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Communication de la Commission nationale des droits de l'homme* de la Mongolie

Note du secrétariat

Le secrétariat a l'honneur de transmettre au Conseil des droits de l'homme une communication soumise par la Commission nationale des droits de l'homme de la Mongolie**, qui est distribuée conformément à l'article 7 b) du Règlement intérieur du Conseil (voir résolution 5/1, annexe) et selon les modalités et les pratiques que la Commission des droits de l'homme a arrêtées dans sa résolution 2005/74.

* Institution nationale des droits de l'homme accréditée avec le statut « A » par l'Alliance mondiale des institutions nationales des droits de l'homme.

** La communication est distribuée telle qu'elle a été reçue, dans la langue de l'original seulement.



Written Statement of the National Human Rights Commission of Mongolia to the Plenary of the 46th Session of the United Nations Human Rights Council

Esteemed members of the United Nations Human Rights Council,

Distinguished ladies and gentlemen,

I extend warm greetings from the National Human Rights Commission of Mongolia and wish you all happiness, prosperity, and success in the lunar new year of the ox.

First of all, I express my gratitude to the UN Human Rights Council Working Group for providing recommendations for the further improvement of status of human rights in Mongolia after considering the report of Mongolia through its 36th session in November 2020 and assessing Mongolia's efforts to implement the recommendations from the previous cycle.

1. Combatting against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The NHRCM commends the Government of Mongolia's commitment to comply with its obligation under the Optional Protocol to the Convention against Torture by establishing the national mechanism for the prevention of torture through the revised Law on the National Human Rights Commission of Mongolia adopted in January 2020, six years after it ratified the Optional Protocol. The NHRCM expects Commissioner in charge of national mechanism for the prevention of torture to be appointed during the spring session of the parliament in 2021

However, the NHRCM is still concerned with the absence an independent body to investigate allegations of torture and degrading treatment specifically as stated in the recommendations of the UPR 2nd and 3rd cycles.

2. Combatting against discrimination

It is highly appreciated that the Parliament of Mongolia criminalized all forms of discrimination based on national and ethnic origin, language, race, age, sex, social origin, status, wealth, occupation, position, religion, opinion, education, sexual orientation, and health status by Article 14.1 of the new Criminal Code adopted in 2015. The NHRCM is continuing to encourage the Government of Mongolia to adopt comprehensive anti-discrimination legislation as stated in the recommendations provided in the 2nd and 3rd cycles. The NHRCM will proactively provide assistance for the Government of Mongolia in developing and adopting comprehensive legislation against discrimination.

3. Rights of LGBTI persons

Mongolia guaranteed equality in its Constitution by stating, 'all persons lawfully residing within Mongolia are equal before the law and the Court' and 'no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and post, religion, opinion or education.' By criminalizing discrimination based on sexual orientation in the Criminal Code in 2015, Mongolia has taken a significant step to ensure the rights of LGBTI persons. The NHRCM reminds the Government of Mongolia that it accepted the recommendation to 'promote equality in the enjoyment of human rights of LGBTI persons incorporating it into national legislation' provided by the Human Rights Council in 2015. It is still necessary to provide legal recognition and protection for same-sex couples.

4. Abolition of death penalty

Mongolia has abolished the death penalty de jure by removing death penalty from the Criminal Code. Even though there is a reference to death penalty in the Constitution of Mongolia, any attempt to reintroduce death penalty in Mongolia will not be supported as a State Party obligation under the 2nd Optional Protocol to the ICCPR dictates.

Conclusion

The Government of Mongolia has prospects to make much more effort at every level towards improving implementation of laws and policy in order to comply its national mechanism and legal environment with its obligations before international community. Thus, it should endeavor to implement its human rights obligations unambiguously by addressing the recommendations provided repeatedly by the Human Rights Council as well as looking back to the implementation of the recommendations from all three cycles of the universal periodic review.

National Human Rights Commission of Mongolia will always be willing to cooperate with the Government of Mongolia, civil society, and other stakeholders for the implementation of recommendations provided from the 3rd cycle of the universal periodic review and improvement of status of human rights in Mongolia.
