



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Concluding observations on the sixth periodic report of Mongolia

Addendum

Information received from Mongolia on follow-up to the concluding  
observations\*

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\* The present document is being issued without formal editing.



**Information on the implementation of the recommendations of the concluding observations made by the Human Rights Committee on the sixth periodic report of Mongolia on the implementation of the International Covenant on Civil and Political Rights**

**Paragraph 12: Discrimination on the grounds of sexual orientation and gender identity**

The State party should intensify its efforts to combat stereotypes and prejudices against lesbian, gay, bisexual, transgender and intersex persons, and ensure that acts of discrimination and violence directed against them are investigated, that perpetrators are prosecuted, and if convicted, punished with appropriate penalties, and that victims are provided with full reparation. The State party should also promote and guarantee freedom of expression, association and peaceful assembly for lesbian, gay, bisexual, transgender and intersex persons, and should abstain from any unjustified interference with the exercise of these rights and ensure that any restrictions imposed comply with the strict requirements of articles 19, 21 and 22 of the Covenant and are not applied in a discriminatory manner. The State party should consider legal recognition and protection of same-sex couples.

1. Mongolia has legalized the prohibition of discrimination in its 1992 Constitution as a fundamental principle.<sup>1</sup> The principle of the prohibition of discrimination has been reflected in the laws adopted within the framework of criminal justice reforms, including the Criminal Procedure Code. According to Article 1.12 of the Criminal Procedure Code “all citizens are equal before the law and the courts without discrimination”. In case of an act of discrimination that constitutes a breach of these laws, the victim has a right to file a complaint under the law.
2. An act of “discrimination on the basis of sexual orientation and gender identity” is considered as a crime and is regulated by Article 14.1 of the Criminal Code.
3. To ensure effective implementation of the Criminal Code, the Ministry of Justice and Home Affairs in collaboration with the National Legal Institute and Bar Association conducted a training on LGBT rights for law enforcement officers, including judges, prosecutors, court officials, lawyers and other concerned officials on 3 May 2018.
4. LGBT citizens are most likely to conceal themselves, and because of this the investigation into the complaints submitted to police offices revealed that they were initially reported as drunken assault and not as an act of violation against their sexual orientation and gender identity. Therefore, cases of discrimination on the basis of sexual orientation and gender identity will be registered as such in the newly established crime information database and the database statistics and information will be used to combat such discrimination.
5. The Police Department has launched a 24-hour hotline -126 to receive timely complaints and information from citizens about the communication skills, ethics, and bureaucratism of police officers.
6. “Improving sexual healthcare services for at risk population of Ulaanbaatar such as female prostitutes, males who have sex with males and people living with HIV/AIDS” project was implemented with the support of Local Initiative Project of Canada from August to November 2017. Within the project, “Solongo” counselling room was established and equipped at the National Center for Communicable Diseases to provide private counselling services to persons with HIV/AIDS and their family members, partners, as well as for groups of persons with HIV/AIDS to meet and discuss the problems they are facing, organize support group meetings and small-scale trainings.

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<sup>1</sup> Paragraph 2 of article 14 of the Constitution of Mongolia provides, “no person shall be discriminated against on the basis of national or ethnic origin, language, race, age, sex, social origin and status, wealth, occupation and post, religion, opinion or education. Everyone shall have the right to act as a legal person.”

7. The establishment of “Solongo” counselling room has created a client friendly environment that positively affects the quality of sexual healthcare services provided to the sexual minority men.
8. Furthermore, dressing and waiting rooms for women were established within the scope of the project, thus enabling extended hour counselling and sexual healthcare.
9. Short-term trainings on sexual orientation, stigma and discrimination are constantly conducted for doctors and medical professionals.
10. National Legal Institute is currently conducting a research on the theme “Effective implementation of anti-discrimination clauses stipulated in the currently effective laws and regulations of Mongolia: Regulations related to sexual orientation minorities.”

**Paragraph 18: Violence against women and children, including domestic violence**

The State party should increase its efforts to prevent and eradicate domestic violence against women, including through implementation of the revised law on domestic violence and by ensuring that all allegations of domestic violence are reported and are promptly, thoroughly and effectively investigated. It should also ensure that the perpetrators are prosecuted and, if convicted, punished with commensurate sanctions and that the victims have access to effective remedies, full reparation and means of protection. The State party should provide training for State officials, in particular law enforcement officials, judges and prosecutors, to ensure that they are able to respond promptly and effectively to cases of domestic violence. It should ensure effective implementation of prohibition of corporal punishment of children in all settings, including through public education and awareness-raising programmes.

