

MONGOLIA

Follow Up Report

CHRD / Globe International

(as of January 2012)

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March 2011 (adoption of the Concluding Observations)
 March 2012 (Deadlines for the follow-up report)

Current Status: Follow-up report from the State Party is pending

Recommendation 5	Grade	Overview
Adequate funding and human resource	B2	<p>Recent mining developments cause increasing human rights violations of nomads who are almost 40% of the population. Unfortunately the Commission is not able to meet the increasing needs of nomads in its protection. It works mostly in Ulaanbaatar city and does not extend nationally because of small budget and lack of human resources. The observations show that NHRC of Mongolia is dependent on the Ministry of Finance although it is appointed by and reports to the State Great Hural. The Ministry of Finance reduced the Commission's budget when the state budget was cut during the 2008 economic crisis, and the State Great Hural did not take any action or initiative in order to protect the Commission to be thus limited in its performance due to this budgetary shortfall. The low budgeting is continuing.</p> <p>The National Human Rights Commission made a loan at the end of 2011 due to a lack of budget and received more budgets while State budget was revised in October¹. The Ministry of Finance cut the budget by 10 million, and the Great Hural later deducted 5 million when the Commission submitted budget 50 million tug rug for 2012 activities.</p> <p>The Commission's 2012 budget was approved a 38% increase from 2011. However, civil society organizations concern that this increase is not sufficient to guarantee its effectiveness, as the budget mostly increased as 6 staff were newly established. Therefore there is increase in human resource by 6 new staff, but the activity funds have not increased much. (Please see annex 1)</p> <p><u>Human resource:</u> The National Human Rights Commission lacks the capacity and sufficient resources to make an independent analysis, to document human rights violations, and to protect human rights through immediate actions during emergency situation when there are potentially human rights violations. Unfortunately the work undertaken by the Commission to develop a strategy about immediate actions during such emergency situations, learning from the July 1st 2008 State Emergency is not sufficient. The National Human Rights Commission is still unable to monitor and submit a conclusion on conflicts between citizens and mining companies during the chemical poisoning in Khongor soum, Darkhan-Uul province, conflicts between herders and the company in Southgobi province; similar conflict in Bayankhongor province etc.</p>
Revising the appointment process of its members.	C	<p>The appointment of Commissioners for the National Human Rights Commission is not transparent, the criterion for selection is not appropriate, and the current member appointment mechanism at the Commission is merely political. According to the law of the National Human Rights Commission of Mongolia, candidates for Commissioner are required to be highly professional in laws and politics and have appropriate knowledge and experience in human rights. This provision prevents from appointing capable candidates to fulfil the mandate of the Commission, who would work independently politically and economically in compliance with the Paris principles with initiatives to protect and promote human rights. The law does not establish multi-stakeholder representation ensuring pluralism.</p> <p>The first working group led by the Deputy Prime Minister was established in 2009 and the second working group led by the chair of the Human Rights</p>

¹ The civil society organisation representatives' meeting note with a chairperson of the Commission on the report. January 2012.

