



International Covenant on Civil and Political Rights

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Human Rights Committee

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

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

1. In the light of the Committee's previous recommendations,¹ please describe the extent to which the provisions of the Covenant have been used as a basis for legislation and invoked or applied by domestic courts, including examples of relevant legislation and cases. Please provide information on measures taken to strengthen awareness of the Covenant and the Optional Protocol among lawyers, judges, prosecutors and the general public, including the possibility for individuals to submit claims of violations of their rights under the Covenant to the Committee.

National human rights institution (art. 2)

2. With reference to the previous concluding observations (para. 8),² please provide information on legislative and other measures taken to ensure that the National Human Rights Commission of Mongolia fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and is able to carry out its mandate effectively and independently, both in law and in practice. In addition, please provide information on: (a) steps taken, including towards enacting legislation, to enable the Commission to carry out a transparent, participatory and merit-based process for the selection, appointment and removal of its members; (b) measures taken to ensure that the Commission has the necessary human, financial and technical resources to perform its tasks effectively; (c) whether an effective complaints mechanism has been established to ensure that cases are promptly investigated and resolved, with full reparation to victims; and (d) steps taken to ensure that the Commission's recommendations are duly considered by the relevant State bodies.

Anti-corruption measures (arts. 2 and 25)

3. Please provide information on legal and institutional frameworks in place and measures taken during the reporting period to prevent and combat corruption effectively, including measures taken to tackle corruption in the judiciary. Please describe the steps taken to effectively implement anti-corruption laws. Please indicate the steps taken to ensure the independence and efficacy of the State party's anti-corruption bodies, including the Independent Authority Against Corruption, and the transparent management of natural resources, particularly in the coal mining sector, including detailed information on recent allegations of corruption involving State officials linked to a State-owned coal mining enterprise.

* Adopted by the Committee at its 140th session (4–28 March 2024).

¹ [CCPR/C/MNG/CO/6](#), para. 6.

² Unless otherwise indicated, paragraph numbers in parentheses refer to [CCPR/C/MNG/CO/6](#).



4. Please respond to reports of an increase in corruption cases during the reporting period, including among high-level officials, judges and law enforcement officials, and the lenient penalties provided in criminal law for corruption-related offences. Please provide statistical data on the number of investigations, prosecutions and convictions of those found responsible and sentences handed down in corruption cases during the reporting period, including cases involving politicians, political parties, high-level public officials and law enforcement officials. Please provide information on measures taken to effectively combat impunity, including whether those found guilty of corruption are punished in accordance with the seriousness of the offence, and on training and awareness-raising campaigns to inform the public and State officials about the economic and social costs of corruption and the mechanisms in place to address it.

Non-discrimination (arts. 2, 3, 17 and 26)

5. In the light of the Committee's previous concluding observations (para. 10), please report on progress made towards strengthening the legal framework against discrimination. In particular, please report on progress made to adopt comprehensive anti-discrimination legislation that provides protection against discrimination on all the grounds prohibited under the Covenant, including sex, sexual orientation, gender identity, religion, disability, socioeconomic status, HIV/AIDS status, race and ethnicity or other status, and effective remedies in judicial and administrative proceedings for victims of discrimination. Please indicate all the measures taken, including awareness-raising campaigns, to ensure respect for the principle of non-discrimination and to combat and prevent hate crimes, hate speech and other acts of discrimination, stigmatization and violence, including online. In particular, please report on the steps taken to prevent, investigate and punish hate crimes, threats and violence against individuals based on their sexual orientation or gender identity. Please also provide disaggregated statistical information on the number of complaints filed during the reporting period concerning acts of discrimination, indicating the grounds of discrimination, the investigations conducted, the penalties imposed on those responsible and the measures of reparation provided to the victims.

State of emergency (art. 4)

6. In view of the Committee's previous concluding observations (para. 16) and the information provided by the State party,³ please describe any restrictions placed on the rights protected in the Covenant during declared or de facto states of emergency. Please also indicate whether article 19 (2) of the Constitution and the state of emergency law have been amended to explicitly prohibit derogations from non-derogable provisions of the Covenant during a state of emergency.

Climate change and the right to life (art. 6)

7. Please provide information on efforts to prevent and mitigate the effects of climate change and environmental degradation. In particular, please report on measures taken: (a) to prevent and mitigate the impact on the right to life and other rights protected in the Covenant of environmental pollution, including air and soil pollution in urban areas, such as Ulaanbaatar, and in the context of extractive activities, such as coal and other mining operations in the Gobi region; (b) to protect persons, in particular the most disadvantaged, from natural disasters, such as the widespread floods in 2023; and (c) to consult affected communities and ensure that they receive adequate remedies. Please provide information on measures taken to ensure a comprehensive national response at all stages of internal displacement resulting from sudden and slow-onset natural disasters.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (art. 7)

8. With reference to the previous concluding observations (paras. 20 and 22), please indicate the progress made in ensuring that the definition of torture in the Criminal Code covers all acts of torture committed by officials and private persons and provides for penalties

³ [CCPR/C/MNG/7](#), para. 27.

that are commensurate with the gravity of the crime, in accordance with the Covenant and other international human rights standards. Please report on steps taken to amend regulations governing solitary confinement to ensure that they are applied only in the most exceptional circumstances and for strictly limited periods of time.

