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Summary record of the 4195th meeting*

Held at the Palais Wilson, Geneva, on Monday, 10 March 2025, at 3 p.m.

Chair: Mr. Soh

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* No summary records were issued for the 4193rd and 4194th meetings.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Seventh periodic report of Mongolia (CCPR/C/MNG/7; CCPR/C/MNG/Q/7; CCPR/C/MNG/RQ/7)

1. *At the invitation of the Chair, the delegation of Mongolia joined the meeting.*
2. **A representative of Mongolia**, introducing his country's seventh periodic report, said that the Government had implemented significant legislative changes to prevent and combat corruption. Amendments had been made to the legislation on the judiciary in 2024, providing for the digitalization of judicial proceedings, and to the Criminal Code in 2022, establishing heavier sanctions for corruption offences, including no amnesty for individuals involved in corruption cases, and the confiscation of assets gained from criminal activity, regardless of the statute of limitations. Furthermore, to tackle corruption within the public sector, new laws had been drafted to address the confiscation of illicit proceeds and the reparation of harm caused by public officials and to enhance transparency in the extractive industries.
3. The Government had introduced the National Anti-Corruption Programme in 2023, followed by the Anti-Corruption Action Plan in 2024, with a strong focus on strengthening the national justice system, enhancing the legal framework for corruption prevention and promoting a culture of justice in society. The budget allocated to judicial institutions, prosecutors and the National Human Rights Commission had been increased significantly between 2023 and 2025.
4. Amendments to the Code of Criminal Procedure, drafted based on the provisions of the Covenant and the recommendations of the National Human Rights Commission, had been submitted to the parliament. The amendments aimed to protect human rights and freedoms, while also addressing delays in the justice system and reducing the backlog of cases. Additionally, amendments made to election law in 2023 offered stronger guarantees to candidates and enhanced transparency and accountability in the area of campaign finance.
5. The Law on Ensuring Gender Equality had mandated gender quotas of at least 30 per cent in the 2024 elections and at least 40 per cent in the 2028 elections. The General Election Committee was authorized to reject nomination lists that failed to meet the relevant quota. In the 2024 elections, 32 women had been elected as members of parliament, making up 25.6 per cent of the parliament.
6. The Constitution required all citizens of Mongolia to defend their country. However, the Law on Military Service provided alternatives to military service, including ad hoc mobilization for emergency disaster relief, border protection and humanitarian services over a 24-month period.
7. The revised Law on Child Protection, approved by the parliament in 2024, established a legal framework aimed at safeguarding children during legal procedures. The Law emphasized children's rights and mandated that questioning and physical searches should be conducted in child-friendly rooms in the presence of a legal representative. Since the adoption of the Law, 38 such rooms had been created and the number of positions for family and child social workers had been increased. The Government had also allocated a portion of the national budget to child protection, in addition to local budget allocations. Furthermore, the child support hotline had been upgraded and 39 temporary shelters were now available.
8. Several laws had been amended to establish heavier penalties for violations of children's rights, including in the digital environment. The e-Kids child protection system, which was linked to the Government's e-Mongolia platform, provided the general public with direct access to emergency hotlines and useful resources, such as guidelines and training materials. The Government was drafting a revised version of the Family Law to enhance the regulation of family matters and protect the rights of family members.
9. **Mr. Helfer** said that he would be grateful if the State Party could clarify whether Resolution No. 11 of the Supreme Court, which referred to article 15 (1) of the Covenant on the principle of non-retroactivity, was legally binding or if it only provided guidance to

judges applying the Criminal Code. He would also welcome further details on any other legislation that implemented the Covenant and on the specific provisions cited in the four cases in which the Supreme Court had applied the Covenant in 2023. He wondered whether articles of the Covenant that had not been incorporated into national law could be directly invoked before the courts. He would like to know whether the human rights training courses provided by the Mongolian Bar Association were compulsory and whether they were attended by police and law enforcement officers. He would also be interested to know whether any programmes were in place to raise awareness of the Covenant and the Optional Protocols thereto among civil society and the general public.

10. Regarding the selection of members for the National Human Rights Commission, he would like to know how the State Party attracted a diverse range of candidates and guaranteed that the selection process was based on objective criteria. He wondered whether the State Party would consider allowing the members of the Commission to select the Chief Commissioner and expanding opportunities for the Civil Society Advisory Board to participate in the Commission's work.