		<p>Subcommittee of the Parliament was established in 2010 to amend the law on the National Human Rights Commission of Mongolia in order to comply with the Paris Principles. Currently, there is not any development about amending the law and the Commission still remains ineffective.</p> <p>The legal liability for persons who influenced the Commission’s independent performance, prohibiting its ability to fully protect human rights is between 3, 5\$ - 106\$.</p> <p><i>The legal regulation and legal article</i></p> <div style="border: 1px solid black; padding: 5px;"> <ul style="list-style-type: none"> - The criterion for members of the Commission: “A candidate for Commissioner shall be a Mongolian citizen of high legal and political qualification with appropriate knowledge and experience in human rights, with a clean criminal record who has reached the age of thirty five.”¹ - The nomination of candidates for and the appointment of Commissioners: “The Speaker of the State Great Hural (Parliament) shall nominate names for candidates for Commissioners to the State Great Hural on the basis of respective proposals by the President, the Parliamentary Standing Committee on Legal Affairs and the Supreme Court”¹. - A citizen who has influenced to the Commission’s performance shall be liable to a fine of Tg 5,000-40,000, an official of Tg 10,000-50,000, and a business entity or organization of Tg 50,000-150,000.¹ </div>
Recommendation 12	Grade	Overview
<p>The State party should take the necessary measures to thoroughly investigate all allegations of human rights violations committed during the State of Emergency of July 2008, including in the cases where compensation has been paid to the families.</p>	<p>C</p>	<p>Due to the result and process of election-2008 some parties and citizens held demonstration to express their voice which eventually ended up in mass chaos with social disorders. At the time several human rights were violated including the right to life, liberty, security, arbitrary arrest, human treatment during the detention and being not subject to torture.</p> <p>Demonstration started before noon and after noon the riot was sparked that from 7pm the aggressive actions were made including the attacks to the Mongolian People’s Revolutionary Party (MPRP) building from the south breaking the windows, setting on fire, destruction of property, as well as protesting the police officers.</p> <p>Moreover, the art gallery located at the Cultural Palace was on fire and properties of State Philharmonic Orchestra were damaged, plus 5 auto cars nearby were on fire and about 20 cars were damaged. Due to the riot, 5 persons were shot to death, 4 officers of Emergency Agency, 393 officers of Police and Internal Military Force and 401 individuals were injured and damages were made to the property of 155 individuals and 118 entities.² The decree #194 on the “Declaration of state of emergency” was announced by the President of Mongolia at 11pm on 1 July 2008. Even though it was stated in the decree to disburse the demonstration and public events organized in violation of law through the legal means and force, detention, limitations on the traffic and inspection of transportation vehicles, there was no provision provided on respect of human rights, liberty, no use of over force in any case and preventive measures.</p> <p>During the state of emergency 5 were shot to death. However, up to present time no investigation has yet been made on who committed the crime. However, the Special Investigations Unit /SIU/ of the State Prosecutor’s General Office has investigated cases of murder relevant to the riot since 1 July, 2008 and in total over 30 files have been compiled. Currently the case relevant to Ch. Amarbold, former Acting Chief of Police General Authority and</p>

² Report of Mongolia on the situation of human rights and liberty, 2009, NHRC

		<p>Major General., D. Zorigt, former Chief of Metropolitan Police Department and Sh. Batsuh, former Head of Patrol and Public Order Department and Colonel have been forwarded to the court of Suhbaatar district.</p> <p>These officials were convicted abuse of power by a head or official person as stipulated in 294.2 of article 294 of Criminal Code by the prosecutors.³ Only the police officials have been made convictions and the cases for police officers are still suspending. The reason is that the use of firearm was investigated, though it remains unclear who shot the four people. Thus, the case relevant to police officers under the article 91 of Criminal Code was separately considered and has been pending. However the inspection is being continued⁴ according to the Ulaanbaatar Prosecutor's Office.</p> <p>One of the obstacles encountered during the investigation on 1 July incident is that SIU of the State Prosecutor's General Office has limited ability to investigate which negatively impacts the investigation process as says N. Galdaa, Head of SIU of State Prosecutor's General Office.</p>
Recommendation 17	Grade	Overview
The State party should adopt the reform project of the judiciary after having reviewed its full compliance with the Covenant and making sure that the structures and mechanisms introduced guarantee the transparency and independence of its institutions.	B1	<ol style="list-style-type: none"> <u>Judiciary reform</u>: The reform process is ongoing and seems to be taken seriously. Draft laws on the reform of the judiciary were sent to the Parliament in July 2011.⁵ It is expected that the bills will be passed by the end of the current session of the Parliament (February 2012). Governmental sources revealed however that the Parliamentary Elections scheduled for June 2012 may delay this process. The draft laws on Courts, Court Administration and Legal Status of the Judges have been discussed and passed at the Standing Committee. Now pending before the plenary discussion at the Parliament. <ol style="list-style-type: none"> Aside from the legal reform, there have been some progresses towards the judicial transparency such as, new regulation adopted by the Chief Justice, to publish all the judicial decision on the websites of the each court. Publishing has started in some courts already in 2010 and in 2011 all the courts are publishing the court decision. The synchronized online database of the court decision is being constructed meantime and General Council of Courts needs technical assistance as to how to manage that database.
The State party should make sure that the project is drafted, adopted and implemented through a process that integrates the consultation of specialized sectors, including civil society actors.	B1	<p><u>Participation of the various sectors in the drafting process:</u></p> <ol style="list-style-type: none"> The judicial reform dialogue has started with the drafting process that has been exemplary. Despite there has been negative reaction from Judiciary and many of the politicians, the public pressure has been slowly building up which the President administration has smartly utilized to further the ongoing dialogue. The policy –oriented researches and analyses have been commissioned by the NGOs, which have been deliberately reflected on the Program on the Deepening the Reform in the Justice Sector. The program was adopted by National Security Council in April 2010. The reform discourses evolved from problem-identification into problem-solution over the next year. The national level consultation organized by President administration has facilitated the numerous consultations among broad spectrum of participants and groups. The national forum “Judicial Reform – Justice” has been attended by more than 1600 participants all over the country. The panel 15 panel discussions took place and 4 of them were on the Judicial reform specifically. Panel discussions were broadcasted live nationally. The

