



## **International Covenant on Civil and Political Rights**

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### **Human Rights Committee**

**Ninety-ninth session**

Geneva, 12-30 July 2010

### **List of issues to be taken up in connection with the consideration of the fifth periodic report of Mongolia (CCPR/C/MNG/5)**

#### **Constitutional and legal framework within which the Covenant is implemented (art. 2)**

1. What is the status of the Covenant under domestic law? Can provisions of the Covenant be directly invoked before domestic courts? If so, please provide details on all cases in which this was done and with what results.
2. Please indicate how the State party has ensured that following the declared State of Emergency of July 2008, perpetrators of human rights violations were brought to justice, and victims of human rights violations committed by law enforcement officials had access to an effective remedy, and received adequate reparation.

#### **Non-discrimination and equal right of men and women (arts. 2(1), 3, and 26)**

3. Please indicate whether plans exist to adopt a comprehensive anti-discrimination legislation covering all rights recognized in the Covenant and providing for effective remedies in cases of violation of those rights.
4. Please provide detailed information on the implementation of the first and second stages of the National Program on Fulfilling Gender Equality (2003-2004 and 2005-2008, respectively) and the assessment of its impact.
5. Which steps have been taken or are foreseen to increase the representation rate of women in Parliament, as well as in decision-making positions in the public and private sphere? Does the State party intend to re-install the 30 per cent quota for women candidates for nomination by parties and coalitions, which was abolished by Parliament in December 2007?
6. Have investigations been conducted during the last five years with regard to allegations of attacks, harassment and threats against lesbian, gay, bisexual and transgender people (LGBT), including those committed by law enforcement officials? Have any cases led to prosecution and sanctions for the authors of such actions? What is done to improve

the access to justice of LGBT victims, and to raise the awareness of LGBT issues among law enforcement and detention personnel?

#### **States of emergency (art. 4)**

7. Please explain the lack of reference in article 19(2) of the Constitution to the rights guaranteed in articles 8 (paragraphs 1 and 2), 11, 15 and 16 of the Covenant.

#### **Right to life (art. 6)**

8. Please indicate whether, following the January 2010 moratorium on executions, the State party intends to ratify the Second Optional Protocol to the ICCPR, and amend the Criminal Code with the aim of abolishing the death penalty.

9. Please clarify why the charges against ten police officers and four senior officials were dropped in February 2010 by the State General Prosecutors Office, following its investigation into the use of live ammunition in suppressing the July 2008 demonstrations.

#### **Prohibition of torture and cruel, inhuman or degrading treatment or punishment, right to liberty and security of person & treatment of persons deprived of their liberty (arts. 7, 9 and 10)**

10. Please provide detailed and updated information, from 2006 onwards, on: (1) the number of complaints received by the Investigation Unit of the General Prosecutors Office against law enforcement, detention and judiciary personnel related to cases of torture and ill-treatment; (2) the number of cases dismissed and the reasons for their dismissal; (3) the number of officials sentenced and the sanctions imposed; and (4) concrete measures taken for the rehabilitation and compensation offered to victims.

11. Please indicate whether human rights training, covering the topics of prohibition of torture, effective interrogation techniques, conditions of detention and the treatment of detainees, is a standard component of curricula in the training of law enforcement, prison and judicial officials. Also indicate whether video and audio monitoring and recording of all interrogations has been introduced.

12. Please comment on reports that, following the 2008 riots, confessions signed by detainees and obtained through torture and other ill-treatment were used as evidence in court rulings.

13. Please comment on reports that from 2007 to 2009 some two thirds of all suspects were detained without court authorization, despite the 2002 amendment to the Criminal Procedure Code.

14. Has a system been established for regular and independent monitoring of places of detention, besides those visits carried out by prosecutors and the National Human Rights Commission of Mongolia? Please specify which measures have been taken to address the problem of overcrowding at detention centres, particularly Denjiin Myanga detention facility.

15. Please provide information on measures taken to reduce the excessively long periods of pre-trial detention—up to 30 months under the 2002 Criminal Procedure Code, as well as to ensure that those in pre-trial detention are separated from convicted persons.

