



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

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Summary record of the 2160th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 13 November 2024, at 3 p.m.

Chair: Mr. Heller

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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 *(continued)*

Third periodic report of Mongolia (continued) (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** said that guarantees for the financial independence and stability of the judiciary were enshrined in the Constitution, and the Government prioritized the budget for the judicial branch during the national budget approval process. The current parliament was also prioritizing the allocation of sufficient funds to improve human rights legislation. The budget for the judicial branch for the 2025 fiscal year was almost 350 billion tugriks (Tog), which was double the 2024 budget. The funds would be used to improve court facilities and detention conditions.
3. The President of Mongolia alone was responsible for approving the appointments of judges at every level of the judiciary and did so within 14 days of the compilation of a list of candidates by the General Council of the Judiciary following a competitive selection process. The President was also responsible for approving decisions made by the appropriate authorities to dismiss judges for misconduct or negligence. No person or body had the authority to influence a court of law, and any attempt to do so was investigated by a judicial disciplinary committee. Any judge found to have allowed himself or herself to be influenced in such a way would be held accountable under Mongolian law.
4. Under the Law on Government Special Funds, which provided for compensation for victims of certain types of crimes, a total of Tog 3.2 billion in compensation had so far been paid to almost 600 crime victims. Although torture was one of the crimes covered by that law, the records showed that no claim for compensation from a victim of torture had yet been received. In a number of other cases, however, persons convicted of that crime had been ordered to compensate their victims. Pursuant to the Forensic Law of 2022, almost 700 crime victims had received compensation for psychological and moral damages. A four-year action plan drawn up by the new Administration provided for the re-establishment of a special unit for investigating crimes committed by law enforcement and judicial officials and providing redress to victims of such crimes. Draft legislation on that unit's mandate was being prepared by a working group under the Ministry of Justice and Home Affairs and would be submitted to the parliament for consideration early in 2025.
5. **A representative of Mongolia** said that only persons who had become incapable of controlling themselves as a result of excessive alcohol consumption were placed in detoxification facilities for 24 hours for their own safety and so that they could receive medical care. Family members were permitted to collect such persons before that period had elapsed, and no human rights violations were committed during the sobering-up process. All 35 such facilities in Mongolia were equipped with surveillance cameras. Persons who had been found unconscious were first examined by a doctor, who had to confirm in writing that they were well enough to be placed in such a facility before they could be transferred. Approximately 4,000 persons per year had entered such facilities during the reporting period.
6. Pursuant to a 2011 amendment to the Law on Police, the six-hour maximum period for which police and immigration officers were authorized to detain suspects began the moment that those persons were taken into custody. Such persons were entitled to engage a lawyer during that period. People who had been arrested for disturbing the peace or as a result of domestic disputes could be held for up to 24 hours but could also be released before that period had elapsed. The processing and custody of such persons were recorded on police body cameras and surveillance cameras from the time of their arrest until their release. People who had violated border regulations could be detained for a maximum period of seven days with the approval of the Prosecutor's Office. If establishing the identity of a foreign national proved difficult, that period could be extended up to an absolute limit of 30 days subject to authorization by a criminal court and notification of the Prosecutor's Office. When a foreign national was detained, the relevant diplomatic mission was notified within 24 hours through

the Ministry of Foreign Affairs. The families and, if applicable, lawyers of persons detained for a period of more than six hours had to be notified of the detention by law.

7. Persons who committed less serious offences could be sentenced to a period of imprisonment of between 7 and 14 days. There were 20 facilities for people serving such sentences in Mongolia. Grounds for the arrest of persons suspected of more serious offences included failure to respond to a police summons and witness intimidation. For those kinds of offences, persons could be held for a maximum period of 48 hours before being brought before a judge following approval of the arrest warrant by the Prosecutor's Office. Amendments to the relevant law that had come into effect on 1 August 2024 provided clear grounds for the immediate arrest of persons apprehended in flagrante delicto or persons who absconded from the scene of the crime if there were witnesses who attested that the person had been involved in the commission of the crime. In such cases, suspects were brought before the court and, if the judge so decided, a pretrial detention order could be issued at any time between 6 a.m. and 10 p.m., which was when the courts were open. Grounds for the application of pretrial detention, which were clearly defined by law, included having a previous conviction in the case of persons charged with offences that carried a sentence of imprisonment, prior failure to respond to a summons and tampering with evidence. The maximum duration of pretrial detention was 18 months. The length of pretrial detention was counted as time served if the person was convicted and sentenced to a period of imprisonment. Statistics demonstrated that there had been a year-on-year decline in the number of persons held in pretrial detention over the past five years, with that number dropping from 1,867 persons to 1,045 persons as at the third quarter of 2024.

