

# **ACCESS TO JUSTICE FOR CHILDREN: MONGOLIA**

*This report was produced by White & Case LLP in July 2014 but may have been subsequently edited by Child Rights International Network (CRIN). CRIN takes full responsibility for any errors or inaccuracies in the report.*

## **I. What is the legal status of the Convention on the Rights of the Child (CRC)?**

### **A. What is the status of the CRC and other relevant ratified international instruments in the national legal system?**

Mongolia ratified the CRC on 5 July 1990 with no reservation. Mongolia is also a party to the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and to the Optional Protocol on the Involvement of Children in Armed Conflict. Article 10(3) of the Constitution of Mongolia provides that “international treaties to which Mongolia is a Party shall become effective as domestic legislation upon the entry into force of the laws on their ratification or accession”.<sup>1</sup>

### **B. Does the CRC take precedence over national law?**

As of the latest report to the Committee on the Rights of the Child, 160 out of the 373 laws in force in Mongolia included provisions stating that should they conflict with international treaties, then the treaty will take precedence. As such, the provisions of the Convention on the Rights of the Child are enforceable under national law, but will only take precedence over less than half of Mongolia’s statutes.<sup>2</sup>

### **C. Has the CRC been incorporated into national law?**

The CRC has not been incorporated into domestic law in full. Rather its provisions are implemented in domestic law in a piecemeal fashion.

### **D. Can the CRC be directly enforced in the courts?**

The Convention was automatically incorporated on ratification. However, children may rely on the provisions of national legislation which implement the CRC.

### **E. Are there examples of domestic courts using or applying the CRC or other relevant international instruments?**

We could not locate any examples of domestic courts using or applying the CRC or other relevant international instruments.

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<sup>1</sup> Constitution of Mongolia (1992), available at <http://www.wipo.int/wipolex/en/details.jsp?id=3039>.

<sup>2</sup> UN Committee on the Rights of the Child, *Combined third and fourth periodic reports of Mongolia*, CRC/C/MNG/3-4, 9 June 2009, para. 16. Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMNG%2f3-4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMNG%2f3-4&Lang=en).

## II. What is the legal status of the child?

### A. Can children and/or their representatives bring cases in domestic courts to challenge violations of children's rights?

Children can bring cases in the civil courts, however, the involvement of a representative may be required pursuant to the requirements of the Civil Procedure Code<sup>3</sup>, outlined in part II.B below.

In criminal proceedings, minor children who are accused of a crime must act through a legal representative<sup>4</sup> and the participation of defence counsel is compulsory.<sup>5</sup> In the instances where a minor is the victim of a crime, a parent or another adult member of their family shall have the right to participate in the proceedings as well as the right to withdraw the complaint at any stage of the proceedings.<sup>6</sup>

### B. If so, are children of any age permitted to bring these cases by themselves in their own names/on their own behalf, or must the case be brought by or with the assistance of a representative?

According to Mongolian law, full legal capacity is acquired at reaching the age of 18.<sup>7</sup> Children aged 14 to 18 only have partial civil legal capacity, children aged seven to 14 are considered to have some civil legal capacity and children younger than seven have no legal capacity.<sup>8</sup>

The Civil Procedure Code permits children between the ages of 14 and 18 to protect their rights and interests in court, however, the court may decide to involve their parent or legal guardian.<sup>9</sup> The rights and interests of persons under the age of 14, however, can only be protected in court by a parent or guardian on behalf of the child.<sup>10</sup>

In addition to the court system, every Mongolian citizen, who considers that their constitutional rights or rights granted by other laws and international treaties have been violated, has the right to lodge a complaint with the National Human Rights Commission (“NHRC”).<sup>11</sup> Complaints on behalf of children (or persons who do not have full legal capacity) must be lodged by a representative, such as a parent or legal guardian.<sup>12</sup>

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<sup>3</sup> Available at: [http://media.wix.com/ugd/06e4ce\\_4af413188b8c4d938f621b65f5ebec79.pdf](http://media.wix.com/ugd/06e4ce_4af413188b8c4d938f621b65f5ebec79.pdf)

<sup>4</sup> Code of Criminal Procedure, Article 37, available at: <http://www.oecd.org/site/adboecdanti-corruptioninitiative/46816723.pdf>.

<sup>5</sup> Code of Criminal procedure, Article 40.

