



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

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## **Human Rights Committee**

### **Seventh periodic report submitted by Mongolia under article 40 of the Covenant, due in 2022\***

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



## **I. Introduction**

1. This periodic report was prepared in accordance with Article 40 of the Covenant, and it includes detailed information focusing on the principal matters of concern stated in the Concluding observations and recommendations on the sixth periodic report of Mongolia given by the Human Rights Committee.
2. This report presents information related to and data collected through the first half of 2018 until 2022.

## **II. Follow-up information**

### **Article 1**

3. Please see the previous report.

### **Article 2**

#### **Follow-up information relating to paragraph 6 of the concluding observations (CCPR/C/MNG/CO/6)**

4. Trainings on international human rights treaties have constantly been organized for judges, prosecutors and lawyers by the Mongolian Bar Association under its continuous legal training programs; though, due to the lack in quality of the training, low usage or in application of the treaties in court practice still exist. There is a need for further improvement of these training programs to ensure that they are accessible, credible and efficient. Mongolia would like to cooperate with the Committee in this area for the latter's professional support and methodological advice. As of date, there are no views issued by the Committee regarding the 1st Optional Protocol to the Covenant.

#### **Follow-up information relating to paragraph 8 of the concluding observations**

5. The revised draft of the Law on National Human Rights Commission was developed by the Government of Mongolia in accordance with the Paris Principles (Principles Relating to the Status of National Human Rights Institutions) and was adopted by the State Great Hural (Parliament) in 2020. The Law stipulates that the process of selecting a member of the Commission should be conducted transparently and openly with the participation of the public, and that the Commission should have sufficient budget and human resources to carry out its activities independently. As of date, all seven members of the National Human Rights Commission have been appointed by the Parliament through an open selection process and are performing their official duties.

#### **Follow-up information relating to paragraph 12 of the concluding observations**

6. Tiered training courses for training gender trainers to increase the awareness of the public or civil servants about gender and gender discrimination, and to disseminate knowledge thereon, have been conducted since 2019. Currently, a total of 170 trainers have been trained and certified by governmental and non-governmental organizations, professional associations, and the LGBT Center.
7. Two cases of the crime of discrimination specified in the Criminal Code were registered in 2018, one in 2019 and one in 2020. Between 2021 and April 2022, no such crime was registered. In 2018–2022, no crime of discrimination was dealt with by the court.
8. Measures are being implemented step by step to strengthen the capacity of law enforcement officers to investigate this type of crime. For instance, the State General Prosecutor's Office developed a training program which includes subjects on the basic understanding of the crime of discrimination, related legal norms, and the criteria to differentiate this crime from similar crimes. This training program was accredited by the

training committee of the Mongolian Bar Association in 2021. Accordingly, a training course for prosecutors was organized in cooperation with the LGBT Center.

### Article 3

9. The Government approved the National Program on Gender Equality for 2017–2021 along with the budget for its implementation and endeavoured to implement comprehensive measures to combat and prevent violence and discrimination. The objectives of the National Program were assessed at 90 percent achievement.

10. To combat gender-based violence, a 16-day campaign to raise public awareness has been organized annually since 2017. Two studies on sexual harassment in the workplace conducted, within the last decade, by governmental and non-governmental organizations have shown that the awareness of the citizens and the public has increased, while the tendency to view gender issues as only women's issues has decreased. In addition, the participation of government institutions and business organizations, especially banks and financial institutions, in ensuring gender equality is increasing.

11. The national system for ensuring gender equality has strengthened, and gender policies in 12 sectors as well as 30 local gender sub-programs reflecting local characteristics are being implemented.

12. Although the legal environment for women to work in most profitable industries are improving and progress is shown in the areas of social culture and relations, men are trained more due to stereotypical attitudes in career choice. Tailored policies (special measures) that take into account the biological differences of, and provides support for women to be employed in these sectors are weak, and there is a lack of national experience in this field.

#### Follow-up information relating to paragraph 10(1) of the concluding observations

13. The Law on the Election of the State Great Hural of Mongolia<sup>1</sup> and the Law on the Elections of the Hural (Assembly) of Citizen Representatives of Aimag, Capital city, Soum and District (administrative units)<sup>2</sup> set forth the requirement that not less than 20 percent of total candidates nominated by parties or political coalitions shall be of any one sex. It has been legislated that a political party that does not fulfill this requirement shall be refused registration as a candidate for election by the General Election Committee. Moreover, the Law on the National Human Rights Commission stipulates that gender equality should be taken into account when appointing a member of the Commission.

14. To provide some statistics on the implementation of the objective of increasing women's participation at the decision-making levels:

- As of the time of this report, women account for 17.1% of members of the Parliament—the highest position in the legislative branch, 15.7% of Cabinet Ministers, 12.5% of Deputy Ministers, and 18.75% of state secretaries in the executive branch, and 70% of members of the General Judicial Council, one of the highest positions in the judiciary branch, representing an increase in the number of women in decision-making.

15. In addition, the percentage of women employed in management positions in government, non-government and private sector organizations reached 47.4 percent, an increase of 4.4 percent compared to the previous year. (<http://sdg.gov.mn/Goal?id=5>)

16. Paragraph 10.1.1 of Article 10 of the Law on Ensuring Gender Equality states that the “representation of any one sex among politically appointed state officials shall not be less than 15% in the Cabinet, province and capital city, 20% in district, 25% in soum and 30% at khoroo level. Paragraph 10.1.2 of the same Article states that the representation of any one sex in management positions in public administration shall not be less than 15% among state secretaries of ministries and heads of government agencies, 20% among heads of other state

<sup>1</sup> The Law was adopted on December 20, 2019 by the State Great Hural.

<sup>2</sup> The Law was adopted on January 30, 2020 by the State Great Hural.

central administrative authorities, 30% of directors of departments and divisions in ministries, and 40% among heads of governors' offices, departments and divisions of aimag, capital city, soum and district, respectively. As of 2021, the share of women in management positions in public administration equals 48.2 percent.

