



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Committee against Torture**  
**Forty-fifth session**

**Summary record (partial)\* of the 963rd meeting**

Held at the Palais Wilson, Geneva, on Friday, 5 November 2010, at 3 p.m.

*Chairperson:* Mr. Grossman  
*later:* Mr. Wang Xuexian

**Contents**

Consideration of reports submitted by States parties under article 19 of the Convention

*Initial report of Mongolia*

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\* No summary record was prepared for the rest of the meeting.

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*The meeting was called to order at 3 p.m.*

### **Consideration of reports submitted by States parties under article 19 of the Convention**

*Initial report of Mongolia (CAT/C/MNG/1; HRI/CORE/MNG/2005)*

1. *At the invitation of the Chairperson, the delegation of Mongolia took places at the Committee table.*
2. **Mr. Bayasgalan** (Mongolia) said that the Constitution of Mongolia adopted in 2002 had proclaimed human rights and fundamental freedoms as a cornerstone of State policy. Since the adoption of the new Constitution, measures had been taken step by step to guarantee human rights and individual freedoms, enhance the State's accountability before its citizens and extend the system of law enforcement and judicial bodies. Article 10 of the Constitution stated that "Mongolia shall fulfil in good faith its obligations under international treaties to which it is a party. [Those treaties] shall become effective as domestic legislation upon the entry into force of the laws on their ratification or accession."
3. The Criminal Code, the Code of Criminal Procedure, the Code of Civil Procedure, the Court Law, the Law on the Prosecution Authority, the Court Decision Enforcement Law and the Law on Advocacy had all been revised in 2002 in order to improve the applicable procedures in cases of the restriction of human rights or the search and arrest of suspects. The Criminal Code and the Code of Criminal Procedure had also been amended in 2008 to bring domestic legislation into line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and in particular to incorporate a definition of torture in conformity with the definition given in the Convention, reduce the period of pretrial detention, and reduce the period of detention for minors. A law was currently being drafted to define the terms of compensation for victims of offences under article 251 of the Criminal Code.
4. Norms on police conduct had been introduced, and their implementation was carefully monitored. Mongolia had restructured law enforcement institutions and had established a Security Unit within the General Department of Police, responsible for investigating complaints against police officers. In 2009, as many as 2,527 police officers had been implicated in 2,502 cases and had been punished for offences such as irresponsible conduct (33.6 per cent), excessive alcohol consumption (14.7 per cent), and violation of the Code of Criminal Procedure (12.6 per cent).
5. The National Institute of Justice under the Ministry of Justice and Home Affairs provided special training for law enforcement officers. A training programme focusing on human rights and the relevant international instruments was also organized for judges, prosecutors, lawyers and police officers. Each institution also conducted its own specialized training. In 2009, more than 7,000 police officers from 21 provinces had taken part in regional training. The Police Academy provided methodological guidelines and had set up a retraining centre in 2010. There were plans to establish four more such centres.
6. In accordance with Legislative Decree No. 54 of 2006, measures had been taken to investigate ill-treatment in detention and human rights violations during investigations. When violations were found, corrective measures were adopted and the officials concerned were held accountable for their actions. Conditions of detention in prisons had been improved. A new pretrial detention centre would soon be built in compliance with international standards. Mongolia had taken steps toward acceding to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, a task which had been assigned to a working group under the supervision of the Ministry of Justice and Home Affairs.

7. His Government attached great importance to cooperation with domestic and international NGOs. In order to strengthen action to protect human rights and to support human rights organizations at the municipal and national levels, Parliament had adopted the National Human Rights Action Programme in 2003. That programme was intended to promote respect for human rights and fundamental freedoms by clearly defining the roles and responsibilities of the State and its institutions, expanding the involvement of civil society, NGOs and the private sector in general, and promoting citizens' initiatives. Despite those accomplishments, several cases of ill-treatment involving prison guards and investigators had been reported in recent years. The necessary measures had been taken to address the problem.

8. **Mr. Bruni** (First Country Rapporteur) asked whether civil society organizations had been consulted on the drafting of the report. Regarding the Investigation Unit of the General Prosecutor's Office referred to in paragraph 13 of the State party's report, he requested specific information on the subject matter of the complaints received by that unit and on the follow-up given to those complaints. He asked the delegation to provide concrete examples of recent cases. He also wished to know whether the National Human Rights Commission operated in accordance with the Paris Principles and how a state of emergency might affect the activities of the Commission and the human rights situation in the country in general.