<sup>6</sup> Code of Criminal Procedure, Article 23.

<sup>7</sup> Civil Code, Article 15, available at:

<http://www.track.unodc.org/LegalLibrary/pages/LegalResources.aspx?country=Mongolia>.

<sup>8</sup> Civil Code, Articles 16-18.

<sup>9</sup> Civil Procedure Code, Article 24.

<sup>10</sup> Id.

<sup>11</sup> National Human Rights Commission of Mongolia Act, Article 9, available at

<http://www.legislationline.org/topics/country/60/topic/82>. For further details regarding the procedure for lodging complaints and powers of the Commission, please refer to parts III and IV below.

<sup>12</sup> Id.

C. In the case of infants and young children, how would cases typically be brought?

In relation to children with limited legal capacity (aged seven to 14) and children who lack legal capacity (under seven years old), the Civil Procedure Code provides that their legal rights and interests may only be protected in the courts by a parent or legal guardian.<sup>13</sup> The same is also true for complaints brought to the National Human Rights Commission.<sup>14</sup>

D. Would children or their representatives be eligible to receive free or subsidised legal assistance in bringing these kinds of cases?

Although the Constitution provides that each citizen has the right to receive legal assistance<sup>15</sup> we could not find any specific procedures or requirements for child complainants to obtain free or subsidised legal aid.

Even if legal aid was available to a child complainant, access to and the quality of representation provided under the legal aid system has been criticized, with blame focused on poor appointment procedures, low fixed rate fees and uncertainty of fee payment.<sup>16</sup>

Some NGOs provide legal advice, however, these may not always be accessible, especially for people living in rural areas.<sup>17</sup> Assistance may also be available through the NHRC which must provide citizens with free legal advice.<sup>18</sup>

E. Are there any other conditions or limits on children or chosen legal representatives bringing cases (e.g., would a child's parents or guardian have to agree to a case being brought)?

No further conditions or limitations were identified.

### III. **How can children's rights violations be challenged before national courts?**

A. If there is a potential violation of the Constitution or other principles established in domestic law, or with the CRC or other relevant ratified international/regional instruments, how can a legal challenge be brought?

Any person has the right to initiate proceedings in the civil courts if they consider to be a victim of a violation of their human rights, freedom, and

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<sup>13</sup> Civil Procedure Code, Article 24.

<sup>14</sup> National Human Rights Commission of Mongolia Act, Article 9.

<sup>15</sup> Constitution, Article 16.14.

<sup>16</sup> *Juvenile Justice in Mongolia*, pp. 82-84, UNICEF, available at [http://www.unicef.org/mongolia/JJ\\_Eng.pdf](http://www.unicef.org/mongolia/JJ_Eng.pdf).

<sup>17</sup> The Advocates for Human Rights and the National Center Against Violence, *Implementation of Mongolia's Domestic Violence Legislation*, pp. 17-18, (January 2014), available at [http://www.theadvocatesforhumanrights.org/uploads/mongolia\\_report\\_final.pdf](http://www.theadvocatesforhumanrights.org/uploads/mongolia_report_final.pdf).

<sup>18</sup> See <http://www.mn-nhrc.org/eng/38/41/18-legal-advice.html>.

legally protected interests provided by legislation of Mongolia and international treaties to which Mongolia is a party.<sup>19</sup>

Alternatively, individuals also have the right to submit a petition to the Constitutional Court in relation to a violation of rights protected by the Constitution,<sup>20</sup> however, there are no further provisions for cases of violations of children's rights. Therefore, it can be presumed that a petition on behalf of a child will have to be submitted by a legal representative. The Court may also issue judgements on its own initiative.<sup>21</sup>

Complaints to the NHRC can be made in relation to violations of human rights guaranteed by the Constitution or by a ratified international treaty, such as the CRC.<sup>22</sup>

Finally, once all domestic remedies have been exhausted, complaints against violations of children's rights may be submitted to the UN Committee on the Rights of the Child under the third Optional Protocol to the CRC,<sup>23</sup> which Mongolia has ratified. Complaints can be made directly by both an individual child or a group of children, or indirectly, on their behalf by an adult or an organisation.<sup>24</sup> The violations must concern a right granted by either the CRC, the Optional Protocol on the sale of children or the Optional Protocol on the involvement of children in armed conflict<sup>25</sup> and must have occurred after the entry into force of the Protocol on 28 December 2015.<sup>26</sup> Anonymous complaints are inadmissible and so are complaints not made in writing.<sup>27</sup> In addition, only complaints made in one of the working languages of the UN will be accepted.<sup>28</sup> After examining the complaint, the Committee can make recommendations to the State, which are not legally binding.<sup>29</sup>

B. What powers would courts have to review these violations, and what remedies could they offer?

Decisions by the Constitutional Court must be submitted to the Parliament.<sup>30</sup> If the Parliament does not accept the decision, the Court will re-examine it

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<sup>19</sup> Civil Procedure Code, Article 3.