Position	Total	Gender			
		Male		Female	
		Number	Percent	Number	Percent
State Secretaries of ministries	14	12	85.7%	2	14.3%
Heads of agencies	33	29	87.9%	4	12.1%
Heads of Governor's offices of Aimags and the Capital city	22	16	72.7%	6	27.3%
Secretaries of Citizens' Representatives Hurals at Aimag and Capital city level	20	14	63.6%	6	27.3%
Secretaries of Citizens' Representatives Hurals at district level	9	7	77.8%	2	22.2%
Secretaries of Citizens' Representatives Hurals at soum level	322	121	36.7%	201	60.9%
Governors' Offices of Districts	9	7	77.8%	2	22.2%
Governors' Offices of Soums	300	148	44.9%	152	46.1%
<b>Total</b>	<b>772</b>	<b>400</b>	<b>51.8%</b>	<b>372</b>	<b>48.2%</b>

17. During the reporting period, the National Committee on Gender Equality has taken certain measures. For instance, members of Parliament and women's organizations affiliated with political parties jointly organized consultation meetings to identify obstacles to increasing women's participation at the decision-making level, improve the relevant legal framework, and sustainably support women working in decision-making. During the 2020 parliamentary elections, a "Balanced power" campaign was organized by sending calls to 15 political parties and four coalitions and organizing a one-month media campaign, including through the delivery of videos and stories, to convey appropriate appeals to the public to increase the participation of women at the level of political decision-making, while also cooperating with 28 non-governmental organizations.

18. A training on gender, gender inequality, gender-sensitive policy planning, budgeting, the need to improve the legal framework to support women's participation in politics and decision-making, international best practices in the field, and women's economic empowerment and capacity building, was organized for women leaders of political parties. A call for information was sent to 35 political parties registered at the Supreme Court, and a total of 58 women from 13 political parties enrolled in this training.

19. In the context of changing gender stereotypes and increasing public awareness, to eliminate customs, culture, and routine policies and activities that encourage human rights violations and gender discrimination and to enlighten the public, the National Gender Expert Group under the National Committee on Gender Equality delivered opinions on the "Human rights violation in organizing a competition to glorify the Darkhan Ber (a mother who gave birth to 3 or more sons in a row is named 'Honorable daughter-in-law') and "Violation of child rights in organizing gynaecological examinations for girls" respectively. These opinions and conclusions were delivered to relevant ministries, National councils and Commissions in official letters, and to other government authorities, civil society organizations and citizens through social networks and websites.

20. In addition, in the revised draft version of the Law on State and Locally Owned Companies developed by the Ministry of Justice and Home Affairs and submitted to the State Great Hural on May 4, 2022, a requirement for ensuring gender equality or gender balance when appointing members to the board of directors who have the responsibility of exercising the rights of shareholders of state and local property has been included. In other words, the draft law stipulates that the board of directors of a state-owned company will have nine

members, and not less than four will be women. In this way, it will help to ensure gender equality and increase the participation of women at the decision-making level of the company.

#### **Follow-up information relating to paragraph 10 (2) of the concluding observations**

21. Article Fourteen of the Constitution of Mongolia carries out the fundamental principle of non-discrimination that everyone shall be equal and not discriminated against. The possibility of equal enjoyment of the rights and freedoms guaranteed by the Constitution is further cemented in other relevant laws. For instance:

22. The Law on Ensuring Gender Equality, adopted in 2011, has defined gender discrimination and its direct and indirect forms. In 2021, an independent research organization conducted a study on the impacts of the implementation of the Law, including the principle of non-discrimination provided in paragraph 5.1.2 of Article 5 of the Law.

23. At present, there are 81 laws, such as the Criminal Code, Law on Administrative Offenses, Labor Code, Law on Education, and Law on Health, that aim at ensuring equality and justice and guaranteeing the enjoyment of human rights and freedoms without discrimination based on age, sex, occupation or position, opinion, marital status, or educational background.

24. A total of 59 complaints related to the right to be free from discrimination were submitted to the National Human Rights Commission between 2015 and 2019, including discrimination based on disability (18), ethnicity (8), employment and occupation (8), social background (5), and expression of view or education (5). In 2019, there were three complaints about discrimination based on gender.

25. The number of complaints about violations of the right to be free from discrimination equals 2 percent of the total complaints received by the National Human Rights Commission. Knowledge about the Law on Ensuring Gender Equality, principles of non-discrimination and gender equality, rights and obligations in this context is scarce among citizens. Due to this, in case of violation of rights, there is insufficient activity to submit complaints to the relevant government agencies for resolution.

26. Although relevant provisions concerning the prohibition of discrimination are included in sectoral laws, it cannot be denied that the change in social attitudes and extent of implementation of the laws remain insufficient.

### **Articles 4 and 5**

#### **Follow-up information relating to paragraph 15 of the concluding observations**

27. Considering that it is necessary to improve the legislation related to the declaration of a state of emergency per the needs and requirements of the times and society, a study has been planned to assess the effectiveness of the implementation of the Law on the State of Emergency approved by the State Great Hural in 1995, in light of introducing improvements to the Law.

### **Article 6**

#### **Follow-up information relating to paragraph 20 of the concluding observations**

28. Paragraph 200.1 of Article 200 of the Law on the Enforcement of Court Decisions states that “A prisoner serving a sentence in a special unit of a closed penitentiary facility shall be confined in a solitary cell and, if deemed necessary, the head of the penitentiary facility may, in consultation with the prosecutor, confine prisoners in pairs.” and the paragraph 5 of Article 206 of the Law states that “If a prisoner sentenced to life imprisonment has served ten years in a special-regime section of a closed penitentiary facility, he may be transferred to an ordinary-regime section of a closed penitentiary facility.” respectively. According to these provisions, there is a legal regulation for easing the regime for prisoners sentenced to life imprisonment.

29. Due to the abolition of the death penalty in Mongolia, the sentences of 34 prisoners sentenced to death were replaced with imprisonment of up to 30 years. Pursuant to crediting of sentences under the Criminal Code, two prisoners were released in 2017 and one prisoner in 2020 under early revision. Two prisoners died due to illness in 2017 and 2021, respectively. The remaining 29 prisoners are serving sentences in ordinary and special sections of closed penitentiary facilities.

## **Article 7**

30. To create an independent national mechanism for the prevention of torture, the Law on the National Human Rights Commission provides for the function of a Commissioner- a member of the Commission who is responsible for the prevention of torture, cruel, inhumane punishment, or degrading treatment, and establishes a unit in charge of assisting the Commissioner. The Law guarantees the independence of the Commissioner by prohibiting the Commissioners and other officials from interfering or participating in the activities of the member of the Commission in charge of the prevention of torture.

31. The Commissioner in charge of the prevention of torture shall have the right to freely enter the places specified in the Law at any time, to conduct inspections, to obtain information, to provide opinions or recommendations on whether draft laws or decisions of government institutions comply with the principle of the prevention of torture, and to have his safety ensured. In addition, the Law specifically stipulates that the budget for the prevention of torture should be sufficient for the Commissioner to carry out his functions fully, continuously, effectively, and independently.

