

MONGOLIA

NATIONAL HUMAN RIGHTS COMMISSION
REPORT OF YEAR 2006-2007

TO THE 12TH ANNUAL MEETING OF ASIA PACIFIC FORUM

FOREWORD

The National Human Rights Commission of Mongolia (NHRCM) is an institution mandated with promotion and protection of human rights and charged with monitoring over the implementation of the provisions on human rights and freedoms enshrined in the Constitution of Mongolia, law and international treaties to which Mongolia is a party.

NHRCM is now in its 7th year, following its establishment in February 2001. Since that time, plenary power for the previous commissioners had expired and next commissioners headed by a Chief Commissioner are being nominated in February 2007. The commission within granted powers by law conducts its activity in Mongolia actively promoting and implementing new strategic plan for 2007-2011 in order to achieve defined aim and goals.

POWERS OF THE COMMISSION

- To put forward proposals on any human rights-related issues
- Put forward recommendations and proposals on whether laws or administrative decisions are in conformity with the key human rights principles
- To put forward proposals on the implementation of international human rights treaties and/or drafting of Government reports
- To accept and examine complaints, to transfer complaints with respect to criminal and/or civil cases and disputes to relevant authorities of officials according to their jurisdiction, to refuse to accept the complaints which do not meet the requirements
- To submit claims to the Courts with regard to issues of violation of human rights and freedoms
- To put forward requests to the competent authorities of officials with regard to imposing administrative sanctions on officials who, as he/she consider, have violated human rights and freedoms
- To demand organizations or officials to stop activities which violate human rights and freedoms, or which create conditions for such violations
- Commissioners shall write and deliver demands to relevant organizations in order to 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
- Commissioners may approach the Court, according to the procedure established by law, with regard to the business entities, organizations of officials which have refused to undertake relevant measures as provided under his/her demands and/or recommendations
- To decide the issues by way of conciliation of the parties
- Commissioners may participate in the advisory capacity in sessions of the State Great Hural or in meetings of the Government Cabinet at the request of the Speaker of the State Great Hural of the Prime Minister
- Commissioners shall refer to the officials or authorities with law-initiating competence his/her proposals with regard to improving the legislation connected with fulfilling human rights and freedoms

- Commissioners shall provide advice on human rights issues at the request of State authorities
- Commissioners shall have a right to publish and report his/her issued demands or recommendations through the mass media

ACTIVITIES

- To conduct research and study on human rights and to provide the necessary information and data
- To collaborate with international, regional human rights institutions
- To write annual status report on human rights and submit it to the State Great Hural within first quarter of each year
- To raise the public awareness of international human rights treaties and standards
- To encourage activities towards human rights education
- To encourage international human rights conventions and treaties by ratification or joining

ORGANISATIONAL STRUCTURE, PERSONNEL AND BUDGET

The commission consists of 17 full-time personnel including Chief Commissioner, two commissioners, staff director, 7 officers and 6 assisting employees are currently working within the commission. Commission has yearly budget of 123 million tugrug. /100 million US Dollar/

Work teams of the commission:

- Human rights education, training and promotion team
- Complaints handling and monitoring team
- Policy and analysis team
- Multilateral cooperation team
- Internal operation team

ACTIVITIES

The National Human Rights Commission conducted the following activities during September, 2006 to August 2007:

The NHRCM organizes an annual national forum on human rights in occasion with International human rights day under the aegis of the president of Mongolia. 2006 Forum was held on “Rights of Disabled”. Forum wrote and delivered recommendations to State Great Hural, Governmental and non governmental organizations and private entities. The Commission formed a work group in order to control an implementation of delivered recommendations. Publications including manuals and other relevant materials on rights of disabled have been published and distributed among society. Preparation works of the next forum “Victims’ rights” for 2007 have already began.

NHRCM had conducted monitoring visits to military regiments of the Armed Force of Mongolia and Frontier Troop. The violations detected during monitoring have been formulated and 10 requests and recommendations delivered to relevant authorities.

Within the scope of above works, NHRCM organized numbers of trainings, a handbook on rights of military servants is under publication.

The current status report on human rights and freedoms in Mongolia is “Rights of military servants, rights of persons with disabilities and human rights education in Mongolia”. Upon discussion by Subcommittee of Human Rights and Legal Subcommittee, the Parliament of Mongolia made a resolution concerning the report and obliged the government to eliminate the violations of human rights, to implement the recommendations and proposals, obliged the Commission to control over its implementation.

