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**Consideration of reports submitted by States parties
under article 40 of the Covenant**

Replies of Mongolia to the list of issues in relation to its seventh periodic report^{*}, ^{**}

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^{*} The present document is being issued without formal editing.

^{**} Adopted by the Parliament of Mongolia on January 23, 2020.



Constitutional and legal framework in which the Covenant is implemented (art. 2)

Response to Issue 1

1. To ensure the application of the International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocols in judicial proceedings in Mongolia, the Supreme Court of Mongolia adopted Resolution No.11 during its Plenary session in 2022. This resolution, in its official commentary on the Article 1.10, paragraph 2, of the Criminal Code, explicitly references "...Article 15, paragraph 1, of the ICCPR, which states": "...No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby..."

2. Furthermore, in 2023, the Supreme Court of Mongolia reviewed and adjudicated 4 cases under its supervisory jurisdiction, applying the provisions of the International Covenant on Civil and Political Rights.

National Human Rights Institution (art. 2)

Response to Issue 2

(a) Please see paragraph 4 of the 7th periodic report.

3. The Law on the National Human Rights Commission of Mongolia¹ establishes clear legal grounds for the removal, revocation of full authority, dismissal of its members. For instance, the law stipulates that a Commission member may be relieved of their duties if they choose to run for national or local elections, transfer to another job or position, request dismissal themselves due to health issues or other reasonable reasons becoming unable to perform their duties, reach the maximum age limit for public officials, or face criminal charges. In the latter cases, their authority may be suspended and later reinstated or terminated, depending on a court's ruling regarding their guilt or innocence.

(b) To ensure the Commission's effective functioning, the law mandates the approval of its structure, staffing, and budget, stipulating that the head and staff of the Commission's Office must be state administrative officials with full-time provincial employees, that the Commission must have its own premises, and that the expenses required for its independent activities must be allocated the Commission's annual budget. Accordingly, the Commission's state budget was increased from 2.6 billion tugriks in 2022 to 5 billion tugriks in 2023 and 5.2 billion tugriks in 2024, while the number of staff positions was expanded from 49 in 2020 to 82 in 2024, alongside improvements to the legal framework.

(c) The Chapter Four of the above-mentioned Law outlines the procedures for receiving, investigating, and resolving complaints and information. It establishes the right of Mongolian citizens, either individually or collectively, to submit complaints and information concerning violations of human rights and freedoms guaranteed by the Constitution of Mongolia, domestic laws, and international treaties. Additionally, it specifies the format and requirements, and timelines for processing such complaints, as well as the full authority granted to Commission members in handling, investigating, and resolving these matters.

(d) The Article 28 of the above-mentioned Law stipulates that organizations, officials, and legal entities must adhere to the directives and recommendations issued by Commission members. They are required to implement these directives and provide written responses within 30 days for requirements and 60 days for recommendations. If no action is taken, a proposal may be submitted to the relevant authority or official to dismiss the official, revoke the legal entity's permit, or suspend its operations. In cases of continued inaction, the

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official may be demoted, the legal entity's permit may be suspended, or its activities halted until compliance is achieved.

Anti-corruption measures (arts. 2 and 25)

Response to Issue 3

(a) The Amendments² to the Criminal Code has introduced stricter penalties for corruption-related offenses. Key provisions include the denial of amnesty or pardon for corruption crimes, the confiscation of assets and income derived from criminal activities through court decisions (regardless of the expiration of the statute of limitations), and the suspension of the statute of limitations for crimes involving officials with legally guaranteed immunity until their term of office ends, after which the count resumes. Since 2023, the Supreme Court and the Office of the Supreme Court have been executing a public legal education program aimed at preventing and raising awareness about corruption. This initiative has produced 51 educational materials, including posters, videos, articles, and animations. Additionally, on October 13, 2023, the "Judicial Ethics Advisory Committee" was established during the Regular Meeting of the Managing Board of the Mongolian Judges' Association. This committee is tasked with developing an ethical guide and organizing related training programs. Furthermore, the Criminal Chamber of the Supreme Court, in collaboration with the Judicial Training, Research, and Information Academy, conducted an online training session on the "Bangalore Principles of Judicial Ethics" on May 13, 2024. This session was attended by 342 judges.

(b) To strengthen the enforcement of the Anti-Corruption Law, promote cross-sectoral collaboration, and ensure transparency, openness, and fairness in government operations, the National Anti-Corruption Program³ and its corresponding Action Plan for 2017-2022⁴ were implemented. During this period, significant progress was made in addressing corruption and conflicts of interest. In 2017, a total of 599 applications, complaints, and reports from citizens, officials, and business entities were received and resolved. By 2021, this number increased to 2,314 complaints, reflecting heightened public engagement and trust in the anti-corruption mechanisms. The staged public awareness campaigns and initiatives aimed at enhancing anti-corruption awareness have clearly had a significant impact. These efforts have successfully raised awareness among citizens, fostering a stronger intolerance toward corruption and transforming societal values of justice. The results demonstrate a growing commitment among the public to uphold integrity and demand accountability, reflecting the effectiveness of these educational and awareness-building activities.

4. The Government of Mongolia has approved and has been implementing the National Anti-Corruption Program⁵ along with its corresponding Action Plan⁶ to strengthen the national justice system by reducing corruption and official misconduct and enhancing the legal framework to prevent conflicts of interest. Additionally, the program aims to promote an approach (culture) of justice across all levels of society and reinforce the rule of law. These measures reflect the government's commitment to fostering transparency, accountability, and ethical governance in Mongolia.

(c) As of the end of 2024, the *Authority Against Corruption* of Mongolia has investigated 671 criminal cases involving officials from state and local owned legal entities. Of these, 132 cases were transferred to the Prosecutor's office with proposal to deliver for judicial review, 273 cases were closed, 21 cases were referred to the prosecutors for jurisdictional transfer, 77 cases were investigated jointly, 2 cases were suspended, and 162 cases remain ongoing.

