3.4% concerns child rights, 1.9% were related to the right to health.

#### Classifications of complaints received by the Commission in 2004-2005



As a result of the Commission's successful claim to the court on behalf of a complainant, for the first time in history the court awarded damages from the state budget for unlawful actions of state officials in criminal procedure.

The Commission introduced a program to monitor complaints registration and control the resolution of complaints, which is an important advance for the complaints handling process and will provide an opportunity to oversee all complaints electronically and ensure timeliness.

## **5. Opinions, Recommendations and Demands**

Major part of the Commission's opinions and recommendations are incorporated in the annual Reports on the Status of Human Rights and Freedoms in Mongolia.

In addition, the Commission issues and monitors recommendations, demands and opinions following its investigations, inquiries, research and studies. In 2004 and 2005 the Commission issued 17 recommendations, 11 demands, and 3 proposals to relevant authorities in order to restore human rights and freedoms and eliminate violations of human rights.

### **Major achievements**

The publication of the international conventions and treaties to which Mongolia is a party in the official "State Journal" of the Parliament of Mongolia was an important achievement towards enforcing international treaties as domestic legislation in accordance with the Constitution of Mongolia Article 10(3).

As a result of the Commission's recommendation, several women whose employment was suspended due to their complaints about sexual harassment were reinstated within a short period of time.

## **6. International cooperation**

- As part of the preparation process for hosting of the 10<sup>th</sup> Annual Meeting of the APF in Mongolia, the Commission organised meetings with Parliament, Government and related agencies and submitted proposals in this connection;
- With the objective of expanding cooperation with other national human rights institutions, the Commission officially invited an official visit by a delegations from the Australian Human Rights and Equal Opportunity Commission and the National Human Rights Commission of the Republic of Korea and
- The Commission maintained good relations with national institutions and international human rights organizations which have a working relationship with the NHRCM including APF, British Embassy, the Danish Centre for Human Rights, the Canadian Human Rights Foundation, Canada Fund in Mongolia, ILO, the Government of New Zealand, OHCHR, SIDA, UNDP, UNESCO, UNICEF and other human rights institutions;
- In addition, the Commission started implementing new projects on enforcement of CEDAW (UNDP), capacity development of the NHRCM (SIDA/Raoul Wallenberg Institute), study of the right to association (ILO), the rights of minority (Canada Fund), free legal assistance to indigent (British Embassy in Mongolia).

### **6.1 Major achievements**

Active participation in international seminars and conferences on human rights helped to upgrade and improve the competence and capacity of the commissioners and the staff, as well as to gain an in-depth and practical understanding of international practices and standards. This was of great importance for implementing those experiences in the everyday activities of the Commission.

Moreover, through active participation in international seminars and conferences the Commission strengthened and expanded its cooperation and relations with other national institutions and international human rights organizations.

## 7. Budget

Budget of the Commission in 2004 and 2005 equalled to 128,661 USD and only 3.6 percent was allocated for funding activities such as human rights education and promotion. The state budget and expenditure are set out in the table below:

1 \$=1200¥

| 1  | Expenditure  | Annual budget (in US dollars) |               | Percentage  |
|----|--|-------------------------------|---------------|-------------|
|    |  | 2004                          | 2005          |             |
| 1  | Basic wages, additional pay and awards                     | 20,282                        | 21,346        | 31,85%      |
| 2  | Premiums of pension and benefit insurance                  | 5,355                         | 5635          | 8,41%       |
| 3  | Office stationary  | 1,938                         | 1,938         | 2,89%       |
| 4  | Fuel and car rent costs                                    | 7,902                         | 11,616        | 17,33%      |
| 5  | Communication and correspondence costs                     | 4,221                         | 4,221         | 6,30%       |
| 6  | Expenses for missions                                      | 667                           | 1,000         | 1,49%       |
| 7  | Expenses for international cooperation activities/missions | 3,405                         | 3,405         | 5,08%       |
| 8  | Human rights education and promotion                       | 2,317                         | 2,317         | 3,46%       |
| 9  | Purchase of books  | 546                           | 546           | 0,81%       |
| 10 | Expenses for of foreign guests/visitors                    | 2,367                         | 2,367         | 3,53%       |
| 11 | Food, transport and other bonus costs                      | 361                           | 361           | 0,53%       |
| 12 | Purchase of equipments                                     | 1,250                         | 1,250         | 1,86%       |
| 13 | Premise rent costs   | 11,026                        | 11,026        | 16,46%      |
|    | <b>Total</b>   | <b>61,635</b>                 | <b>67,027</b> | <b>100%</b> |

The Capacity Development project, joint project implemented by the UNDP and OHCHR, is making an important contribution in overcoming this financial problem. In addition, as mentioned earlier, the Commission was able to undertake number of activities with the financial assistance from other partners.