<sup>20</sup> Constitution, Article 66 and Law on the Constitutional Tsets, Article 9, available at: <http://www.conscourt.gov.mn/index.php/mn/legislation/the-law-on-constitutional-tsets>.

<sup>21</sup> Constitution, Article 66.

<sup>22</sup> National Human Rights Commission of Mongolia Act, Article 9.

<sup>23</sup> Optional Protocol to the Convention on the Rights of the Child on a communications procedure, 2013, available at:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=A/RES/66/138&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=A/RES/66/138&Lang=en).

<sup>24</sup> Ibid., Article 5.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid., Article 7(g).

<sup>27</sup> Ibid.

<sup>28</sup> Office of the United Nations High Commissioner for Human Rights, '23 FAQ about Treaty Body complaints procedures', available at:

<http://www2.ohchr.org/english/bodies/petitions/individual.htm#contact>.

<sup>29</sup> Optional Protocol to the Convention on the Rights of the Child on a communications procedure, Article 10.

<sup>30</sup> Constitution, Article 66.2 and Law on the Constitutional Tsets, Article 8.

before making a final decision.<sup>31</sup> If such a final decision finds that a law, a decision by the Government or the ratification of an international treaty is in breach of the Constitution, that law, decision or ratification instrument becomes invalid.<sup>32</sup>

If the Commissioners of the NHRC consider that there may have been a violation of human rights on the basis of the facts presented by a complaint, they can submit the claim to the courts.<sup>33</sup> Additionally, commissioners may refer complaints to the competent authorities or officials at any time during the course of examining a complaint if they consider it to be a criminal or civil matter. If the complaint involves civil or criminal elements as well as human rights elements, the NHRC has discretion to continue the investigation or refer it to competent authorities.<sup>34</sup>

C. Would such a challenge have to directly involve one or more individual child victims, or is it possible to challenge a law or action without naming a specific victim?

When filing to initiate proceedings in the civil courts, it is compulsory to identify the plaintiff by name.<sup>35</sup>

Complaints to the NHRC must include the name of the complainant, though commissioners are required to keep all complaint details confidential and to protect the privacy of complainants and other parties.<sup>36</sup>

D. Is any form of collective action or group litigation possible, with or without naming individual victims?

Although it is possible for several plaintiffs to jointly participate in court proceedings.<sup>37</sup> There is no provision in Mongolian law that explicitly permits public interest litigation on behalf of a group of individuals or an unidentified victim.<sup>38</sup>

Petitions to the Constitutional Court are not accepted if they do not include the name and address of the petitioner<sup>39</sup>, however, the law does not explicitly require that the plaintiff is himself the victim of a breach of their constitutional right, therefore, it may be possible for a third party to lodge a petition on behalf of a child.

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<sup>31</sup> Constitution, Article 66.3.

<sup>32</sup> Constitutional Tsets, Article 8.4.

<sup>33</sup> National Human Rights Commission of Mongolia Act, Section 17.1.1. See also *Complaints Manual*, p. 26.

<sup>34</sup> *Complaints Manual*, p. 24.

<sup>35</sup> Code of Civil Procedure, Article 62.

<sup>36</sup> *Complaints Manual*, p. 6, The National Human Rights Commission of Mongolia (25 July 2002), available at [http://nhri.net/Ni/Files/84/MN Complaints Manual.pdf](http://nhri.net/Ni/Files/84/MN%20Complaints%20Manual.pdf). See also National Human Rights Commission of Mongolia Act, Section 16.2.

<sup>37</sup> Civil Procedure Code, Article 27.

<sup>38</sup> Bayartsetseg Jigmiddash, *Supporting Public Interest Litigation in Mongolia*, Human Rights @ Harvard Law (12 May 2012), available at <http://hrp.law.harvard.edu/alumni/supporting-public-interest-litigation-in-mongolia/>.