9. Please provide information on the measures taken to effectively address the reported: (a) widespread practice of torture or ill-treatment of persons deprived of their liberty, particularly for the purpose of extracting confessions; (b) low rate of criminal investigations, prosecutions and convictions for torture or ill-treatment; (c) penalties for torture, which are not commensurate with the gravity of the crime; (d) lack of an independent and effective mechanism to investigate all allegations of torture or ill-treatment promptly, thoroughly and impartially; and (e) obstacles faced by civil society organizations and lawyers while gathering evidence of torture or abuse.

Liberty and security of person (art. 9)

10. With reference to the previous concluding observations (para. 24), please indicate whether pretrial detention is used only as a measure of last resort, for the shortest time possible and is periodically reviewed to assess whether it continues to be reasonable and necessary. Please indicate the measures taken to ensure that domestic legislation provides for fundamental legal safeguards for detained persons from the outset of their deprivation of liberty, including the right to have prompt access to a lawyer and medical professionals, the right to immediately notify their relatives or another person of their choice about their detention, the right to be brought promptly before a judge, and the right to have the time spent in pretrial detention deducted from their final sentence. Please also respond to reports of extensive use of arrests without warrants, a lack of judicial oversight to review the legality of detention and the excessive duration of police custody.

Treatment of persons deprived of their liberty (arts. 9, 10 and 14)

11. With reference to the previous concluding observations (paras. 26 and 34), please describe the measures taken to improve the material conditions in places of detention, including with regard to overcrowding and access to facilities to meet the basic needs of persons deprived of their liberty. Please report on measures taken to establish a comprehensive juvenile justice system, including specialized courts for juveniles. Please provide information on measures taken to ensure that ill-treatment of juveniles deprived of their liberty does not occur and that detained juveniles are separated from adult detainees. Please include information on measures taken to ensure that juveniles have access to qualified and independent legal aid free of charge and to appropriate and accessible complaint mechanisms.

Elimination of forced labour, servitude and trafficking in persons (arts. 2, 7, 8 and 26)

12. With reference to the Committee's previous concluding observations (paras. 28 and 30), please report on the legislative and other measures taken to prevent and combat trafficking in persons, including for the purposes of sexual and labour exploitation, and on training for law enforcement officials, judges, prosecutors and related personnel. Please indicate whether the State party intends to develop a countrywide procedure for the early identification of victims of trafficking and their referral to appropriate support and reintegration services. Please provide information on measures taken to amend the broad and overlapping definition of trafficking in the Criminal Code to bring it in line with international standards.

13. Please provide information on measures taken to enforce the prohibition of forced labour and to protect migrant workers, particularly in the mining and construction sectors, and to prevent the filing of criminal charges against victims for acts committed as a direct result of being trafficked. Please also respond to allegations of: (a) the use of forced and temporary marriages to traffic women within the State party and to neighbouring countries; (b) the lack of effective implementation of labour laws, including inadequate inspections, and inspectors who do not perform unannounced inspections or enforce labour laws in the informal sector; and (c) the limited implementation of article 13.1 of the Criminal Code to prosecute cases involving the trafficking of male victims.

Access to justice, independence of the judiciary and the right to a fair trial (arts. 14 and 15)

14. With reference to the Committee's previous concluding observations (para. 32), please provide information on measures taken to ensure, both in law and in practice, the full independence and impartiality of judges and prosecutors and to guarantee that they are free to operate without any type of undue pressure or interference. Please describe the current procedures and criteria for the selection, appointment, suspension and removal of judges and prosecutors. Please describe the measures taken to ensure the provision of adequate financial, technical and human resources for the effective functioning of the judicial system, including steps taken to reduce delays in the administration of justice and address the backlog of cases.

Treatment of aliens, including migrants, refugees and asylum-seekers (arts. 7, 9, 12, 13 and 24)

15. Please indicate whether the State party intends to introduce dedicated legislation and procedures to regulate the rights of refugees and asylum-seekers that comply with international human rights standards. Please indicate all the measures taken to ensure that migrants, refugees and asylum-seekers, particularly children, receive protection and assistance, are held in appropriate conditions and given access to basic social services and to educational, employment and income-generating opportunities to assist them with integration. Please provide information, disaggregated by age, sex and country of origin, on the number of asylum-seekers, refugees and stateless persons in the State party, including refugees in transit to other countries of destination, and on the number of individuals among those groups who are held in detention, including information on the conditions and duration of their detention.