² Adopted by the Parliament of Mongolia on December 16, 2022

³ Adopted by the Parliament of Mongolia in 2016

⁴ Adopted by the Parliament of Mongolia in 2017

⁵ Adopted by the Parliament on June 30, 2023

⁶ Adopted by the Parliament on May 16, 2024

5. Furthermore, as of the end of 2024, 11 cases out of 100 were adjudicated by court, and 48 cases of the corruption and official misconduct related to coal mining, export, port coal transportation, and payments are still under investigation.

6. To prevent corruption, official misconduct, and violations in state-owned enterprises, business entities, and mining-related enterprises in the future, the Ministry of Justice and Home Affairs is developing a draft law on transparency in extractive industries. This draft law aims to expand the concept of "extractive industries" to include the exploitation of forests, water, animals, and natural plants under state protection and public control, in accordance with Constitution of Mongolia. The law aims to ensure transparency in operations, establish a national system of transparency and stability in these sectors, improve corporate governance, increase economic benefits, and hold both state and private sectors accountable. It also aims to clarify beneficiary possessors or ownership, reduce corruption, money laundering, and financial crimes, and contribute to minimizing unfair competition and market dominance.

Response to Issue 4

(a) In an effort to address the root causes hindering Mongolia's development, particularly corruption and official misconduct, the Government of Mongolia has declared 2023-2024 as the "Years of Fighting Corruption" and introduced the "5 W" initiative. This comprehensive strategy includes "Whistle" to promote accountability and encourage public reporting on corruption, "Wiping-out" to remove individuals involved in corruption from public service, "Wasp" to bring back those, who have fled abroad during investigations, under laws and international instruments and hold them accountable, "Wealth" to prevent the illegal transfer of funds and ensure proper collection and management of resources with public participation, and "Wide-open" to intensify digitalization, enhance transparency in state organizations, eliminate bureaucracy, and ensure openness in all selection processes. By fostering a zero-tolerance attitude toward corruption and illegal activities, the government aims to eliminate corruption at all levels, protecting human rights, safeguard public interests, support the private sector, and improve economic efficiency. These measures are designed to strengthen governance, raise public awareness about corruption, promote transparency, and build public trust, ultimately creating a more accountable, efficient, and fair society.

(b) The Authority Against Corruption conducted investigations into cases involving judges, law enforcement officials, and high-level public officials from 2020 to 2024 as follows:

- Of the 68 cases involving judges, 6 cases were transferred to prosecutors' office for judicial review, 43 inquiry cases were closed due to lack of evidence, 1 case was forwarded to the prosecutor for jurisdictional transfer, 1 case was integrated into investigation, 2 cases were suspended, and 15 cases have remained under ongoing investigation.
- Out of 761 cases involving law enforcement officials, 261 cases were transferred to prosecutors' office for judicial review, 334 cases were closed, 55 cases were forwarded to the prosecutors' office for transfer based on their jurisdiction, 41 cases were integrated into ongoing investigation, 2 cases were suspended, and 68 cases are currently under ongoing investigations.
- Regarding 853 cases involving state political officials, 130 cases were transferred to the prosecutors' office for judiciary reviews, 439 inquiry cases were closed, 33 cases were forwarded to the prosecutors' office for jurisdictional transfers, 84 cases were integrated into investigations, 10 cases were suspended, and 157 cases are undergoing investigation. These actions underscore the agency's commitment to upholding the rule of law, ensuring accountability, and combating corruption across critical sectors of governance.

7. In 2023, the Supreme Court reviewed 12 cases involving a total of 26 people in a court session to review criminal cases related to the corruption crime specified in Chapter 22 of the

Criminal Code. Of these, there was no case in which the review court reduced the sentence imposed by the first-instance or appellate courts.

8. Out of the 26 defendants, 15 were public officials, and 11 were employed in the private sector. In 2023, one registered case resulted in an acquittal issued by the court, in which a high-ranking state official was convicted and brought to trial under the Article 263.2 of the Special Part of the 2002 Criminal Code.

(c) The Anti-Corruption Awareness Campaign "...Let's Unite", launched nationwide in 2023 under the slogan 'Say No and Change,' aims to foster a culture of zero tolerance towards corruption. The initiative encourages citizens to report corruption and conflicts of interest without hesitation. It underscores the significance of collective participation in the fight against corruption, working to reduce bureaucracy, delays, conflicts of interest, and corruption risks, while promoting whistleblowing to ensure accountability. To achieve these objectives, the campaign hosts a range of events, including training sessions, conferences, and competitions, targeting specific groups to raise awareness and encourage active involvement in the battle against corruption.

9. As part of the Anti-Corruption Awareness Campaign, anti-corruption videos and Public Service Announcements (PSAs) targeted at citizens and the general public were aired on 12 designated television channels for a duration of two months. Anti-corruption posters were displayed on 37 billboards located in public squares, streets, and bus stops. Additionally, video content, PSAs, music videos, short films, and fictional programs focused on justice and intolerance toward corruption were distributed and showcased on advertising screens and billboards along major roads and bus stops in the capital city. Furthermore, anti-corruption information and advertisements were broadcast on 228 screens installed in residential buildings and 20 office elevators. Posters, leaflets, and other promotional materials were also placed on noticeboards to enhance public awareness."

Non-Discrimination (arts. 2, 3, 17 and 26)

Response to Issue 5

10. Please see paragraphs 20-25 of the 7th periodic report.

State of Emergency (art. 4)

Response to Issue 6

11. Please see paragraph 26 of the 7th periodic report.

Climate change and the right to life (art. 6)

Response to Issue 7

(a) The Air quality monitoring stations in Ulaanbaatar city have been equipped with automatic PM10 and PM2.5 particle measurement devices, and efforts are underway to establish air quality improvement zones. To reduce indoor air pollution in schools, kindergartens, and hospitals, a total of 23,973 PM2.5 particle filter screens have been installed in 50 schools, 126 kindergartens, and 9 hospitals across the capital city.

