MONGOLIA
FOLLOW-UP TO THE CONCLUDING OBSERVATIONS

Extract from the Report of the Special Rapporteur on Follow-up to Concluding Observations as the 106th Session (October 2012) - CCPR/C/106/2:

Mongolia

COB: CCPR/C/MNG/CO/5, adopted on 30 March 2011

Follow-up paragraphs:
5, 12, 17

First reply:

Date information due: 30 March 2012. Date information received: 21 May 2012

Paragraph 5:

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 revising the appointment process of its members.

Summary of State party’s reply:

Since the adoption of the Committee’s concluding observations, the Commission’s budget has increased by 38 per cent, and six new posts have been created. A further increase would be necessary. The Commission is also developing a project “to build national capacity for supervising human rights”, financed by the United Nations Development Programme.

NGO information:

Chinese Human Rights Defenders-Globe International/CCPR Centre, January 2012: The budget increase is not sufficient to enable the Commission’s level of activity to match the growing demand for assistance.

Evaluation:

[B2]: Additional information is needed on the measures taken (a) to provide the National Human Rights Commission with adequate funding to enable it to do its work properly, and (b) to safeguard the Commission’s independence.

[D1]: No information is provided on reforming the procedure for appointing Commission members. The recommendation has therefore not been implemented.

Paragraph 12:
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.

Summary of State party’s reply:

- The 2009 Act on Granting Compensation to Victims was adopted to combat human rights violations and restore victims’ rights. Compensation totalling MNT 17.1 billion (US$ 12,122,284.13) has been paid to victims and a total of MNT 442.5 million (US$ 313,690.69) to the police officers affected.

- The 2009 Amnesty Act dismissed a criminal case concerning actions by four police officers during the state of emergency. The cases were reopened in November 2010. The investigation was conducted by the Procurator-General’s Office and transferred to Sühbaatar District Court for the hearing, which is ongoing.

NGO information:
The investigation is in progress but has not yet yielded results.

Evaluation:

[B2]: The reopening of the case against four police officers involved in the state of emergency is a positive step. Information is needed on the outcomes of ongoing cases (court rulings and compensation provided to victims).

[D1]: No information is provided on the measures taken with regard to other complaints about human rights violations during the state of emergency. The recommendation has therefore not been implemented.

Paragraph 17:
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.

Summary of State party’s reply:
The Parliament has adopted bills on the courts, the legal status of judges and the legal status of lawyers. The bills contain provisions on the organization of judicial institutions, their independence and access to them; it updates the procedure for selecting judges by enhancing its transparency as well as that of court rulings (publication on the Internet). It introduces new disciplinary mechanisms.
NGO information:

The reform is being pursued seriously and legislative proposals have been made following an exemplary consultation process. Allegations of corruption are examined by the Judicial Disciplinary Committee and, in cases of criminal offences, by a specialized unit of the Procurator-General’s Office. This unit, established in 2010, lacks the necessary financial and human resources to do its work properly.

Evaluation:

[A]: Progress has been made in reforming the criminal justice system. Information must be provided in the next periodic report on the adoption and implementation of the projects referred to.

[D1]: No information is provided on the investigation of allegations of corruption in the judicial system. The recommendation has therefore not been implemented and additional information is required.

Recommended action: Letter reflecting the Committee’s analysis.

Next periodic report: 1 April 2015

Extract from the Annex to the Report of the Special Rapporteur on Follow-up to Concluding Observations as the 106th Session (October 2012):

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**Recommended Action:** LETTER REFLECTING ANALYSIS OF THE COMMITTEE