The NHRCM delivered its proposal on International convention on human rights of disabled people adopted by UN General Assembly under the resolution A/61/611 in 2006 to State Great Hural and government of Mongolia for ratification.

The NHRCM initiated development of action and strategic plan for the period of 2008-2010 which are relevant to Government implementation plan on Millennium development goals of Mongolia, National program on human rights promotion in Mongolia.

There were fatal cases due to torture that involved 5 victims that claimed property and non property claims totaling at 258 278 000 tugrug to which NHRCM has been authorized as claimant. According to provisions of the convention on torture prohibition, the court decided to issue 8 000 000 tugrug to an authorized claimant. This was a pilot court practice in Mongolia.

Environmental pollution level is getting higher because of the development of mining industry. Using the illegal chemicals, cyanide and mercury to mine the gold is causing the pollution in the ground, air and water which violate human right to live in safe environment, the right to upgrade the condition of living continuously and other human rights. Staff members of the commission worked at the particular places with pollution and collected information, the report of the current situation of pollution is sent to the president of Mongolia, National Security Council of Mongolia, Parliament of Mongolia, and to the Government.

Over 60 trainings and seminars in providing human rights education were organized that involved 5200 people. The official web site (www.mn-nhrc.org) of the commission was updated with lots of new information and the quarterly magazine ‘Human Rights’, the information pages, brochures, handbooks, textbooks, documentaries, radio program, photography contest, advertising posters are publicized continuously.

The topics of ongoing research and monitoring activities are “Implementation of human rights to complaint to the governmental institutions and officials, implementation of the human rights for those, who work in Korea, rights of patients at SEMUT, unacceptable forms of children labor, the condition of the detainees and convicts, the implementation of rights of children in care centers”. So far 3 proposals and 16 inquiries requests delivered to the related institutions, organizations or individuals by research and monitoring team.

The commission received a total of 260 complaints from which 183 complaints characteristics; 74 requests; 3 proposal or recommendation characteristics. Thus 89 complaints were transferred to the related officials; 33 complaints were closed; and 79 complaints were studied and were replied officially; 44 complaints were taken into consideration as a human rights violation and recommendations were submitted for the further process which of 15 complaints is now at its final stage.

Classification of complaints:

- Court decision
- On activities by governmental or legal institutions
- Rights to property
- Rights to work
- Loss and damage recovering
- Financial aid request
- Rights of children
- Sexual harassment at work place
- Rights to religion
- Rights of disabled
- Women trafficking
- Right to education

Also 13 complaints were received from trade unions or civil movements. Altogether 5 requests, 2 recommendations and 145 official letters were delivered to related organizations and individuals.

In order to widen the multilateral cooperation, the NHRCM is collaborating with the national and international institutions, having talking with foreign missions to Mongolia, defining possible bilateral cooperation. Particularly, status report on human rights and freedoms 2007 was submitted to delegates of international organizations; signed a Memorandum of Understanding on cooperation with UNICEF; being implementing a joint project with SIDA and ILO “Worst forms of child labor”.

The commission has its delegates to APF, staff of the commission take regular participation to human rights training organized by Raoul Wallenberg Institute of University of Lund in Sweden.

Non vacant committee under the commission that consists of 9 representatives of NGO a purpose of which is to promote participation by civil society to activity of the commission, support in exercising a full power plays a significant role in strengthening mutual cooperation with civil society institutions.

MAIN ACHIEVEMENTS AND FURTHER CONSIDERATIONS

It is creditable that our multilateral cooperation with the governmental organizations and civil society institutions is expanding, and the structure and number of complainants are varying and increasing, which requests from us an active cooperation and intervention into variety of human rights issues.

Since its establishment in 2001, a budget and the vacancy remained as previously thanks successful implementation of capacity building project funded by UN. The project was completed in June, 2006. Lack of project may cause financial difficulties in conducting a wide range of activities of the commission.

This is essential to take required measurements towards increasing of budget and vacancy of the commission in consideration of the fact that the NHRCM initiated development of action and strategic plan for the period of 2008-2010 which are relevant to Government implementation plan on Millennium development goals of Mongolia, National program on human rights promotion in Mongolia.