³ Shuud.mn news site, 19 January 2012.

⁴ Yo. Sagsai, Deputy Head of Ulaanbaatar Prosecutor's office: Suspending case of police officers, 19 January, 2012 shuud.mn

⁵ There are six draft laws related to the reform of the judiciary.

	<p>4 topics were:</p> <ul style="list-style-type: none"> - Judicial independence - Judicial organization and access - Selection of judges - Judicial transparency and disciplinary mechanism <p>4. Following the national forum, the working group has been established to draft set of judiciary laws that reflects the recommendations from the forum as well as the previous researches. The set of laws include:</p> <ul style="list-style-type: none"> - Law on Courts - Law on Judicial Administration - Law on the Legal Status of Judges - Law on the Legal Status of Citizens’ Representative in Trial - Law on Mediation <p>5. The draft legislation offers numerous new mechanisms that ensure the transparency, efficiency and independence of the judiciary. Namely:</p> <ul style="list-style-type: none"> - Law on Courts has suggested re-organizing the Courts so that it will no longer be attached to administrative units preventing them from the influences by the administrative officials. The criteria for the court re-organization shall directly base on the number of size of population, and the legal basis for establishing specialized courts has been established. - Law on the Judicial Administration has drafted to ensure the separation of administrative and adjudication functions of the judges. In current system, the chief judge possesses the administrative power over other judges in his court. The new regulations are aimed to establish professional court administrative staff and through which the day-to-day work of the judges will receive proper support. - Law on the legal status of the judges have proposed new range of qualification and tried to make the nomination, selection, appointment process fair, transparent and responsive. The law has also included the new mechanisms such as judicial evaluation, public hearing of the candidates for Supreme Court Justices and new disciplinary measures. In the current system, the Judicial Disciplinary Committee and Judicial Professional Committee are often criticized for being used against rebel judges to be pressured or even removed. The new law allows more accurate procedure and makes the composition of the Committee more democratic. - Law on the Legal Status of the Citizens’ Representatives – while all parties acknowledging that the current practice is not working; the new refreshed regulation is in place after thorough study and research. The Open Society Forum has carried out monitoring and observation on the participation of the Citizens’ representative and delivered the recommendations. The draft law provides with the definition of who is Citizens’ representative. Although we have some form of participation of citizen’s in trial process, it has never been clear who, why and how should participate. The answers are given by the law and this new mechanism is believed to be the key mechanism to open up the Courts to the public and to keep Courts under persistent public eye. The meaningful and effective participation by many individuals shall make the law work in real life. - Law on Mediation: the overload of the courts has been one of the major issues that hindered the effective operation courts. The new mechanism that has been piloted with help of JICA has now proposed to be legalized and this hoped to sweep away at least 30%⁶ of workload of the Courts. <p>6. The draft law has been discussed at least 2 times among open public at Citizen’s Hall where further comments were delivered to working group. The</p>
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⁶ The 30-40 percent of the trials that has been adjudicated by courts in Mongolia has gone through simplified trial process which means at least that number of disputed can be handed over to Mediation.

