



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the sixth periodic report of Mongolia*

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

1. Please provide information on the practical application of the provisions of the Covenant in the domestic legal system, including examples of cases in which the provisions of the Covenant have been referred to by national courts and specific training for prosecutors, judges and lawyers. Please also indicate what procedures are in place, in law and in practice, for the implementation of the Committee's Views under the Optional Protocol.

2. Please report on the status of the draft law aimed at expanding the mandate of the National Human Rights Commission. With reference to the Committee's previous recommendation (see CCPR/C/MNG/CO/5, para. 5) and the Committee's evaluation of its implementation (see CCPR/C/106/2, p. 22), please provide information on measures taken to guarantee that adequate funding and human resources are allocated to enable the National Human Rights Commission to fulfil its mandate effectively and to safeguard the Commission's independence.

Non-discrimination and equality between men and women (arts. 2, 3 and 26)

3. In reference to the Committee's previous recommendation (see CCPR/C/MNG/CO/5, para. 7), please indicate whether steps have been or are being taken to adopt comprehensive anti-discrimination legislation that addresses discrimination, including in the private sphere; prohibits direct, indirect and multiple discrimination; contains a comprehensive list of prohibited grounds for discrimination, including colour, political or other opinion, sexual orientation, gender identity, birth and other status; and provides for effective remedies in judicial and administrative proceedings.

4. Please report on measures taken to: (a) eradicate deep-rooted patriarchal stereotypes regarding the roles and responsibilities of women and men that are prevalent in the media and in society; (b) increase the representation of women in the public and private sectors, including in Parliament and executive bodies, particularly in decision-making positions,

* Adopted by the Committee at its 118th session (17 October-4 November 2016).



and implement effectively in practice the established quotas of women in electoral lists of political parties in parliamentary elections, executive bodies and local administrative bodies.

Discrimination on grounds of sexual orientation and gender identity (arts. 2 and 26)

5. With reference to the Committee's previous recommendation (see CCPR/C/MNG/CO/5, para. 9), please report on measures taken to effectively address the prevalent discrimination and violence on the grounds of sexual orientation and gender identity. Please respond to allegations of verbal abuse, harassment and physical attacks against lesbian, gay, bisexual, transgender and intersex persons, including by police officers; domestic violence against young lesbian, gay, bisexual, transgender and intersex persons perpetrated by their parents and siblings; and reported impunity for such acts owing to fear of reporting on the part of the persons concerned and failure to register and investigate such complaints by the competent authorities. Please report on the measures taken to ensure respect for the rights of same-sex couples and whether any steps have been taken towards the legal recognition of same-sex couples.

State of emergency (art. 4)

6. With reference to the Committee's previous recommendation (see CCPR/C/MNG/CO/5, para. 11), please indicate whether article 19 (2) of the Constitution and the Emergency Act have been amended to ensure that derogations from non-derogable provisions of the Covenant during states of emergency have been explicitly prohibited.

Violence against women and children, including domestic violence (arts. 2, 3, 7, 24 and 26)

7. In reference to the Committee's previous recommendations (CCPR/C/MNG/CO/5, para. 18), please provide information on measures taken and progress achieved to address effectively the prevalence of violence against women, including domestic and sexual violence, particularly efforts to: (a) raise awareness of women's rights, existing mechanisms of protection, including restraining orders, and redress and encourage reporting of such violence; (b) provide for sufficient and adequate State-run shelters and other victim assistance services throughout the country; (c) ensure effective investigation, prosecution and sanctioning of perpetrators and reparation to victims. Please indicate whether measures have been taken to criminalize spousal rape. Please provide updated statistics on the number of reported cases of violence against women, the investigations carried out, the types of penalties imposed and the remedies granted to victims.

8. Please report on measures taken to address and effectively punish violence against and abuse of children, and respond to reports that corporal punishment of children in the home is common despite its prohibition by law.

Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and the right to an effective remedy (arts. 2, 6 and 7)

9. In reference to the Committee's previous recommendations (see CCPR/C/MNG/CO/5, para. 12), and its evaluation of the follow-up information provided by the State party in 2012 (see CCPR/C/106/2, p. 22), please provide information on: (a) the outcome of the proceedings against the police officers in connection with the human rights violations committed during the state of emergency in July 2008 and reparations received by victims; (b) measures taken in respect of other cases of alleged human rights violations committed during the state of emergency.

10. In the light of the State party's accession to the Second Optional Protocol to the Covenant, in 2012, and the abolition of the death penalty in the new Criminal Code that

entered into force on 1 September 2016, please provide information on the situation of prisoners who were formerly on death row and measures taken to safeguard their rights in accordance with the Covenant.

11. Please provide information about the definition of the crime of torture in the new Criminal Code and its compliance with the Covenant and other relevant international standards. Please indicate whether measures are being taken to review the penalties for torture and related crimes to ensure that they are commensurate with the gravity of such crimes. Please clarify whether an effective enforceable right to reparation for victims of torture, including rehabilitation and adequate compensation, is guaranteed both in law and in practice.

12. Please respond to concerns that: (a) torture is still used, particularly to extract forced confessions; (b) no independent mechanism is in place to investigate allegations of torture and other ill-treatment committed by the law enforcement officials owing to the reported conflict of interest and lack of independence of the Investigative Division of the General Police Department and the Independent Authority against Corruption, which were vested with investigative powers following the dissolution of the Special Investigation Unit under the General Prosecutor's Office; (c) impunity for many allegations of torture and other ill-treatment persists. Please provide information on the number of reported cases of torture and ill-treatment since 2012, the investigations and prosecutions initiated, the number of actual criminal convictions and concrete sentences imposed on perpetrators and the nature and amount of the reparation granted to victims.

Liberty and security of persons and humane treatment of persons deprived of their liberty (arts. 7, 9 and 10)

13. Please report on measures taken to address: (a) the reported large number of arrests without a warrant; (b) the reported failure to inform persons deprived of their liberty of their rights upon arrest, to provide them with a lawyer from the very outset of the deprivation of liberty, and the barriers for indigent accused persons in accessing free legal assistance from the very outset of detention owing to the requirement to notify the Mongolian Bar Association; (c) the reported prevalent use of pretrial detention for lengthy periods, including beyond the time period prescribed by law; (d) reports that the right of detained persons to family visits is contingent upon confession to the alleged crime; (e) reported instances of intimidation and deception against suspects and their families by police and prosecutors. Please provide information on non-custodial alternative measures to pretrial detention and their application in practice. Please clarify whether the time spent in pretrial detention is included in the total time of a sentence of imprisonment.

14. Please provide information on measures taken to address overcrowding and poor living conditions in detention facilities, in particular at the Denjiin Myanga police detention centre. Please report on the progress made in concluding the construction of new detention centres, including in Dornod, Uvs and Dundgobi aimags.

Elimination of slavery and servitude (art. 8)

15. Please provide information on measures taken to combat trafficking, including: (a) establishing formal procedures for the identification and referral of victims of trafficking; (b) ensuring that victims are not punished for unlawful acts committed as a direct result of being trafficked; (c) improving protection efforts and allocating adequate funding to both State-run shelters and those run by non-governmental organizations and to support other victim-assistance services; (d) providing specialized training on the application of criminal law provisions, in particular article 113 of the Criminal Code, in countering trafficking and ensuring that trafficking offences are properly investigated and prosecuted and that perpetrators are adequately sanctioned. Please provide information on the number of cases

of trafficking that have been reported, the investigations and prosecutions initiated and actual criminal convictions, in particular, and the reparation granted to victims. Please report on efforts to combat effectively the use of child labour, particularly in rural areas, including dangerous and hazardous work such as traditional horse racing and mining, and to ensure that exploitation of children is properly sanctioned.

