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**OPENING STATEMENT BY H.E. MR. BATTUMUR ENKHBAYAR,**

**DEPUTY MINISTER FOR JUSTICE AND HOME AFFAIRS**

**120TH SESSION OF THE HUMAN RIGHTS COMMITTEE**

**Consideration of the sixth periodic review of Mongolia**

6 June 2017, Geneva

Mr. Chairman,

Distinguished Members of the Committee,

Ladies and Gentlemen,

 At the outset, allow me to convey the best wishes of the Government of Mongolia to you, Mr. Yuji Iwasawa and the members of the Committee.

 I am pleased to be present you the 6th Periodic Report of Mongolia on the implementation of the obligations under the International Covenant on Civil and Political Rights.

 Mongolia attaches a high priority to ensuring implementation of the recommendations provided by the Committee, and in this regard we wish to express our sincere gratitude for your support and cooperation. Before we proceed further, I would like to introduce our delegation that consists of:

* Colonel Mr. D. Batbaatar, First Deputy Commissioner the National Police Agency,
* Ms. Narantuya, Senior Officer, Law, Treaty and Cooperation Department, Ministry of Justice and Home Affairs,
* And Ms. D. Khaliun, Interpreter

Now, allow me to elaborate on some of the (significant) progress that has been achieved since submission of the Report.

**First.**  The Government of Mongolia completed amending a package of criminal laws, an essential element of the Government effort to reform the Criminal Justice System. In particular, we have enacted Criminal Code, Criminal Procedure Code, Regulatory Offence Code and Regulatory Offence Procedure Code, which have entered into force on 1st of July, 2017. The Government pursued a policy to comply with the obligations under the International conventions on Human Rights to which Mongolia is a state party, respective recommendations as well as the human rights and fundamental freedoms and the legitimate interest in adopting and enforcing these laws.

Within the framework of a criminal policy reform, more flexible imprisonment policy has been adopted through reducing a maximum duration of imprisonment, introducing alternative types of charges and abolishing death penalty. With this policy in place Mongolia has became a country free of death penalty.

With a view to depart from detention practice during criminal investigation process, we have introduced alternative forms of preventive measures, including bail, suspending or/and restricting the suspect from performing certain types of business and official activities, payment of collateral and intendance under the command of a military unit.

A a new regulative framework was established to apply detention measures on sufficient evidence based grounds and only after the prosecutor initiates an investigation and in order to remove detention practice as a mean of punishment.

The duration of detention has been reduced from 72 hours to 48. We consider that this provision prevents a suspect from a lengthy detention, based only on assumption and ensures protection of the human rights and legitimate interests of the person.

A practice of returning the case to the registrar and investigation for the purposes of forcefully proving the guilt of the person despite the absence of a court decision has been removed. Court shall issue a decree on acquittal, if the person has not been proven a guilty.

Regulatory Offence Law and Regulatory Offence Procedure Law address all offences previously regulated by over 230 separate laws, establish an integrated procedural regulation and specify mandate and responsibilities of public institutions and officers. The new framework creates a solid environment to ensure a principle of equality in front of law and court, to be free of any discrimination and to enjoy immunity.

**Two.**  Domestic Violence Law enacted on February 1, 2017 establishes a legal ground on detecting and suppressing domestic violence, providing life, health and security protection services to victims and their family members. Domestic violence is defined as a form of regulatory offence and a serious crime. The law specifies charges and punishments structure and offers improved legal environment to acquire protection within short period of time. Since the law has been enacted, a number of capacity building and domestic violence victim protection training activities for law enforcement institutions and other relevant authorities have been carried out jointly with non-governmental organizations. We have observed certain progress in this effort.

**Three.**  Law on Legislation that has been enacted on January 1, 2017, provides for extensive research work to be done by the law initiator in order to analyze whether the law complies with International Treaties to which Mongolia is a party. We consider that this approach has enormous significance in establishing legal environment to make each and every clause of national laws compliant with the international obligations and strengthen an application of International Treaty practices.

**Four.** The Government of Mongolia pursues a policy of addressing the gender issues and sex orientation based discrimination. Specific measures against gender and sex orientation based discrimination were stipulated in policy documents such as New Criminal Code, State Policy on Population Development, which wasapproved in 2016, National Program on Gender Equality has been approved in 2017.

Finally, I would like to underline that we have a lot to do in order to bring effective enforcement of the laws and policy documents in place, as well as to ensure human rights and fundamental freedoms and strengthen the justice. The Government of Mongolia is fully committed to make further efforts towards this end.

I thank you sincerely for your attention and we are ready to answer your questions.