8. Order A/57 of 2017 on interrogation room standards had been incorporated into the police force's procedural regulations in 2024 because it had been found that the majority of complaints of torture dealt with acts committed during interrogation. There were specialized rooms for interviewing minors, but all interrogation rooms were to be at least eight square metres in area and to have adequate ventilation and lighting. The great majority of the interrogation rooms had already been equipped in compliance with the established standards. A total of Tog 600 million had been spent on refurbishing the interrogation rooms in the capital city and, although it was true that 122 police officers in the capital city had used their own offices for interrogation in the current year, that practice had now been prohibited. Under the relevant regulations, videotapes had to be kept for a period of between three and six months, and steps were being taken to extend that period to between six months and one year. By law, lawyers were granted access to case files upon the conclusion of investigations and were entitled to make a copy of any record or document that was not sensitive or classified. No complaint from a lawyer about being denied access to such documents or records had ever been received, and lawyers could be present during interrogations. Interrogation rooms were also used for purposes such as conducting meetings with witnesses and victims and confirming people's identity. The number of interrogation rooms needed to be increased to provide adequate space for the investigation of misdemeanour offences, since, as of 1 September 2024, community police officers had been given that responsibility. Interrogations were conducted between the hours of 10 p.m. and 6 a.m. only when it was necessary to do so due to the presence of a serious threat to the physical or mental well-being of someone involved in the incident.

9. **A representative of Mongolia** said that the Independent Authority against Corruption was responsible for investigating allegations of torture made against law enforcement and judicial personnel. In fact, one of the Authority's five divisions focused exclusively on such investigations. Responsibility for the investigation of allegations of torture made against Authority personnel could be transferred to the relevant unit of the General Intelligence Agency or the department of the National Police Agency that conducted special investigations. The Authority, whose senior officials were nominated by the Prime Minister and approved by parliament, also investigated allegations of corruption and money-laundering. The parliament and other institutions monitored the Authority's activities, which, in addition to those mentioned, included asset recovery and reviewing public officials' asset disclosures.

10. Since 2017, 15 criminal proceedings instituted in connection with charges of torture or ill-treatment had led to convictions. Eight such proceedings were ongoing. Before 2017,

there had been no convictions on charges of torture or ill-treatment, in part because those offences had been narrowly defined at the time. Reports could be made to the Authority by email, by post, through social media or by telephone. There was indeed a need for a formal means of assessing the effectiveness of the relevant human rights training received by law enforcement officials. The training programmes on offer covered such topics as the Principles on Effective Interviewing for Investigations and Information-Gathering and the Bangalore Principles of Judicial Conduct.

11. **A representative of Mongolia** said that the submission of complaints of torture was not subject to restrictions of any sort. Accused persons had the right not to incriminate themselves, and any statement that was established to have been made as a result of torture could not be invoked as evidence in any proceedings. The commentaries of the Supreme Court on criminal procedure, which were discussed in the training provided to investigators, prosecutors and judges, were an additional safeguard against the use in court of confessions or other statements made as a result of torture.

12. Although no explicit mention was made of marital or partner rape in the Criminal Code, that form of rape did not necessarily go unpunished. In the period under review, for example, five people had been convicted on charges of raping a current or former spouse or partner and had been given prison sentences as long as 5 years.

