



**International Convention for
the Protection of All Persons
from Enforced Disappearance**

Distr.: General
21 September 2022

Original: English
English, French and Spanish only

Committee on Enforced Disappearances

**Information received from Mongolia on follow-up
to the concluding observations on its report
submitted under article 29 (1) of the Convention***

[Date received: 9 September 2022]

* The present document is being issued without formal editing.



1. Pursuant to the paragraph 47 of the Concluding observations of the Committee on Enforced Disappearances (CED/C/MNG/CO/1), Mongolia is providing the following information on the process of implementation of the recommendations contained in paragraphs 17 (Offence of enforced disappearance), 35 (Training) and 39 (Legal situation of disappeared persons whose fate has not been clarified and that of their relatives) of the Concluding observations.

A. Follow-up information relating to paragraph 17 of the concluding observations (CED/C/MNG/CO/1)

2. The Ministry of Justice and Home Affairs established a Working group in charge of drafting a Law on Amendments to the Criminal code. The draft law was developed by the Working group and submitted to the State Great Hural (parliament) in May of 2022. Currently, the draft law is under consideration of the Parliament.

3. The draft law contains a definition of offence of enforced disappearance in line with Article 2 of the Convention for the Protection of All Persons from Enforced Disappearance as follows:

“Article 29.12. Enforced disappearance

1. If a state official or a person acting with authorization or acquiescence of State has illegally taken into custody, arrested, detained, abducted, or deprived a person of liberty by unlawfully concealing, or has caused damages or harms to the legal rights and interests of a person as result of deprivation of his/her liberty by concealing or refusing to provide information about the detention or deprivation of his/her liberty, he/she shall be punishable by imprisonment for a term of one to five years, unless commission of these acts bears the nature of other offences referred to in the Special part of this Code.

2. If a superior commits, orders or assigns this offence, or he/she knew and consciously disregarded that a subordinate committed or was about to commit an offence of enforced disappearance, or did not properly act, or did not duly notify about the commission of the offence of enforced disappearance to the competent authority, he/she shall be punishable by imprisonment for a term of two to five years.

3. If the offence is committed:

3.1. against a person who is under one’s control, or a minor, pregnant woman, person who is unable to defend himself, or a person with disabilities despite knowing his incapability;

3.2. against two or more persons, he/she shall be punishable by imprisonment for a term of two to eight years.

4. If the offence is committed:

4.1. inflicting severe harm to the health of the victims;

4.2. by an organized group, he/she shall be punishable by imprisonment for a term of five to twelve years.

5. If the victim dies as a result of this offence, he/she shall be punishable by imprisonment for a term of twelve to twenty years.

Note: Voluntary release of a person who has been illegally taken into custody, detained, arrested, abducted, or deprived of liberty by illegal hide, or cooperation with law enforcement authorities and provision of assistance in his/her release shall constitute grounds for mitigating criminal liability.”

B. Follow-up information relating to paragraph 35 of the concluding observations

4. Work is underway to establish a Working group.

C. Follow-up information relating to paragraph 39 of the concluding observations

5. Work is underway to establish a Working group.
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