32. The Commissioner in charge of the prevention of torture was selected through an open selection process in accordance with the Law and was appointed at the plenary session of the State Great Hural on June 3, 2022.

### **Follow-up information relating to paragraph 22(a) of the concluding observations**

33. The Ministry of Justice and Home Affairs developed a draft law on amendments to the Criminal Code and submitted it to the State Great Hural. In the draft law, the crime of torture provided for in paragraph 1 of Article 21.12 of the Criminal Code has been amended in accordance with the definition provided in Article 1 of the Convention against Torture:

## **Article 21.12 Torture**

34. The infliction of physical or mental suffering to a person for the specific purposes of obtaining explanation, testimony, extracting information, or confession from, or sentencing, punishing, intimidating, or discriminating a suspect, accused, defendant, convict, prisoner, victim, witness, or other person by a public servant himself or by instigating or issuing a permission to other persons or by expressing in other ways the approval of such actions, shall be punishable by a fine equal to five thousand four hundred to twenty seven thousand units, or imprisonment for a term of one to five years.

### **Follow-up information relating to paragraph 22(b) of the concluding observations**

35. The studies conducted by the State General Prosecutor's Office on the occurrence of the crime of torture and the causes of such crime in 2018, 2019, and June 15, 2020, respectively, show that a total of 302 complaints or reports about the crime of torture were received in the last three years. The initiation of inquiry was refused for 170 or 56.3 percent of the complaints, and for 127 cases for which the inquiry was initiated, 119 cases or 91.3 percent were closed, 5 cases or 3.9 percent were transferred to judicial review, and 3 cases or 2.3 percent were dismissed.

36. The studies revealed situations where complaints or reports were made on unfounded basis. For instance, the complainant or informant about the crime of torture refused forensic examination, was not the subject of the crime, or the complaints were made with regard to

circumstances that arose during the process of stopping the crime, or arrest, or transfer of the perpetrator to the authorities, or the complainant was previously involved in other crime and the complaint was, thus, made out of revenge against the investigator who detected it, or in an attempt to delay an investigation, to disclose, or to conceal, or to prevent the case from being discovered.

37. As for the prosecutors' office, higher-level prosecutors review the decisions of inferior investigation units regarding complaints or reports about the crime of torture as well as the process of investigation and provide necessary directions.

#### **Follow-up information relating to paragraph 22(c) of the concluding observations**

38. In 2018–2020, eight people were convicted by the court for four crimes of torture, where five were sentenced to imprisonment in one case, and three were fined in three cases.

39. Article 213 of the Law on Special Funds of the Government of Mongolia regulates the operation of the "Compensation fund for victims of crime". The fund provides for compensation for medical expenses, funeral cost, reduced wages due to loss of capability to work, and equivalent income for family members of persons who lost their lives due to torture or other crimes and victims who suffered serious injuries in accordance with existing court decisions.

40. To establish a legal framework for calculating, in monetary terms, the psychological harm inflicted on victims of crime, the Ministry of Justice and Home Affairs developed a revised draft of the Law on Forensic Investigation which was adopted accordingly by the State Great Hural. The Law provides for regulations to determine the harm caused to the psyche in monetary value and on compensation functions through defining the subjects responsible for determining and presenting opinion on the degree of and calculating the amount of compensation for the harm caused, the conditions to be taken into account when producing an opinion about a crime defined in the Criminal Code and harm incurred, as well as the person entitled to compensation.

#### **Follow-up information relating to paragraph 22(d) of the concluding observations**

41. A subject on torture and other cruel, inhumane forms of degrading treatment has been included in the training programs for officials working in institutions such as courts, prosecutors' offices, police, anti-corruption agencies, mental health centers, and agencies for enforcement of court-decisions, as well as undergraduate training programs at the University of Internal Affairs which prepares law enforcement officers. During the reporting period, more than 3,000 officials attended over 80 training sessions.

#### **Follow-up information relating to paragraph 22(e) of the concluding observations**

42. The jurisdiction of crime is determined and investigated in accordance with the "Regulation on the investigation of complaints and reports about crime and re-determination of the jurisdiction of prosecutors" approved by Order A/33 of 2020 of the Prosecutor General of Mongolia.

43. To realize the objective of developing a draft Law on Investigation Department as reflected in the policy document "The General Guidelines for Improving the Legislation of Mongolia until 2024", relevant research is being conducted.

### **Article 8**

44. In 2017, the National Program on Combating Human Trafficking was approved by Government Resolution No.148. Accordingly, a Sub-Council responsible for combating and preventing this type of crime, providing professional management, and monitoring the implementation of the Law on Combating Human Trafficking, was established in 2017 under the Crime Prevention Coordination Council.

45. For the implementation of the National program, 16.9 million MNT was allocated in 2017 from the state budget to non-governmental organizations which provided consulting

services, 95 million MNT in 2018, 115.6 million MNT in 2019, 432 million MNT in 2020, and 432 million MNT in 2021 respectively.

46. As of the first five months of 2022, 7 cases of human trafficking were reported under Article 13.1/Trafficking in Persons/of the Criminal Code, which is an increase by 6 units or a 6-fold increase compared to the same period of the previous year.

#### **Follow-up information relating to paragraph 28(a) of the concluding observations**

47. The Government has been cooperating with the Mongolian Gender Equality Center, a non-governmental organization which provides services to the victims of the crime of human trafficking through its temporary shelter. The center received state funding of 20 million MNT in 2019, 30 million MNT in 2020 and 2021 respectively.

48. In addition, since 2019, the Ministry of Labor and Social Protection of Mongolia has been implementing a 5-year project “Combating violence against women in Mongolia and strengthening assistance services for victims” in collaboration with the Ministry of Family and Gender Equality of the Republic of Korea. Within the framework of the project, 46 victims of trafficking for sexual exploitation in 2020, 41 victims in 2021, and 19 victims as of February 2022 approached the Gender Equality Center for primary care (e.g. shelter services, repatriation of eight victims of human trafficking from abroad, providing health, food, disposable clothing, household services, as well as legal assistance and psychological counseling) and rehabilitation (e.g. psychotherapy and professional orientation training, advocacy assistance, integration with family, and job placement) services.

49. A “Victim-Centered Investigation of Human Trafficking in Mongolia: Capacity building of officers” training program was developed and police, prosecutor, and judge trainers were prepared accordingly. In 2018–2019, 51 judges, 96 prosecutors and 232 police officers participated in the training. The training curriculum on the “Victim-centered investigation of the crime of human trafficking” was accredited by the Curriculum Committee of the Judicial Training, Research, and Information Institute and approved by the Chief Justice of the Supreme Court on April 25, 2022.