11. In the light of the expansion of the Commission's mandate, he would be interested to know how the State Party ensured that the Commission had sufficient expertise and independence to carry out its new responsibilities, investigate complaints and provide remedies to victims. He also wished to know whether the State Party would consider amending the Law on the National Human Rights Commission to clarify the Commission's jurisdiction and allow it to investigate all complaints that it received, including those related to ongoing investigations and court proceedings. In the case of non-compliance with the Commission's recommendations, could the Commission or rights holders seek enforcement through court or administrative proceedings?

12. He would be grateful for further information on the State Party's plans to assess the effectiveness of the 1995 Law on the State of Emergency, including clarification as to which government agencies would be involved and whether there would be a review of compliance with the Covenant. He would like to know whether article 19 (2) of the Constitution had been amended to prohibit derogations from all non-derogable provisions of the Covenant. He would also be interested to learn how the restrictions imposed during the coronavirus disease (COVID-19) pandemic had complied with article 4 of the Covenant, which required all emergency measures to be strictly necessary, proportionate and temporary. He would welcome further details on the State Party's plans to revise its guidelines for public emergencies and on the factors that had influenced its decision to establish a working group to engage in dialogue with protesters in response to the December 2022 protests, rather than declaring a state of emergency. How could that experience inform future responses to large-scale protests?

13. **Mr. Yigezu** said that he would like to learn more about the steps taken to ensure more proactive and consistent enforcement of laws and regulations relating to corruption, with a particular focus on high-level political officials. He would also like further information on the contents of the bill on whistle-blower protection and the timeline for its adoption; on the steps taken to ensure that the Independent Authority against Corruption could carry out its functions free from undue influence; and on action taken to investigate all individuals alleged to have been involved in corruption cases, including details on the number of prosecutions, the sentences handed down and the measures implemented to prevent future corruption.

14. He wished to know what measures the State Party was taking to address the high level of indoor and outdoor air pollution, which had been linked to increased mortality rates; provide local communities and the civil society organizations representing them with sufficient time to participate in environmental impact assessments; obtain the prior and informed consent of local communities before issuing mining licences; and ensure that the communities affected by mining operations had access to effective grievance mechanisms and remedies.

15. It would be of interest to know whether the State Party had developed clear rules and procedures for the broadest possible use of alternatives to pretrial detention, including affordable bail and community supervision, and what action would be taken to ensure that

defence lawyers had full access to case files during the investigation stage to allow them to effectively challenge pretrial detention decisions.

16. **Ms. Donders** said that the Committee was alarmed at reports that journalists investigating cases of corruption had been arrested, detained and accused of spreading false information. She wished to know what measures the State Party was taking to facilitate the prosecution of corruption cases and to protect journalists, lawyers and other persons who reported or investigated alleged corruption.

17. She would be interested to learn how the State Party ensured that members of ethnic minorities enjoyed equal access to public services, were able to exercise their right to participate in political life and were actively involved in decision-making on issues that affected them. She noted that discrimination on the grounds of sexual orientation or gender identity was defined as an offence in the Criminal Code but was not prohibited by the Constitution. Given that a high burden of proof was applicable in criminal cases of discrimination even though such cases were difficult to prove, she wondered what steps had been taken to facilitate victims' access to legal procedures and how often those procedures were used.

18. She would like to know what was being done to address the root causes of discrimination against lesbian, gay, bisexual and transgender persons, which was reportedly a serious issue in the State Party. It would be helpful if the delegation could indicate any measures that the Government was taking to combat negative stereotypes and promote inclusivity, and whether it might consider adopting legislation to recognize same-sex partnerships. She would be curious to know what action had been taken to combat violence against lesbian, gay, bisexual and transgender persons; increase reporting of such cases and of other hate crimes; and enhance public confidence in the justice system. Data on the number of cases that had led to prosecutions and convictions would be appreciated. She would also welcome information on the financial and human resources allocated by the Government to ensure the sustainability of a training programme for prosecutors on crimes related to sexual orientation and gender identity.