<sup>39</sup> Law on the Constitutional Tsets, Article 9.

Complaints to the NHRC may be lodged by groups, however, the victims of a violation must again be named.<sup>40</sup>

E. Are non-governmental organisations permitted to file challenges to potential children's rights violations or to intervene in cases that have already been filed?

The position appears to be that legal entities have no standing to sue in the civil courts unless they can also show that have suffered direct harm.<sup>41</sup> However, NGOs are given the same rights as individuals to lodge complaints with the NHRC.<sup>42</sup>

**IV. Practical considerations.** Please detail some of the practical issues, risks and uncertainties that might be involved in bringing a case to challenge a violation of children's rights, such as:

A. Venue. In what courts could a case be filed (e.g., civil, criminal, administrative, etc.)? What would the initial filing process entail?

Civil claims must be filed in writing and signed by the plaintiff.<sup>43</sup> A judge considers the claim and, if there is no ground for refusal (such as lack of jurisdiction, no legal capacity of the plaintiff etc.)<sup>44</sup>, they must issue an order initiating the case within seven days.<sup>45</sup>

Petitions to the Constitutional Court must be submitted in writing and must identify the plaintiff and indicate which provisions of the Constitution are alleged to be breached, by whom and in what way.<sup>46</sup> The admissibility of the petition will be considered by a member of the Court within 14 days.<sup>47</sup>

In criminal proceedings, children are not permitted to be in the courtroom unless summoned by the court.<sup>48</sup>

In order to lodge a complaint with the NHRC, the grievance must first have been decided through an “administrative process”. According to the NHRC, this requirement means that the complainant must have already “brought the grievance to the attention of someone in authority”—such as a department of the government—“and received a decision about it from that authority”.<sup>49</sup> Complaints must also (i) specify which legally protected rights and freedoms the complainant believes have been violated, (ii) include the complainant’s name and contact information, and (iii) include the name, contact

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<sup>40</sup> National Human Rights Commission of Mongolia Act, Section 9.1.

<sup>41</sup> *Supporting Public Interest Litigation in Mongolia.*

<sup>42</sup> National Human Rights Commission of Mongolia Act, Section 9.4.

<sup>43</sup> Code of Civil Procedure, Articles 62-73.

<sup>44</sup> Code of Civil Procedure, Article 65.

<sup>45</sup> Code of Civil Procedure, Article 66.

<sup>46</sup> Law on the Constitutional Tsets, Article 9.

<sup>47</sup> *Id.*

<sup>48</sup> Code of Criminal Procedure, Article 251.5.

<sup>49</sup> *Complaints Manual*, p. 5. See also National Human Rights Commission of Mongolia Act, Section 11.1.1.

information and documents related to the respondent.<sup>50</sup>

- B. Legal aid / Court costs. Under what conditions would free or subsidised legal aid be available to child complainants or their representatives through the court system (i.e., would the case have to present an important legal question or demonstrate a likelihood of success)? Would child complainants or their representatives be expected to pay court costs or cover other expenses?

There are no specific provisions for waiving court fees in cases brought on behalf of a child. However, the civil courts have the power to exempt a party from paying fees if it is shown that they are insolvent or to reduce the amount payable, defer payment or allow payment in installments considering the financial position of the parties.<sup>51</sup> In addition, claims which have been referred to the court by the NHRC are exempt from paying court fees.<sup>52</sup>

- C. Pro bono / Financing. If legal aid is not available, would it be possible for child complainants or their representatives to obtain legal assistance from practising lawyers on a pro bono basis, through a children's rights organisation, or under an agreement that does not require the payment of legal fees up front?

There are very few lawyers working on a pro bono basis in Mongolia.<sup>53</sup> Child complainants or their representatives may seek pro bono assistance from organizations such as:

- the Centre for Asia-Pacific Pro Bono;<sup>54</sup>
- the Mongolian Child Rights Centre;<sup>55</sup>
- the National Centre Against Violence;<sup>56</sup>
- the Centre for Human Rights & Development.<sup>57</sup>

- D. Timing. How soon after a violation would a case have to be brought? Are there any special provisions that allow young adults to bring cases about violations of their rights that occurred when they were children?

