



REFERENCE:GH/fup-129

4 August 2020

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 12, 18 and 22 of the concluding observations on the report submitted by Mongolia ([CCPR/C/MNG/CO/6](#)), adopted by the Committee at its 121th session in October 2017.

On 28 January 2019, the Committee received the reply of the State party. At its 129th session (29 June to 24 July 2020), the Committee evaluated this information. The assessment of the Committee and the additional information requested from the State party are reflected in the Addendum 1 (see [CCPR/C/129/2/Add.1](#)) to the Report on follow-up to concluding observations (see [CCPR/C/129/2](#)). I hereby include a copy of the Addendum 1 (advance unedited version).

The Committee considered that the recommendations selected for the follow-up procedure have not been fully implemented and decided to request additional information on their implementation. Given that the State party accepted the simplified reporting procedure (LOIPR), the requests for additional information will be included, as appropriate, in the list of issues prior to submission of the seventh periodic report of the State party.

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.

Marcia V.J. KRAN

Special Rapporteur for Follow-up to Concluding Observations  
Human Rights Committee

His Excellency Mr. Purevsuren Lundeg  
Ambassador  
Permanent Representative  
Email: [mongolie@bluewin.ch](mailto:mongolie@bluewin.ch)



## Report on follow-up to the concluding observations of the Human Rights Committee

### Addendum

### Evaluation of the information on follow-up to the concluding observations on Mongolia\*

<i>Concluding observations (120th session):</i>	<a href="#">CCPR/C/MNG/CO/6</a> , 22 August 2017
<i>Follow-up paragraphs:</i>	12, 18 and 22
<i>Follow-up reply:</i>	<a href="#">CCPR/C/MNG/CO/6/Add.1</a> , 28 January 2019
<i>Committee's evaluation:</i>	Additional information required on paragraphs 12[B][C], 18[B] and 22[B][C]

#### Paragraph 12: Discrimination on the grounds of sexual orientation and gender identity

The State party should intensify its efforts to combat stereotypes and prejudices against lesbian, gay, bisexual, transgender and intersex persons, and ensure that acts of discrimination and violence directed against them are investigated, that perpetrators are prosecuted, and if convicted, punished with appropriate penalties, and that victims are provided with full reparation. The State party should also promote and guarantee freedom of expression, association and peaceful assembly for lesbian, gay, bisexual, transgender and intersex persons, and should abstain from any unjustified interference with the exercise of these rights and ensure that any restrictions imposed comply with the strict requirements of articles 19, 21 and 22 of the Covenant and are not applied in a discriminatory manner. The State party should consider legal recognition and protection of same-sex couples.

#### Summary of State party's reply

(a) The State party pointed out that discrimination on the basis of sexual orientation and gender identity constitutes a crime under article 14.1 of the Criminal Code. In 2018, the Ministry of Justice and Home Affairs conducted a training session on LGBT rights for law enforcement officers to ensure effective implementation of that provision, and the National Legal Institute is currently researching implementation of anti-discrimination laws. Many complaints of discrimination had previously been misclassified owing to the tendency of LGBT citizens "to conceal themselves". The State party added that, in the future, cases of discrimination on the basis of sexual orientation and gender identity would be registered as such in the newly established crime information database.

From August to November 2017, a project on improving sexual health care services for at-risk populations in Ulaanbaatar, such as female prostitutes, males who have sex with males and persons living with HIV/AIDS was implemented with the support of the Canada Fund for Local Initiatives. Short-term training programmes on sexual orientation, stigma and discrimination for physicians and medical professionals are ongoing.

(b) No information was provided regarding legal measures to recognize and protect same-sex couples.

---

\* Adopted by the Committee at its 129<sup>th</sup> session (29 June to 24 July 2020).



### Committee's evaluation

[B]: The Committee welcomes the State party's efforts to train law enforcement and medical professionals on LGBT rights. It also welcomes the State party's creation of a crime information database, but requires information on when it was established, its impact and how the State party ensures protection for the victims and that complaints of discrimination are properly entered in the database. The Committee reiterates its request for information on additional measures taken to combat stereotypes and discrimination against LGBTI individuals among the broader population.