#### **Follow-up information relating to paragraph 28(b) of the concluding observations**

50. The State Great Hural adopted the revised version of the Law on National Naadam Festival, which increased the minimum age for jockeys to participate in a race from 7 to 8 years. Thus, it is believed that the risk of falling off a horse will reduce due to the features of child development and age. Also, the Law defines the rights and responsibilities of racehorse trainers. Paragraph 10.2, Article 10 of the Law states that the “horses competing in the national horse race for the National Naadam Festival shall be ridden by children of eight years of age or older, and child jockeys shall be insured by one-year accident insurance covering the period of the national horse race, preliminary races, and race preparation”. The Law also stipulates that the state administrative body in charge of family and child development must monitor whether child jockeys are insured for accident insurance during the national horse race and whether the protective clothing and equipment that meet the standard requirements are used.

51. The Ministry of Labor and Social Protection has issued directions to relevant stakeholders to inform and raise awareness of citizens, the public, parents, guardians, insurance companies, and public officers in charge of implementing the Law, on the Law and improve the maintenance and use of the database of child jockeys.

52. The Government Resolution No.57 of 2019 prohibited the organization of horse races, including national, preparatory, or preliminary races, from 1 November to 1 May every year. As a result, the number of horse races organized within a year has decreased by 2.8 times, and the number of children falling off horses during races by over 30 percent. In 2022, a total of 82 horse races, including national, preliminary, or preparatory races, were organized, and 3814 children participated in these races.

53. In 2018, 20 incidents of falling off a horse, which resulted in the loss of life or health injury, were reported to the police authority, and 11 cases in 2019, 8 cases in 2020, 4 cases in 2021, and 5 cases as of April 2022.



### Follow-up information relating to paragraph 30 of the concluding observations

54. In 2021, the State Great Hural adopted the revised version of the Labor Code, where Article 8 of the Code includes regulation on the prohibition of forced labor.

55. The General Agency for Specialized Investigation conducted planned inspections at 2133 objects in 2019, 1916 objects in 2020, and 159 objects in 2021. During these inspections, the state inspectors detected violations such as wages below the minimum amount specified in the collective agreement of the industry, inexistence of signed labor contracts, employees not given the full vacation, wages not fully paid, no payments for overtime work, apprenticeship period exceeded than required, the fees for working permission of employment of foreign citizens not paid, and social insurance premium not imposed. Fines were imposed by the state inspectors' acts, which equaled 3.9 billion MNT in 2019, 505.6 million MNT on 398 objects in 2020, and 318.9 million MNT on 20 objects in 2021, respectively. These violations have been settled through a simplified procedure for offense resolution.

56. The Ministry of Labor and Social Protection, in cooperation with the General Agency for Specialized Investigation, has conducted capacity-building training for state inspectors in charge of labor inspection and ensuring child rights.

## Article 9

### Follow-up information relating to paragraph 24(a) of the concluding observations

57. As a result of the policy maintained by the General Prosecutor's Office to avoid detention as far as possible during the inquiry and investigation processes and implementing specific measures in this area, the number of people arrested and detained tends to decrease. For instance, in 2016, a total of 2700 people were detained and investigated nationwide. In 2019, 1534 or 9.8 percent of 15580 accused persons put under restraining measures were detained, in 2020, 1485 or 9 percent of 16461, and as of the third quarter of 2021, 1071 or 7.9 percent of 13547. The remaining persons were given other types of restraining measures prescribed by law.

### Follow-up information relating to paragraph 24(b) of the concluding observations

58. The Department of Administration of Non-custodial Sentences of the General Agency for Enforcement of Court Decisions under the Ministry of Justice and Home Affairs is implementing and monitoring the administration of sentences of restriction of the right to travel from January 1, 2021. Travel restriction is a new type of punishment that brings significant reform to the penal policy of Mongolia and promotes social development, while allowing the person sentenced by the court to work and study among family, organization, and community without isolation from society. As of March 25, 2022, the number of people sentenced to travel restriction reached 2179, indicating a potential increase in the tendency of courts to impose this type of sentence.

### Data of non-custodial penalties imposed by the court

Year	Cases	Number of persons convicted	Number of persons sentenced with custodial penalties	Number of persons sentenced with non-custodial penalties	Percentage of persons sentenced with non-custodial penalties	Percentage of persons sentenced with custodial penalties
2018	12 551	12 366	3 245	9 121	73.8%	26.2%
2019	13 427	13 011	3 520	9 491	72.9%	27.1%
2020	13 470	13 391	3 669	9 722	72.6%	27.4%
2021	12 068	11 263	2 518	8 745	77.6%	22.4%

**Follow-up information relating to paragraph 24(c) of the concluding observations**

59. Article 7.3<sup>3</sup> of the Criminal Procedure Code enshrines the right to know of an accusation against oneself. Also, paragraph 10 of Article 14.13 states that ‘In case the court makes a decision to take a restraining measure to detain the accused:

*“10.1. within 2 hours after the court decision is made, the detention shall be informed to a member of the accused’s family who is over 18 years old, or defense advocate. In case the detainee is a foreign citizen, it shall be informed to the relevant diplomatic mission or to the central state administrative body in charge of external affairs if diplomatic mission of such country is not established in Mongolia;*

*10.2. the court decision shall state that the accused to be detained in the detention center located in the territory of such court’s jurisdiction.”*

60. Of the detainees who were taken into custody under the restraining measure of detainment, 61 in 2017, 116 in 2018, 96 in 2019, 112 in 2020, 81 in 2021, and 38 as of June 10, 2022, were transferred between detention centers due to health reasons and change in case jurisdictions under appropriate permission and warrant.

**Follow-up information relating to paragraph 24(d) of the concluding observations**

61. Paragraph 1 of Article 6.10 of the Criminal Code<sup>4</sup> states that the “Court shall credit the term of arrest or detention against the penalty of the convicted” whereas paragraph 2 states “Penalty shall be reduced by crediting one day of arrest or detention for MNT equal to an amount of fifteen units of fine, or for eight hours of community service, or for one day of restriction of the right to travel”. Also, paragraph 4 of Article 14.10 of the Criminal Procedure Code stipulates that “If an accused is detained again for the same crime, or for another separated or a consolidated crime, the period of previous detention shall be counted in the calculation of the total duration of detention”.

