



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

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Summary record of the 2157th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 12 November 2024, at 10 a.m.

Chair: Mr. Heller

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Third periodic report of Mongolia ([CAT/C/MNG/3](#); [CAT/C/MNG/QPR/3](#))

1. *At the invitation of the Chair, the delegation of Mongolia joined the meeting.*
2. **A representative of Mongolia**, introducing his country's third periodic report ([CAT/C/MNG/3](#)), said that the Law on the National Human Rights Commission had been brought into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The designation by parliament, in 2022, of a commissioner for the prevention of torture had marked a turning point in preventive action at the national level. There were plans to submit an anti-torture bill containing a definition of torture that was compatible with the Convention.
3. In January 2024, the Code of Criminal Procedure had been amended to provide for alternatives to detention for certain categories of offences. Since 2021, travel bans had been used as an alternative to detention in 6,443 cases. Between 2020 and 2022, the vast majority of arrests had been made in the absence of a court order; to address that situation, further amendments had been made to the Code of Criminal Procedure to enhance judicial oversight of arrests and extend the operating hours of courts. Legislation adopted in June 2024 had authorized special district courts to issue arrest warrants, to have recourse to alternatives to detention and to oversee simplified proceedings in criminal and civil cases. Suspects could be detained without charge for a maximum of 48 hours following their arrest; that period did not include time spent in transit, receiving medical care, consulting a lawyer or, for intoxicated persons, sobering up. Suspects had the right to be informed of their rights and responsibilities and of the reason for their arrest. Pursuant to the Law on the Enforcement of Court Orders, which would enter into force in January 2025, the use of electronic tagging devices would be permitted as an alternative to detention where appropriate.
4. The Law on Child Protection, which had entered into force in September 2024, clearly prohibited the use of corporal punishment and degrading treatment of children by parents and guardians. New legislation establishing special first instance and appeal courts for juveniles and family cases would come into effect in January 2026. There were also plans to establish investigation units whose duties would include protecting victims and witnesses.
5. The Law on Government Special Funds had been amended to make provision for compensation to victims of crime, including acts of torture. Legislation was also in place to set out the procedure for identifying the level of psychological harm caused to the victims of 85 separate offences, including in the areas of discrimination, violations of children's rights and torture. Those determinations would serve as a basis for the provision of appropriate compensation.
6. A total of 21 prisons, 28 pretrial detention facilities and 7 facilities for processing persons arrested for administrative offences were affiliated with the agency responsible for enforcing court orders. In addition, 35 temporary holding facilities for intoxicated persons and another 20 facilities for processing persons arrested for administrative offences were affiliated with the police force. Steps were being taken to improve conditions in all facilities and to provide appropriate training to staff. Approximately three quarters of the 28 pretrial detention facilities had been newly built, while 6 of them required substantial modernization work. Medical services for detainees were available at all facilities or at hospitals, and between 2012 and 2024, 22 per cent of all the medical equipment had been upgraded.
7. The Minister of Justice and Home Affairs, in consultation with the Prosecutor General, had approved a set of rules governing the material conditions of detention and setting minimum standards for such things as temperature, humidity and space per detainee. The Prosecutor General had also issued requirements relating to interrogation rooms, and 849 such rooms had been upgraded to meet those requirements. Owing to a lack of financial resources, it had not yet been possible to upgrade interrogation rooms in remote areas of the country.

8. A determined effort was being made to improve the country's legal framework in the area of human rights protections and to ensure that it was aligned with international conventions and treaties. The authorities were seeking to allocate more human and financial resources for that purpose and to ensure that laws were enforced in an efficient and effective manner.

9. **Ms. Maeda** (Country Rapporteur) said that the Committee welcomed the Government's efforts to address the issues that had been raised by the Special Rapporteur on the independence of judges and lawyers and the Working Group on Arbitrary Detention following their respective visits to the State party and appreciated the fact that the State party had received a visit from the Subcommittee on Prevention of Torture in 2024.

10. She would like to receive more detailed information on the status of the planned amendments to the Criminal Code and the Code of Criminal Procedure. It would be useful to learn more about the plan to adopt a definition of torture that contained all of the elements set out in article 1 of the Convention, notably in respect of complicity in acts of torture, attempts to commit torture and acts committed by or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity. Information would also be welcome on measures to combat impunity by ensuring that torture offences were punishable by penalties commensurate with their grave nature and to remove the statute of limitations for such offences.

