

Interview with HRD Sukhgerel Dugersuren

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Human Rights Defender & Director of OT Watch Mongolia

In April 2021, the Mongolian Parliament adopted a new law for human rights defenders, making it the first country in Asia to provide a framework of protection for those who speak out against human rights violations and advocate for change. The law entered into force on 1 July 2021 and [Sukhgerel Dugersuren](#) sat down with us to answer a few questions about what is currently happening on the ground. She is the director of OT Watch Mongolia and has been heavily involved in the process that led to the passing of this law. During the [launch event of this Focus Observatory platform](#), she gave some insights and lessons learned about how this law came to be. And now, we wanted to catch up with her to hear more about its implementation, looking to see if this law will set a high standard for the region and beyond.

Since the law's entry into force in July 2021, what have we seen change?

It is important to note that 1 July is a historic date when the government shot and killed election demonstrators in 2008.

Since this past July, there haven't been any significant or visible changes in the behaviour of government authorities, other than advertising or doing a lot of positive PR on having become the first country in Asia to pass a human rights defender law. The government has put a campaign focusing more on the positive sides of the law, in contrast to the criticisms from human rights defenders who are advocating for certain risky provisions to be removed.

A brief survey carried out in November 2021 among a mixed group of non-civil society respondents reveals that there is little knowledge about the law and no expectations that it will make a difference prevailed in responses.

Clause 8.1.3 banning HRDs from “damaging the legitimate interests and business reputation of others” and Article 7.2 banning HRDs from seeking and receiving resources at the local level were highlighted as being the most problematic. Are there any cases in which the law has been used against HRDs?

Not yet. I am guessing that since the Mongolian government is still building its image internationally as being the first country in Asia to pass a HRD protection law they will not trigger these provisions right away. Our argument is that these provisions exist in other laws in the criminal code and the civil code, so they do not need to specifically cite in this law. They merely act as an axe hanging over the heads of HRDs, waiting to fall. The Ministry of Justice explains that provisions under 7.2 are there due to the FATF Recommendation 8 on non-profits.

Are HRDs aware about the law, including amongst minority and rural populations?

There hasn't been much movement concerning genuine awareness raising or increasing meaningful access to benefits of the law, especially in rural areas. For those that are aware, some fear that with COVID-19 restrictions, they won't be able to access any of the support anytime soon.

There are some HRDs, especially those under high risk for fighting for land and environmental rights in rural areas, who think that it is better for this law not to exist. They see Clause 8.1.3 and Article 7.2 as being much stronger than the intention of the law that is being proclaimed, causing more harm than good. But, in my opinion, HRDs need to come together to advocate for reform.

What is the opinion of most judges and state authorities about the law? Are they aware of it and how they should be implementing it?

In this country, we have never really had a strong culture of human rights defence and protection of human

rights defenders. As you know, as a post-socialist society, human rights have never been the cornerstone of state policies and practices. Therefore, it is more likely for the judiciary to actually use these provisions against HRDs rather than protect them using the positive provisions that are in the law. However, HRDs and civil society are now seeking information from the government on the implementation of the provisions in the law that require the government to develop procedures and carry out training for their personnel.

It sounds like awareness is still relatively low for all key stakeholders concerning how to take this law and make tangible moves on protecting human rights defenders. Would you agree?

Yes, even when it comes to commitments coming from the top. The speaker of the Parliament has spoken out several times about how the Mongolian government is now a pro-human rights government but generally the public looks at the president to show support. We need a high-profile statement or commitment by the president to speak out in support of human rights defenders as well.

Mongolia is completing the baseline study on business and human rights, after a long consultation phase nationwide. In this process, there is some information being delivered about the human rights defender law. Once there is better understanding of the law, there hopefully will be more actions and activities to put the positive provisions of this law into work. The only positive step forward that we have seen is that the government is doing some information sharing. For example, there was an infographic that was spread around in the media explaining the law—only highlighting the positive aspects of course. But there has not yet been any budget realignment from the government to ensure more funds and resources are being allocated where they are needed. Surely, we need to make sure that the Human Rights Commission has enough budget to develop and operate the human rights defenders protection mechanism stipulated in Articles 10 and 11 of the HRDs law.

What are some resources that human rights defenders can utilize right now?

The funding that supports human rights work all comes from foreign and international sources—Open Society Foundation, Amnesty International (Mongolia), European Union human rights programs, etc—but these are more geared towards policy advocacy, monitoring and reporting. In terms of help for HRDs at risk, the National Human Rights Commission has a website, which has a number that the defenders can call if they need assistance. There is also a national centre against violence, which is focused mainly on domestic and gender-based violence that people can use for support. OT Watch has the resources for a webpage that will bring all of the information concerning civil society support, as well as national and international resources to one place. But due to COVID-19 we have seen some delays. We are hoping that the state participates in our efforts, as it extends support to the [Lifeline Embattled CSO Assistance Fund](#) at the international level.

What are your expectations of the state for 2022, especially while we still have this positive buzz and momentum for being the first Asian country to adopt such a law?

Mongolia is good at adopting laws and then forgetting about them. As defined by international consultants, it has a good body of law but no implementation. Human rights defenders will need to take advantage of this situation to push for tangible developments. It is also important that we establish proper monitoring techniques for how this law is applied, especially looking at changes in behaviour of government authorities and law enforcement concerning their attitudes and interactions with HRDs. For example, monitoring the trainings of police forces, making sure that these laws are explained to the judiciary, etc. We also need to make sure that they have the budget to support an independent protection mechanism as well as all other agencies that will be involved in the protection of HRDs. There is a specific provision that talks about how the government must act, so we can use that to push for movement.

Civil society will also be closely monitoring those two dangerous provisions to see if a case will arise that will help us to campaign harder against them.

What do you hope to change at the moment, and what would be your call to action to the international community to help you achieve that?

I hope that all human rights defenders embrace this law and make the best use of the positive provisions it provides. We need to continue campaigning against the harmful and risky provisions, but there is a lot of progress in its existence. The international community can play an important role in advising the Mongolian government on how to implement the law, develop procedures for tangible steps to apply the

law to prevent unlawful acts against human rights defenders.

*This interview was conducted for the Focus Observatory. **[Focus: The Observatory on Public Policies for Defenders](#)** is an online platform aimed at monitoring, analysing and promoting best practices in policy developments that governments adopt specifically for protecting human rights defenders and their right to defend human rights.*