62. The State General Prosecutor’s Office regularly monitors how the credit for time spent in detention is applied by the court when sentencing a person who has committed a crime. During the reporting period, miscalculations of jail time credits were detected in the case of 76 sentenced persons, where the time of detention was overestimated in 29 instances and underestimated in 47. Subsequently, prosecutors’ proposals were issued and submitted to the court for correction, thus restoring the rights of the prisoners.

**Follow-up information relating to paragraph 24(e) of the concluding observations**

63. The General Agency for Enforcement of Court Decisions delivered 9 complaints in 2017, 5 in 2018, 7 in 2019, 6 in 2020, 7 in 2021, and 1 in the first half of 2022, filed by detainees on the violation of human rights and overstay at detention centers, to the State Great Hural, Ministry of Justice and Home Affairs, courts, and prosecutors’ offices in accordance with the applicable procedures. Upon reviewing the complaints, the court found that most of the decisions had lawful grounds, whose judgments were duly notified to the detainees.

**Follow-up information relating to paragraph 24(f) of the concluding observations**

64. In order to improve the implementation, performance, and effectiveness of services of imprisonment and detention measures prescribed by the Criminal Code, to consolidate the data of prisoners in a coherent manner, to collect information, to expand the scope of

<sup>3</sup> Article 7.3. Right to know of an accusation against oneself

1. An accused shall have the right to know for what offense he/she is accused of.

2. An accused shall have the right to be introduced with the decision about considering him/her as accused and/or decision about taking restraining measures on him/her.

3. An accused shall have the right to give a verbal or written explanation about the criminal penalty brought against him/her.

4. Accused shall have the right to present evidence and to submit a request about examination of evidence.

<sup>4</sup> The Criminal Code was adopted on December 3, 2015, and entered into force on July 1, 2017.

statistical data, and to improve data analysis proficiency, the General Agency for Enforcement of Court Decisions introduced a unified registration system for the oversight of detainees and prisoners in 2017 and has been using it throughout the organization.

65. The registration system includes all types of information on detainees and prisoners (meetings, transfers between facilities, petitions, complaints, health conditions, information about family members and close relatives, etc.) and is updated annually. Further, it has been planned to connect the system with other electronic information systems, such as those run by the State General Prosecutor's Office and other legal institutions.

#### **Follow-up information relating to paragraph 26 of the concluding observations**

66. As of June 28, 2022, there were a total of 4967 detainees and prisoners nationwide, of whom 3753 were prisoners and 1214 detainees, in 21 penitentiary and 29 detention facilities that carry out special functions under the law.

67. Thanks to the stipulations of "Crediting" in the revised Criminal Code, the Law on Amnesty adopted in 2021, and the implementation of non-incarceration penalties, the number of prisoners has decreased compared to previous years, and the capacity of penitentiary and detention centers is at a normal level. In some detention facilities, the number of detainees remains less than 50 percent of the capacity of the detention facility.

#### **Follow-up information relating to paragraph 20 of the concluding observations**

68. There are 29 detention facilities and centers operating throughout the country. Of these, 20 were newly built, with 11 before 2016 and 9 afterward, and 8 were renovated as per requirements.

69. Since 2016, 3,118,306,478 (three billion one hundred eighteen million three hundred six thousand four hundred and seventy-eight) MNT budget has been spent for improving conditions of the detention centers and facilities, and 11,691,849,322 (eleven billion six hundred and ninety-one thousand eight hundred and forty-nine thousand three hundred twenty-two) MNT budget for the construction of new detention centers and facilities.

70. The newly built or renovated detention facilities fully meet the basic requirements for detention rooms and cells specified in the United Nations Standard Minimum Rules for the Treatment of Prisoners.

## **Article 10**

#### **Follow-up information relating to paragraph 34(1) of the concluding observations**

71. At present, the policy of resolving child-related cases by judges, prosecutors, lawyers, and investigators specializing in children's issues is being implemented through the Legal Committees on Child Rights. Additionally, by Order A/316 of 2020 of the Head of the National Police Agency, a new department for investigating crimes against and committed by children was established at the Investigation Department with a total of 9 job positions. In addition to detecting and investigating crimes against children defined in Chapter 16 of the Criminal Code, the department also provides methodological guidance to investigators of local police organizations in investigating crimes against children.

72. The "Rule on the composition, structure, and procedures of operation of the Legal Committees on Child Rights" was updated by joint Orders A/190 and A/280 of 2021 of the Minister of Justice and Home Affairs and the Minister of Labor and Social Protection. Pursuant to the renewed rule, Legal Committees on Child Rights have been newly established by orders of the local governors of all aimags and districts and more than 480 employees from government and non-government organizations have been appointed nationwide to work in these Committees.

73. Training to provide professional and methodological guidance to the members of the Legal Committees on Child Rights has been organized by the Coordination Council for Crime Prevention and the Family, Child, and Youth Development Department in cooperation with the International Development Law Organization (IDLO) since February 21, 2022, in

which all members of the Legal Committees on Child Rights from 21 aimags have enrolled. A methodological manual for the members of the Legal Committees was developed and distributed in 500 copies with the financial support of IDLO. The Family, Child, and Youth Development Department is creating a database of children who have received services provided by the Legal Committees on Child Rights.

74. The Legal Committees on Child Rights provided services to 603 children in 2021 and 722 children as of the second quarter of 2022, among whom were 101 children involved in crime, 125 witnesses, 391 victims, and 105 children subjected to disciplinary measures.

#### **Follow-up information relating to paragraph 34(2) of the concluding observations**

75. The Legal Assistance Center under the Ministry of Justice and Home Affairs provides legal assistance to children involved in crime based on the determination of his insolvency. Defense assistance was provided for 300 children out of 1954 children involved in 1,814 criminal cases in 2018, 311 children out of 2134 children involved in 1986 criminal cases in 2019, 213 children out of 2011 children involved in 1891 criminal cases in 2020, 144 children out of 1498 children involved in 1435 criminal cases in 2021, and 98 children out of 1009 children involved in 965 criminal cases in the first half of 2022. Due to the situation during the Covid-19 pandemic, the number of children involved in crime decreased.

76. On July 1, 2022, the State Great Hural adopted the Law on Legal Aid which was drafted and submitted to it by the Government. Under this law, free legal defense became available for minor victims of the crimes specified in Chapter 12 /Crimes against the sexual freedom and inviolability of person/, Chapter 14, Article 14.1 / Discrimination/, Chapter 16 /Crimes against children/, Article 11.7 /Domestic violence/, and Article 13.1 /Human trafficking/ of the Criminal Code, child witnesses and children in risky situations specified in paragraph 4.1.1 of Article 4 of the Law on Child Protection, as well as children whose rights were violated due to the offenses defined in Article 5.4 /Violation of the Law on Combating Domestic Violence/, and Article 6.20 /Violation of child rights/ of the Law on Administrative Offenses, at the request of the child's parents, guardians, custodians, or where necessary, at the request of child protection organizations, social workers, investigators, prosecutors, or judges.