11. More than 10 rules, including on situational assessment, establishing database on child related issues, code of ethics of State Inspector for Child Rights and social workers and accreditation of child care service providers have been approved and implemented in order to enforce implementation of the Law on the Rights of the Child and Child Protection Law.
12. Within the framework of implementing the Law on Combatting Domestic Violence, 31 rules out of planned 33 have been adopted and implemented. Rules on establishing and funding of a Joint Team to provide primary care and services to victims of domestic violence, procedures for financing the one-stop service, procedure for accreditation of non-governmental organizations to provide services to victims and procedure for voluntary training curricula to influence the behavior of the violator have been adopted by the joint decree of the Minister for Justice and Home Affairs, Minister for Labor and Minister for Social Protection and Health.
13. According to the approved rules under the joint decree A/51, A/69 of 2017 by Minister of Justice and Home Affairs and Minister of Labor and Social Protection, an inter-sectoral “Legal Committee on the Rights of a Child” was established with an aim to provide legal assistance to children, who have violated the law, witnessed or become victims of crime in provinces and districts. 618 children in 2017 and 897 children as of the second quarter of 2018 have been provided with legal assistance, counselling and services.
14. In 2018, 25–30 activities have been organized at local levels to strengthen the inter-sectoral cooperation, establish integrated information database and prevent children from involvement in crime and violation in coherence with specifics of the local area, territorial scope and population policy. The Legal Committee on the Rights of the Child has conducted 168 meetings, trainings and consultations on the new and revised laws have for its members.
15. Step-by-step activities have been implemented to raise the awareness and improve the capacity of officers, responsible for providing services to victims under the Law on the Rights of the Child, Child Protection Law and Law on Combatting Domestic Violence, as well as raise public awareness of these laws and regulations. Child rights inspectors are responsible for monitoring the implementation of the Law on the Rights of the Child, inspecting and resolving cases of 16 types of violations specified in Law on Infringement

have been selected in accordance with Article 20.3 of the Law on the Rights of the Child and trained accordingly. Under the decree A/181 of 2017 by the Minister of Labor and Social Protection, 32 officers have been certified as child rights inspectors.

16. Based on the information provided to authorities on the abuse the rights of the child, abuses that constitute a crime or violation of the rights of the child are investigated in accordance with the relevant laws and regulations. 26 violations were detected in 2017 and 87 violations as of the first half of 2018. 55 cases were resolved, 19 cases are under inspection, 13 cases have been penalized and charged with /1.950,000/ MNT.

17. Job descriptions of the heads of khoroo units (sub-division of districts) have been revised. Responsibility to report and prevent from child abuse and domestic violence has been included in the job description. Phased trainings have been conducted for all heads of khoroo units.

18. In accordance with the Law on Combatting Domestic Violence phased trainings and re-trainings have been organized at the national, regional, provincial and district levels for relevant officers with a view to improving the rehabilitation services, counselling and increasing the legal assistance to victims of domestic violence.

19. Currently, there are 609 Joint Teams that provide primary care and services to children living in at-risk environment and victims of domestic violence. In 2017, phased trainings to raise the knowledge and professional skills have been conducted among 4600 members of Joint Teams. Phased re-trainings have also been conducted. Currently in double counting a total of 1354 members of Joint Teams have been re-trained.

20. Joint Teams have worked with 1298 families affected by domestic violence in 2017 and 1548 in the second quarter of 2018, and provided 2336 children with child protection services, 6318 children and citizens, double counted, received child protection, psychological counselling, medical care, and intermediary services.

21. As of 2017, 15 shelters and 9 One-Stop Service Centers were available nationwide for victims of domestic violence. With a view to improve access to necessary service and the availability of One-Stop Service Centers, 10 new One-Stop Service Centers have been established in 2018.

22. Police Operational Rule /code-326/ has been amended with a view to renew Strategy to Combat Domestic Violence.

23. Within the framework of a Memorandum of Understanding signed with International Development Law Organization, trainings of trainers in domestic violence were organized among 70 local police officers.

24. Furthermore, within the framework of a project implemented with joint funding of the United Nations Population Fund and the Swiss Agency for Development and Cooperation, a consultative meeting on “Strengthening cross-sectoral coordination and capacity building to improve domestic violence calls and information systems” was held with participation of 30 representatives from government and non-governmental sectors.