Right to a fair trial and independence of the judiciary (art. 14)

16. With reference to the Committee's previous recommendation (see CCPR/C/MNG/CO/5, para. 17) and the Committee's evaluation of its implementation (see CCPR/C/106/2, p. 23), please provide information on the investigation of allegations of corruption in the judicial system. Please respond to concerns that the abolishment of courts in a number of aimags (provinces) may hinder access to justice owing to geographical distance and that access to legal aid centres remains limited in rural areas. Please report on progress made in providing sufficient and adequately equipped facilities for courts. With reference to the information contained in the State party's report (see CCPR/C/MNG/6, paras. 89-90), please provide information on the status of investigations into the reported cases of interference (impact statements) in the activity of judges and courts.

17. Please indicate what measures have been taken to establish a comprehensive juvenile criminal justice system, including specialized courts, and to ensure the strict separation of juveniles and adults in places of detention.

Right to privacy and family life (art. 17)

18. Please respond to reports of a risk of forced eviction of residents in the ger districts in Ulaanbaatar owing to development plans and a risk of homelessness for former residents of building No. 3 in the 10th khoroo of Sukhbaatar district in Ulaanbaatar following stalled redevelopment plans. Please report on measures taken to ensure adequate safeguards against forced evictions and the provision of alternative accommodation.

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

19. In reference to the Committee's previous recommendations (see CCPR/C/MNG/CO/5, para. 23) and the information provided by the State party (CCPR/C/MNG/6, paras. 131-132), please clarify whether: (a) the right to conscientious objection to military service is guaranteed in law and in practice to all individuals who are required by law to perform military service; (b) the length of alternative service is equal to the duration of military service and, if not, explain the reasons that justify such difference.

Freedoms of expression, peaceful assembly and association (arts. 19, 21 and 22)

20. Please provide information on the status of the law on freedom of the media. Please report on measures taken to address the reports of harassment, threats and assaults against media workers and human rights defenders, and self-censorship owing to fear of legal reprisals. Please respond to concerns that: (a) defamation provisions are widely used to criminalize journalists and individuals, including social media users; (b) websites publishing information deemed critical of State authorities are obliged to remove such content or are blocked; (c) online anonymity is restricted arbitrarily; (d) content regulations allowing control over the content of news and information websites are broadly formulated; (e) the law on Information Transparency and Right to Information provides for broad exemptions to disclosure.

21. Please respond to reports of violation of the freedoms of expression, association and peaceful assembly by lesbian, gay, bisexual, transgender and intersex persons and activists in connection with the annual Equality and Pride Days from 28 August to 6 September

2015 when authorities denied and obstructed access to Chinggis Square on 28 and 29 August 2015 and forcibly removed walkers for equality from the Square.

Rights of indigenous peoples (art. 27)

22. Please report on measures taken to protect the rights of Tsaatan (Dukha) reindeer herders to pasture, hay land and water resources and to ensure that meaningful consultation aimed at attempting to obtain their free, prior and informed consent is held for any mining projects that may have an impact on their rights and interests.

Right to participate in public life (arts. 25, 26 and 27)

23. Please respond to concerns that the electoral legal framework, in particular the 2015 Elections Act, is not in line with the Covenant owing to disproportionate restrictions imposed on: (a) the right to stand for election, such as disqualification of candidates for overdue debts or taxes, not having completed compulsory military service or having a criminal record regardless of the crime committed, and the requirement that civil servants planning to stand for election must resign from their posts by 31 January, i.e. several months before the nomination process starts; (b) the right to vote, such as the blanket denial of the right to vote to persons declared incompetent by a court and persons serving prison sentences, irrespective of the gravity of the crime; (c) campaign freedom, such as prohibiting any sort of campaigning that is not expressly authorized by the Elections Act and requiring the prior approval of all campaign platforms by the State Audit Office.
