

To: H.E. Prime Minister Mr. Ukhnaagiin Khürelsükh

Bangkok, 20 January 2020

RE: Enacting Law on the Legal Status of Human Rights Defenders in Mongolia

Dear H.E. Mr. Ukhnaagiin Khürelsükh,

On behalf of the Asian Forum for Human Rights and Development (FORUM-ASIA), a network of 81 human rights organisations across 21 Asian countries, I am writing this open letter to you to emphasise the importance of enacting a law to protect human rights defenders (HRDs) in Mongolia.

Providing protection to HRDs under a national legal framework is pivotal to protect those that are targeted for their legitimate and peaceful human rights work. HRDs in Asia are often subjected to different types of harassment due to their effort in defending and contributing to the realisation of human rights. From 2017 to 2019, FORUM-ASIA documented 1,014 emblematic cases of harassment against HRDs in Asia, including 78 cases of killings of HRDs.¹ However, this number only represents a fraction of the actual number of cases happening on the ground. HRDs situated in remote areas, such as environmental and indigenous rights defenders, are especially vulnerable and underreported.

Mongolia is considered as a relatively safe country for HRDs to operate in.² However, as the United Nations Special Rapporteur on the Situation of Human Rights Defenders, Michel Forst, shared in his end of mission statement in 2019, that there are still cases of discrimination, intimidation, harassment, stigmatisation and vilification of HRDs, including those promoting LGBTI and environmental rights, as well as journalists working on corruption or environmental issues.

This can, for instance, be seen in the case of defamation charges being brought against S. Ankhbayar and N. Munkhtur for criticising local Government and politicians in 2014. As well as in the suspicious killing of environmental rights defender, Lhagvasumberel Tumursukh in 2015, and the physical and sexual harassment suffered by environmental women human rights defender, Mungunkhun Dulmaa in 2018.³

While some provisions of existing laws and regulations in Mongolia could be utilised to protect the rights of HRDs, the absence of effective legislative protection for HRDs is key concern of defenders on the ground.⁴ This makes it crucial to introduce the new law, the Law on the Legal Status of Human Rights Defenders (HRD Law), which is comprehensive and designed with the specific purpose

¹ Data of violations against HRDs in Asia recorded by FORUM-ASIA can be consulted at:

<https://asianhrds.forum-asia.org/en/library/>

² United Nations. (2019). *Mongolia: UN expert warns against setbacks in rule of law and shrinking space for civil society*. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24604>

³ FORUM-ASIA. (2019). *Our Land: fact-finding mission report on the impacts of mining on defenders and environment in Khentii and Dornod Province, Mongolia*. p.38, 46. Available at: <https://www.forum-asia.org/uploads/wp/2019/10/FFM-Mongolia-2019-Report.pdf>

⁴ See: FORUM-ASIA. (2015). *HRC30 Oral Statement - Universal Periodic Review (UPR) Plenary on Mongolia*. Available at: <https://www.forum-asia.org/?p=19529>.

Statement from national consultation on HRDs in Mongolia in 2015 and 2018, available at: <https://www.forum-asia.org/?p=19354> and <https://www.forum-asia.org/?p=27678>.

of giving HRDs legal recognition and providing them with meaningful protection. The law should also address the protection needs of vulnerable groups of HRDs.

Civil society networks, HRDs, scholars, the National Human Rights Commission of Mongolia (NHRCM), and other key government actors, such as the Minister of Foreign Affairs, have been calling for the enactment of the HRD Law for years.

Special Rapporteur Michel Forst also emphasised that the adoption of a law on HRDs would be critical to promote and recognise the vital and legitimate work of HRDs. The Law – once enacted – will also be a safeguard for HRDs, to prevent them from being harassed by state or non-state actors.

Considering the abovementioned aspects, FORUM-ASIA welcomes the efforts taken by all stakeholders to provide legal recognition of HRDs under the national legal framework, as well as the incorporation of provisions suggested by key stakeholders in the draft law.

However, further steps must be taken soonest. As a leading democracy in Asia and a key member of the international community, an official commitment by Mongolia towards the adoption of the robust HRD Law will send a powerful signal all over the world about the importance of recognising the indispensable role of HRDs in promoting and defending the human rights of all people, which is also key for the realisation of the Sustainable Development Goals (SDGs).

As a regional voice for human rights, FORUM-ASIA calls on the Prime Minister of Mongolia to recognise the importance and necessity of providing legal protection to HRDs in Mongolia. We also recommend the Prime Minister's office to play a leadership role and take meaningful steps in pushing for the enactment of the HRD Law. We encourage the Prime Minister to ensure that the content of the HRD Law is comprehensive, robust, and designed to provide effective protection and hold perpetrators of violations to account.

We appreciate the continuous efforts of the Mongolian Government to enact progressive laws and policies over the past few years. The enactment of the HRD Law would be a logical continuation of these efforts. FORUM-ASIA, together with our member organisations from Mongolia, expresses our commitment to support you in the process of enacting and implementing the HRD Law.

Thank you for your attention on this pressing issue, and I am available to provide you with any further information, if so required.

Sincerely,



Mukunda Kattel
Executive Director of FORUM-ASIA