		<p>draft law on the status of the lawyers (law on Bar Association per se) has been discussed and drafted at the same time.</p> <p>7. The Working Groups established within the Parliament to review the draft laws conducted consultations with the Civil Society and the NHRC. The text of the draft laws was made public and posted on the website of the Presidency of Mongolia.</p>
<p>The State party should also take all the necessary measures to guarantee the thorough investigation of all allegations of corruption of the judiciary.</p>	<p>B2</p>	<p>Misbehavior or the misconduct of the judges are examined and investigated by the following institutions:</p> <ol style="list-style-type: none"> 1. <u>Judicial Disciplinary Committee</u>: the statistics show that Committee has received total of 77 complaints on misconduct of the judges and carried out 20 initial meetings and 9 plenary meetings. 9 judges have been disciplinary sanctioned. Yet the rapporteurs could not acquire the information related to the nature of the complaints and sanctions. The many of the complaints dismissed due to not appearing the ethical misconduct. Rather the complaints are about the fairness of the judicial decisions, which shall be questioned and litigated at the appellate courts. 2. Misconducts pertaining criminal elements are reported to the Special Investigation Unit Under General Prosecutor. In 2011, out of total of 767⁷ complaints, 28 complaints were about the judges. The course does not provide again the nature of the complaints and how it was decided. 3. The allegations for corruption on Judges were investigated by the Anti-Corruption Agency, however since October 2010 the investigation mandate has been transferred to the Special Investigation Unit under General Prosecutor. However, the necessary budget allocation has not been made due to increased workload and no additional staff has been added. Since October 2010, 5 corruption cases involving judges were investigated and only 1 judge was tried. The General Council of Courts did not release the immunity of the 3 judges to officially investigate further. 1 case has been transferred to the Anti-Corruption Agency due the offence happened after accused judge's retirement. 4. The transfer of the mandate may indicate the unbalance of power in justice sector by making the Prosecutor's office more powerful than the Judiciary. When the defense side of the bar is already weak by the system, this unbalance has negative impact on the independence of the judiciary. 5. There has been consistent accusation by the NGOs namely, "Citizen's Fair Trial" NGO that judges not being impartial and many of the decisions are unfair. The number of complaints they collect are not decreasing. 6. By analysing the statistical data provided by the Supreme Court, in the first half of the 2011, total of 3005 criminal cases were heard by the first instance court. Out of the 998 cases that went to appellate hearing, 461 cases (46.2 %) of the decisions were either dismissed or amended the first instance court decisions. Out of the 350 cases heard at the court of cassation, 223 decisions (53.7 %) have been dismissed or amended appellate court decisions. This means that 20 % of the decisions made at the first instance court are false. <p>The public and especially those who have been dealing with courts are not trusting the competence and impartiality of the judges.</p>

⁷ Annual report of the Special Investigation unit : http://epmba.gov.mn/index.php?option=com_content&task=view&id=75&Itemid=92

Paragraph 5

While welcoming the adoption of the Law on the National Human Rights Commission in 2007 (NHRC) and the fact that it is considered in compliance with the Paris Principles (General Assembly resolution 48/134, annex) by the Subcommittee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, the Committee is concerned about information alleging the lack of transparency of the Human Rights Commission’s appointments procedure, and questioning its vigilance in monitoring, promoting and protecting human rights during the 2008 State of Emergency (art. 2).

