



*Human rights are respected,  
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everyone, everywhere, every  
day*

# **“Mongolian NHRC’s complaint handling and its cooperation with the General Staff of the Armed Force”**

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# Main mandates of the Commission

- The NHRC of Mongolia was established in 2000 by the Law on NHRCM.
- Accredited with “A” status by the International Coordination Committee of the NHRIs in compliance with the Paris Principles.
- Full member of the Asia Pacific Forum of the NHRIs.

The Commission has a mandate to:

- Oversee the implementation of the human rights and freedoms guaranteed under the Constitution and international human rights instruments to which Mongolia is a signatory;
- Protect human rights and freedoms;
- Promote human rights and freedoms;

# Powers of Commissioners with respect to complaints handling

- Receive and resolve complaints lodged by people who claimed that their human rights and freedoms have been violated;
- Have unrestricted access to any business entity or organization, and to meet in person with the relevant officials;
- Obtain the necessary evidence, official documents and information from organizations and/or officials;
- Appoint experts and get their expert-opinions;
- Access the confidential data/secrets of the State, organisation or individual person;
- Transfer a complaint to the relevant authorities or officials according to their jurisdiction;
- Conduct an inquiry into the activities of business entities, organizations or officials.

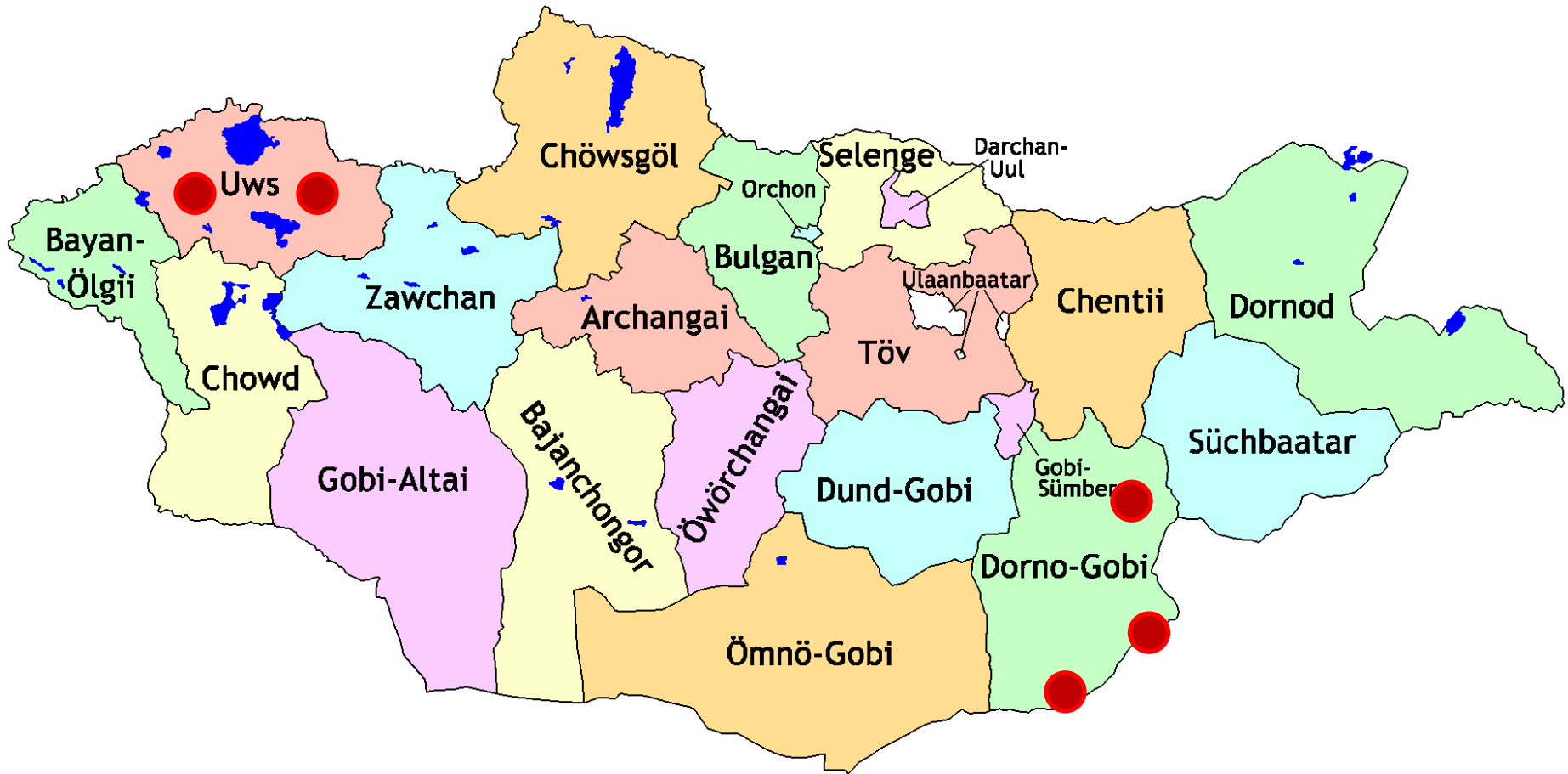
# Decision making on complaints

- Mediation and conciliation;
- Make recommendations and deliver them to relevant organizations or officials in order to prevent violations of human rights and freedoms;
- Issue demands to relevant organisations or officials to stop activities which violate human rights and freedoms, or which create conditions for such violations;
- 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;
- Litigates to the court on behalf of victims of human rights violations for the compensation;

