



Mongolia: New law protecting human rights defenders welcomed but problematic clauses raise concerns

(Bangkok, 20 May 2021) – The historic passing of the Law on the Legal Status of Human Rights Defenders (HRD Protection Law) on 1 April 2021 in Mongolia is a welcome step towards fostering a safe and enabling environment for human rights defenders (HRDs).

However, despite the significant progress made, vaguely worded provisions in the law which could be used against defenders raises concerns, said the Asian Forum for Human Rights and Development (FORUM-ASIA) and its member organisations in Mongolia, in a joint statement today.

The law, which will come into force on 1 July 2021, seeks to establish legal grounds for the respect, protection, promotion and fulfilment of the rights of those who act in defence of human rights.

Mongolia is the first country in Asia to enact national legislation specifically for the protection of human rights defenders.

The rights organisations applauded the Mongolian parliament’s progressive move in adopting the law but remain concerned over problematic articles which have been included despite strong objections from civil society and defenders in the country.

Several articles that could potentially undermine defenders include Article 7.2.1 which prohibits human rights defenders from receiving funds from any party to conduct activities deemed to harm national unity or is considered a terrorist activity; and Article 8.1.3 which prohibits defenders from ‘defaming the honour, reputation and fame of others.’

‘These provisions could be misused to delegitimise the work of human rights defenders, which goes against the very essence of the law. As we have seen in Cambodia, Bangladesh, and other Asian countries, similarly worded articles in laws regulating non-governmental organisations have been used to hinder the work of defenders. Many civil society organisations and independent media outlets have been forced to shut down, suspend, or limit their operations due to “non-compliance” to these repressive clauses,’ said Shamini Darshni Kaliemuthu, Executive Director of FORUM-ASIA.

The passing of the law in Mongolia is the culmination of years of collective effort by civil society organisations, defenders, and other key stakeholders, including experts from the United Nations and the National Human Rights Commission of Mongolia.

As stated in the 2019 country visit report by the United Nations Special Rapporteur on the Situation of Human Rights Defenders, although the Constitution of Mongolia guarantees the right of its citizens to conduct human rights work, HRDs in Mongolia still face discrimination, intimidation, harassment, and vilification for doing their peaceful work.¹

¹ <https://undocs.org/en/A/HRC/43/51/Add.2><https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24603&LangID=E>

Land and environmental defenders are among the most targeted groups of defenders in the country. They often face threats, harassment and at times are subject to physical violence for their role in holding State and non-state actors accountable.

Emblematic cases include the death of environmental defender, Lhagvasumberel Tumursukh, under suspicious circumstances in 2015², and the physical and sexual harassment of woman human rights defender, Mungunkhun Dulmaa, in 2018.³ The harassment defenders experience emphasises the importance of having specific legislation to protect them when carrying out human rights work.

Mongolia's Human Rights Defenders Protection Law is a fundamental step towards ensuring the protection of defenders in the country. By recognising their legitimate work in promoting human rights and establishing mechanisms to hold perpetrators accountable, this law can play a key role in creating a safer environment for defenders to conduct their work, without fear of reprisals.

'This is a landmark legislation for defenders in Mongolia and paves the way forward for the rest of the region. Still, the law should serve to create a safer environment for those defending human rights, not the reverse. Civil society will remain vigilant and will closely monitor the implementation of the legislation,' said Urantsooj Gombosuren, Chairperson of the Center for Human Rights and Development (CHRD), Mongolia.

The undersigned organisations:

Asian Forum for Human Rights and Development (FORUM-ASIA);

Center for Human Rights and Development (CHRD);

Globe International Center (GIC);

National Center Against Violence (NCAV);

Psychological Responsiveness NGO (PSR); and

MONFEMNET National Network

About FORUM-ASIA:

The Asian Forum for Human Rights and Development (FORUM-ASIA) is a Bangkok-based regional network of 81 member organisations across 21 Asian countries, with consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity-development and solidarity actions in Asia and beyond. It has sub-regional offices in Geneva, Jakarta, and Kathmandu. www.forum-asia.org

² <https://asianhrds.forum-asia.org/en/entity/a3q0bcfl21u>

³ http://l.forum-asia.org/FFM_ReportMongolia19

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