12. Since 2019, with funding from the Air Pollution Reduction Fund, 11,393 citizens, business entities, and organizations have received a total of 4.13 billion tugriks in interest rate subsidies to support environmentally friendly green projects and activities aimed at reducing air and environmental pollution. Additionally, the National Committee on the Reduction of Environmental Pollution of Mongolia has renovated a total of 3,050 pit latrines in the ger districts of the capital city to meet standard requirements. The Environmental inspections of 117 mining enterprises and organizations in the Gobi region identified 187 violations. Time-bound orders were issued to rectify 164 of these violations, while 19 violations were referred to the police for criminal prosecution. The operations of 4 enterprises

were suspended, fines amounting to 448,800,000 tugriks were levied, and compensation totaling 2,565,960,000 tugriks was imposed.

(b) Due to the floods caused by heavy rains in Ulaanbaatar in July 2023, 1,310 individuals—comprising 577 children, 709 adults, and 24 people with disabilities—were affected across 383 households in Bayanzurkh District 3. In response, 246 flood victims received primary medical assistance. Additionally, 22 households, who had been living in flood-prone areas without permission, were internally displaced to safer locations and granted new land ownership rights, alongside their existing properties. These households were also provided with 20 fully furnished ger homes. A temporary shelter for homeless individuals was set up in the school gymnasium. During the 24-hour shifts from August 6 to August 12, 2023, a total of 109 people stayed overnight at the shelter, while 80 others received day services. Among the overnight residents, 3 were elderly, 1 was disabled, 1 was pregnant, 14 were children, and 90 were adults.

(c) In the winter of 2023, the conditions for a dzud disaster were met in 11 provinces: Arkhangai, Govisumber, Dornogovi, Dornod, Dundgovi, Zavkhan, Uvurkhangai, Sukhbaatar, Tuv, Uvs, and Khentii. As a result of the dzud, several challenges arose, including fuel shortages, power disruptions, transportation difficulties, the congregation of herders' households in wintering areas, the accumulation of livestock in the mountains, road and pass closures, and an increase in slips and slides. To address these issues, the State Emergency Commission established an "Emergency Response Headquarters" with the objective of minimizing damage during the winter and spring seasons, preventing weather-related hazards and disasters, organizing a national response to emergencies, mitigating the disaster's consequences, and coordinating the activities of Emergency Commissions at the provincial, capital city, soum, and district levels while ensuring effective management and synchronization of both state and non-governmental organizations involved in disaster management.

13. The Government of Mongolia provided a total of 51.1 billion MNT in aid to herder households facing severe winter conditions, which included 12 types of assistance such as hay, livestock feed, food, automotive equipment, gers, warm clothing, and disinfectant solutions.

14. In accordance with Resolution No. 62 of the Government of Mongolia for 2024, a state of heightened disaster preparedness was declared nationwide, and the "Let's Help Herder Households" campaign was launched, during which, from February 20 to May 10, 2024, donations totaling 3,770,236,532 MNT and 1,098,407,612 MNT worth of 200 types of goods and materials were collected and distributed. These contributions came from 51 individuals, 34 businesses and organizations, 110 government agencies, 30 non-governmental organizations, and 3 foreign organizations and individuals.

15. Additionally, the United Nations Resident Coordinator's Office in Mongolia, international organizations, and donor agencies provided 7.8 million USD in cash and in-kind donations, with the Russian Federation contributing 6,000 tons of wheat and 2,000 tons of oats, Japan providing 4,460 blankets, 1,000 water storage containers, 7 generators, and 14 extension cords, and the Republic of India donating 20,000 USD worth of humanitarian aid, all of which were distributed jointly.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (art. 7)

Response to Issue 8

16. Please see the paragraphs 32, 36, and 37 of the 7th periodic report.

(a) The Prosecutor General's Office issued indictments for five offenses under the Article 21.12 of the Special Part of the Criminal Code, titled "Torture," in 2023 and the third quarter of 2024. These cases were duly referred to the court, of which three were adjudicated.

17. The Court imposed fines on two defendants and sentenced one defendant to a term of imprisonment, in accordance with the penalties prescribed by the Criminal Code.

(b) By order of the Minister for Justice and Home Affairs, a Working Group has been established to revise the "Law on Court decision enforcement" and is currently undertaking the relevant research.

Response to Issue 9

(a) Between 2017 and September 2024, the Prosecutor's Office indicted 15 cases of torture, involving 31 individuals. Of these, 14 cases were concluded, with 28 individuals convicted across the 14 cases. In one case, two individuals were acquitted and dismissed. At present, one case involving a police detective remains ongoing and is still under court review.

(b) In the aforementioned case adjudicated by the court, criminal liability has been imposed on 21 personnel from the police (including 2 investigators, 11 criminal investigators, 4 district representatives, 1 senior disciplinary inspector, 1 police officer from a rehabilitation center, and 2 patrol officers), 1 prosecutor, 4 personnel from the intelligence organization (including 1 director and 3 section staff), and 2 personnel from the court decision enforcement organization (including 1 department head and 1 staff member). Of these, 11 individuals were sentenced to imprisonment, while fines were imposed on 17 individuals.

(c) The Article 11.6 of the Criminal Code outlines the offense of "intentionally causing minor harm to human health" and specifies that if a person intentionally harms another's health through improper treatment or torture, he/she shall be penalized with a fine ranging from 450 to 2,700 units (equivalent to tugriks), compulsory public service for 240 to 720 hours, or a restriction on their right to travel for one to six months. The Article 21.12 of the Criminal Code defines the offense of torture, while the Article 10.1, Clause 2.12 outlines penalties for torture resulting in death, with the severity of the punishment varying based on the seriousness of the crime. This distinction is considered both significant and justified, as it allows for penalties to be tailored to the gravity of the offense, ensuring a fair and suitable legal response.

(d) On August 27, 2024, the Parliament approved the Government's Action Plan for 2024-2028 through Resolution No. 21. Section 4.2.1.14 of the plan outlines the establishment of a new agency tasked with investigating crimes against criminal proceedings and witness and victim protection. Therefore, the Government is working on draft law to create an independent agency that will safeguard judicial proceedings. The agency will include a dedicated investigative body with the necessary human and financial resources to regularly investigate crimes committed by specific subjects.