[C]: The Committee regrets the lack of information on (i) measures taken to promote and guarantee freedom of expression, association and peaceful assembly for LGBTI persons; (ii) whether investigations and prosecutions for complaints of discrimination against LGBTI persons are carried out in practice; and (iii) the legal status of same-sex couples. The Committee reiterates its recommendation.

### Paragraph 18: Violence against women and children, including domestic violence

**The State party should increase its efforts to prevent and eradicate domestic violence against women, including through implementation of the revised law on domestic violence and by ensuring that all allegations of domestic violence are reported and are promptly, thoroughly and effectively investigated. It should also ensure that the perpetrators are prosecuted and, if convicted, punished with commensurate sanctions and that the victims have access to effective remedies, full reparation and means of protection. The State party should provide training for State officials, in particular law enforcement officials, judges and prosecutors, to ensure that they are able to respond promptly and effectively to cases of domestic violence. It should ensure effective implementation of prohibition of corporal punishment of children in all settings, including through public education and awareness-raising programmes.**

### Summary of State party's reply

(a) The State party reported that numerous awareness-raising initiatives aimed at preventing domestic violence, including a month-long campaign to "raise awareness and implement the law on combating domestic violence", a national assembly on multilateral cooperation to combat domestic violence, and training based on Start, Awareness, Support and Action (SASA!) methodology, had been organized. In total, training had been organized for 20,404 citizens. The Minister for Justice and Home Affairs, the Minister for Labour and the Minister for Social Protection and Health had adopted 31 rules implementing the law on combating domestic violence.

(b) In 2017, 4,600 members of the joint teams tasked with providing services to victims of domestic violence received phased training with a view to improving rehabilitation services and counselling, and increasing legal assistance. A total of 70 local police officers received training as trainers on domestic violence. Since 2016, the project on combating gender-based violence through capacity-building in the justice sector had provided training of trainers for 500 representatives of the police and the judiciary, and prosecutors and bailiffs, from 10 provinces.

A training programme on improving practical skills of health workers to stop gender-based violence had been developed for medical doctors and health workers. Some 50 doctors and other health workers from the Bayangol district had received this training.

In 2018, 10 new one-stop service centres were established with the goal of improving access to necessary services for victims of domestic violence. The Subcommittee on Crime Prevention Coordination issued 12 recommendations to police departments on establishing new shelters and one-stop service centres. The implementation of the recommendations is currently being evaluated. Government and non-government representatives participated in a consultative meeting on strengthening cross-sectoral coordination and capacity-building to improve domestic violence calls and information systems.



(c) In 2017, the Subcommittee on Combating and Preventing Domestic Violence and Violence against Children was approved, while the Legal Committee on the Rights of the Child was established to provide legal assistance to child victims of crime. The Government is currently cooperating with four NGOs by funding training initiatives and campaigns aimed at preventing crimes against children.

Furthermore, 32 officers have been certified as “child rights inspectors” tasked with monitoring the implementation of the law on the rights of the child and inspecting cases arising under it. Of the 113 violations of the rights of the child detected from 2017 through to mid-2018, 19 cases are under inspection, 55 cases have been resolved, and in 13 cases a fine was imposed.

#### **Committee’s evaluation**

[B]: (a), (b), (c): The Committee welcomes the significant awareness-raising and training measures taken by the State party with the aim of preventing domestic violence. However, the Committee requires information on the results of those efforts, such as their impact on the rate of complaints of domestic violence made or any other relevant parameters.

The Committee welcomes the State party’s efforts to provide services to victims of domestic violence through the creation of new one-stop service centres, and requires information on whether complaints of domestic violence are investigated and prosecuted. The Committee requires information on (i) the percentage of domestic violence allegations that have been promptly and effectively investigated; (ii) the percentage of investigations that lead to prosecution, and subsequent conviction rates; and (iii) the status of implementation of the recommendations made by the Subcommittee on Crime Prevention Coordination regarding new shelters and one-stop service centres.