19. She noted that the participation of women in political life remained low and that the 30 per cent gender quota for parliamentary elections had yet to be reached. She would like to know what measures the State Party had taken to increase the political participation of women; whether any obstacles to their participation had been identified and, if so, how those obstacles were being tackled; and how online harassment and negative stereotypes against women in politics were being addressed.

20. **Mr. Quezada Cabrera** said that he wished to know whether the bill that would amend the definition of torture contained in the Criminal Code had been adopted and, if so, whether it was currently in force; whether the definition set out in the bill included all acts of torture committed by officials and private individuals; and what measures had been taken to hold superior officers criminally responsible when they were aware, or should have been aware, of acts of torture committed by their subordinates. He wondered whether the penalties for torture were commensurate with the gravity of the crime and whether the State Party was taking steps to ensure that acts of torture were not subject to any statute of limitations.

21. He would welcome information on the circumstances in which solitary confinement could be used in places of deprivation of liberty and the maximum duration for which such a measure could be applied. It would also be helpful if the delegation could describe the content and current status of the bill on forensic investigation and indicate whether, in the case of victims of torture, it was envisaged that the principles of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) would be applied.

22. He would be interested to learn how the full independence of the National Human Rights Commission was ensured and what measures had been taken to enhance the Commission's budgetary autonomy and establish the functional immunity of its personnel.

23. He would like the delegation to comment on reports of the widespread use of torture and ill-treatment of persons deprived of their liberty. Information on any criminal

prosecutions and convictions, including the penalties imposed, in such cases would be welcome.

24. He would be curious to know the current status of the bill that would establish an independent agency to investigate interference in judicial proceedings and protect witnesses and victims; and what powers the agency would have with regard to alleged acts of torture and other cruel, inhuman or degrading treatment or punishment. It would be helpful to know what measures were taken to preserve evidence of torture and to facilitate access to such evidence for lawyers and relevant civil society organizations.

25. He would appreciate information on measures that had been taken or were envisaged to improve material conditions in places of deprivation of liberty, in the light of the concluding observations of the Committee against Torture on the third periodic report of Mongolia (CAT/C/MNG/CO/3, paras 21 and 22) and information from the National Human Rights Commission indicating that prison conditions in the State Party were not in compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) or the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Information concerning the conditions in places of deprivation of liberty where women were detained would also be welcome. Lastly, he wondered whether the delegation could provide an overview of the Law on the Establishment of Family and Juvenile Courts and explain how it protected the rights of minors and ensured their access to justice.

26. **Mr. Teraya** said that he wished to know whether steps had been taken to expand the provision of training to public officials on how to combat trafficking in persons; what measures had been taken to ensure that appropriate penalties were applied in cases of trafficking; whether the protection of trafficking victims was contingent on the initiation of criminal proceedings against perpetrators; and what was being done to ensure that victim protection facilities, such as shelters, had adequate and stable funding. He wondered what action was being taken to address inconsistencies in the application of guidelines on the identification of trafficking victims and to improve training in that regard. In a similar vein, it would be useful to know what action had been taken to improve the identification of male victims of trafficking and whether the State Party collected data in that regard.

27. He would like to know the extent to which inconsistencies in the definition of trafficking in the Criminal Code had affected the prosecution of trafficking cases, including the legal interpretation, risk of misclassification or possible dismissal of such cases. It would be useful to know what measures were in place to ensure the effective prosecution of all forms of trafficking, including forced labour and other forms of exploitation, and to address gaps in the legal framework, which seemed to be focused primarily on trafficking for the purposes of sexual exploitation.

28. He would welcome information on the measures taken to prevent trafficking for the purposes of forced labour, especially in the mining sector, and to protect migrant workers and their families from exploitation. The delegation might explain how the authorities ensured that trafficking victims were not prosecuted for acts committed as a direct result of their having been trafficked. He would be curious to know what measures had been taken to prevent the abduction and forced marriage of women and girls and address the trafficking risks associated with that practice. Lastly, he wondered how the State Party ensured the effectiveness and independence of labour inspections, given the reported dissolution of the General Agency for Specialized Investigation.

The meeting was suspended at 4 p.m. and resumed at 4.25 p.m.