9. According to information provided by Amnesty International concerning the state of emergency declared on 2 July 2008 following the riots that had taken place in Ulaanbaatar, the police had used excessive force and had arrested hundreds of demonstrators protesting against electoral fraud, some of whom had been tortured. He asked the delegation to comment on the allegations by Amnesty International and other organizations, according to which, two years after the events, no one had yet been held responsible. Such impunity of the security forces raised questions with regard to article 19 of the Constitution of Mongolia, which stipulated that a state of emergency could not justify any restriction on the right to life and the right not to be subjected to torture.

10. He wished to know whether the Convention could be invoked directly before the courts. Noting in paragraph 25 of the State party's report that the amendment made to the Criminal Code in 2008 "described the term 'torture' in a broader scope", he asked whether all the elements of torture contained in article 1 of the Convention were fully reflected in the Criminal Code. He read aloud from the same paragraph that the act of torture "shall be punished according to the degree of seriousness of the crime in terms of the injury inflicted to the human body" and asked what penalties were foreseen in practice for each degree of seriousness.

11. The State party's report indicated that under article 251 of the Criminal Code, acts of torture were punishable by a maximum of 15 years' imprisonment. However, according to the version of the Code available on the Internet, article 251 referred to obtaining a confession through the use of threats, violence and torture and called for a maximum penalty of 10 years' imprisonment. The version published on the Internet also stated that it was article 100 of the Criminal Code that dealt specifically with torture, but it stipulated penalties ranging from only a few months' to 2 years' imprisonment. In his report to the Human Rights Council (A/HRC/13/39/Add.6), the Special Rapporteur on the question of torture had also referred to the punishment of 2 years' imprisonment, saying that it was a lenient penalty for acts of torture. The discrepancies between the versions of the Code could perhaps be explained by the fact that, as the delegation of Mongolia had indicated during the universal periodic review, the Criminal Code had been revised in February 2008. Nevertheless, he asked the delegation to clarify which criminal provisions were applicable in cases of torture and to provide examples of cases in which the provisions in question had been applied and what sentences had been passed.

12. The right to a medical examination was not included in the list contained in paragraph 29 of the State party's report outlining the rights guaranteed to individuals arrested. He wished to know whether that fundamental right was expressly protected by law. The National Human Rights Commission reported that arbitrary arrests and illegal detentions still took place in Mongolia and that about two thirds of pretrial arrests and detentions took place without court orders. That gap between the law and its implementation in practice called for an explanation.

13. Under article 2, paragraph 3, of the Convention, an order from a superior officer or a public authority could not be invoked as a justification of torture. The State party's report did not mention any provision relating to that principle. He wished to know whether there was a procedure in domestic law enabling a subordinate to question and refuse to obey a superior's order involving acts of torture. Furthermore, article 44.1 of the Criminal Code provided that causing harm to the rights and interests protected by the Code in the course of fulfilling mandatory orders or decrees did not constitute a crime. He asked the delegation to clarify the meaning of that provision, which appeared to be in breach of article 2, paragraph 3, of the Convention.

14. It would be useful to know to which countries the 3,713 persons mentioned had been deported between 2000 and 2008 (para. 52 of the State party's report), whether they had been deported to their country of origin, whether the risk of torture had been evaluated in each case, and if so, how. The delegation might indicate whether any deportations had taken place after 2008, and if so, in what circumstances. It would also be useful to know whether the State party was considering acceding to the 1951 Convention relating to the Status of Refugees. He asked whether the State party had ever established its jurisdiction over the offence of torture under the circumstances referred to in article 5 of the Convention and whether it considered the Convention as a legal basis for extradition in respect of the crime of torture in the absence of a bilateral extradition treaty with a State party concerned in the case, as required by article 8 of the Convention.

15. Numerous training activities were organized for law enforcement officials to ensure that they respected human rights. It would be interesting to know whether the authorities concerned monitored that training and whether there were any concrete indicators to evaluate its effectiveness. For instance, had there been a significant decrease in the number of complaints of police brutality? The National Human Rights Action Programme adopted in 2003 and its implementing plan of 2007–2008 (para. 129 of the State party's report) had included training measures to prevent torture. It would be interesting to know what the impact of that training had been, preferably with concrete examples. The Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, known as the Istanbul Protocol, was a valuable training tool for public officials and medical personnel in contact with detainees. He wished to know whether the personnel concerned were made aware of the Istanbul Protocol and, if not, whether the authorities planned to include that instrument as part of their training.