25. Subcommittee on Crime Prevention Coordination has issued 12 recommendations to Central and local police departments on the issue of establishing new temporary shelters and One-Stop Service Centers in order to prevent domestic violence taking into account the density of population in a given territory and the amount of crime and violations. The implementation of these recommendations and results are currently being evaluated.

26. A month campaign to “Raise awareness and implement the Law on Combating Domestic Violence” was organized nationwide from 10 February to 12 March 2017. Within the framework of the campaign, a total of 14 activities were implemented. Out of which 6 were solely implemented by the Department of Prevention of the National Police Agency, 2 in cooperation with Information, Technology and Communications Department and 6 in cooperation with local police offices. The results of implementation were evaluated. The implementation by Department of Prevention was rated as 73 percent, National Police Agency as 72 percent, at provincial level as 38.8 percent and in overall at national level as 61.2 percent.

27. Ministry of Justice and Home Affairs has been implementing a project on “Combating gender-based violence in Mongolia: Capacity building in justice sector” in cooperation with International Development Law Organization since 2016. Within the framework of this project, a training of trainers on “Strengthening capacities and coordination between key justice sector stakeholders to combat domestic violence” has been conducted for 500 representatives of the police, judiciary, prosecutors and bailiffs from 10 provinces. Handbooks have been developed and printed.

28. By the decree A/27 of 2017, Minister of Justice and Home Affairs approved the list of members of the Subcommittee on Combatting and Preventing from Domestic Violence and Violence against the Children to provide with professional guidance and review the implementation of the relevant legislation. Subcommittee consists of representatives of “Research and training institute of children’s rights” NGO and “National center of children’s rights” NGO. The Government is cooperating with four non-governmental organizations through funding trainings and campaigns aimed at promoting children’s rights, combatting and preventing crimes against children.

29. Activities have been constantly implemented towards effective implementation of the Law on Combatting Domestic Violence, state such crimes and offenses, strengthen inter-sectoral coordination and improve access and quality of services provided to victims of domestic violence. The second National assembly “Multilateral cooperation to combat domestic violence” was held on 12-13 April 2018 with the support of Swiss Agency for Development and Cooperation (SDC) and the United Nations Population Fund. About 200 representatives, including secretaries of local branches of the Subcommittee on Crime Prevention Coordination, heads of local Health Departments, Education and Culture department as well as branches of the Authority for Family, Child and Youth Development, and the police from Ulaanbaatar, its nine districts and 21 provinces participated in the National Assembly.

30. Seven provinces received SASA methodology based training conducted by “One-stop service centers” with the support of the UN Population Fund. In total 225 people received training on human rights, gender and gender-based violence prevention.

31. An awareness raising trainings to combat and prevent from domestic violence have been organized among 20404 citizens, including 735 teachers and social workers, 14 565 citizens, 240 law enforcement and judiciary officials, 350 medical doctors, 750 university students, 1716 public servants, 1578 school students, 530 perpetrators in cooperation with governmental and non-governmental organizations.

32. Training program on “Improving practical skills of health workers to stop gender-based violence” has been developed for medical doctors and health workers. Subcommittee on Combatting and Preventing from Domestic Violence and Violence against the Children has signed a Memorandum of Understanding with the Authority of Health of Ulaanbaatar City and Health Center of Bayangol District. Bayangol District has been selected to become an exemplary “victim oriented” district of Ulaanbaatar City. Within the MOU, two seminars were organized for 50 doctors and other health workers of Bayangol District.

33. With a view to combat domestic violence, ensure safety of women victims, prevent from violence repeating, a procedure for voluntary training curricula to influence the behavior of the violator was adopted by joint decree A/63, A/48 and A/106 of 22 March of 2017 of the Minister of Justice and Home Affairs, Minister of Labor and Social Protection and Minister of Health. Furthermore, a procedure for compulsory training curricula was adopted by decree A/73 of the Minister of Justice and Home Affairs on 4 April of 2017. These procedures are being implementation.

34. A project to establish “One-stop service centers” to provide primary care and services to victims of domestic violence in 2018–2019 is being implemented with the support of the UN Population Fund. Within the project, the members of the Subcommittee on Crime Prevention Coordination have worked in Huvsgul Province from 12 to 16 March, Darkhan Province from 26 to 29 March, Bayan-Ulgii Province from 4 to 6 April and Uvurkhangai Province from 16 to 19 April 2018.

35. The UN Population Fund has provided 19.811.398 MNT funding for the renovation of the temporary shelter at Metropolitan Police Department.