16. Have steps been taken to end the special isolation regime for long-term prisoners (at Prison No. 405), such as those whose death sentences have been commuted to 30-year

prison sentences, so that they are detained in line with article 10 of the Covenant and the Standard Minimum Rules for the Treatment of Prisoners?

### **Elimination of slavery and servitude (art. 8)**

17. Please provide information as to whether comprehensive national legislation on trafficking is in place or is foreseen. Please also clarify why, despite the increase in the incidence of trafficking, most trafficking cases are dismissed. Explain why article 124 (organized prostitution) of the Criminal Code is frequently applied in adjudicating human trafficking cases, rather than article 113 (human trafficking) of the Criminal Code. Furthermore, has the State party established a mechanism to ensure rehabilitation and social reintegration for victims of trafficking, as well as a witness protection program?

### **Right to a fair trial (art. 14)**

18. Please provide information on concrete steps taken to fight corruption, in particular among the judiciary, on investigations into corruption cases, and on disciplinary action taken over the past three years against judges. Please also clarify the conditions under which judges may be granted loans for the construction of private apartments, as mentioned in paragraph 132 of the State party report.

19. What is done by the State party to raise the awareness of detainees on the availability of legal aid? Please also provide information on steps taken to improve access to justice for persons with disabilities and to guarantee their right to a defence in line with article 40 (1) of the Criminal Procedure Code.

### **Freedom of religion and belief (art. 18)**

20. Please provide information on: (1) the arrangements in place for conscientious objectors to military service to perform alternative services; (2) the number of persons who have used these arrangements; and (3) the duration of alternative service, as compared with military service.

21. Please comment on reports that religious institutions seeking to register or re-register face considerable difficulties and delays in obtaining a permit to conduct religious activities.

### **Freedom of opinion and expression (art. 19)**

22. Please explain why the Freedom of Information Law, drafted in 2002, apparently has not been adopted yet. Also comment on reports that national and local media continue to be subjected to government and political party harassment, extensive use of libel cases and frequent tax audits.

### **Freedom of movement, marriage, family and measures for the protection of minors (arts. 7, 12, 23 and 24)**

23. Please clarify whether children born in Mongolia to stateless asylum-seeking and refugee parents can obtain the Mongolian nationality upon reaching the age of 16. Please also clarify how the State party ensures citizenship to those ethnic Kazakh Mongolians who

moved to Kazakhstan in the early 1990s and have since returned to Mongolia, but who are left stateless as a result of their initial emigration.

24. Please provide information on legislative and other measures taken or foreseen to prohibit, prevent and end all forms of corporal punishment of children as a method of discipline in all settings, including in schools, penal institutions and alternative childcare system.

25. Please provide detailed information on: (1) the extent of domestic violence, including child abuse and violence in the family; (2) the number of complaints submitted, investigations carried out and sanctions imposed on perpetrators; and (3) measures in place for the protection and rehabilitation of victims. Also clarify as to whether steps are foreseen to make marital rape an offence under the Criminal Code.

### **Public participation, elections (art. 25)**

26. Please indicate whether steps are foreseen to prohibit the imposition of fees to gain party nomination for candidature, which has an adverse effect on particular groups in the realization of their political rights.

27. Is the State party planning to take steps to enable Mongolian citizens residing abroad to participate in parliamentary and presidential elections? Furthermore, are there specific arrangements and measures in place so that persons with disabilities as well as detainees can fully exercise their right to vote and to participate in public affairs?

### **Rights of persons belonging to minorities (art. 27)**

28. Please provide detailed information on steps taken to improve the accessibility of children of the Kazakh minority to education in the Kazakh language, including within the Program to Support the Education of Kazakh Children.

### **Dissemination of information relating to the Covenant and the Optional Protocol**

29. Please provide information on the steps taken to disseminate information on the Covenant and the Optional Protocols, the submission of the periodic report of the State party, its examination by the Committee and the Committee's previous concluding observations. Please also provide more detailed information on the involvement of representatives of ethnic and minority groups, civil society, non-governmental organizations, and the national human rights institution in the preparatory process for the report.

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