Liberty and security of person (art. 9)

Response to Issue 10

18. The Article 16, Section 3 of the Constitution of Mongolia stipulates that "the reason and grounds for the detention shall be notified to the detained person, their family members, and their legal representatives within the timeframe according to the law."

19. To restrict the use of preventive measures such as detention for individuals accused of crimes punishable by imprisonment, the Amendments to the Criminal Procedure Code⁷ establishes that if the court determines that other forms of preventive measures cannot be applied to individuals accused of crimes under the special section of the Criminal Code, detention shall be imposed, with the grounds for this clearly defined in the law.

20. With the aim of limiting the application of detention as a preventive measure for individuals accused of crimes punishable by penalties other than imprisonment, amendments have been introduced to the Criminal Procedure Law. Specifically, if the court determines that a defendant charged with a crime punishable by imprisonment under the Special Part of the Criminal Code is ineligible for alternative preventive measures, the law now explicitly provides for the application of detention as a preventive measure and elaborates in detail on the legal grounds for its use.

⁷ Adopted by the Parliament on January 17, 2024.

21. To expand the range of punishments beyond imprisonment, the Criminal Code has introduced the penalty of restriction of the right to travel, which has been in effect since 2021. Since its implementation, 6,443 individuals have been sentenced to this form of punishment and are under monitoring.

22. The Criminal Procedure Law has amended the maximum detention period for the accused to be as short as possible, with a limit of one month, depending on the individual circumstances of the accused, the nature of the crime, and the specifics of the case, in accordance with international norms.

23. Furthermore, in response to the need to align detention periods with international norms, the law specifies that the total detention period for the accused shall not exceed six months for crimes with a maximum imprisonment term of up to five years, twelve months for crimes with a maximum imprisonment term of more than five years, and eighteen months for crimes with a minimum imprisonment term of eight years or more.

(a) The Law on Amendments to the Criminal Procedure Code introduces the following key provisions related to the immediate arrest of suspects:

- The Article 31.5 of the above-mentioned law, the provision regarding the "detention of a suspect without court authorization" has been amended to "detention of a suspect without delay," clarifying the grounds for detaining a suspect without court approval and the regulation for judicial oversight.
- The time spent on transferring the suspect to the investigative authority, providing essential medical assistance, treatment/detention/recuperation, and meeting privately with a defense shall not be included in the period of time stipulated under the Criminal Procedure Law, "The period of detention with court approval shall not exceed 48 hours."
- Furthermore, a regulation has been established stipulating that, for a defendant detained without a judicial warrant, the court must promptly schedule a hearing immediately upon receiving the prosecutor's proposal to apply detention as a preventive measure, or within 24 hours at the latest. During this hearing, the court shall review and determine whether to impose detention as a preventive measure against the defendant.
- With regard to offenses punishable under the special section of the Criminal Code, the grounds for detaining a suspect without judicial deferral have been specified under the following three circumstances:
 - The suspect is caught in the act of committing a crime, immediately after committing the crime, or while fleeing from the crime scene;
 - The suspect is directly identified by a witness or victim immediately after the commission of the crime;
 - Traces of the crime are found at the scene, or on the suspect's clothing, body, residence, belongings, or means of transportation.
- In order to enhance judicial oversight over detained without a judicial warrant, a regulation has been established stipulating that, for a defendant detained without a judicial warrant, the court must promptly schedule a hearing immediately upon receiving the prosecutor's proposal to apply detention as a preventive measure, or within 24 hours at the latest. During this hearing, the court shall review and determine the validity of the warrantless arrest and decide whether to impose detention as a preventive measure against the defendant in accordance with the prosecutor's proposal.
- A regulation has been established to ensure continuous judicial oversight over decisions regarding the warrantless detention of a suspect, the imposition of restrictions, or the application of detention as a preventive measure. This oversight is to be implemented without limitation to working hours, operating continuously every calendar day, except during nighttime hours, through the establishment of a duty court system.

- The law has been amended to grant the person who has been detained without delay the right to file a complaint with the court.
- In cases where a suspect is presented with a court order for detention or is detained without delay, the period of detention shall commence from the time the suspect is informed of the charges or the grounds for their detention. The law has been amended to stipulate that the duration spent on transferring the suspect to the investigative authority, providing necessary medical assistance, facilitating detoxification services, and permitting private consultations with a lawyer shall not exceed one hour.

(b) The Amendment to the Law on Court Decision Enforcement⁸ establishes the use of monitoring devices as a preventive measure for defendants, set to take effect on January 1, 2025. Efforts are currently underway to implement this provision.

24. The prosecutor is granted unrestricted access to arrest facilities, temporary holding facilities, and pre-trial detention centers at any time. They have the authority to meet with arrested, temporarily held, or detained individuals and to promptly release anyone who is unlawfully arrested, held beyond the authorized period, or detained in violation of the law or court order. The prosecutor overseeing these facilities has supervisory authority over their operations.

Treatment of persons deprived of their liberty (arts. 9, 10 and 14)

Response to Issue 11

25. Please see paragraphs 56, 65, and 74 of the 7th periodic report.

26. On June 5, 2024, the Parliament of Mongolia passed the Law on the Establishment of Family and Juvenile Courts at the First and Appellate Levels. The law is set to take effect on January 1, 2026. Under this law, specialized courts will have jurisdiction over family matters currently handled by civil courts, criminal, administrative and domestic violence offenses related to juveniles now overseen by criminal courts. The new courts aim to create a supportive environment for adjudicating cases involving minors, considering their age, physical, and psychological needs, while prioritizing their rehabilitation and development, in accordance with international juvenile justice standards.