**Paragraph 22: Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment**

The State party should amend its legislation to include a definition of torture that fully complies with international standards, and penalties commensurate with the gravity of the crime. The State party should ensure that all reported allegations and complaints about acts of torture and ill-treatment are promptly and thoroughly investigated, that alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims have access to redress, including full reparation. It should also provide law enforcement officials with adequate training on detection and investigation of torture, integrating the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). The State party should ensure independent functioning of all its mechanisms for investigating allegations of torture.

36. In line with the recommendations of the UN Subcommittee on Torture, a training on the Istanbul Protocol was organized for the doctors and medical professionals at the facility of the closed prison No.401/Integrated hospital on 19–20 October 2017. The training included introduction to “Istanbul protocol”, the international guidelines for documentation of torture and its consequences and aimed at raising the knowledge and awareness on the roles and responsibilities of doctors and medical professionals in case torture or other cruel, inhuman or degrading treatment.

37. A training on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has been conducted among the police officers of the units for investigating crimes committed by special subjects and a training on prevention of torture, as well as falsification of evidence for police investigators. A total of 168 investigators have completed the training.

38. Website of the University of Law Enforcement /[www.leu.gov.mn/](http://www.leu.gov.mn/) has introduced distance learning system /MOODLE/ under its section on “Distance learning and file directory”. The e-learning system is connected to /<http://elearning.leu.edu.mn/> website, where training and promotional materials related to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol are regularly posted.

39. Article 41.8 of the Criminal Procedure Code stipulates that “a citizen of Mongolia, foreign citizen, stateless person or legal entity has the right to compensation for property, dignity, reputation, business reputation, damage to health and emotional damage and restoration of their rights to pensions, benefits, the right to housing and other rights as a result of violation of the law by investigators, authorities, prosecutors and the judiciary”.

40. Article 41.8 of the Criminal Procedure Code refers to organization responsible for conducting an investigation and Provision 4 of the article provides that “the Prosecutor shall establish the jurisdiction of inquiry and investigation in the offenses committed by the Intelligence, Police and Anti-Corruption Agency Officers”. The prosecutor must change the jurisdiction of the above-mentioned entities in order to prevent from conducting inquiries or investigations into crimes committed by their affiliates.

41. In accordance with the decree A/67 of 2017 of the Prosecutor General on ‘The establishment of jurisdiction and investigation of criminal cases, its supervision by the prosecutor and offence complaints and information’ and the conjuring methodological guideline, the offences and crimes committed by the police officers and the related complaints and information shall be investigated by the Anti-Corruption Authority, while the offences committed by judges, prosecutors and the staff of the Anti-Corruption Authority and the related complaints and information shall be investigated by Investigation Department of the National Police Agency.

42. Within the framework of implementing the Criminal Code and Criminal Procedure Code, a regulation on “Interrogation rooms requirements” was adopted in 2017 by the

decree A/57 of the Prosecutor General. As a result, interrogation rooms, meeting and interrogation rooms and interrogation rooms for juvenile offenders at police offices have been adjusted to the requirements stated in the regulations. Currently, the Prosecutor General's Office has completed the authorization of 168 rooms. The budget required for adjusting 82 rooms has been approved with the state budget amendments and the adjustment process is underway.

43. "Police Work – Human Rights" course has been included in the curricula of the University of Law Enforcement. This 56-hour course /2 credit hours/ on torture and its prevention with special focus on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is taught for students in the sophomore year.

44. A training of trainers under the theme "Prisons and Human Rights" was organized from 29 November to 1 December of 2017 jointly with the National Human Rights Commission and Mongolian Lawyers Association. Within the framework of "Court decision agency training program and plan for 2018", approved by the decree A/249 of 5 December 2017 by the Head of General Agency of Court Decision, trainings have been conducted on human rights issues.

45. A Memorandum of Understanding (2014–2017) was established between the General Agency of Court Decision Enforcement and the National Human Rights Commission with the purpose of preventing human rights violations during arrest, imprisonment and detention processes, and strengthening cooperation with a view to adopt human rights based approach. The MOU implementation has been assessed and the two sides have renewed the MOU in 2018. In line with the MOU and the integrated knowledge and skills training plan for 2017-2018 adopted by the decree B/58 of 2017 and A/46 of 2018 by the Chief of the National Police Agency, two rounds of "Training of trainers on human rights", two rounds of training of "Human Rights Trainers" was conducted.

46. A total of 51 officers attended the training and were awarded with Trainer's Certificates. 49 trainers were assigned to teach at 41 central and local police departments. Furthermore, each trainer was assigned to teach one to two hours course. In total over 2100 prison officers have been trained on this subject.

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