16. In his report on his visit to Mongolia in 2005 (E/CN.4/2006/6/Add.4), the Special Rapporteur on the question of torture had expressed concern over the conditions in several places of detention, including overcrowding, the mixing of convicted and pretrial prisoners, and a special isolation regime that amounted to cruel and inhuman treatment, if not to actual torture. Five years on, it would be interesting to know how the situation had changed at the main police custody facility in Ulaanbaatar (The Centre for Forced Detention), the Gants Hudag and Zuunmod detention centres and the Tashireen Am maximum security prison, also known as Tangaar Nam or Takhir Soyot. According to information provided to the Committee by Amnesty International on the visit it had made to the Denjiin Myanga detention facility in Ulaanbaatar in 2009, at that time 242 inmates were being held in

deplorable conditions in a facility with the capacity to hold 150. The delegation might indicate whether that situation had improved.

17. The State party indicated in its report (para. 199) that the General Prosecutor's Office inspected detention facilities on a permanent basis. He wished to know how often those inspections took place, if any of the facilities mentioned previously had been inspected recently, what the findings had been and what follow-up action had been taken. He also requested further information on the two detention facilities where the General Prosecutor's Office had found the conditions of detention to be unsatisfactory and on any action taken to remedy that situation. Statistics on the rate of occupancy of places of detention in Mongolia would also be welcome.

18. Paragraph 156 of the State party's report stated that for the period 2005–2008, no survey had been issued on cases of investigators or police officers convicted of using torture to extract confessions; he wished to know why. According to the Government's reply of 19 January 2010 to the recommendations of the Special Rapporteur on the question of torture, out of 744 complaints of torture lodged since 2007, only 14 had been investigated, 3 of which had been brought to court; 2 had been acquitted and only 1 convicted. Those figures required explanation. Furthermore, the State party indicated in paragraph 167 of its report that between 2002 and 2009 the Investigation Unit of the General Prosecutor's Office had received and examined over 132 complaints of torture committed by law enforcement officials. That raised the question of which authority had received the other 612 complaints. The delegation might also indicate what provisions were in place to ensure that the complainant and witnesses were protected against ill-treatment or intimidation as a consequence of the complaint or any evidence given, in accordance with article 13 of the Convention. He wished to know, for example, whether a person claiming to have been a victim of torture or ill-treatment could be transferred to a place where they were no longer in contact with the suspect.

19. In addition to the information provided in the State party's report (paras. 170 to 176) on compensation measures for any damage caused by a third party, the delegation might give examples of cases where victims of acts of torture had received compensation under the relevant criminal provisions quoted in the report. The right to compensation guaranteed by article 14 of the Convention was not limited to receiving financial compensation; it also included access to rehabilitation facilities. He wished to know whether that aspect of compensation was provided for in the State party's legislation. On the subject of the implementation of article 15 of the Convention, he requested clarification regarding article 256 of the Criminal Code, which punished acts committed for the purpose of obtaining false testimony, and how it was connected with article 251 of the Criminal Code on forcing testimony, which expressly referred to torture.

20. According to Amnesty International, the issue of the death penalty was classified as a state secret in Mongolia, and thus no data were available on its application. However, paragraph 206 of the State party's report indicated that the sentences of 6 of the 50 prisoners sentenced to death had been commuted to 30 years' imprisonment. That raised the question of what had happened to the other 44 prisoners. On 14 January 2010, the President had proclaimed a moratorium on the application of the death penalty and had called on Parliament to draft a bill abolishing the death penalty. The delegation might indicate what progress had been made in that regard and whether the State party planned to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. In his report on his visit to Mongolia in 2005 (E/CN.4/2006/6/Add.4), the Special Rapporteur on the question of torture stated that the conditions of detention for prisoners on death row in the Gants Hudag and Zuumod detention centres — complete isolation, handcuffing and food deprivation — amounted to torture. It would be interesting to know how the conditions of detention for prisoners on

death row had changed since 2005, and whether the proclamation of the moratorium had had any effect in that regard.

21. He wished to know whether the State party intended to recognize the competence of the Committee to consider communications from individuals in accordance with article 22 of the Convention, and whether it planned to accede to the Optional Protocol to the Convention.