27. By the Government Resolution No.204 of 2017 approved the Regulations on Detention Facilities, Their Locations, and Detention Regimes. Currently, Mongolia has 22 detention (prison) facilities, which include 5 closed facilities, 7 open facilities, and 6 semi-open facilities, along with 1 specialized education and rehabilitation center, 2 hospitals, and 1 women's detention facility. In addition, there are 1 arrest house, 1 arrest facility, 1 compulsory sobering-up center for individuals with alcohol and drug addiction, 1 pre-trial detention center in the capital city, as well as 28 pre-trial detention facilities in rural areas.

28. Efforts to improve the conditions of detention facilities are being implemented in phases. For instance, to tackle overcrowding at the arrest center of capital city, the Minister for Justice and Home Affairs issued Order No.A/21 on January 31, 2020, establishing an Arrest facility. Subsequently, the Chief of the General Executive Agency for Court Decisions issued Order No.A/30 on February 5, 2020, which approved the structure and staffing of the facility. These measures have successfully resolved the overcrowding problem at the arrest center.

29. In accordance with the 'Regulations on Custody Facilities,' which require these facilities to provide a safe and healthy environment for both staff and detainees, including access to hot and cold water, sewage systems, natural lighting, and ventilation, the custody facilities have been equipped with medical examination rooms, kitchens, bathrooms, and storage areas for detainees' personal belongings and documents.

30. Custody facilities must maintain a minimum temperature of 18 degrees Celsius during winter, with humidity levels ranging from 40% to 60%. They are also equipped with

⁸ Adopted by the Parliament on January 17, 2024.

ventilation systems, natural lighting, and lighting controls for nighttime use. Additionally, each detainee is provided with at least 2 square meters of space.

31. Juvenile offenders are currently serving their sentences at the Special Education and Rehabilitation Center. To enhance the facility's standards, a new building is being constructed, funded by the state budget, with plans for completion and operation by 2026.

Elimination of forced labor, servitude and trafficking in persons (arts. 2, 7, 8 and 26)

Response to Issue 12

32. The Article 8 of the Labor Law prohibits forced labor, and the Article 8.4 specifies that individuals or legal entities who force others to work, or who facilitate or organize such activities, will be held accountable under the Criminal Code.

33. In accordance with Order No. A/54 issued on April 27, 2023, by the Minister for Family, Labor, and Social Protection, a new inspection form (code 07.1.1) was created and approved to identify forced labor during labor relations inspections. These inspections, carried out under the Article 5.1 of the Law on State Inspection and the "General Procedures for Conducting Inspections" approved by Government Resolution No.479 of 2022, are part of planned and preventive oversight activities.

34. In the Tsogtsetsii and Khanbogd Soums of Umnugobi Aimag, a region known for its extraction and transportation of minerals from major mining deposits, a training session was organized from October 7-12, 2024. The session aimed to enhance the skills and knowledge of a total of 127 participants, including drivers from businesses and organizations involved in coal loading and unloading activities. It also included employers from these entities, state service providers such as Gashuun Sukhait Road LLC, Tavan Tolgoi JSC, Tsogtsetsii Soum Hospital, the Social Insurance Department, the Customs Office in Gashuun Sukhait, and relevant officials from Khairkhan Bag.

35. The goal of the training mentioned above was to raise awareness about the signs of forced labor, equip participants with the skills to recognize forced labor, and teach them how to report such cases. Additionally, the session focused on addressing the consequences of forced labor incidents and violations, providing participants with the tools to help restore violated rights. It also emphasized the importance of collaboration between organizations and officials in the fight against forced labor.

36. The Government of Mongolia is strengthening its legal framework to combat and prevent human trafficking while ensuring support for victims, as required by law. To this end, several regulations and directives have been implemented, including: the "Regulations on Providing Legal Assistance to Victims of Human Trafficking," the "Regulations on Protecting the Dignity and Safety of Victims," the "Regulations on Offering Employment and Vocational Training Services to Victims," the "Regulations on Providing Services to Victims of Human Trafficking," and the "Regulations on Identifying and Detecting Victims of Human Trafficking."

37. As part of efforts to adapt the "Forensic Interview" method, an internationally recognized best practice for identifying human trafficking victims and conducting interviews with child victims of violence in a way that minimizes psychological trauma, 32 forensic and police officers were trained as national trainers. These trainers then led regional training sessions.

38. In order to prevent citizens from being trafficked across the country's borders, surveillance has been in place at airports since 2022. As a result, 56 individuals, including 35 minors, were identified due to having unclear travel purposes, unknown destinations abroad, unaccompanied travel, or inconsistent documentation, and their travel was stopped.

39. The "Victim-Centered and Child-Friendly Case Management in Human Trafficking" training course has been conducted regionally across the country since 2023, with 785 officers trained, including 135 judges, 168 prosecutors, and 482 police officers from the judiciary and law enforcement agencies.

40. The "16 Days of Activism Against Gender-Based Violence" campaign is held annually to raise public awareness about gender-based violence, challenge gender-based discrimination and stereotypes, and work towards the elimination and prevention of such violence.

41. The UN's "Blue Heart Campaign" is held annually across the country to combat human trafficking, increase public awareness, and educate citizens by sharing information and alerts through social media.

42. To raise awareness about the harmful effects of human trafficking, sexual exploitation, and domestic violence, as well as to inform the public about state assistance services for victims, a series of cultural and artistic initiatives were launched. These included the free broadcast of the full-length feature films *"Shadow of the Sun"* and *"The Story of a Survivor,"* along with the 10-episode series *"Intolerable."* These broadcasts were made available on central and local television, in cinemas, and via online platforms to encourage public involvement in preventing domestic violence.

Response to Issue 13

43. Please see the response to Issue 12.

44. The Article 13.1 ("Human Trafficking") of the Special Part of the Criminal Code states: "Any acts carried out with the intent to engage someone in prostitution, sexual exploitation, rape, enslavement or being with similar conditions, organ or property removal, or forced labor, using physical force, threats, manipulation, deception, abuse of authority, exploitation of vulnerability, or control through payment or bribery—including the transportation, harboring, transit, or reception of a person—shall be punishable by imprisonment for a period of two to eight years." This provision is applicable to all individuals, ensuring that there is no gender-based discrimination, thereby affirming that Mongolia's Criminal Code applies the same standards to all human trafficking crimes.