11. She would be interested to know whether any courts in the State party had applied or made reference to the Convention when issuing judgments or orders during the reporting period, including in connection with compensation for victims of torture.

12. Despite the progress made in incorporating fundamental legal safeguards into the Code of Criminal Procedure, the Committee remained concerned about the high percentage of arrests that were made without a court order, in particular arrests made by the General Intelligence Agency and the Independent Authority against Corruption. She would appreciate information on any measures being taken to guarantee that all detained persons were afforded, in practice, all relevant fundamental legal safeguards from the outset of their deprivation of liberty in accordance with international standards and that arrests were made only on the basis of a legal warrant.

13. In the light of reports of instances of discrimination, torture, ill-treatment and beatings of conscripts in the armed forces, the delegation might provide an account of the legislative and administrative framework in place to prevent such occurrences in the military.

14. She wished to learn what measures had been taken to ensure that suspects had access to a lawyer during questioning and from the outset of their deprivation of liberty. She would also like to know whether legal aid was available for detainees other than juveniles and insolvent persons, what strategies were in place to allocate sufficient human and financial resources to afford adequate access to justice, what measures were in place to ensure that the role of the President in appointing judges did not undermine the principle of separation of powers and what steps were taken to protect judges and lawyers, especially those working on sensitive cases, from harassment, violence and doxing on social media. She wondered how the State party ensured the availability of audiovisual recording equipment for use in interrogations, what procedural safeguards existed to guarantee access to the necessary case files and documents for detainees and their legal representatives, what requirements and standards were applied to the approval process for family visits to detained persons, what review procedures were in place to ensure the transparency and impartiality of decisions regarding such approval and whether any initiatives had been undertaken to amend regulations, including those contained in the Code of Criminal Procedure, to allow detainees to contact a family member or any other person of their choosing from the outset of their detention. Information on measures to prevent pretrial detention for periods longer than permitted by law would be helpful. She would be interested to learn whether pretrial detention was subject to judicial review and what proportion of prisoners were pretrial detainees.

15. She wished to hear about the measures in place to ensure that persons in police custody were brought before a court promptly and would like to know whether the entry of detainees into detoxification holding facilities was always registered, how many people were held at

such facilities and what proportion were subsequently arrested and charged. She would welcome information on the legal safeguards in place for protecting the rights of witnesses and family members of crime victims, who were reportedly routinely interviewed outside official interrogation rooms without a lawyer present and subjected to coercion, intimidation and invasive measures. She wondered what steps had been taken to implement comprehensive policies and legal reforms to combat corruption and strengthen institutions, how complaints were submitted in prisons and detention facilities, which authorities were responsible for following up on complaints, how many inspections or investigations had been conducted during the reporting period in follow-up to complaints and what measures had been introduced to ensure that all fundamental legal safeguards were respected in law and in practice. Information would be appreciated on the steps taken to ensure that all acts of torture were promptly, effectively and impartially investigated; that perpetrators were prosecuted and, if convicted, punished accordingly; and that the victims received redress in the form of compensation and rehabilitation. The Committee would welcome updated information on steps taken to establish an independent unit to investigate crimes of torture.

16. She would be interested to learn what arrangements were in place to ensure that the national preventive mechanism was able to visit all places of deprivation of liberty in accordance with article 4 of the Optional Protocol; what measures had been adopted to guarantee the functional autonomy of that mechanism; whether it was allocated adequate human and financial resources to allow it to effectively discharge its mandate, which included the monitoring and reporting of torture cases; and what privileges and immunities were granted to the mechanism's staff. What rules governed those immunities and privileges? She would be grateful for information on any follow-up to the recommendation made by United Nations treaty bodies to establish an effective, specialized juvenile justice system in compliance with international standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules). She wished to know what measures had been taken to uphold the rights of juvenile offenders; promote the use of non-custodial measures, such as diversion, probation, mediation, counselling or community service; prevent the ill-treatment of children in places of deprivation of liberty; provide qualified and independent legal aid, free of charge; and establish child-friendly and accessible complaint mechanisms.

