**MONGOLIA**

INFORMATION FOR THE REPORT ON DISCRIMINATION AGAINST WOMEN IN NATIONALITY-RELATED MATTERS, INCLUDING IMPACT ON CHILDREN – HUMAN RIGHTS COUNCIL RESOLUTION 20/4

1. Marriage and/or dissolution of marriage between a national of Mongolia and a national of a foreign country may not be a basis for a change of nationality. There are no differences in treatment with regard to nationality between men and women who marry non-nationals.

Article 3.2 of the Law on Nationality (5 June 1995) provides:

“*The fact of residence of a national of Mongolia in a foreign country shall not be a basis for loss of nationality*”.

Article 3.3 of the same law states:

“*Acquisition and/or cancellation of the nationality of Mongolia by one spouse shall not lead to a change of nationality of another spouse*”.

Article 3.1.1 of the Law on Family (11 June 1999) defines marriage as “*registration as provided by law with a relevant state authority by a man and a woman who attained the age stipulated by law with the purpose of forming a family based on voluntary, free and equal rights*”. The provision does not mention any nationality issue.

Article 4.2 of the same law provides:

“*Discrimination on the basis of nationality, ethnic origin, language, race and religion is prohibited in marriage*”.

Article 4.6 of the same law provides:

“*Unless otherwise provided by international treaties to which Mongolia is a party, foreign citizens and stateless persons permanently residing in Mongolia shall have the same rights and obligations with Mongolian citizens in family relations*.”

Nationals of Mongolia are under the state protection regardless of their country of residence and are entitled to protection of their violated lawful rights and interests under the law.

2. There are no differences for children of female nationals versus male nationals with respect to acquisition of nationality.

Article 7.2 of the Law on Nationality provides:

“*If one of the parents is a national of Mongolia and another one is a national of a foreign country, their child who was born on the territory of Mongolia shall be a national of Mongolia. If the child was born on the territory of a foreign country, the child’s nationality shall be decided based on the mutual written agreement between the parents*.”

Article 7.2 of the Law on Nationality provides:

“*If one of the parents is a national of Mongolia and another one is a stateless person, their child shall be a national of Mongolia regardless of the child’s country of birth*.”

Nationality of a child in Mongolia may be changed only based on the request by both parents or one of the parents.

Article 16.1 of the Law on Nationality provides:

“*If both parents acquire the Mongolian nationality, their child under 16 years old shall acquire the Mongolian nationality*”.

Article 16.2 of the same law states:

“*If one of the parents acquires the Mongolian nationality, their child under 16 years old may acquire the Mongolian nationality upon a request by one of the parents, in which case there shall be a written agreement between the parents with due reasons*”.

Article 17 of the Law on Nationality provides:

“*In case both parents or one of the parents cancels the Mongolian nationality, their child under 16 years old may be permitted to cancel the Mongolian nationality upon a request by the parents based on the mutual written agreement between the parents*.”

3. Marriage of a woman, a national of Mongolia, with a national of a foreign country is not a basis for a change of her nationality. If a woman wishes to cancel her Mongolian nationality, she may cancel her Mongolian nationality upon her request if relevant authorities of a foreign country agree in advance to solve her nationality issue.

Article 11 of the Law on Nationality provides:

“*A national of Mongolia may cancel his/her nationality upon own request in accordance with the procedures stipulated in this law*.”

The Law on Gender Equality on (2 February 2011) defines, and regulates relations related to implementation of, the legal basis for creation of conditions to ensure gender equality in political, legal, economic, social, cultural and family relations. Under this law, women and men equally participate in political, legal, economic, social, cultural and family relations, also equally enjoy benefits of, and equally contribute to, the economic, social and cultural development.

The National Commission of Human Rights exercises lawful powers to independently monitor implementation of the provisions on gender equality stipulated in the international treaties to which Mongolia is a party and to receive and investigate complaints related to violation of legislation.