The State party should strengthen its efforts to ensure that the NHRC enjoys independence by providing adequate funding and human resources, and revising the appointment process of the Commission.⁸

Recommendations from the HR Committee	Grade	Action taken by the State	Additional measures needed	Other comments
<p>The State party should strengthen its efforts to ensure that the National Human Rights Commission enjoys independence by providing it with adequate funding and human resources, and (...).</p>	<p>B2</p>	<p>Funding: According to NHRC, budget of the Commission for 2012 was increased by 38%. This decision was taken late November 2011, with the support of the Parliament. Commissioners recall that the reference to the HR Committee’s Concluding Observations was very helpful to secure the additional funding requested by the NHRC.</p> <p><u>NHRC follow up the recommendation</u></p> <p>It emphasizes that the State Great Hural’s support has been improving through effective collaboration with the Commission, implementing the recommendation, and ensuring independent fulfilment of the recommendation.</p> <p>In 2011, the Commission operated with 20 staff and a total</p>	<p>The budget increase of 38% is still not enough. It will go mostly for salary of 6 new staff. The activities necessary for protection of human rights at local level will require more funding. The Commission needs to continue its effort to increase its funding from the state budget.</p> <p>The Commission needs to better outreach local communities when they face human rights violations. For this purpose the Commission needs better collaborate with</p>	<p>For 2012-2014, the Commission has begun implementation of the project “Strengthening the national capacity on monitoring human rights” with 500’000 USD funding from the UNDP. The project will be an important contribution towards the fulfillments of the Commission’s mandate¹¹.</p> <p>The UNDP project “Strengthening the national capacity on monitoring human rights” supports the local events and will receive funding for 2012-2014. However, this is still insufficient¹².</p>

⁸ The translation of the UN Human Rights Commission’s fifth recommendation by the Ministry of Justice, National Human Rights Commission and CSOs differ. For example the translation of the Ministry is more general. Therefore NGOs were concerned that UN HR Committee’s recommendation may be implemented not fully. The translation of CSOs is more detailed with two additional components: transparency and multi-stakeholder representation. The first component is mentioned in the relevant comments of the UN HR Committee. The second component - multi-stakeholder representation although was not mentioned in the UN HR Committee’s recommendation, CSOs believe that it is important for ensuring the independence of the NHRC of Mongolia. During the discussions held at the validation meeting both parties (NGOs and government) raised the issue of difference in translation and requested the National Human Rights Commission to pay attention for future recommendations of UN HR bodies in making translations agreed by all parties including NGOs.

- *Change the appointment procedure of members of the NHRC and provide with sufficient human resource and budget /The Ministry of Justice and Home Affairs’ translation/*
- *While improving efforts to strengthen the independence of the NHRC through providing adequate funding and human resources to make the appointment process of members of the NHRC transparent and representative of different stakeholders /Civil Society Organizations translation/*
- *Review the appointment process of commission’s members and strengthen the independence of the Commission through providing sufficient budget and human resource /National Human Rights Commission translation/*

		<p>budget of 312972.9 Tugrug. In 2012, it has performed with 26 staffs and a total budget of 432,714.8 Tugrug. The Commission's annual budget increased by 119,741.9 Tugrug, a 38% increase from the previous year.</p> <p>However, the increased budget is still not sufficient for the Commission to adequately fulfil its mandate⁹ at local levels.</p> <p>The Commission's "Open Day" event is a way to monitor human rights issues, lodge complaint, conduct training and promote human rights at the local level.</p> <p>The Commission conducted a capacity assessment by an independent international organization in 2011.</p>	<p>civil society organizations.¹⁰</p> <p>Furthermore, the Commission needs to implement its plan to appoint staff in every province with support of the state budget.</p>	<p>The increase of the budget for the 2012 will be spent mostly for the increase of 6 staff.</p>
<p>The State party should strengthen its efforts to ensure that the National Human Rights Commission enjoys independence by providing it with (...), and revising the appointment process of its members.</p>	C	<p>There have been set up two working groups. One is initiated in 2009, by the Parliament Sub Committee on Human Rights. It considers possible reforms of the procedure on appointment of Commissioners. The reform could also include the possibility to hold public hearings for the NHRC during the sessions of the Parliament.</p> <p>Since 2010, another working group has discussions on increase of the number of commissioners through establishing commissioner on child and gender issues. The Deputy Prime Minister Mongolia initiates this working group.</p> <p>The working groups have not produced any submission to the Parliament for amendment of the law.</p>	<p>These working groups need to consolidate their issues and intensify the drafting and submission process.</p> <p>They also need to consult with NGOs who have monitored the performance of the NHRC for years and try to include their proposals in the draft submission. The NGOs proposals include the criteria of candidates, their nomination process, and representation of other parties etc.</p>	<p>It should be noted the role of a newly appointed chairperson who has good experience and an influence as he has been MP for long time and chair of the Constitutional Court of Mongolia in getting more supports to the National Human Rights Commission. He made several achievements regarding the increase in budget and the number of staff.</p>
<p>The State party should strengthen its efforts to ensure that the NHRC enjoys independence by (...) revising the appointment process</p>	B2	<p>The Sub Committee on Human Rights, under the Standing Committee on Legal Affairs of the Parliament is discussing a possible reform of the procedure of the appointment of Commissioners of the NHRC. The reform could also include the possibility to hold public hearings for the NHRC during the sessions of the Parliament</p>		

