



# International Covenant on Civil and Political Rights

Distr.: General  
8 September 2020

Original: English

## Human Rights Committee

### 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<br/>(120th session):</i> | CCPR/C/MNG/CO/6, 24 July 2017                                                      |
| <i>Follow-up paragraphs:</i>                        | 12, 18 and 22                                                                      |
| <i>Follow-up reply:</i>                             | CCPR/C/MNG/CO/6/Add.1, 16 January 2019                                             |
| <i>Committee's evaluation:</i>                      | Additional information required on paragraphs<br>12 [B] [C], 18 [B] and 22 [C] [B] |

#### 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 the State party's reply

(a) The State party states that discrimination on the basis of sexual orientation and gender identity is considered a crime and is regulated by article 14.1 of the Criminal Code. In 2018, the Ministry of Justice and Home Affairs conducted a training session for law enforcement officers on the rights of lesbian, gay, bisexual and transgender persons to ensure effective implementation of the Criminal Code, and the National Legal Institute is currently researching implementation of anti-discrimination laws. Many complaints of discrimination were initially misclassified owing to the tendency of lesbian, gay, bisexual

\* Adopted by the Committee at its 129th session (29 June–24 July 2020).



and transgender citizens to “conceal themselves”. In the future, cases of discrimination on the basis of sexual orientation and gender identity will be registered as such in the newly established crime information database.

From August to November 2017, a project on improving sexual health-care services in Ulaanbaatar for at-risk populations, including 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 are conducted for physicians and medical professionals on sexual orientation, stigma and discrimination;

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

#### **Committee’s evaluation**

[B]: The Committee welcomes the State party’s efforts to train law enforcement and medical professionals on the rights of lesbian, gay, bisexual and transgender persons. It also welcomes the State party’s creation of a crime information database, but requires information on when it was established, what its impact has been and how the State party ensures that the victims are protected 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 lesbian, gay, bisexual, transgender and intersex individuals in the broader population.

[C]: The Committee regrets the lack of information on the following: (i) measures taken to promote and guarantee freedom of expression, association and peaceful assembly for lesbian, gay, bisexual, transgender and intersex persons; (ii) whether investigations and prosecutions for complaints of discrimination against lesbian, gay, bisexual, transgender and intersex persons are conducted in practice; and (c) 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 the State party’s reply**

(a) The State party reports that numerous awareness-raising initiatives aimed at preventing domestic violence have been organized, 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 a methodology known as “SASA!” (Start, Awareness, Support and Action). In total, training has been organized for 20,404 citizens. A total of 31 rules have been adopted within the framework of implementation of the Law on Combating Domestic Violence, including by a joint decree of the Minister of Justice and Home Affairs, the Minister of Labour and Social Protection and the Minister of Health;

(b) In 2017, 4,600 members of the joint teams tasked with providing services to children living in at-risk environments and 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 with respect to domestic violence. Since 2016, a project on combating gender-based violence through

capacity-building in the justice sector has provided training of trainers for 500 representatives of the police and the judiciary, prosecutors and bailiffs from 10 provinces.

A training programme to improve the practical skills of health workers to stop gender-based violence was developed for medical doctors and health workers. Seminars were organized for 50 doctors and other health workers from the Bayangol District of Ulaanbaatar.

In 2018, 10 new one-stop service centres were established with a view to 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-governmental representatives participated in a consultative meeting on strengthening cross-sectoral coordination and capacity-building;

(c) In 2017, the list of members of the Subcommittee on Combating and Preventing Domestic Violence and Violence against Children was approved, and the Legal Committee on the Rights of the Child was established to provide legal assistance to children. The Government is currently cooperating with four non-governmental organizations (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 legislation on the rights of the child and inspecting cases of violations. A total of 113 violations of the rights of the child were detected in 2017 and the first half of 2018; 19 cases are under inspection, 55 cases have been resolved, and a fine was imposed in 13 cases.

#### **Committee’s evaluation**

**[B]** (a), (b) and (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 lodged 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 the following: (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 on establishing 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 the following: (i) information on measures taken by the Subcommittee to ensure the implementation of the prohibition of corporal punishment in all settings; and (ii) specific information on the training and prevention campaigns being 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 (Istanbul Protocol). The State party should ensure independent functioning of all its mechanisms for investigating allegations of torture.**

**Summary of the State party's reply**

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

(b) The State party cites 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, and stipulates that the prosecutor establishes the jurisdiction of inquiry and investigation in offences committed by intelligence, police and anti-corruption agency officers;

(c) In November and December 2017, trainers received training on the theme "Prisons and human rights". A total of 51 officers have attended training sessions for human rights trainers, and have since trained more than 2,100 prison officers on human rights.

Police officers in the units responsible for 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 reiterates information from its reply to the list of issues (CCPR/C/MNG/Q/6/Add.1, para. 57) that the University of Law Enforcement has incorporated human rights training focused on the prevention of torture 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 Istanbul Protocol in October 2017;

(d) Under decree No. 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) and (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) and (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 the following: (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 (iii) if so, 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 the following: (i) the structure of the Authority and its relationship to the Prosecutor General'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 included in the State party's next periodic report.

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

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