#### **Follow-up information relating to paragraph 34(3) of the concluding observations**

77. In order to distance children who are being investigated for crimes and offenses from the negative effects of criminal proceedings, the Legal Committees on Child Rights working in aimags and districts include different officials such as the head of administration of the court, the general prosecutor of prosecutor's offices, the head of police departments, the chair of divisions for enforcement of court decisions, and the head of divisions for family, child, and youth development, who support the activities of the Committees within their respective functions.

78. For instance, general prosecutors, as a member of the Legal Committee on Child Rights, exercise functions such as designating specialized prosecutors to monitor crimes involving children, providing possibilities for prompt resolution of crimes and offenses involving children, monitoring and ensuring that breaches that violate the legitimate interests of child involved in crime do not occur in criminal proceedings, as well as, reviewing the implementation of measures stated in Article 37, paragraph (a) and (b), of the Convention on the Rights of the Child.

#### **Follow-up information relating to paragraph 34(3) of the concluding observations**

79. Paragraph 32.2.1 of Article 32 of the Law on Enforcement of Decisions on Arrest and Detention of Suspects and Accused<sup>5</sup> provides for the detention of minors separately from other detainees. According to the law, minor children are detained separately from other suspects and accused persons and are constantly monitored by guards.

<sup>5</sup> The Law was adopted by the State Great Hural on July 1, 1999.

80. Detention measures taken against juveniles are implemented in accordance with the Law on the Enforcement of Court Decisions.

81. For the purpose of enforcing detention measures taken against juveniles, 26 rooms are arranged at the closed detention facility No.461 under the General Agency for Enforcement of Court Decision and 1 room at each local detention facility.

82. Before 2017, an average of 50–60 juveniles was detained regularly a year. Since 2017, the number of juvenile detainees has constantly decreased. For instance, there were 38 juvenile detainees in 2017, 29 in 2018, 49 in 2019, 24 in 2020, 22 in 2021 and 23 as of June 10, 2022.

83. Article 31.1 of Law on Enforcement of Decisions on Arrest and Detention of Suspects and Accused states that "... detained juveniles shall be kept in a place with improved living conditions, and the amount of calories for juveniles shall be increased...", and Article 31.3 determines that "the authority in charge of enforcing court decisions on detention shall organize training for juveniles being detained". In accordance with the above requirements and to improve the conditions and comfort of cells for pregnant women, women, and juveniles, detention rooms in detention centers and 28 detention units were renovated and furnished with parquet flooring and wooden beds.

84. When a minor child is admitted to a detention facility, the internal rule of the facility, its environment, the safety zone, warning signs, and the rights and duties of detainees is explained to the child, and the relevant documents are kept in the detainee's profile.

85. Moreover, interrogation rooms and cells of detention facilities and special training and disciplinary institutions are equipped with CCTV cameras.

## Article 11

86. Please see the previous report.

## Article 12

87. During the Covid-19 pandemic, as of December 31, 2020, 20582 citizens were evacuated from 91 countries by air in 106 flights, 4210 through Mongolia-China border ports, and 2392 through Mongolia-Russia ports, totalling 27184 citizens.

88. As of 2021, 188.8 million MNT financial support was provided for 56 applications and requests from the "Fund of Assistance to Mongolian Citizens Living Abroad". Out of the 300 million MNT raised by the State Emergency Commission for the Fund, 120.2 million MNT was provided to 280 citizens in 2021 for the cost of isolation accommodation and other financial expenses (including flight tickets, isolation costs, and document fees).<sup>6</sup>

## Article 13

89. Relations concerning deportation of foreigners are regulated by the Law on the Legal Status of Foreign Citizens, adopted in 2010<sup>7</sup>. The Law was amended in 2020 to include grounds for exemption from deportation due to reasonable conditions such as personal situation and health of foreign nationals, respecting the rights and freedoms of foreign nationals and creating conditions for them to protect their rights. Also, Article 5.8 of the "Procedures for Deporting Foreign Nationals from Mongolia, Exemption from Deportation, and Denial of Re-entry to Mongolia", which was approved by Resolution No.193 of 2021 of the Government, states that "Due to the imposition of quarantine and movement restrictions by the competent authorities, not registering, not obtaining a residence permit, or not

<sup>6</sup> Performance report of the "Action program of the Government of Mongolia, 2020–2024" (performance as of 2021).

<sup>7</sup> The provision of the law is distinctly stated in the previous periodic report.

renewing a visa or residence permit within the period specified by law will not constitute a ground to deport a foreign national.”

90. During the reporting period, in 2018, 529 citizens of 28 countries and 2 stateless persons were deported, 43 citizens of 10 countries were suspended from leaving Mongolia, and 75 citizens of 14 countries were restored the right to enter Mongolia. In 2019, 1510 citizens of 26 countries and 1 stateless person were deported, the decisions to deport 15 citizens of 5 countries were cancelled ahead of time, and the period of the ban was changed for 6 citizens of 4 countries and 1 stateless person. In 2020, 181 citizens of 17 countries and 1 stateless person were deported, the period of the ban was extended for 27 citizens of 6 countries, and 1 citizen’s right to enter Mongolia was restored ahead of time. In 2021, 31 citizens of 14 countries were deported from Mongolia, and the right to enter was restored ahead of time for 2 citizens of 2 countries. Moreover, since the PRC had closed its borders because of the pandemic situation and was unable to receive its citizens, the decision to deport 9 citizens of the PRC was not implemented until the situation was resolved.

## Article 14

### Follow-up information relating to paragraph 32 (1) of the concluding observations

91. In accordance with the amendments made to the Constitution of Mongolia, approved on November 14, 2019, the Law on Courts of Mongolia was developed by the Ministry of Justice and Home Affairs and adopted by the State Great Hural on January 15, 2021. The law entered into force on March 1, 2022.

92. The Law on Courts provides for comprehensive regulation of the relations concerning the court system of Mongolia, its organizational structure, operation of courts, conditions and requirements for judges, the powers and legal status of judges, the impartiality of judges and independence of the judiciary, the legal status of citizens’ representatives, and the power, organization, and operational procedure of the General Judicial Council and the Judicial Disciplinary Committee of Mongolia.