# Inquiry related to complaints

- In order to resolve complaints effectively, Commission conducts an inquiry into the activities of business entities, organisations or officials, independently or jointly on the basis of its own initiative, or proposal by the competent State authority;

# First inquiries into military regiments



In 2006, NHRC has conducted its first inquiries into 5 military regiments at Dornogobi and Uvs province subsidiary to General Authority for Border Protection and then 6 military units of the General Staff of the Armed Forces stationed in Ulaanbaatar with a Joint – ToR of General Authority for Border Protection (GABP), and General Staff of the Armed Forces (GSAF);

# Fact findings

- Service misconduct;
- Disciplinary sanctions;
- Housing and living conditions;
- Food and uniform supply;
- Medicare services;
- Pensions, Allowances and Social Protection;
- Right to labor by civilian employees on service contract with the military
- Their children's right to education;

# Follow-up activities

- The Commission included the inquiry, its results and recommendations in its annual status report on human rights and freedoms and presented to the Parliament;

The recommendations included:

- Effective management and investigation mechanisms directed to prohibit illegal actions;
- Streamline regulations concerning disciplinary sanctions of military personnel.
- Incorporate human rights subjects in the curricula of the Military University and Border Protection School, and at other training facilities for military personnel.
- Multidisciplinary inspection on the compliance of military compounds and housing with general building standards, and take gradual measures to improve work and living environment.
- Special attention to quality and safe supply of food and uniform clothing to the military personnel, and improve supervision on procurement and distribution.
- Assistance in creating proper facilities apart from physical development and professional training.
- Measure to raise salary schemes, pensions and allowances and social protection of the military personnel.
- Enable trade unions and other collective organizations of civilian staff to perform duties according to their mandate.



# Results

- After hearing of the Commission's annual report, the Parliamentary Standing Committee on Legal Affairs issued a resolution on revising regulation on disciplinary sanctions, and to make sanction detention house in line with human rights principles and standards, and to pay attention to food security and clothing of military personnel.
- Presented the inquiry and fact-finding results to the Meeting of Commanding Officers which holds every year.
- Through strengthening the relationship with the GSAF and GABP, the Commission became able to do inquiries into their subsidiary bodies on regular basis and to redress human rights violations without any barriers
- Regularly conducts Human rights training for military personnel including army and border protection units in order to prevent human rights violations.
- With support of international organizations such as UNDP and ILO;

## MoU with General Staff of the Armed Forces

NHRC of Mongolia signed a MoU with government organizations to jointly resolve the human rights specific issues and to undertake inquiries, training, promotional and advocacy activities. Including among others in 2011:

- **General Staff of the Armed Forces**
- **General Authority for Border Protection**

## MoU covers 3 areas:

- Training – military officers and staff members of the army and border protection units of GSAF
- Inquiry and monitoring – all army units and border ports
  - Implementation on the right to be free from torture of conscripts;
- Research and survey –
  - labour rights of military personnel and contracted civilian;
  - the right to education of their children;
  - living condition of conscripts and contracted civilian.

# Recent inquiry

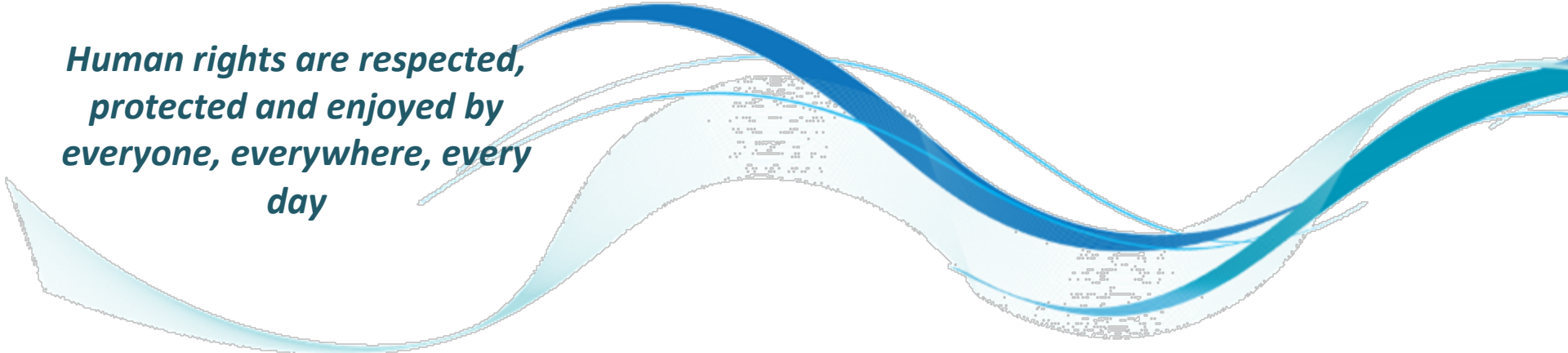
In 2013, the NHRCM conducted inquiry into Construction-Engineering Units 339 and 340 of the General Staff of the Armed Forces in provinces .

## *Fact findings:*

- *Lack of appropriate legal regulations*
- *Non-military related works*
- *Non-voluntary works*
- *Overtime work*
- *Poor salary*

***Recommended the Parliament: Make the domestic laws on employment of conscripts comply with ILO Convention No.29 on Forced Labour, and ILO Convention No.105 on Abolition of Forced Labour.***

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**Thank you for your  
attention!**