Access to justice, independence of the judiciary, and the right to a fair trial (arts. 14 and 15)

Response to Issue 14

45. Please see paragraphs 101-105 of the 7th periodic report.

46. To safeguard the independence and impartiality of judges and prosecutors and ensure that they can perform their duties without external pressure, paragraph 4 of the Article 51 of the Constitution of Mongolia states: "A judge of any court instance may not be dismissed except in cases where they voluntarily leave or are removed by a legitimate court decision, based on grounds outlined in the Constitution and the law governing the judiciary." This provision guarantees that judicial independence is upheld, protecting judges from arbitrary removal and ensuring their ability to carry out their roles free from undue influence.

47. The Article 56 of the Law on Courts of Mongolia, adopted by the State Great Khural (Parliament) on January 15, 2021, specifies that the Judicial Disciplinary Committee can impose disciplinary sanctions, including suspending or removing a judge's powers for up to three months.

48. Additionally, the Article 40 of the same law outlines the conditions under which a judge's powers may be terminated. These include reaching the legally established retirement age or having served as a judge for 25 years, at which point the judge may be granted a retirement pension or choose to resign at their own request.

49. Upon the proposal of the General Council, the President may prematurely terminate and release a judge from their duties on the following grounds:

- The judge submits a written resignation request;
- The judge is unable to perform their duties due to health reasons;

- The judge has been transferred, appointed, or selected for a position other than a member of the General Council or the Disciplinary Committee;
- The judge has renounced Mongolian citizenship or obtained permanent residency or a permit in another country;
- The judge becomes a candidate in the election for President, the State Great Khural, or the Citizens' Representative Khural of an aimag, capital city, soum, or district;
- A court decision restricting the judge's civil legal capacity or declaring them legally incompetent has been issued;
- The judge has deceased, or a court decision declaring his/her decease has been issued;
- A court decision imposing coercive medical measures has been enforced;
- The judge has reached the maximum retirement age limit.

50. To promote openness, transparency, digitalization of judicial activities, and the independence of judges, the Amendments to the Law on Courts⁹ states that courts must adhere to the principles of independence and impartiality in their operations. It ensures the guarantee of independent decision-making, free from external influence and solely guided by the law.

51. Similarly, the Law on the Prosecutor¹⁰ prohibits any interference or influence in the decision-making actions of prosecutors. It also forbids any pressure to make illegal decisions or unlawful interference from officials, individuals, or legal entities in the operations of the prosecutor's office.

52. The Article 56 of the Law on the Prosecutor guarantees the impartiality of prosecutors by stating: "A prosecutor shall be removed or dismissed, nor he/she shall be reassigned to another job or position without his/her consent, except as specified by law." It also establishes that "Prosecutors shall be exempt from official mobilization." Furthermore, "It is prohibited for an organization or official conducting an inquiry or investigation to request explanations or interrogate a prosecutor about a case under his/her supervision or one he/she has resolved." "A prosecutor shall be not obligated to provide case-related information to anyone other than participants in the proceedings." Additionally, "any individual who interferes with or pressures a prosecutor shall be subject to legal liability."

Treatment of aliens, including migrants, refugees and asylum-seekers (arts. 7, 9, 12, 13 and 24)

Response to Issue 15

53. Mongolia collaborates with the United Nations High Commissioner for Refugees (UNHCR) to fulfill its commitments under international treaties and conventions. Since 2019, the country has granted residence permits to 24 foreign nationals (21 men and 3 women) from seven countries, based on asylum-seeker certificates issued by the UNHCR. Among these, 8 foreign nationals used their residence permits to cross the Mongolian border and travel to a third country.

Response to Issue 16

54. The Paragraph 5 of the Article 7 of the Law on Citizenship¹¹ stipulates that "A child born in Mongolia to stateless parents who are permanently residing in the country may acquire Mongolian citizenship upon reaching the age of 16, provided they express the desire to do so."

⁹ Adopted by the Parliament on June 05, 2024.

¹⁰ Adopted by the Parliament on June 09, 2017.

¹¹ Adopted by the Parliament in 1995.

Right to privacy and family life (art. 17)

Response to Issue 17

55. The Law on the Protection of Privacy¹² regulates the collection, processing, and use of personally identifiable information, specifying its categories and the rights and responsibilities of the data owner. It also addresses the handling of sensitive personal data, including biometric and genetic information. The law explicitly prohibits the collection, processing, and use of personal data without the data owner's consent, unless authorized by law. Additionally, it establishes the obligation, responsibilities of those who collect, process, and use personal data toward the data owner, and sets regulations on the installation and use of audio, video, and audiovisual recording equipment.

(a) An official who violates this Law, provided his/her actions do not constitute a criminal offense, shall be held accountable under the Law on Civil Service or the Labor Law. A person or legal entity found in violation of this Law shall be subject liability as outlined in the Criminal Code or the Law on Administrative Offence.

(b) The Article 24 of the above-mentioned law grants the National Human Rights Commission on Data Protection the authority to oversee compliance with personal data protection laws, raise public awareness, carry out advocacy activities, examine, and resolve complaints and reports. The Commission can take action if it determines that human rights and freedoms protected under this Law have been or may be violated in the collection, processing, use, or protection of personal data. It also has the power to examine with its initiation, issue directives, and make recommendations to relevant authorities within its jurisdiction.

56. Moreover, the Article 28 of the same law also stipulates that complaints from data owners shall be filed and resolved under the General Administrative Law and other applicable laws.

(c) The Article 13.10 ("Violation of Privacy") of the Criminal Code stipulates that "The illegal acquisition or distribution of legally protected information concerning an individual's private life shall be punishable by a fine equal to four hundred and fifty to five thousand four hundred units of the applicable currency, or a penalty of two hundred and forty to seven hundred and twenty hours of community service, or a restriction on the right to free travel for a period of one month to one year."