29. **A representative of Mongolia** said that members of the National Human Rights Commission were appointed by the parliament through a majority vote. The selection process was independent, transparent and open to the public. The Chief Commissioner was currently appointed by the Speaker of the parliament. However, legislative amendments were being made to incorporate international best practices in that area and further ensure the Commission's independence. It was anticipated that those amendments would be adopted in 2028. The Commission's staff members were recognized as civil servants, and the Commission was accorded its own premises, with all the facilities necessary to fulfil its mandate.

30. Regarding the de facto state of emergency during the COVID-19 pandemic, the Government had taken urgent measures to prevent the spread of the disease and mitigate the economic hardships resulting from the pandemic. It had worked with international partners, including the World Health Organization, which had assessed the measures taken by the Government as highly satisfactory.

31. In response to large-scale public demonstrations in 2022 concerning alleged corruption relating to the theft of coal earmarked for export, and demands by protestors for transparency, the Government had set up a task force to investigate the matter. Public hearings had been held by the parliament and a number of cases had been transferred to the judicial branch for prosecution. In addition, a number of commercial coal contracts had been cancelled.

32. The review by the parliament of the bill on the protection of whistle-blowers had been suspended, owing to parliamentary elections. The Government planned to resubmit the bill for consideration in due course. A law on the protection of human rights defenders had been adopted in 2021. There was a parliamentary standing committee responsible for considering questions related to violations and discrimination against human rights defenders.

33. The mining industry played a vital role in the economy of Mongolia and was considered by the Government to be a strategic industry. For that reason, special licences were granted to strategic mines and mining projects. Mining laws and licences nevertheless contained special provisions concerning reparation and compensation for local communities in the event of rights violations committed by mining companies.

34. Political parties not meeting the gender quota for parliamentary elections would not be permitted to contest the elections. Civil society organizations had a role to play in educating the general public on the importance of electing women to public office.

35. The Government was planning to amend the Criminal Code in line with the recommendations made by the Committee against Torture, with a particular focus on acts committed by, or with the involvement of, public officials. The minimum term of imprisonment for the offence of torture would be increased from 5 to 12 years, and acts of torture resulting in the death of the victim would carry a penalty of life imprisonment. The compensation fund for victims of crime made payouts pursuant to court orders based on assessments by the forensic services of the extent of any harm caused.

36. A special investigation unit would be established within the State General Prosecutor's Office once the relevant bill had been adopted by the parliament. A working group had been set up by the Ministry of Justice and Home Affairs to shape the arrangements for the unit, which would be responsible for investigating criminal complaints made against law enforcement officials, prosecutors and judges.

37. The Law on the Establishment of Family and Juvenile Courts would enter into force on 1 January 2026. The Ministry of Justice and Home Affairs was undertaking the relevant preparatory work concerning the procedural aspects of the Law, and every effort would be made to apply international best practices.

38. **A representative of Mongolia** said that resolutions of the Supreme Court, including Resolution No. 11, were legally binding. However, in cases where those resolutions were contrary to the law, the law took precedence.

39. Certain elements of the Covenant had been incorporated into domestic law. For example, in January 2024 the Criminal Code had been amended to include a reference to article 9 (1). As of February 2025, the Covenant had been applied by judges in 10 cases before courts of first instance and in 11 cases before appeals courts. The newly established Judicial Academy was responsible for providing annual training for judges.

40. The State General Prosecutor's Office had a unit dedicated to handling money-laundering and corruption cases. The number of corruption cases prosecuted had increased from 79 in 2019 to 306 in 2024. The Office also had a torture prevention unit which partnered with civil society organizations and law enforcement bodies to prosecute cases of torture. In October 2024, the Ministry of Justice and Home Affairs and the parliament had held dialogues on the prevention of torture with the aim of identifying the root causes.

Between the second half of 2017 and February 2025, 22 cases of torture had been recorded and 31 individuals had been convicted. Another five cases were currently before the courts, and six more cases were being investigated.

41. Legislative amendments had been introduced in February 2024 to better regulate the concept of immediate arrest without a warrant and define the list of justifications for arrest. The amendments had also introduced provisions on the issuance of search warrants. The number of immediate arrests had dropped by 14 per cent, from 762 in 2019 to 649 in 2024. There was only one recorded case of a person without a fixed address and not in possession of identification documents being subjected to immediate arrest without a warrant.