22. **Ms. Kleopas** (Second Country Rapporteur) said that it was unfortunate that the State party's initial report did not include more statistical data. The report by the Special Rapporteur on the question of torture on his visit to Mongolia in 2005 showed that it was culturally acceptable in Mongolian society for a certain degree of violence to be used against suspects or convicts, which, combined with the fact that prosecutions were carried out largely on the basis of confessions, considerably aggravated the risk of torture. In the annex to his report, the Special Rapporteur cited several cases of individuals who had been subjected to torture during their detention. She wished to know whether those cases had been investigated and whether any convictions had been handed down. An NGO source had drawn the Committee's attention to the case of Mr. Zandankhuu, who had been arrested in July 2008 and tortured by the police; he had lodged several complaints, but all of them had been dismissed. The delegation might wish to comment on that information.

23. Despite the adoption in 2005 of a national action plan to address commercial sexual exploitation and trafficking in women and children, the ratification in 2008 of the United Nations Convention against Transnational Organized Crime and the inclusion of the offence of trafficking in the Criminal Code, the State party was still a major staging ground for trafficking for the purposes of forced labour and sexual exploitation. According to local NGOs and several United Nations organizations, the practice was even on the rise. Reliable sources also attested to the existence of widespread sex trafficking within the country, to which underage girls from poor families in rural areas were particularly exposed. In its 2008 concluding observations on Mongolia (CEDAW/C/MNG/CO/7), the Committee on the Elimination of Discrimination against Women had expressed concern that trafficking cases were rarely prosecuted, and that even when cases were brought to court they were usually dismissed. It also appeared that, even though trafficking was expressly defined in article 113 of the Criminal Code, prosecutors generally brought charges of "organized prostitution", covered in article 124 of the Criminal Code, which carried much lighter penalties than trafficking. High levels of corruption made it difficult to investigate cases involving law enforcement officials. In that context of impunity, victims were reluctant to bring charges, especially since their protection was not ensured. Thus, the State party still had far to go if it wished to effectively combat trafficking. In that regard, it would be interesting to know whether the Government planned to sign any international, regional, or bilateral cooperation agreements or ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

24. According to NGO reports and the concluding observations of the Committee on the Elimination of Discrimination against Women, domestic violence remained widespread in Mongolia despite the adoption of the Act to Combat Domestic Violence (2005) and the National Programme to Combat Domestic Violence (2007). In addition, according to reliable sources, the number of rape cases in the country was very high, and many were not reported because the victims were discouraged by the way they were treated by investigators and by the fear of being shunned by their circle of family and friends. Furthermore, the police brought very few complaints of rape before the courts, alleging that there was often insufficient evidence. According to a study conducted by the National Centre against Violence, in 2007, one out of every three women was subjected to various forms of domestic violence, and 1 out of every 10 women was beaten by her husband. Yet,

in 2009, only seven individuals had been convicted of that type of violence. Moreover, according to a report published in 2010 by the United Nations Country Team in Mongolia, even though under the Act to Combat Domestic Violence the police had the authority to receive domestic violence complaints, issue restraining orders against alleged perpetrators and bring victims to a shelter, they did not have sufficient resources to perform all those tasks. They were also reluctant to intervene, because they viewed domestic violence as a private issue. In 2009, only 20 cases of violations of the Act to Combat Domestic Violence had been brought before the courts. The delegation might wish to comment on that information and indicate what measures were being taken to raise awareness of domestic violence among police officers.

25. The State party's domestic legislation did not include provisions expressly prohibiting marital rape or sexual harassment. Yet, in a recent study of women under the age of 35 conducted by the National Human Rights Commission, half of the respondents had said they had been victims of sexual harassment in the workplace. She therefore wished to know what measures the State party planned to take to classify marital rape and sexual harassment as criminal offences and to ensure that all women victims of domestic violence, including those living in rural areas, had access to protection measures, compensation and rehabilitation. The delegation might also indicate how it was ensured that, throughout the country, women who claimed they had been raped would have immediate access to a medical examination performed by an independent doctor from the moment they filed a complaint.

26. With regard to article 15 of the Convention, even though article 79, paragraph 4, of the Code of Criminal Procedure stipulated that evidence that had not been gathered by legal means was inadmissible and could not be used in court proceedings, that provision was apparently not applied in practice. In its replies (A/HRC/13/39/Add.6, p. 108) to the recommendations of the Special Rapporteur on the question of torture following his visit in 2005, the State party had indicated that it was trying to ensure that all individuals arrested had access to a lawyer and that statements made without the presence of a lawyer could not be used in court proceedings. She wished to know whether those efforts had been successful.