¹¹ The information and response from the National Human Rights Commission 2012

¹² The information and response from the National Human Rights Commission 2012

⁹ The information and response from the National Human Rights Commission 2012

¹⁰ The information and response from the National Human Rights Commission 2012

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Paragraph 12

The Committee is concerned that although the cases of four senior police officials in connection with deaths, torture and cruel, inhumane or degrading treatment having occurred during the State of Emergency of July 2008 were reopened, these cases have not yet been brought to a conclusion. The Committee is also concerned that the charges against all other police officers prosecuted for human rights violations during this emergency were dropped due to a lack of evidence and that no one has been convicted to date (arts. 2, 6, 9, 14).

The State party should take the necessary measures to thoroughly investigate all allegations of human rights violations committed during the State of Emergency of July 2008, including in the cases where compensation has been paid to the families. It should also ensure that those involved are prosecuted and if convicted punished with appropriate sanctions, and ensure that the victims are adequately compensated.

Recommendations from the HR Committee	Grade	Action taken by the State	Additional measures needed	Other comments
<p>The State party should take the necessary measures to thoroughly investigate all allegations of human rights violations committed during the State of Emergency of July 2008, including in the cases where compensation has been paid to the families. It should also ensure that those involved are prosecuted and if convicted punished with appropriate sanctions, and ensure that the victims are adequately compensated.</p>	C	<p>According to various governmental sources, investigation on the event of July 2008 is still on going and there is no information as to when the final is decision is expected. In addition the President of Mongolia might offer a public apology.</p> <p>In addition, in order to avoid similar violations, a draft law related to the use force by the police will be adopted before the next parliamentary elections scheduled for June 2012.</p>	<ol style="list-style-type: none"> 1. Consider wide coverage of violations of human rights being not to be limited to the issues of use of firearms and impose the appropriate sentence to the convicted; 2. Consider the compensation issues of the victims subjected to torture and massive arrest and compensate appropriately. Conduct comprehensive assessment on the injuries and damages to the victims, especially provide the legal environment to assess the psychological injuries; 3. It is not only the fault of protesters involved in the riot for the massive injuries of the police officers while performing their duties, but the top authorities who provided inappropriate and inefficient management and direction at the time. In addition, it is required to rationalize the policy, concept paper and law on the protection of human rights at the events of riot or social unrest. 	<ol style="list-style-type: none"> 1. The state of emergency announced on 1 July 2008 and the measures taken resulted in the illegal massive arrest leading to five deceased and many subjected to torture and imprisonment in poor facility seriously violated the international and domestic laws. 2. The tragic events were alleged by the inappropriate operation of the state or fraud election, thus the citizens convicted to the incident shall immediately be purged. Even though the rights to life and not to be subjected to torture, inhuman and degrading treatment were violated, the state has only been concerned on and reviewed the cases of 5 deceased due to public demand and raised the issue of police officials convicted; however still the violations of other rights have been left aside in silence. In particular, the cases of being under torture, degrading treatment and massive arrest have been disregarded. 3. The citizens made complaints on the tortured investigations, though the victims have remained as dead-lock as the cases were rejected for criminal procedure and closed by Ulaanbaatar Prosecutor's Office 4. On the other side, the frequent announcements made for public and law enforcement agencies deliver the direct message that "...only the citizens who allegedly sparked the riot or involved should be blamed for the police officers injured while performing their duties...". This leads to conflicted atmosphere amongst citizens and police officers that allow the violations of human rights including the torture and massive arrest to be concealed and remain silent.