13. A number of steps were taken to protect crime victims and witnesses. From 2017 to approximately mid-2024, means of protecting victims had been used in more than 500 cases. Those means had included warnings, psychological protection techniques, placement in safe houses, resettlement and the provision of technical equipment. The legal framework for the protection of victims and witnesses was considerably more robust than it had been previously.

14. Prosecutors had full access to places of deprivation of liberty, which were visited at least once a month. Efforts to ensure that persons deprived of their liberty were able to avail themselves of their rights included interviews with such persons, the commissioning of assessments of the conditions of detention and inmate questionnaires. Prisons and other detention facilities had locked boxes, to which only prosecutors had the keys, in which complaints could be submitted in writing. In the first nine months of 2024, officials had made more than 300 visits to places of deprivation of liberty; as a result, 123 warnings about the conditions of detention had been issued.

15. Two of the proceedings instituted by the General Prosecutor's Office against alleged perpetrators of acts of torture had been dismissed for lack of evidence. An attempt had been made to institute new proceedings on lesser charges, but in the interval the statute of limitations had expired.

16. The General Prosecutor's Office, the National Human Rights Commission and other institutions had worked together on anti-torture training. The Training and Research Centre of the General Prosecutor's Office conducted analyses of international best practices in the prevention of torture and ill-treatment and identified training priorities. The improvement of the quality of the training had been emphasized in a proposal put forward by the General Prosecutor.

17. **A representative of Mongolia** said that her country was a party to 16 bilateral extradition agreements. Steps were being taken to develop a mechanism that would ensure that no one would be extradited to a country where he or she was at risk of being subjected to torture. In 2024, the Mongolian authorities had received 5 extradition requests, of which 1 had been rejected, and had made 16, of which 6 had been accepted.

18. **A representative of Mongolia**, noting that the Law on the Legal Status of Foreign Citizens had been amended several times since its 1993 adoption, said that 1,360 foreign nationals from 53 different countries had been expelled from Mongolia in 2020–2024. Foreign nationals who could not be returned to their countries of origin were returned to the country in which they were mostly recently resident, the country from which they had entered Mongolia or the country in which they had been issued a visa for Mongolia. Expulsion orders were issued on the basis of recommendations made by senior civil servants in the relevant administrative bodies. Provision for the revocation of an expulsion order had been made in a

resolution adopted in 2020. Orders for the expulsion of 101 people from 16 countries had been revoked during the reporting period.

19. A person whose expulsion was ordered had 30 days within which to challenge the order. Five foreign nationals from two countries had challenged expulsion orders in 2020–2024. The execution of such orders was suspended while the courts considered the challenge.

20. **A representative of Mongolia** said that his country's approach to asylum-seekers, which was rooted in its humanitarian principles, was to provide them with temporary protection while looking for durable solutions. Although Mongolia had not ratified either the Convention relating to the Status of Refugees or the Protocol relating to the Status of Refugees, it ensured that asylum-seekers were not returned to places where they would be in danger. The Government worked closely on matters related to asylum, including training and capacity-building activities, with the Office of the United Nations High Commissioner for Refugees (UNHCR), with which it had recently signed a memorandum of understanding. The principle of non-refoulement and the right to asylum were enshrined in national legislation. What was more, asylum-seekers had access to counselling services in their language and other necessary facilities and services while they awaited resettlement. A number of documents produced by UNHCR had been translated into Mongolian, and the Government was committed to ongoing cooperation with the relevant international organizations, including the International Organization for Migration, with which it also worked closely.

21. **A representative of Mongolia** said that no one could be taken into custody without a warrant signed by a prosecutor. Prosecutors were on call around the clock. By law, persons deprived of their liberty were entitled to receive visits from family members. Nearly four fifths of the country's 28 pretrial detention facilities had been modernized, not least to ensure that there was at least two square metres of space per inmate, as well as adequate natural light and ventilation. The remaining facilities would also be modernized.

22. Overcrowding at detention centre No. 461 had been steadily decreasing thanks to the introduction of alternatives to custodial measures for first-time offenders, particularly in the case of persons who had committed less serious crimes. Pre-release rehabilitation programmes had been set up in cooperation with non-governmental organizations (NGOs) to foster the social reintegration of prisoners, including those with substance abuse disorders. The prison service ran joint training sessions with the National Human Rights Commission for prison staff with a special focus on non-violence and human rights.