27. Even though a law had been adopted in 2006 prohibiting corporal punishment in schools, that practice was still widespread in the State party. Given that domestic legislation was currently under review, she wished to know whether the State party planned to completely ban corporal punishment in all circumstances and to train teaching staff to use non-violent disciplinary measures. Lastly, she asked whether the State party planned to take measures to speed up the ratification of the Optional Protocol to the Convention and to set up the preventive mechanism that would be responsible for visiting places of detention.

28. *Mr. Wang Xuexian, Vice-Chairperson, took the Chair.*

29. **Ms. Belmir** asked whether the Minister of Justice also held the post of Minister of Home Affairs, as implied by the wording of paragraph 36 of the State party's report. After reading in paragraph 131 of the report that in 2002 it had been decided that from then on the judge rather than the prosecutor would have the authority to place individuals in temporary detention, she wondered whether that measure had even been applied, given that the Special Rapporteur on the question of torture had noted with concern in his report that judges automatically approved requests for placement in temporary detention. Noting that the length of temporary detention varied according to the seriousness of the offence of which the individual was suspected, she asked for clarification on the criteria used to classify an offence under one of the three categories mentioned in paragraph 134 of the State party's report. She also asked whether the Government might not consider further reducing the duration of temporary detention, as it was exceptionally long despite the successive changes made since 1994.

30. Referring to paragraph 48 of the State party's report, she asked whether the Government might consider bringing chapters 46 and 47 of the Code of Criminal Procedure in line with article 3 of the Convention. Regarding the treatment of minors in conflict with the law, she wished to know whether any measures had been taken to avoid placing minors in detention alongside adults or obtaining confessions from them under duress and to ensure that underage victims of sexual exploitation, incest or rape were considered as victims and were no longer treated as delinquents.

31. **Mr. Gaye** said that he understood from paragraph 31 of the State party's report that criminal investigation police officers could not place an individual in police custody on their own initiative. If that was the case, he wished to know which judicial authority had the power to authorize placement in police custody. Noting that the country's criminal legislation did not include any provisions establishing the principle of non-refoulement or the universal jurisdiction of the State party over crimes of torture, he asked whether articles 3 and 7 of the Convention could be directly invoked by the courts to fill the gaps in domestic legislation. Lastly, he wished to know whether foreigners awaiting deportation could appeal the decision to deport them. If so, the delegation might explain whether such appeals had suspensive effect.

32. **Ms. Sveaass** said she welcomed the fact that the State party had acceded to the Convention on the Rights of Persons with Disabilities and its Optional Protocol, as those instruments were closely linked to the purposes of the Convention. Even though a law on mental health had been adopted, according to a report published in 2006 by the World Health Organization there was no independent body with the authority to visit psychiatric institutions and monitor the conditions under which patients were hospitalized or the type of treatment they were given. The delegation might wish to explain the legal guarantees protecting the rights of persons with mental disabilities and persons suffering from psychiatric disorders, as well as the training provided to the staff of psychiatric institutions.

33. Emphasizing that lesbian, gay, bisexual and transgender persons were particularly exposed to violations of the Convention, and noting that after many difficulties an NGO had been established in the State party to defend the rights of such persons, she wished to know whether the Mongolian authorities might consider supporting the activities of that organization, conducting awareness-raising campaigns to prevent acts of violence against individuals on the ground of their sexual orientation, and taking measures to bring to justice the perpetrators of such acts. Given that arranged marriages between Mongolian women and foreign men were very frequent and that many of those women were believed to become victims of violence or trafficking for the purpose of sexual exploitation once they were married, she asked what steps the State party was taking to protect women against the harmful consequences of that practice.

34. **Mr. Mariño Menéndez**, noting that the Law on the Legal Status of Foreign Citizens of 1993 did not cover foreigners in an irregular situation in the country, asked if foreigners who had entered Mongolia illegally were immediately deported or if they had the right to apply for international protection. It would also be useful to know whether any steps had been taken to protect stateless persons, given that Mongolia had not ratified the Convention relating to the Status of Stateless Persons or the Convention on the Reduction of Statelessness.