93. Pursuant to Article Forty-nine of the Constitution of Mongolia, the Law enables the General Judicial Council to independently exercise the functions of selecting judges from among lawyers and protecting their interests, and stipulates that the Council shall consist of ten full-time members, five of whom are judges, where one judge to be appointed by the General Assembly of all judges from the supervisory court, and two judges from the appellate and first instance courts each, and the other five non-judge members of the Council to be appointed by the State Great Hural.

94. According to the law, the five judge-members of the General Judicial Council must have at least 10 years of experience working as a judge and have no history of disciplinary punishment. On the other hand, the five non-judge members of the Council must have worked as a lawyer for at least 10 years, have a high level of legal expertise, and shall not have worked as a judge or have held a political position, or a leadership position in a political party for the last 5 years.

95. The General Judicial Council conducts a two-phase examination of legal knowledge, skills, qualifications, ethics, and behavior of candidate judges. Accordingly, the candidates who pass these tests and have the highest score are recommended by the Council to the President of Mongolia for appointment as judges.

96. The law sets out a detailed procedure for conducting exams for candidate judges to ensure that the procedure for selecting and appointing judges is open and transparent to the public. It requires the scores obtained by candidates at such exams to be posted on the website of the General Judicial Council, enables the public to submit their opinions about the qualifications, skills, and reputation of candidates for judges, and further obliges the General Judicial Council to regularly post its decisions and work reports on its website.

97. In addition, to ensure citizens’ right to access to court guaranteed by the Constitution of Mongolia, and to bring court services closer to citizens and make them accessible, the Law has opened the possibility of establishing courts of first instance and appeals on a circuit basis.

98. In the context of strengthening the independence of the judiciary and impartiality of judges:

- Paragraph 3 of Article Forty-eight of the Constitution of Mongolia stipulates that “Court shall be financed from the state budget”. The State shall ensure economic guarantees for the operation of the court”. In this context, the following advanced regulations have been enacted to ensure economic guarantees for courts and judges;
- Judges, as core civil servants, are entitled to additional pay for the duration of employment in the civil service, special conditions of work, and Ph.D. degree specified in the Law on Public Service;
- Adoption of laws and normative acts that undermine the independence of the judiciary and impartiality of judges is prohibited;
- The amount of budget expenditures of courts, authorized for any fiscal year, shall not be reduced from the previous fiscal year, except for state budget savings;
- Principles to be followed in the preparation and approval of the court budget are set out.

99. In accordance with the specific nature of the professional work of the judge, the upper age limit for serving as a judge is set at 60 years by the Law, and those who have reached the age of 55 and have served as a judge for 30 or more years are entitled to retire immediately, and judges who have reached the age of 55 or who have served as judges for 25 years can retire should they prefer to. Also, retiring judges are entitled to a one-time allowance for a period of 36 months based on their average salary received.

100. Moreover, the resolution of the State Great Hural adopted in connection with the approval of the revised Law on Courts obliges the Government Cabinet and the General Judicial Council to take measures such as reflecting the costs required for the provision of court services accessible to citizens and the construction of court buildings which meet the relevant requirements in the annual main directions of the economic and social development of Mongolia and the state budget prospects and doubling the basic salary of assistants of judges and court secretaries.

101. Regarding the regulation against interference with judicial independence:

- Considering that only by creating a legal framework to protect judges from external influence the conditions for their independent and impartial work would be established, significant progressive regulations have been introduced by the law in this regard. For instance, in the event officials such as the President of Mongolia, members of the State Great Hural, the Prime Minister, Cabinet members, members of the Constitutional Court, the Chief Justice and other justices of the Supreme Court, and the State Prosecutor General shall meet judges on official business, minutes of the meeting shall be taken and given to the organization’s officer in charge of confidential information. Moreover, in case the President, members of the State Great Hural, or the Cabinet has rendered a decision that interferes or threatens the judicial independence, or if the Chief Justice of the Supreme Court or the State Prosecutor General has acted in such a manner, the General Judicial Council shall immediately meet and submit a proposal to the Supreme Court to be forwarded to the Constitutional Court for decision.

102. The provisions of the previous law, which provided grounds for suspending a judge’s powers in the event of a recommendation from the National Security Council, were removed from the new law considering the principles of independence of judges and the distribution of state power. Also, it is prohibited to transfer a judge to another court without his consent.

103. The General Judicial Council approved the “Procedure for the evaluation and selection of judges” and the “Methodology for organizing the examination for selection of judges”, respectively. As of the first half of 2022, the selection for the five vacant positions of judges in the courts of first instance, nine in the appellate courts, and three in the Supreme Court were publicly announced and posted at <https://www.judcouncil.mn/>, the registration of candidates and organization of the exams were conducted within the timeframe specified by the law and the scores of the qualified candidates were ranked and informed to the public,

and submitted to the President of Mongolia, following which the judges were appointed accordingly.

**Follow-up information relating to paragraph 32(2) of the concluding observations**

104. One of the major developments in the newly adopted Law on Courts is the determination of disciplinary violations of judges as well as the powers and activity of the Judicial Disciplinary Committee, which is responsible for holding judges accountable for disciplinary violations.

105. The Law establishes the legal environment for the independent operation of the Judicial Disciplinary Committee, which is responsible for the suspension or dismissal of judges and imposition of other disciplinary punishments in accordance with the grounds and procedures provided by law, and stipulates that the Committee shall consist of nine full-time members, four of whom are judges, where one judge to be appointed by the General Assembly of all judges from the supervisory court, two from the appellate court, and one from the court of first instance, and the other five members to be appointed by the State Great Hural on the basis of open selection. The requirements for a member of the Judicial Disciplinary Committee have been legislated to be the same as the requirements for a member of the General Council of the Court.

106. In conformity with the provisions of Article Fifty-one of the Constitution of Mongolia, which requires the removal of judges only on the grounds provided by law, the Law on Courts defines more than 40 types of disciplinary violations prohibited for judges, determines 5 types of punishments, such as closed and open warning, salary reduction for a certain period and percentage, suspension of power, ordering to attend training, and dismissal from office, to be imposed for a disciplinary violation of judges pursuant to the nature and extent of the violation, opening, thus, the possibility of imposing a punishment which is appropriate to the degree of the violation. Moreover, the statute of limitations for disciplinary violations has been extended. For instance, a violation shall not be exempt from disciplinary punishment unless 2 years have elapsed since the discovery of a disciplinary violation punishable by dismissal from office and 5 years since its commission, and unless 1 year has passed since the discovery of a violation punishable by disciplinary punishment other than dismissal from office and 2 years since its commission.