23. A request for statistics concerning the overall number of persons held in detention had been made at the previous meeting. There had been 1,541 prisoners in 2019 and 1,751 in 2020, and more than 600 accused persons had been held in pretrial detention facilities in 2020. Since the entry into force of the revised Criminal Code in 2021, 6,443 persons had been sentenced to penalties involving travel restrictions.

24. The prisons operated round-the-clock medical services staffed by doctors and nurses, and inmates underwent regular medical check-ups. If necessary, prisoners were provided with specialized care in outside medical facilities in accordance with a joint order of the Minister of Health and the Minister of Justice and Home Affairs. With regard to the question raised about prisoners being allowed to shower once every 14 days, under prevailing prison rules, those who performed certain jobs were entitled to have more frequent access to shower facilities.

25. The death penalty had been abolished in 2015, and existing death sentences had been commuted to 20 years' imprisonment in a closed prison. Prisoners held in solitary confinement were inmates with serious psychological conditions serving long sentences who posed a risk to others and who required a certain period of time to adjust to prison.

26. **A representative of Mongolia** said that there were 22 shelters for victims of domestic violence, which were run by NGOs; 13 of those shelters were located outside the municipality of Ulaanbaatar. In provinces lacking such shelters, there were one-stop service centres. In total, more than a thousand people had been provided with services at those shelters. The budget set aside for the shelters had increased dramatically since they had first been set up in 2017. The Government also ran a hotline that victims could use to report incidents of

domestic violence. The central shelter in Ulaanbaatar had a fleet of vehicles at its disposal, while the shelters in the regions relied on the vehicles of the local government administration for use in emergencies. Primary healthcare was available in the shelters, and the Government had reached agreements with doctor's offices to provide prompt medical services to persons requiring more advanced types of care. Rehabilitation services were available to victims of domestic violence as well. The Government also ran a centre for child victims of trafficking in cooperation with the United States Department of State and World Vision International. Since its establishment, 34 children aged 8 to 18 had been placed in the centre and had received the appropriate care.

27. **Ms. Maeda** (Country Rapporteur), noting that Mongolia had been the first country in the Asia-Pacific region to have adopted a law on human rights defenders, said that the Committee was nonetheless concerned about reports from civil society organizations that human rights defenders, in particular environmental activists involved in issues relating to the mining industry, had been harassed and pressured to cease their activities not only by mining companies but also government organizations. It was also concerned about provisions of the law that required human rights defenders to respect "the honour and reputation of others", as such broad references to reputation could be misused to silence and criminalize human rights defenders. Furthermore, the law prohibited human rights defenders from receiving funding from entities, organizations or persons carrying out what were considered to be activities that undermined national unity. She therefore would like to know whether the State party would consider amending the law on the status of human rights defenders to ensure that they could pursue their legitimate work and enjoy the right to freedom of expression and opinion.

28. She would appreciate any new information on the State party's plans to submit a declaration under articles 21 and 22 of the Convention in which it recognized the competence of the Committee to receive and consider communications.

29. The Committee noted with regret that the level of participation by civil society in the treaty body reporting process had been quite limited. She wished to know what steps the State party took to encourage civil society to participate in the preparation of periodic reports. Information on the measures adopted to disseminate the Convention and other international instruments would also be appreciated.

30. **Mr. Liu** (Country Rapporteur) said that he was pleased to hear that the number of persons held in detention centres had decreased owing to the greater use of alternative measures, which reflected a general shift from a punitive to a rehabilitative approach. He wondered who opened the complaints boxes in detention facilities and how often they were opened.