35. According to information before the Committee, the rights of workers in the mining industry were frequently violated. The delegation might indicate whether the Government planned to ratify the main conventions of the International Labour Organization (ILO), including the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105). He requested further information on the measures the Government had taken to guarantee the independence of judges, particularly the rules governing their appointment and promotion.

36. **Ms. Gaer** asked whether any measures had been taken to follow up the recommendations made by the Special Rapporteur on the question of torture after his visit to the country in 2008, particularly with regard to the adoption of a definition of torture in full conformity with the one set forth in article 1 of the Convention. In a 2007 report on human rights, the United States Department of State had said that there had been repeated attacks against the person and belongings of Chinese nationals involving small nationalist and xenophobic groups. Mongolian women married to Chinese men, reportedly numbering more than 12,000, were also said to be targeted. She requested further information on the measures the State party had taken to combat that phenomenon.

37. According to some reports, it appeared that a number of hate crimes or “extreme” acts of discrimination on the ground of sexual orientation amounting to persecution were not reported by victims because they feared they would receive the same treatment from the police. The delegation might comment on those reports and indicate whether the Government planned to establish a special unit within the police department that would be responsible for receiving complaints of acts of torture or ill-treatment based on sexual orientation and investigating those complaints.

38. Paragraph 153 of the report stated that video surveillance systems had been installed in all detention facilities to prevent the common practice of inquirers and investigators arbitrarily moving prisoners between cells as a means of intimidating them and obtaining confessions. It would be interesting to know what disciplinary sanctions had been imposed on the inquirers or investigators who had engaged in that practice. In his report on his visit to Mongolia, the Special Rapporteur on the question of torture had said that as soon as he had arrived in the country he had been informed of the death in detention of Mr. Munkhbayar Baatar following alleged acts of torture. The Committee wished to know whether the perpetrators of those acts had been sanctioned or punished. The Special Rapporteur had also drawn attention to the total secrecy that had surrounded the death penalty to date. It would be interesting to know whether, given the recent proclamation of a moratorium, the authorities would in future be ready to allow the collection and dissemination of information about the application of the death penalty, in particular for the benefit of the families of individuals sentenced to death, who said they had never been informed of what had become of the persons concerned.

39. The delegation might comment on the announcement in the international press that in September 2010 a high-ranking official of the Mongolian intelligence service, who had been accused of having organized the kidnapping in France of Damiran Enkhbat, had been arrested in London. Mr. Enkhbat, a Mongolian refugee, had been suspected of assassinating a Mongolian government minister in 1998; after he had been kidnapped, he had been taken back to Mongolia, where he was said to have been tortured.

40. **Mr. Grossman** noted that the international treaties to which Mongolia was a party became effective as domestic legislation upon the entry into force of the laws on their ratification or accession. He asked the delegation to provide examples of court decisions directly based on the provisions of the Convention. He also wished to know whether it was true that in cases of acts of torture or ill-treatment committed upon orders from a superior officer, only the latter was subject to criminal sanctions, not the direct perpetrator. He asked what exactly was covered by the right to compensation for victims of acts of torture or ill-treatment, and in particular whether the victims’ relatives could request compensation for moral damages.

41. It would also be useful to know whether measures had been taken to ensure the rehabilitation of victims of acts of torture, in accordance with article 14 of the Convention, and whether an attempt to commit, and complicity in acts of torture or ill-treatment were classified as offences. It seemed that the provisions of the Criminal Code on the penalties

applicable in cases of acts of torture or ill-treatment had been amended; clarification on the penalties currently in force would be welcome.

42. In his 2008 report on his visit to Mongolia, the Special Rapporteur on the question of torture said that, generally speaking, the population had little or no knowledge of the principle of the prohibition of torture and ill-treatment, and that there was an implicit acceptance in the country of a certain degree of violence against suspects and convicts. He invited the delegation to explain what follow-up the State party had given to the Special Rapporteur's recommendation that systematic training and awareness-raising programmes should be set up for the general population, and in particular for law enforcement and judicial personnel. He also wished to know whether detainees who claimed they had been subjected to torture or ill-treatment had the right to obtain immediate access to a doctor.

43. **The Chairperson** said he understood that the State party planned to adopt a law punishing hate crimes and requested further information on that issue. He invited the delegation to reply to the Committee's questions at the following meeting.

*The discussion covered in the summary record ended at 5.15 p.m.*