57. Furthermore, the Article 13.11 states that "If a person who has acquired legally protected personal information of an individual discloses it without his/her consent, he/she shall be subject to a fine equal to four hundred and fifty to five thousand four hundred units of the applicable currency, or a penalty of two hundred and forty to seven hundred and twenty hours of community service, or a restriction on the right to free travel for a period of one month to one year."

58. If an individual breaches the Law on the Protection of Privacy referred to the Article 6.27 of the Law on Administrative Offenses the following sanctions shall apply:

59. If personal data is used for purposes other than those for which consent was originally obtained or outside the scope defined by law, an individual shall be fined by tugriks equal to five hundred units, and a legal entity shall be fined by tugriks equal to five thousand units.

60. If the processing of data in electronic form, without human intervention, leads to a decision that infringes on the rights and freedoms of the data owner and may cause adverse legal consequences, an individual shall be fined by tugriks equal to five hundred units, and a legal entity shall be fined by tugriks equal to five thousand units.

61. Unlawfully obtaining, processing, transmitting, or disclosing sensitive personal data is not subject to criminal liability, but an individual shall be fined by tugriks equal to two thousand units, and a legal entity shall be fined by tugriks equal to twenty thousand units.

¹² Adopted by the Parliament on December 17, 2021.

Freedom of conscience and religious belief (arts. 2, 18 and 26)

Response to Issue 18

62. Please see paragraphs 141-115 of the 7th periodic report.

63. According to the Article 29 the Law on Military Service¹³ the military service can be fulfilled either through physical service or by making a cash payment as an alternative. Additionally, it clarifies that " a citizen of Mongolia may choose physical service due to religious, ethical, or other reasons specified by law."

64. The Article 31 of the same law further specifies the regulation for alternatives to military service in the form of a cash payment, stating that "The cash payment amount for alternatives to military service will be set annually by the Government, based on the variable costs of conscript military service for that year." Accordingly, the Government of Mongolia, through Resolution No. 95 on March 6, 2024, determined the cash payment amount for citizens choosing this alternative in 2024 to be 14,230,000 tugriks.

Freedom of expression (arts. 19 and 20)

Response to Issue 19

65. According to the Government of Mongolian's Action Plan for 2024-2028, the following draft laws has been developed in line with the objectives aiming to safeguard human rights and freedoms, particularly the right of citizens to express their opinions, speak, publish, assemble, associate, and demonstrate. It also seeks to reinforce state policies that respect human rights, promote justice, and combat corruption. These include:

1. To guarantee citizens' right to access information and promote the transparency of public data, a draft of the "Law on Amendments to the Law on State and Official Secrets" was developed in 2021. The draft law includes provisions such as allowing organizations to determine their own official secrets, establishing legal criteria for what constitutes official secrets, and requiring organizations to review and assess confidential information annually, submitting their findings to the Intelligence Agency.

2. The "Revised Draft Law on Freedom of the Press," which will be presented to the State Great Khural of Mongolia, aligns with international treaties and conventions and covers media, publishing rights, and related concepts. It broadens the scope of the law to include more parties than currently covered. The law ensures that the state cannot control the content published by any party acting in the public interest, guarantees that professional editorial staff remain independent of the state, owners, and other parties involved in the publishing process, and holds them fully accountable for the accuracy of the information they publish. It also aims to prevent harm to the rights and interests of others for unjustified or personal reasons, upholds the professional ethics and principles of media organizations, promotes transparency in their ownership and funding, ensures the independence of journalists and media outlets, and protects journalists' rights to keep their sources confidential, with any limitations on this right only being allowed by court order under specific conditions. Additionally, the law addresses the issue of media concentration to foster pluralism and diversity of information.

Response to Issue 20

66. The Article 23.4 of the current Criminal Code specifies penalties as "intentionally providing blatantly false information or submitting forged documents to the State registration office."

67. In addition, the Articles 13.14 and 14.8 of the Criminal Code address the offense of "disseminating blatantly false information." However, the absence of a precise legal definition for what constitutes "blatant false information" leads to uncertainty. This lack of clarity could result in an interpretation that any information exceeding the boundaries set by

¹³ Adopted by the Parliament on September 01, 2016.

the Article 19 of the International Covenant on Civil and Political Rights (ICCPR), or any information deemed inconsistent with the truth, could be categorized as "blatant false information" and treated as a criminal offense. Such a broad interpretation may unduly limit freedom of expression, potentially criminalizing legitimate speech or minor inaccuracies.

68. Therefore, to address the current situation without limiting freedom of expression, the concept of blatant false information should be defined according to international standards. This approach is expected to narrow the application of the Criminal Code and reduce the number of individuals criminally charged for spreading false information.

69. In line with paragraph 4 of the Article 1.2 of the Criminal Code, which mandates adherence to definitions and norms outlined in Mongolian laws and international treaties ratified by Mongolia, the revised draft of the Law on Media Freedom proposes clear definitions for "false information" and "blatant false information."

Right of peaceful assembly and freedom of association (arts. 21 and 22)

Response to Issue 21

70. The Government of Mongolia is working on a draft law on the freedom of assembly and demonstration, which will soon be submitted to present to the State Great Hural. This draft law aims to reform the current system, which requires registration but effectively mandates permission from the governor of the aimag or capital city to hold a demonstration or assembly. Under the draft law, if a demonstration or assembly is planned on a carriageway, the organizer will receive a response confirming whether it has been registered. For other locations not prohibited by law, demonstrations or assemblies can be organized without the need for permission or a response from any government authorities.

71. The draft law also prohibits assemblies and demonstrations aimed at promoting war, separatism, discrimination, sabotage, inciting the illegal overthrow of the government, or creating public disorder that threatens national security, social order, and public safety. These provisions are in line with the Article 21 of the Covenant.

Participation in Public Affairs (arts. 25 and 26)

Response to Issue 22

(a) The Law on Elections of the State Great Hural of Mongolia¹⁴ defines the electoral system as a fundamental criterion for ensuring the sustainable development of Mongolia and positively influencing the country's economic and social development.