42. **A representative of Mongolia** said that the nomination, appointment and dismissal of the Chair and Deputy Chair of the Independent Authority against Corruption were regulated by the Anti-Corruption Law. Following amendments enacted in 2020, the Prime Minister was responsible for nominations and the parliament was tasked with holding public debates on the nominations, with the involvement of civil society, academia and industry representatives. Pursuant to the Law, the Chair and Deputy Chair were subject to dismissal if they committed a criminal offence. One of the objectives of the National Anti-Corruption Programme was to strengthen the Authority. There were plans to increase its human resources and to establish local offices by 2030.

43. **A representative of Mongolia** said that the Independent Authority against Corruption was fully independent and free from political interference. The Supreme Court had issued commentaries on evidence-gathering in investigations into the conduct of law enforcement officers and public officials. The gathering of evidence was undertaken pursuant to a warrant issued by a judge or a prosecutor, leaving no opportunity for the Authority to be influenced by politicians.

44. No amnesty had been granted in connection with acts of illicit enrichment, bribery, corruption or abuse of power committed in the mining industry. Any officials who were found to have engaged in such acts were banned from holding public office for life. The authorities had investigated 120 cases, involving 90 high-ranking public officials, relating to irregularities in the extraction and transportation of coal, and a total of 156 individuals had been convicted of criminal offences. Fines had been imposed on 73 individuals, and 6 individuals had been sentenced to between 2 and 6 years' imprisonment.

45. **A representative of Mongolia** said that the safety and security of detainees was ensured through the use of physical and digital surveillance. The relevant standards were set out in law. The public prosecution service and the National Human Rights Commission regularly conducted visits to detention centres and had full access to detainees. Medical units were in operation 24 hours a day in prisons and detention centres, and detainees were also entitled to receive healthcare in hospitals. The conditions under which detainees could obtain access to healthcare were set out in a joint decree issued by the Ministry of Health and the Ministry of Justice and Home Affairs.

46. The country had 28 pretrial detention centres, 22 of which had been refurbished in accordance with international standards. New detention centres, which complied with international standards on living space, humidity, temperature, ventilation and natural light, had been built. The Government had approved a special budget allocation to improve conditions in juvenile detention centres. Accordingly, a programme of refurbishment had been launched in 2024 and a new centre, currently under construction, was due to enter into operation in 2026.

47. Women deprived of their liberty benefited from a range of services designed to facilitate their social reintegration upon release, including psychological counselling, legal advice and assistance in finding employment. They also had regular access to medical and health services. There had been no reported violations of the rights of foreign prisoners.

48. Regarding the use of solitary confinement, the Law on the Enforcement of Court Decisions provided that all convicts sentenced to life imprisonment in a closed prison must be confined in a solitary cell. However, article 200.1 of the Law provided for the confinement of such prisoners in pairs under certain circumstances.

49. Prisoners benefited from social reintegration services and psychological counselling, in accordance with the law, and such services were provided with the cooperation of domestic and international non-governmental organizations. An employment programme had been introduced so that prisoners could carry out paid work while serving their sentences.

50. **Mr. Helfer** said that he remained concerned that article 22.2 of the Law on the National Human Rights Commission limited the Commission's ability to investigate alleged violations. He wondered whether the State Party would consider revising the Law so as to clearly establish the Commission's jurisdiction over complaints related to ongoing criminal investigations and court proceedings.

51. **Ms. Donders** said that she wished to know how the Government ensured that communities that were displaced to make way for mining projects were aware of their right to reparation and whether they received information in languages other than Mongolian and legal assistance in that regard. She would be interested to know whether the reparation consisted solely of financial compensation or also took account of cultural aspects, such as the attachment of Indigenous communities to their land.

52. Unfortunately, in many countries, women politicians were sometimes not taken seriously and were subjected to harassment and online hatred. She therefore welcomed the State Party's efforts to promote women's participation in politics, and wondered what steps had been taken, besides the introduction of quotas, to change mindsets and attitudes. For example, had the authorities provided education on gender equality or conducted any campaigns against harassment?

53. **Mr. Yigezu** said that he wished to know why, despite the measures that had been taken to tackle corruption, Mongolia had fallen in the Transparency International Corruption Perceptions Index. He wondered to what extent the problem derived from the lack of effective implementation of laws and regulations, and what additional steps the country could take to address corruption.

