

## Chapter two

Written by Administrator  
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### HUMAN RIGHTS AND FREEDOMS

#### **Article 14**

1. All persons lawfully residing within Mongolia are equal before the law and the court.
2. No person shall be discriminated against on the basis 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.

#### **Article 15**

1. The grounds and procedure for Mongolian nationality, acquisition or loss of citizenship shall be defined only by law.
2. Deprivation of Mongolian citizenship, exile and extradition of citizens of Mongolia shall be prohibited.

#### **Article 16**

The citizens of Mongolia shall be guaranteed the privilege to enjoy the following rights and freedoms:

- 1) Right to life. Deprivation of human life shall be strictly prohibited unless capital punishment is imposed by due judgement of the court for the most serious crimes, constructed by Mongolian Penal Law.
- 2) Right to healthy and safe environment, and to be protected against environmental pollution and ecological imbalance.
- 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 bodies appropriate private property on the basis of exclusive public need, they shall do so with due compensation and payment.
- 4) Right to free choice of employment, favorable conditions of work, remuneration, rest and private enterprise. No one shall be unlawfully forced to work.
- 5) Right to material and financial assistance in old age, disability, childbirth and child care and in other circumstances as provided by law;
- 6) Right to the protection of health and medical care. The procedure and conditions of free medical aid shall be defined by law.
- 7) Right to education. The State shall provide basic general education free of charge. Citizens may establish and operate private schools if these meet the requirements of the State.
- 8) Right to engage in creative work in cultural, artistic and scientific fields and to benefit thereof. Copyrights and patents shall be protected by law.
- 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.
- 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.
- 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,

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motherhood and the child.

12) Right to submit a petition or a complaint to State bodies and officials. The State bodies and officials shall be obliged to respond to the petitions or complaints of citizens in conformity with law.

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 of time established by law of the reasons for and grounds of the arrest. Privacy of citizens, their families, correspondence and residence shall be protected by law.

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 judgement, to seek pardon. Compelling to testify against himself/herself 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.

15) Freedom of conscience and religion.

16) Freedom of thought, free expression of opinion, speech, press, peaceful demonstration and meetings. Procedures for organizing demonstrations and other assemblies shall be determined by law;

17) Right to seek and receive information except that which the State and its bodies are legally bound to protect as secret. In order to protect human rights, dignity and reputation of persons and to defend the State national security and public order, secrets of the State, individuals, or organizations which are not subject disclosure shall be defined and protected by law.

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.

### **Article 17**

1. Citizens of Mongolia while upholding justice and humanism, shall fulfill in good faith the following basis duties:

- 1) respect and abide by the Constitution and other laws;
- 2) respect the dignity, reputation, right and legitimate interests of other;
- 3) pay taxes levied by law;
- 4) defend motherland and serve in the army according to law.

2. It is a sacred duty for every citizen to work, protect his/her health, bring up and educate his/her children and to protect nature and the environment.

### **Article 18**

1. The rights and duties of aliens residing in Mongolia shall be regulated by the Mongolian law and by the treaties concluded with the State of the person concerned.

2. Mongolia shall adhere to the principle of reciprocity in determining the rights and duties of foreign nationals in an international treaty being concluded with the country concerned.

3. The rights and duties of stateless persons within the territory of Mongolia shall be

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determined by the Mongolian law.

4. Aliens or stateless persons persecuted for their convictions, political or other activities pursuing justice, may be granted asylum in Mongolia on the basis of their well-founded requests.

5. In allowing the foreign nationals and stateless persons residing in Mongolia to exercise the basic rights and freedoms provided for in Article 16 of the Constitution, the State may establish certain limitations upon the rights other than the inalienable rights spelt out in international instruments to which Mongolia is a Party, out of the consideration of ensuring the national security, populations, and public order.

### **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. Last Updated ( Friday, 27 July 2007 )