17. She would welcome information on the State party's efforts to introduce effective legislative, judicial and administrative measures to comply with its non-refoulement obligations under article 3 of the Convention, and she would appreciate receiving statistics, disaggregated by sex, age and country of origin, on the number of asylum application approvals and rejections and on the number of persons who had been deported. What proportion of asylum-seekers were granted refugee status? She wondered which bodies and officials were responsible for processing appeals against deportation orders, how many such appeals had been filed and how many had been successful. Any updated information on the training courses provided to immigration authority staff on refugee protection would be appreciated. She wished to know how the risk of torture in a destination country for potential deportees was assessed; whether the State party had rejected any extradition requests from Belarus, Kazakhstan or Viet Nam during the reporting period; what measures the State party employed to uphold the right to appeal against deportation, extradition and expulsion orders; whether such appeals had suspensive effect; and why the State party had not accepted a recommendation to become a party to the main international conventions on the rights of refugees and stateless persons during its universal periodic review at the Human Rights Council in 2020. Information about any plans to improve the registration of migrants and stateless persons would be useful.

18. She would be interested to know whether the State party had established universal jurisdiction for crimes of torture and, if not, whether it had any plans to do so; whether articles 5 and 7 of the Convention had been cited in any national court cases; whether torture was classified as an extraditable offence under the State party's bilateral extradition agreements in all cases; and whether the State party had made extradition conditional on the existence of an extradition treaty. She would welcome statistics on extradition cases disaggregated by the ethnic origin, age and sex of the person concerned and by type of offence and requested country. Lastly, she would be grateful for details of any mutual legal assistance treaties that

had been concluded since the submission of the State party's report and for examples of any international judicial cooperation cases.

19. **Mr. Liu** (Country Rapporteur) said that he wished to know whether the State party conducted training programmes on handling domestic violence cases for law enforcement officers. He wondered whether mandatory in-service training programmes that dealt with the Convention and the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) were conducted for law enforcement officers, military personnel, judicial officials and other persons who might participate in the detention, interrogation or treatment of persons deprived of their liberty. It would be useful to learn whether the State party had taken any steps to introduce a specific methodology for assessing human rights training curricula and their effectiveness in collaboration with the National Human Rights Commission of Mongolia.

20. He wondered how the transition from a punitive to a rehabilitative judicial culture, as recommended by the Subcommittee on Prevention of Torture, was being or would be reflected in practice, including in places of deprivation of liberty. He would welcome more information on how the effectiveness of the system for reviewing the enforcement of arrest and detention decisions was assessed. The delegation might explain the exceptional circumstances under which testimony could be taken at night and what safeguards were in place to prevent the misuse of that practice. He was keen to know whether any specific guidelines or procedures had been established to ensure that interpreters for individuals with speech or hearing impairments were properly trained and certified.

21. The delegation might comment on a report that persons had been questioned at police stations for periods longer than the allowable maximum periods of detention without judicial oversight of 6 hours at police stations and of 48 hours in other facilities. He would be interested to learn more about the conditions in which persons were held during such investigations. How often were such persons given access to food, water and toilet facilities? He wondered whether reports that video recordings of police interrogations were generally deleted after 14 days were accurate, whether there were any plans to change that practice in order to preserve evidence of possible torture or ill-treatment and whether recordings of interrogations were made available to complainants and their counsel. He would also like to know whether the Prosecutor's Office had inspected all 193 interrogation rooms in Mongolia to ensure that the video recording equipment was functioning properly.

22. He wondered whether the case files provided to defence lawyers included the information used to determine the necessity of pretrial detention or whether law enforcement officers could limit what information was included. He would also like to know whether the State party planned to provide lawyers with access to such information prior to the conclusion of investigations so that they could challenge the imposition of pretrial detention.

23. It would be helpful to learn whether regular inspections were carried out to verify that all detention centres consistently met the established standards and how any difficulties in meetings those standards were being addressed. He wished to know how overcrowding at the armoured transfer unit of the 461st Closed Detention Unit had been resolved and what the average number of prisoners per cell at the unit was.

24. He wished to know whether the Independent Authority against Corruption was an independent, third-party organization of law enforcement officials that was equipped to investigate allegations of ill-treatment in prisons and, if not, whether there was an independent mechanism for investigating reports of misconduct by prison personnel. He wished to know why some prisoners were reportedly allowed to shower only once every 14 days and under what conditions prisoners were permitted to shower more often.

25. The delegation might respond to concerns that women prisoners had insufficient access to reproductive health services and that healthcare services in prisons, including mental health services, were inadequate due to insufficient staffing, equipment shortages and delays in the provision of proper training, all of which could contribute to delays in the detection of diseases and to deaths in custody due to illness. He wondered what steps were being taken to resolve those issues. He also wished to learn more about the accommodations made for persons with physical disabilities in prisons and the disciplinary methods used in prisons. Information would be appreciated on any rehabilitation and reintegration

programmes and meaningful activities made available in places of deprivation of liberty, along with any efforts to make improvements in those areas. Were special rehabilitation programmes made available to drug users? He would welcome data on the number of cases in recent years in which non-custodial measures had been applied, the proportion of eligible offenders who had benefited from such measures and any plans to expand the application of such measures to help to reduce prison overcrowding and support rehabilitation efforts.