Paragraph 17

17. While welcoming the reform project of the judiciary, which was initiated in 2009, the Committee is concerned about allegations of corruption, and lack of transparency and independency of the judiciary. The Committee is also concerned that certain benefits afforded to the judiciary may contribute to these concerns such as social benefits, loans, diplomatic immunities, and educational expenses, granted for having demonstrated “effectiveness” in their work (art. 14).

The State party should adopt the reform project of the judiciary after having reviewed its full compliance with the Covenant and making sure that the structures and mechanisms introduced guarantee the transparency and independence of its institutions. The State party should make sure that the project is drafted, adopted and implemented through a process that integrates the consultation of specialized sectors, including civil society actors. The State party should also take all the necessary measures to guarantee the thorough investigation of all allegations of corruption of the judiciary.

Recommendations from the HR Committee	Grade	Action taken by the State	Additional measures needed	Other comments
The State party should adopt the reform project of the judiciary after having reviewed its full compliance with the Covenant and making sure that the structures and mechanisms introduced guarantee the transparency and independence of its institutions.	B1	<ol style="list-style-type: none"> 1. <u>Judiciary reform</u>: The reform process is ongoing and seems to be taken seriously. Draft laws on the reform of the judiciary were sent to the Parliament in July 2011.¹³ It is expected that the bills will be passed by the end of the current session of the Parliament (February 2012). Governmental sources revealed however that the Parliamentary Elections scheduled for June 2012 may delay this process. 2. The draft laws were reviewed by the Standing Committee and only 3 draft laws: Law on the Courts, law on the Judicial Administration and Law on the Status of Judges are pending before plenary session of the Parliament to be discussed. At this moment, the political parties are having different priorities such as cash distribution and salary increase before election, it isn't likely to be adopted before election, which means it could be postponed until next year. 	<ol style="list-style-type: none"> 1. The Government shall recognize the importance of the reform process going on. 2. The legislatures need to give priority to the legal reform in judiciary. The NGOs are concerned that the upcoming political events including the election shall slow down the reform process. 3. Upon adoption of the set of laws, the Government and Parliament shall provide necessary budgetary support to the Judiciary to implement the reforms. 	
The State party should make sure that the project is drafted, adopted and implemented through a process that integrates the consultation of specialized sectors, including civil society actors.	B1	<ol style="list-style-type: none"> 1. <u>Participation of the various sectors in the adoption process</u>: The Working Groups established within the Parliament to review the draft laws conducted consultations with the Civil Society and the NHRC. The text of the draft laws was made public and posted on the website of the Presidency of Mongolia.¹⁴ 	<ol style="list-style-type: none"> 1. The adoption process, including the discussion shall be made public so that healthy discourse shall be carried on at the same time. 	

¹³ There are six draft laws related to the reform of the judiciary: {LIST}.

¹⁴ Reference

<p>The State party should also take all the necessary measures to guarantee the thorough investigation of all allegations of corruption of the judiciary</p>	<p>B2</p>	<ol style="list-style-type: none"> 1. Although the Anti-Corruption Agency is established with investigation function, it is no longer investigating the corruption cases involving judges since the end of 2010. 2. The Special Investigation Unit, a newly appointed institution does not have required budgetary and human resources as well as the necessary power to conduct proper investigation on corruption cases. 3. This situation may indicate the threat to the Independence of the Judiciary by Prosecutor’s office as the SIU operates under direct supervision of the General Prosecutor. 	<ol style="list-style-type: none"> 1. The transfer of the investigation mandate from ACA to SIU raises some concern over General Prosecutor’s intention. 2. The information related to the nature of the misconduct of the judges need to be further analysed and make this information public. 3. The proper mechanism for judicial performance evaluation shall be in place in order to ensure the right to fair trial by competent court. 	
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