Complaints must be lodged with the NHRC within one year of either (i) the date on which the violation occurred or (ii) the date on which the complainant came to know about the violation, whichever is later.<sup>58</sup> The latter date is open to interpretation, and could mean the date on which the complainant came to understand that the circumstances amounted to a human rights violation, even if such date is a considerable time after the

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<sup>50</sup> *Complaints Manual*, pp. 4-7.

<sup>51</sup> Code of Civil Procedure, Articles 55 and 58.

<sup>52</sup> National Human Rights Commission of Mongolia Act, Article 17.2.

<sup>53</sup> See

<http://asiafoundation.org/in-asia/2014/03/12/mongolia-strengthens-efforts-to-prevent-and-combat-trafficking-in-persons/>.

<sup>54</sup> See <http://www.cappb.org/request-pro-bono>.

<sup>55</sup> See <http://www.unwomen-eseasia.org/projects/evaw/vawngo/vammong.htm#two>.

<sup>56</sup> See <http://www.unwomen-eseasia.org/projects/evaw/vawngo/vammong.htm>.

<sup>57</sup> See <http://www.chrd.org.mn/index.php?lang=en>.

<sup>58</sup> National Human Rights Commission of Mongolia Act, Section 12.1.

actual occurrence of the violation.<sup>59</sup> Any doubt with respect to such dates is to be resolved in favor of the complainant in order to provide the “liberal and purposive interpretation...that is appropriate for human rights legislation”.<sup>60</sup>

Research did not identify any provision suspending the time limitations in relation to violations of children’s rights.

- E. Evidence. What sort of evidence is admissible/required to prove a violation? Are there particular rules, procedures or practices for dealing with evidence that is produced or presented by children?

In civil cases, evidence must be legally obtained and could be testimony of the parties and other witnesses, documentary and physical evidence, evaluations of experts, notes taken during a search etc.<sup>61</sup> Legally incapable persons, i.e. children under seven years old, may not testify as witnesses.<sup>62</sup> Therefore, it can be assumed that children with some or partial limited capacity, i.e. older than seven years, could do so under the standard procedure, provided they have knowledge about the circumstances significant to resolving a case.<sup>63</sup> During the testimony of a child, the court must allow parents, guardians or other supporters of the child to be present and, if necessary, a party to the proceedings may be removed from the courtroom temporarily.<sup>64</sup>

In criminal proceedings, children may be summoned as witnesses through their parents or legal representatives.<sup>65</sup> Children may only be interrogated in the presence of a parent, legal representative, relative or pedagogue<sup>66</sup> and, where necessary for establishing the objective truth, the defendant may be removed from the courtroom while a child victim is giving evidence.<sup>67</sup>

If the requirements for lodging a complaint with the NHRC (discussed above in part IV.A) are met, there do not seem to be any additional evidentiary requirements for the complainant to satisfy. The responsibility for producing evidence shifts to the NHRC.

Once a complaint has been accepted by the NHRC, an investigation is launched to ascertain the facts relating to the alleged human rights violation. Commissioners investigating complaints are afforded broad powers,<sup>68</sup> including the ability to summon relevant persons, to gain unrestricted access to any business entity or organisation and its officials, to obtain any necessary evidence, documents and information without charge, and to appoint experts where specialised information is required. And if a

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<sup>59</sup> *Complaints Manual*, p. 7.

<sup>60</sup> *Complaints Manual*, p. 7.

<sup>61</sup> Code of Civil Procedure, Article 37.

<sup>62</sup> Code of Civil Procedure, Article 43.8.

<sup>63</sup> Code of Civil Procedure, Article 43.1.

<sup>64</sup> Code of Civil Procedure, Article 109.

<sup>65</sup> Code of Criminal Procedure, Article 143.7.

<sup>66</sup> Code of Criminal Procedure, Article 145.

<sup>67</sup> Code of Criminal Procedure, Article 269.3.

<sup>68</sup> National Human Rights Commission of Mongolia Act, Article 16.



commissioner considers it necessary, they also have the power to access any confidential information regarding the State, any organization or any individual person (though it is unclear whether legal procedures for exercising this power have been established).<sup>69</sup>

- F. Resolution. How long might it take to get a decision from the court as to whether there has been a violation?