54. He would appreciate a response to his question on the high levels of air pollution, particularly in Ulaanbataar, a situation which had serious implications for the right to life and the right to health. In that regard, he wished to know what sustainable solutions might be adopted to reduce the use of fossil fuels and prevent deaths as a result of air pollution.

55. Furthermore, he was concerned at reports that the General Intelligence Agency and the Independent Authority against Corruption had made numerous arrests without a warrant or court order. He wished to know what steps would be taken to require law enforcement officials to obtain an arrest warrant issued by a judicial authority before arresting a suspect.

56. **Mr. Teraya** said that he would be grateful if the delegation could address the questions he had raised on the elimination of trafficking in persons. He would also appreciate information on the State Party's efforts to combat forced labour and to address the lack of effective implementation of labour laws.

57. **Mr. Quezada Cabrera** said that he would welcome clarification regarding the respective mandates of the State General Prosecutor's Office and the National Human Rights Commission when it came to torture prevention. In particular, he wished to know whether the two entities coordinated their efforts and whether their mandates overlapped.

58. **A representative of Mongolia** said that, under article 22.2 of the Law on the National Human Rights Commission, commissioners were not permitted to examine complaints about criminal or civil cases that were already at the investigation stage. Should a person turn to the Commission to seek the restoration of their rights following a violation that was already being investigated, the Commission could obtain information about the investigation process and it could submit proposals to the courts before the case reached trial. However, it did not have the power to intervene in court proceedings. Article 22.2 was intended not to limit the Commission's activities but rather to ensure the independence of the judicial system.

59. Mining projects required the approval of citizens' representative khurals (assemblies). As part of the consultation process, the implementing agency was obliged to explain the purpose of the project and the financial and economic benefits it would bring to the local community, including in terms of job creation. Once the proposal had been made and

appraised, the competent authorities would decide, based on the views of the community, whether to issue a licence. Implementing agencies were legally bound to provide sufficient resources for the resettlement of any communities that were displaced by projects.

60. The Constitution provided that all citizens had a duty to respect the dignity, reputation, rights and legitimate interests of others. Consequently, any defamatory or discriminatory language against female politicians was punishable by law, and any woman who considered that her rights had been violated could file a criminal complaint. The National Committee on Gender Equality addressed the issue of discrimination against female politicians and supported women's participation in decision-making. All ministries and public institutions had focal points that reported to that body.

61. Besides the implementation of the National Anti-Corruption Programme, the Government's anti-corruption efforts had included the drafting of a specific law on the return of assets and the confiscation of illegal proceeds. Nevertheless, corruption could not be addressed by a single State, as it often involved sophisticated schemes in numerous countries. Since international cooperation was vital to recover assets that had been taken out of the country, strengthening partnerships with other States and international organizations was the primary objective of the Independent Authority against Corruption. The Government also focused on concluding mutual legal assistance treaties and was taking measures to extradite high-level public officials who had fled abroad and to enhance the transparency of budget allocations and expenditure. In some cases, however, the absence of a mutual legal assistance treaty meant that it was not possible to bring corrupt officials to justice.

62. The National Human Rights Commission was fully compliant with the Paris Principles and had been designated as the national mechanism for the prevention of torture in 2022. The Commission's members included a commissioner responsible for the prevention of torture, who received a separate budget and enjoyed a wide-ranging mandate, including powers to investigate complaints of torture, to enlist the support of law enforcement officers and to conduct unannounced visits to any detention facility on the territory of Mongolia.

63. **A representative of Mongolia** said that, in January 2024, the Code of Criminal Procedure had been amended to provide for alternatives to detention for certain categories of offences. Those amendments had already produced positive outcomes, including a 32 per cent decrease in the number of detentions between 2022 and 2024.

64. Regarding the availability of case files for prisoners awaiting trial, article 32.1 of the Code of Criminal Procedure provided that once the investigator considered that all investigative actions had been completed, he or she must make the case file available to the accused and his or her legal representatives so that they could be acquainted with the materials. All information contained in the file, with the exception of State secrets, was thus made fully available.

The meeting rose at 6 p.m.