26. More information on the conditions in special high-security prisons would be welcome. He wished to know whether inmates in such prisons were required to serve a given period of their sentence in solitary confinement; at what level of isolation they were otherwise held; and whether they were subjected to any other restrictions that were not applied at other prisons. He would welcome clarification as to whether the State party planned to establish life imprisonment as a distinct sentence with regimes and programmes that met international human rights standards.

27. With reference to the cases discussed in paragraph 243 of the State party's report (CAT/C/MNG/3), he wondered how it had been determined that no damages or compensation should be awarded to the victims of acts of torture in those cases. He also wished to learn what mechanisms were in place to provide sufficient compensation to the two victims tortured during the investigation into Zorig Sanjaasuren's assassination. He would like to know how many acts of torture had been reported during the review period and what the outcomes of those cases had been. He would be grateful if the delegation could provide the Committee with the documents produced at the workshops held in October and November 2023 on tools for the implementation of the 2023–2027 national action plan on human rights. A detailed description would be appreciated of the steps involved in reporting an act of torture, the steps the State party would take to investigate such a report within what time frame and the safeguards in place to protect victims, witnesses or healthcare professionals who reported a suspected act of torture.

28. He would like to know whether the State party intended to act upon the recommendations made by the National Human Rights Commission regarding the adoption of a legal framework for the reintegration of torture victims into society and a specific law on reparations for victims of torture that would also provide for the necessary funding. Clarification as to how victims of torture could apply for compensation under the Procedure for State Compensation for Victims of Certain Crimes would be appreciated. Were civil proceedings for obtaining such compensation available independently of criminal proceedings? He would welcome detailed statistics on how many persons had filed requests under that procedure, how many had received compensation and of what kind, and how many pending requests there were.

29. In the light of article 15 of the Convention, he would welcome clarification as to whether, under article 16.12 (1) of the Criminal Procedure Code, testimony obtained through torture was inadmissible even in legal proceedings brought against persons accused of torture as evidence that that testimony had been obtained under duress. The delegation might describe any new practices that had been adopted as part of efforts to transition from a confession-based to an evidence-based judicial system and to promote trust in that system. It would be useful to learn whether the State party employed any measures other than training to advance adherence to the principle that statements obtained through self-incrimination must not be considered as evidence of guilt.

30. More detailed information would be appreciated on how article 12.1 (2.3) of the Criminal Code, on sexual coercion by a spouse, was applied and how many such cases had been reported, investigated and prosecuted in recent years. Did the State party plan to amend the Criminal Code to explicitly include the offence of marital rape? He would welcome detailed information on what kind of psychological counselling was offered to victims and potential victims of domestic violence and was keen to learn whether a domestic violence hotline and one-stop service centres for victims of domestic violence were available and accessible outside the capital city. He wished to know how often the Unified Domestic Violence Database was updated and what information was used to create the risk profiles and to determine the frequency and circumstances of domestic dispute cases that were fed into the database. He would be grateful to learn whether measures were in place to protect victims or witnesses involved in domestic violence cases that were under investigation.

31. He would appreciate statistics on arrests and convictions for trafficking in persons that had occurred during the reporting period, including the numbers of cases concerning sexual exploitation and forced labour. He wished to learn more about the screening procedures and training programmes designed to enable border officials to identify trafficking victims entering Mongolia and about the measures taken to implement screening in rural communities with limited resources.

32. He would like to know what measures had been taken to improve the availability of shelters for trafficking victims, make the referral process more efficient and avoid retraumatization. He would appreciate an update on the rehabilitation centre for children opened in 2023 and more details about the specific legal assistance and other support provided to minor victims. He would be interested to hear about any plans to establish shelters for men, victims with disabilities and lesbian, gay, bisexual and transgender victims, including the estimated budgetary allocations.

33. He would appreciate an explanation of the reasons why no victims of trafficking had received compensation. He wondered whether the Government had considered expanding the fund used for repatriation assistance for Mongolian nationals to provide State-funded compensation for victims of trafficking instead of relying only on fines and payments made by perpetrators. It would be useful to receive information on the status and outcomes of the investigation relating to the seven Mongolian citizens trafficked to Malaysia and Thailand in 2020.