The Committee welcomes the creation of the Subcommittee on Combating and Preventing Domestic Violence and Violence against Children and the Legal Committee on the Rights of the Child. The Committee requires information on (i) measures taken by the Subcommittee on Combating and Preventing Domestic Violence and Violence against Children to ensure the implementation of the prohibition of corporal punishment in all settings; and (ii) specific information on the training and prevention campaign conducted in partnership with NGOs, and their impact or results.

#### **Paragraph 22: Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment**

**The State party should amend its legislation to include a definition of torture that fully complies with international standards, and penalties commensurate with the gravity of the crime. The State party should ensure that all reported allegations and complaints about acts of torture and ill-treatment are promptly and thoroughly investigated, that alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims have access to redress, including full reparation. It should also provide law enforcement officials with adequate training on detection and investigation of torture, integrating the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). The State party should ensure independent functioning of all its mechanisms for investigating allegations of torture.**

#### **Summary of State party’s reply**

(a) No information was provided by the State party regarding any efforts to amend the definition of torture in law.

(b) The State party cited article 41.8 of the Criminal Procedure Code, which provides for the right to compensation for harm resulting from violation of the law by investigators, authorities, prosecutors or the judiciary. Provision 4 of the article states that “the Prosecutor shall establish the jurisdiction of inquiry and investigation in offences committed by intelligence, police and anti-corruption authority officers.”



(c) In November and December 2017, trainers were trained on the theme of “Prisons and human rights”. Furthermore, a total of 51 officers have since attended two training sessions for human rights trainers. The State party reported that more than 2,100 prison officers had attended this training on human rights.

Police officers belonging to the units investigating crimes committed by “special subjects” have received training on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and a total of 168 police investigators have received training on the prevention of torture. The General Agency of Court Decision Enforcement has also conducted human rights training sessions.

The State Party reiterated information from its reply to the list of issues ([CCPR/C/MNG/Q/6/Add.1](#), para. 57) that the University of Law Enforcement had incorporated human rights training focused on torture and its prevention into its curriculum both in traditional classroom settings and for online distance learning. Doctors and medical professionals at the closed prison No. 401 received training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) in October 2017.

(d) Under decree A/67 of 2017 of the Prosecutor General, offences committed by police officers are investigated by the Anti-Corruption Authority, while offences committed by judges, prosecutors or staff of the Anti-Corruption Authority are investigated by the Investigation Department of the National Police Agency.

#### **Committee’s evaluation**

[C] (a), (b): The Committee regrets the lack of information regarding the legal definition of torture. It reiterates its recommendation that the State party amend its legislation to include a definition of torture that fully complies with international standards.

The Committee also regrets the lack of information on whether allegations of torture and ill-treatment are investigated and prosecuted in practice. The Committee reiterates its request for information and its recommendation.

[B] (c), (d): The Committee welcomes the State party’s efforts to train law enforcement officials and medical professionals on human rights and torture prevention. It notes that some of these measures, including the human rights curriculum of the University of Law Enforcement, were taken before the adoption of the concluding observations. The Committee requires information on (i) the impact of the training on police behaviour; (ii) whether, in addition to torture prevention training, officers are trained in detecting and investigating torture; and, if so (iii) the extent to which this investigative training incorporates the Istanbul Protocol.

The Committee welcomes the independent oversight by the Anti-Corruption Authority of offences committed by police officers. The Committee requires information on (i) the structure of the Authority and its relationship to the prosecutor’s office; (ii) whether the Authority has investigated any allegations of torture or ill-treatment and, if so, the outcomes; and (iii) whether members of the Authority receive training on torture prevention and investigation. **Recommended action:** A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be addressed by the State party in its next periodic report.

**Next periodic report due:** 28 July 2022.

---