31. According to the United Nations Children's Fund (UNICEF), some 44 per cent of children aged 1 to 4 in Mongolia had experienced violent discipline, and studies had shown that Mongolian children continued to be subjected to violent disciplinary practices. There was a need to change mindsets, raise public awareness about such practices and develop a new educational culture. He wished to know how the State party planned to ensure that the new laws on child protection and the establishment of specialized family courts would be fully enforced. He also wondered how it intended to respond to the increasing risks of online sexual exploitation, abuse and bullying experienced by children. He would appreciate further information on how the budget for the protection of women and children was allocated throughout the country. Details of the steps taken to ensure that children placed in care were not returned to an abusive parent or guardian would be helpful. It would also be useful to have further information on the Child Protector Project and activities that had been carried out during the Year of Child Development and Protection.

32. The Committee was concerned by reports of violence and abuse perpetrated against persons on the basis of their sexual orientation or gender identity and about the practice of so-called conversion therapy. While discrimination against lesbian, gay, bisexual and transgender persons had been made an offence under the Criminal Code, it appeared that victims of such discrimination did not have access to legal remedies for violations. He would like to know whether any perpetrators of violations of that kind had been given custodial sentences. If so, he would be grateful for statistics in that regard. It would be helpful to have

information on the number of claims brought for assault and battery motivated by the victims' membership in the lesbian, gay, bisexual and transgender community and on the training that medical personnel received to better care for members of that community. It would be helpful to have an update on the work being done to develop a database for tracking crimes against lesbian, gay, bisexual and transgender persons, given that, in Order A/195 of 2017, the Minister of Justice and Home Affairs had stated that the Ministry would explore the possibility of doing so.

33. **Ms. Racu** said that the Committee had received reports indicating that children being held in general pretrial detention facilities were not provided with educational activities whereas children who had been sentenced had access to schooling in the special education disciplinary facility in Ulaanbaatar, although that facility reportedly did not have the appropriate material conditions to accommodate children. She wondered whether there had been any improvements in the conditions of detention and would appreciate more detailed information about access to medical services for convicted minors, including access to mental health services.

34. She was concerned that persons who had committed criminal offences but were not criminally responsible because of their psychosocial disabilities were reportedly placed in a closed facility at the National Centre for Mental Health. She would appreciate information on possible access to service-based centres for such persons.

35. She would also be grateful for an update on the conditions in Closed Detention Unit No. 405, which was reportedly under a strict regime in which prisoners were held in solitary confinement. Inmates held in that special closed unit for disciplinary purposes were apparently not entitled to work, nor were they eligible for conditional release. She wondered whether conditions had improved in the facility since the visit by the Working Group on Arbitrary Detention to Mongolia in 2022.

36. **Mr. Contesse** said that he wished to know whether there were any court decisions that referred to international human rights treaties, in general, and to the Convention, in particular. If so, he would be grateful for examples. He had not yet received an answer to his earlier question concerning 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 issued against the Head of State of the Russian Federation in March 2023. He wondered whether it was the State party's view that a Head of State accused of torture or any other international crimes under the Rome Statute of the International Court had immunity, despite the Statute's express provisions and the finding of the Pre-trial Chamber. Furthermore, he would like to know whether the State party would commit to enforcing potential future arrest warrants issued by the Court.

The meeting was suspended at 5.05 p.m. and resumed at 5.20 p.m.

37. **A representative of Mongolia** said that a number of threats to human rights defenders had been reported since the adoption of the Law on the Legal Status of Human Rights Defenders several years previously. In response, the position of commissioner for human rights defenders had been established within the National Human Rights Commission. Such threats were also reported to the police. Police interviews of human rights defenders as part of criminal investigations initiated for their protection did not, of course, constitute harassment. Civil society organizations and other stakeholders had been consulted in the preparation of the periodic report with a view to better reflecting public opinion and remedying gaps in official statistics.

38. Pursuant to the child protection law adopted in 2024, any act that harmed a child's health constituted a criminal offence. A helpline had been established to promote child protection. Teams consisting of social workers, community police officers and medical professionals addressed shortcomings in the child protection system and violations of the law. Child protection in digital environments was regulated by the Law on Cybersecurity and the Law on Personal Data Protection. The legal framework was such that the police and local governments were able to integrate their child protection activities with those of civil society organizations. A special budget line had been established for the protection of children on online platforms. Informational videos were produced by the police as part of their child protection work.