72. In other words, selected a majoritarian system combining large and small constituencies with 78+48, or 78 seats elected by multiple non-transferable votes from constituencies, and 48 by closed list proportional representation at the national level with an electoral threshold of 4% for individual parties, 5% for a two-party coalition and 7% for coalitions of three or more parties. In this way, the electoral principle has shifted from a party-based system to a person-based system, implementing the fundamental principle of the Constitution that the people themselves directly elect their own representatives.

73. Furthermore, only a political parties registered with the Supreme Court before the date of the election announcement shall have the right to participate in the election. When a party or coalition expresses its intention to run, it should submit a report reviewed and certified by a state audit authority on donations received from citizens and legal entities between January 1 of the year before the regular election and April 1 of the election year.

74. The law further stipulates that if a candidate holds a position as a full-time public official, a senior public official of a government agency, a head, deputy head, director, or deputy director of the state or local owned legal entity (or with state or local government participation), or is a full-time or part-time member of a joint management organization established by the Government, they must be resigned from their duties and positions before

¹⁴ Adopted by the Parliament on December 20, 2019.

January 1 of the regular election year. For special elections, by-elections, or re-elections, the candidate must be resigned of their duties before the start of the nomination process as specified in the law.

75. It also includes specific provisions for establishing methods and formats for election campaigning aimed at reducing election costs, enhancing the effectiveness of oversight on election spending, and strengthening the role of the state audit organization in this process.

(b) Please see the response to Issue 4.

Rights of the child (arts. 7, 8 and 24)

Response to Issue 23

76. Please see paragraph 140 of the 7th periodic report.

77. The Labor Law¹⁵ includes provisions that prohibit child labor and seek to eliminate harmful forms of child labor. It also sets clear rules for the employment of minors. Specifically, it establishes guidelines for tripartite contracts involving minors and creates legal frameworks that are child friendly. These frameworks specify the types of light work allowed for individuals over 13, require permission from a child rights inspector for minors under 15 involved in artistic, sports, or advertising activities, and explicitly ban the employment of minors under labor supply contracts or in extended work hours. These measures are aimed at protecting the rights and welfare of young or minor workers.

78. The Minister for Family, Labor, and Social Protection issued Order No. A/122 of 2022, which revised the "List of Work Prohibited for Minors," explicitly banning child labor in high-risk industries such as mining and construction. In addition, Order No. A/123 of 2022 defined the "Types of Light Work Allowed for Individuals Aged 13 and Above," along with the associated employment conditions. State Inspectors for Children's Rights are responsible for monitoring and enforcing these regulations, ensuring adherence to the legal framework that protects minors from exploitative or dangerous labor practices. These measures demonstrate a strong commitment to safeguarding the rights and welfare of children in the workforce.

79. State Inspectors for Children's Rights carried out monitoring to enforce Order No. A/122, which lists the "Work Prohibited for Minors." During their oversight, they discovered 960 child workers in 2019, 723 in 2020, 144 in 2021, 317 in 2022, 618 in 2023, and 331 in the first half of 2024.

80. The Amendments to the Criminal Code¹⁶ includes provisions for suspending the statute of limitations for the crime of human trafficking involving children, as outlined in the Article 13.1, Section 2.1 of the law. The statute of limitations begins once the victim reaches the age of eighteen. The law also prohibits for the early release of individuals convicted of this crime and ensures that no amnesty will be granted to individuals convicted of child human trafficking.

81. On April 5, 2022, the Minister for Family, Labor, and Social Protection approved the directive of "Identification and Detection of Victims of Human Trafficking" through Order No. A/57. This directive is carried out by key government agencies, including social workers from soum, bag, and khoroo levels, as well as child rights workers. It introduces a standardized questionnaire to be used during interviews with individuals seeking services.

82. The implementations of the Law on the Rights of the Child, the Law on Child Protection, the Law on Labor, the Criminal Code, the International Labor Organization Convention No. 182 on the Worst Forms of Child Labor, the "List of Work Where the Employment of Minors is Prohibited" approved by Order No. A/36 of the Minister for Family, Labor and Social Protection in 2016, and the "Requirements for Protective Clothing

¹⁵ Adopted by the Parliament on July 02, 2021.

¹⁶ Adopted by the Parliament on December 07, 2023.

and Horse Equipment for National Horse Racing Riders MNS 6264:2018 Standard" are monitored, with corrective actions taken when violations are identified.

83. World Day Against Child Labor is celebrated annually, and in 2023 and 2024, Child Labor Day was marked with the slogan "Strengthen Social Justice! Eliminate Child Labor!" As part of the campaign, a Child Labor Policy Workshop was held, and methodological recommendations were developed for inspecting businesses and organizations to remove children from labor and enhance preventive measures. These recommendations were submitted to the Child, Family Development and Protection Departments in 21 provinces and 9 districts of the capital. Following the recommendations, inspections were carried out at 214 business entities and organizations across 4 sectors, resulting in the identification of 97 child workers. A total fine of 26,800,000 tugriks was imposed on 91 individuals.

84. The Law on Child Protection defines "violence against children" as any action or failure to act that harms a child's normal growth, development, health, or safety. This includes physical, emotional, economic, or sexual abuse or violence.

Response to Issue 24

85. Please see the response to Issue 23.

86. The "Integrated Detection" event has been held annually since 2017, with ongoing efforts to identify unsupervised and working children, offer them necessary services, and protect them from potential risks.

87. As part of this initiative, 84 children without parental supervision were identified and registered in 2019, 97 in 2020, 151 in 2021, 112 in 2022, 117 in 2023, and 273 in 2024. These children were placed under the supervision of the Joint Team of the Committee, and were provided with emergency child protection services, rehabilitation, and targeted prevention programs in both family and separate environments. These services are in line with relevant laws and are continuously monitored.

88. For instance, of the 273 children identified in 2024, 222 were reunited with their families and received rehabilitation services, 25 were placed in temporary shelters and one-stop services, 1 child was placed in foster care, 4 children were placed with accredited non-governmental organizations, 1 child received services from the Children's Rights Legal Committee, and 20 children were placed in other services such as education and healthcare.