Civil cases must be resolved within 60 days of initiation unless otherwise specified by law and cases that have been returned by a court of appeal or supervisory instance for reconsideration by a lower court are to be resolved within 30 days of receipt.<sup>70</sup> A one-time extension of these periods by up to 30 days may be granted by a conference of judges of the relevant court.<sup>71</sup> Secondary sources suggest that these timelines are accurate and that court delays are not a significant issue in Mongolia.<sup>72</sup>

With respect to investigations of complaints lodged with the NHRC, a similar timeline applies. Investigations are to be completed within 30 days, subject to extension by up to 30 additional days if additional research and inquiry is needed.<sup>73</sup> No investigation may be extended beyond this 60 day maximum, regardless of any particular circumstances that might require additional time.<sup>74</sup>

- G. Appeal. What are the possibilities for appealing a decision to a higher court?

The right to an appeal is protected by the Constitution.<sup>75</sup> Decisions of first instance courts (District, Intersoum and Soum Courts) may be appealed to either the appellate courts (Aimag and Capital City Courts) or directly to the Supreme Court, which is the court of last instance. Requests for a review hearing by an appellate court must be made within 14 days of the lower court decision, while requests for a review hearing by the Supreme Court must be made within 30 days of the lower court decision.<sup>76</sup>

- H. Impact. What are the potential short-term and long-term impacts of a negative decision? Is there a possibility for political backlash or repercussions from a positive decision?

Precedent is not a source of law in Mongolia, and therefore a negative decision has no precedential value in future cases. Even decisions of the Supreme Court are limited to individual cases only, and have no further

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<sup>69</sup> *Complaints Manual*, pp. 22-24. See also National Human Rights Commission of Mongolia Act, Article 16.

<sup>70</sup> Code of Civil Procedure, Article 71.

<sup>71</sup> *Id.*

<sup>72</sup> *Juvenile Justice in Mongolia*, p. 89.

<sup>73</sup> National Human Rights Commission of Mongolia Act, Section 12.3.

<sup>74</sup> *Complaints Manual*, p. 21.

<sup>75</sup> Constitution, Article 16.

<sup>76</sup> Code of Civil Procedure, Article 120. See also

[http://www.supremecourt.mn/english/Judicial\\_system\\_of\\_Mongolia.htm](http://www.supremecourt.mn/english/Judicial_system_of_Mongolia.htm).

effect on legislation.<sup>77</sup>

No evidence could be found indicating that positive decisions could lead to political backlash or repercussions.

- I. Follow up. What other concerns or challenges might be anticipated in enforcing a positive decision?

In general, law enforcement in Mongolia is lacking and corruption among judges persists.<sup>78</sup> Access to justice and the implementation of the rule of law have faced significant problems.<sup>79</sup> The law enforcement system has been criticised for “bureaucratic red-tape”, an “all-out bribing epidemic” and “systemic corruptness”.<sup>80</sup> These factors may pose practical challenges for working with authorities to enforce a positive decision.

- V. **Additional factors**. Please list any other national laws, policies or practices you believe would be relevant to consider when contemplating legal action to challenge a violation of children's rights.

No relevant additional factors were identified.

*This report is provided for educational and informational purposes only and should not be construed as legal advice.*

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<sup>77</sup> Odgerel Tseven and Ganbold Battsetseg, *UPDATE: The Mongolian Legal System and Laws: A Brief Overview*, section 4.4, GlobalLex (May 2009), available at <http://www.nyulawglobal.org/globalex/Mongolia1.htm>.

<sup>78</sup> Freedom House, *Freedom in the World 2013: Mongolia*, available at: [http://www.freedomhouse.org/report/freedom-world/2013/mongolia-0#.U\\_dr-3gRN2U](http://www.freedomhouse.org/report/freedom-world/2013/mongolia-0#.U_dr-3gRN2U).

<sup>79</sup> Dr. Todd Landman, Marco Larizza and Claire McEvoy, *State of Democracy in Mongolia: A Desk Study*, p. 10, Human Rights Centre – University of Essex (June 2005), available at <http://www.idea.int/democracy/upload/sodMongolia05.pdf>.

<sup>80</sup> *Human Rights and Freedoms in Mongolia: Status Report*, pp. 40-41, National Human Rights Commission of Mongolia (2003), available at [http://www.mn-nhrc.org/files/iltgel\\_2003\\_en.pdf](http://www.mn-nhrc.org/files/iltgel_2003_en.pdf).