39. People were entitled to change their legally recognized gender in the civil registry. Work was under way on proposed revisions to the Family Law to cover marriage for lesbian, gay, bisexual and transgender persons in response to advocacy by civil society organizations. In accordance with the Constitution, international treaties to which Mongolia was a party had the same force as national legislation.

40. **A representative of Mongolia** said that his Government had submitted a request for leave to appeal, with suspensive effect, against the recent decision of the Pre-Trial Chamber of the International Criminal Court regarding Mongolia and the warrant issued by the Chamber for the arrest of President Putin. It had also requested that the Assembly of States Parties to the Rome Statute of the International Criminal Court should refrain from discussing the matter at its upcoming session. The Assembly's Bureau had not yet made a decision concerning that request.

41. **A representative of Mongolia** said that the complaint boxes placed in detention facilities were checked each time a prosecutor visited, either during the general weekly visits conducted at each facility or during the frequent visits made concerning individual criminal cases. The prosecution service also conducted unannounced inspections of detention facilities, including during holidays and weekends.

42. Law enforcement officials worked with the National Human Rights Commission and other stakeholders to combat trafficking in persons. For example, the Government was implementing a four-year project to combat child trafficking for the purpose of sexual exploitation in partnership with the Department of State of the United States of America. The national Coordination Council for Crime Prevention had established a cross-sectoral working group to develop an anti-trafficking strategy and an annual programme of activities. The Minister of Justice and the Prosecutor General had issued a joint order on victim protection that included provisions on specialized procedures for interviewing children and members of other vulnerable groups. Studies had been conducted on the prosecution of child rights violations, and training on the subject had been provided to prosecutors.

43. Between 2020 and 2023, 33 investigations had been conducted into trafficking cases involving over 80 victims, of whom the vast majority had been female and around half had been children. A majority of the cases had resulted in prosecutions, with the convicted perpetrators sentenced to prison terms of between 1 and 7 years. Protective measures had been taken in respect of many of the victims, and most of them had been accommodated in shelters. Some had received legal assistance.

44. International treaties were often referred to by the national courts. For example, in 2023, a district court had applied provisions of the Convention in a case in which three persons had been accused of torture. The appeal court and Supreme Court had upheld the first instance decision.

45. **A representative of Mongolia** said that, as part of a reintegration programme that was in place in juvenile detention and remand centres, children in those centres followed the usual secondary school curriculum using digital platforms under the supervision of the district education department. Currently, 48 children were receiving that type of schooling. Five had completed their secondary education and would be given the opportunity to continue their studies. The Christina Noble Children's Foundation ran an educational programme jointly with a secondary school, offering art and cultural activities in addition to academic and vocational training. The 2025 budget included over Tog 6 billion for the renovation and construction of juvenile detention facilities in line with international standards.

46. The National Centre for Mental Health had last been renovated in 2014. In 2024, the design work had begun on a construction project to bring the facility into line with international standards for personal living space. Currently, 38 persons were subject to involuntary treatment in the Centre. The Court Order Enforcement Agency was responsible for monitoring their living conditions. Prisoners in Closed Detention Unit No. 405 were eligible for bonus days unless they had been withdrawn under a six-month disciplinary sanction for serious violations such as the instigation of inter-prisoner violence. During such periods, the prisoners still enjoyed family visits.

47. **A representative of Mongolia** said that funds were allocated to shelters for victims of domestic violence based on how many people they accommodated. The funding per person was likely to double after a review to be conducted in 2025. Additional funding from the national budget could be provided if resource shortfalls remained following allocation in line with the per capita rule. While the overall volume of calls to the children's helpline was declining, the proportion relating to corporal punishment was increasing thanks to changing public attitudes towards violent disciplinary practices in family settings following successful awareness-raising campaigns.

48. **The Chair** thanked the delegation for the constructive approach it had taken in the course of the interactive dialogue with the Committee.

49. **A representative of Mongolia** said that the Committee's recommendations were vitally important to help the Government fulfil its obligations under the Convention.

The meeting rose at 6 p.m.