34. **Mr. Iscan** said that he would like to know whether the State party would consider amending its legislation, particularly the Law on the National Human Rights Commission, to ensure that the national preventive mechanism could visit all places of deprivation of liberty in line with the requirements set out in the Convention, its Optional Protocol and general comment No. 1 (2024) of the Subcommittee on Prevention of Torture.

35. **Mr. Contesse** said that he would like to know whether international treaties to which Mongolia was a party prevailed over national legislation in the event of a conflict. He would be interested to hear about any examples in which the national courts had referred to international treaties. He would be interested to hear the delegation's comments on the finding by the Pre-Trial Chamber of the International Criminal Court that Mongolia had prevented the Court from exercising its functions by failing to execute the arrest warrant for the President of the Russian Federation while he was on Mongolian territory. In particular, he wished to understand why the State party had not requested consultations with the Court in a timely manner, whether it took the view that Heads of State had immunity despite the provisions of the Rome Statute of the International Criminal Court to the contrary and whether it was committed to enforcing future arrest warrants issued by the Court.

The meeting was suspended at 12.15 p.m. and resumed at 12.30 p.m.

36. **A representative of Mongolia** said that, pursuant to the Committee's previous concluding observations, an amendment to the Criminal Code would soon be submitted to the parliament to bring the definition of torture fully into line with the Convention. In 2020, a commissioner had been appointed to the national preventive mechanism and tasked with overseeing the implementation of the Optional Protocol. Since its establishment, the mechanism had seen its budget increase and enjoyed full financial autonomy and independence. The Law on the National Human Rights Commission, which clearly set out the obligations and powers of the commissioner, provided for access to all places of detention, including full access to military facilities. Any obstacles to access that were encountered would be addressed by the parliamentary working groups on human rights, and any related legislative amendment would be given high priority.

37. The parliament had established a number of working groups to ensure that the human rights implications of every new law were carefully considered, including those relating to torture prevention. The new law on the establishment of a family and juvenile court would enter into force on 1 January 2026. Preparatory work to ensure that the court and its procedures would be in line with international standards would be conducted throughout 2025. The Legal Aid Centre had provided free legal advice to thousands of low-income citizens. In addition, all members of the bar association were legally required to provide pro bono services three times per year. Pursuant to an amendment to criminal procedure

legislation of 2024, lawyers were assigned to all suspects and accused persons without other representation.

38. The proposed budget for 2025 provided for increased funding for upholding human rights. It would ensure more funds for law enforcement, prisons and other detention facilities, and the border protection service and would include funds for the procurement of video surveillance equipment for places of detention, the refurbishment of correctional facilities and the improvement of detention conditions. An independent anti-corruption agency had been established that was engaging in advocacy and awareness-raising efforts. To demonstrate that combating corruption was a high priority, the Government had announced that a national anti-corruption campaign would take place throughout 2025.

39. **A representative of Mongolia** said that a comprehensive anti-corruption programme and action plan had been approved by the parliament with a view to promoting transparency in public services and the funding of political parties, whistle-blower protection measures and international cooperation initiatives. Given that the Transparency International Corruption Perceptions Index, which was based on public opinion, showed a downward trend for all indicators, the Government had stepped up its efforts to investigate all corruption offences committed since 2011. The amount of assets seized had increased from less than US\$ 1 million annually before 2017 to hundreds of millions of dollars in recent years. Agreements on mutual legal assistance had allowed for the return of a large amount of assets from abroad, which had previously been impossible.

40. **A representative of Mongolia** said that, during the reporting period, 15 cases of torture involving 31 persons had been recorded, of which 1 was ongoing, 1 had been dismissed and 13 cases, involving 28 persons, had resulted in convictions. Fines had been imposed on 14 persons, and 11 persons had been sentenced to between 6 and 12 years' imprisonment. In all, there had been 17 victims in those cases, fewer than half of whom had suffered physical injuries. One person had received the perpetrator's vehicle as compensation in kind, and the compensation claims of a number of others were under consideration in the courts. The courts had decided that no compensation could be offered to six of the victims. The standard statute of limitations applied to the offence of torture, in line with the normal maximum sentence of 5 years. However, longer sentences could be imposed in the event of severe injuries, which constituted an aggravating factor.

The meeting rose at 1 p.m.