16. Please indicate whether the State party intends to enact domestic legislation aimed at reducing and preventing statelessness and protecting stateless persons. In particular, please report on legislative and other measures taken: (a) to enable stateless children born in the State party to acquire citizenship; (b) to include a provision in the nationality law to protect from statelessness children born in the State party to parents who are beneficiaries of international protection, asylum-seekers or are themselves stateless; and (c) to address the procedural barriers to acquiring citizenship.

Right to privacy and family life (art. 17)

17. Please indicate whether the laws protecting privacy and personal data, including online, are in full conformity with article 17 of the Covenant. Please describe the measures taken to ensure that: (a) information concerning a person's private life is not shared with persons or institutions that are not authorized by law to receive, process or use such information; (b) effective and independent oversight mechanisms are in place to protect individuals against arbitrary interference in their privacy; and (c) affected persons have access to effective remedies in cases of violations.

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

18. Please provide information on measures taken to ensure: (a) that the registration of religious organizations in the State party is based on unambiguous and objective criteria; (b) the effective exercise of freedom of religion and belief, in conformity with the narrow restrictions permitted under article 18 of the Covenant and the Committee's general comment No. 22 (1993); and (c) that the right to conscientious objection to military service is guaranteed in law and in practice to all individuals who are required to perform military service, that alternatives to military service are accessible to all conscientious objectors without discrimination, and that such alternatives are not punitive or discriminatory in nature or duration, compared with military service.

Freedom of expression (arts. 19 and 20)

19. In accordance with article 19 of the Covenant and the Committee's general comment No. 34 (2011), please respond to reports that there is a lack of genuinely independent and pluralistic media that can operate free from undue influence or interference by the authorities of the State party, in particular pressure from politicians. Please provide information on measures taken to address: (a) the restrictive regulation of freedom of expression online, particularly during election campaigns; (b) the obstacles to full implementation of the law on access to information and similar laws, including through the training of information officers and public information campaigns; and (c) the improper use of the law on State and official secrets and of coronavirus disease (COVID-19) restrictions to criminalize the exercise of freedom of expression.

20. Please provide information on measures taken to review the overbroad and undefined reference to "spreading false information" in article 23.4 of the Criminal Code and to ensure that the law is not used to curtail freedom of expression beyond the narrow restrictions permitted in article 19 of the Covenant. Please report on how the State party ensures the safety of journalists, media workers and human rights defenders in the exercise of their activities, including against attacks and harassment, and on measures taken to ensure that all allegations of harassment, intimidation and violence are thoroughly investigated and that those responsible are brought to justice and adequately sanctioned.

Right of peaceful assembly and freedom of association (arts. 21 and 22)

21. Bearing in mind the Committee's general comment No. 37 (2020) on the right of peaceful assembly, please indicate whether the State party intends to amend the law on procedures for demonstrations and assembly, particularly to remove the requirement to obtain prior authorization for demonstrations and assemblies. Please provide information on measures taken to ensure that individuals fully enjoy the right to peaceful assembly and guarantee that any restrictions of this right comply with the strict requirements of article 21 of the Covenant. Please respond to reports of: (a) the authorities' refusal to register demonstrations for reasons not provided for by law; and (b) incidents of excessive use of force and arbitrary arrest and detention by law enforcement officials in order to disperse peaceful assemblies. Please provide detailed information on the number of such refusals and incidents during the reporting period. Please also provide an update on the status of the bill to amend the Criminal Code to impose prison sentences for obstructing mining and other development projects.

Participation in public affairs (arts. 25 and 26)

22. With reference to the previous concluding observations (para. 40), please provide information on the steps taken to review the electoral legislation and procedures in the State party with a view to removing restrictions on the right to participate in public life, including the right to stand for elections, the right to vote and the freedom to campaign for election. Please provide information on measures taken to ensure robust regulation and effective monitoring of campaign financing and respond to allegations of: (a) vote-buying, misuse of campaign funds to benefit incumbents, and a lack of oversight and transparency in campaign financing; and (b) arbitrary arrests of members of political parties during the election campaign in 2020, including information on any investigations conducted into these arrests.

Rights of the child (arts. 7, 8 and 24)

23. Please provide information on measures taken to combat child labour, particularly dangerous and hazardous work in sectors such as agriculture, mining, horse riding, domestic labour and begging. Please describe the measures taken to prevent and combat violence against children, including sexual abuse and exploitation, especially in rural areas. Please provide information on measures taken to prohibit corporal punishment in all settings and to promote non-violent forms of discipline as alternatives to corporal punishment, including any awareness-raising campaigns about the harmful effects of corporal punishment.

24. Please report on steps taken to address the growing number of children in street situations, including whether the State party intends to develop a comprehensive strategy to

address the root causes of the phenomenon, to provide assistance to children in street situations, including shelter, to ensure their social reintegration, and to provide support for their reunification with their families. In addition, please describe the measures taken to identify, compensate and assist child victims of sexual abuse and bring those responsible to justice.