107. According to the Law, the proceedings to review the disciplinary violations by judges consist of receiving petitions or information, initiating and investigating disciplinary cases, reviewing them at the meeting of the Judicial Disciplinary Committee, filing counter complaints or objections, and reviewing such complaints or objections. Moreover, in case the proceedings are deemed to be in breach of law, an appeal can be made to the Supreme Court for review of the decision that imposes disciplinary punishment. The members of the Judicial Disciplinary Committee and the General Judicial Council have all been appointed and have commenced their work.

108. Chapter 7 of the Law on Prosecutors<sup>8</sup> sets forth professional and disciplinary responsibilities of prosecutors. An ex officio Prosecutor's Ethics Council has been established to review and issue conclusions on matters concerning violations of the prosecutors' code of ethics. By Decree No.10 of 2018 of the President of Mongolia, the "Code of Ethics of Prosecutors" and the "Operational Procedure of the Prosecutor's Ethics Council" were approved, respectively. According to the Order A/18 of 2021 of the State Prosecutor General, the composition of the Prosecutor's Ethics Council has been renewed, and a chair and 8 members of the Council have been appointed. Complaints and requests from participants in proceedings, officials, citizens, and legal entities to the Prosecutor's Ethics Council about "prosecutor's misconduct" are investigated by the unit responsible for monitoring and internal security of the State General Prosecutor's Office.

<sup>8</sup> Law on Prosecutors was adopted on June 9, 2017.



## Article 15

109. Paragraph 1 of Article 1.9 of the Criminal Code of 2015 states that “Laws that decriminalize an act or omission, reduce penalties, improve the legal status of a person who has committed a crime shall be applied retroactively”, Paragraph 2 stipulates that “Laws that criminalize an act or omission, or increase the severity of penalties, and worsen the legal status of a person who has committed a crime shall not be applied retroactively”, and Paragraph 3 states that “In case the penalty for a particular crime is reduced under a new law, the court shall reduce the penalty of the previously sentenced person to the level prescribed by the new law”.

110. In addition, on May 13, 2016, the State Great Hural adopted the Law on the Procedure for Implementation of the Criminal Code. This Law establishes the following procedure for retroactive application of the Criminal Code:

- Exemption of persons who were convicted under the Criminal Code in effect before July 1, 2017, for acts or omissions not considered crimes by the revised Criminal Code adopted on December 3, 2015, from the remaining principal and additional penalties and other measures of criminal liability;
- Dismissal of criminal cases committed before July 1, 2017, that are not considered crimes by the revised Criminal Code adopted on December 3, 2015, and which are in the process of inquiry or investigation, in accordance with the procedure specified in the Criminal Procedure Code;
- If the sentence imposed on a convicted person before July 1, 2017 is more severe than the equivalent type of sentence that may be imposed under the relevant articles, sections, and provisions of the revised Criminal Code adopted on December 3, 2015, the court to reduce the penalty to the corresponding level;
- Accordingly, exemption from punishment and other measures of criminal liability, dismissal of criminal cases, and reduction of penalty to the corresponding levels were carried out by October 1, 2017.

111. Based on these legal provisions, the Chamber of Criminal Cases of the Supreme Court developed a mathematical and statistical methodology for the commutation of sentence of convicts in accordance with the new Criminal Code and distributed it to all aimag and capital city courts along with the recommendation for its application.

112. Application of this mathematical and statistical methodology and recommendations has allowed courts to commute the sentence of the convicted based on scientific estimation, has prevented risks of differential sentence reductions, and thus has contributed substantially to the realization of the principles of justice and equality before the law and court.

113. Nationwide, the sentence of 4124 convicts was reduced to the equivalent level of sentence stipulated in the relevant articles and sections of the revised Criminal Code of 2015, of whom 1049 convicts whose sentences were reduced were released and the sentence of the remaining 3075 convicts were reduced accordingly.

## Article 16

114. Please see the previous report.

## Article 17

### Follow-up information relating to paragraph 36 of the concluding observations

115. The Government approved the “Procedures for Compensatory Payments for the Redevelopment of Cities and Urban Areas” by its Resolution No.222 of 2018 and the “Procedures for Allotment of Land by its Owner and Possessor for Reorganization of Residential Areas of Ger districts” by Resolution No.341 of the same year, putting in place legal regulations for compensation based on market principles.

116. In the territory of the capital city, land acquisition has been done in 87 locations of ger district residential areas, and in 8 locations, the construction of social infrastructure facilities, such as schools and kindergartens, is underway. Citizens who have been affected by the construction work and who have vacated their land are registered in the database, with changes reflected on a regular basis. In order to guarantee the release of land with compensation, the “Form for Preliminary Notice” and “Form for Consent” have been approved and are used in the process.

117. Since 2013, there were 633 families who lost their land due to the delay or cessation of redevelopment projects in ger districts. Of these, 320 families were transferred to apartments constructed by project implementers in 2017–2018, 223 families were provided with rented apartments in 2019–2020, and 43 families whose living environment deteriorated due to the construction work were offered apartments in exchange for their land, thus guaranteeing their right to live in a healthy and safe environment. At present, 47 affected families are being arranged for rental housing.

### **Article 18**

118. A revised draft of the Law on Relations between State and Religious Institutions is being developed to ensure the freedom of conscience and religion guaranteed by the Constitution of Mongolia, and in accordance with the International Covenant on Civil and Political Rights and the National Security Concept of Mongolia.

119. In addition to regulating relations between state and religious institutions, the draft law includes provisions expanding the regulations that protect the freedom of conscience and religion guaranteed by the Constitution of Mongolia, which was left unregulated, introduces definitions of terms of Buddhism as well as other general notions such as doctrines, prayers, religious organization, supporter, and contributor used by other religions and sects, and regulates common relations between religious organizations and that related to the activities of different religions and sects.

### **Article 19**

120. A Working Group was established to draft a revised version of the Law on Freedom of the Media, and the members of the Working group include journalists and representatives of journalists’ rights protection associations.

121. The concept of the draft law has been approved, the first version of the draft has been developed and presented to the representatives of media organizations, and further development of the draft law is underway.

### **Follow-up information relating to paragraph 38 of the concluding observations**

122. There is no regulation on defamation in the current Criminal Code.

### **Article 20**

123. Please see the previous report.

### **Article 21**

124. The Government of Mongolia is paying attention to improving the legal framework to increase guarantees for citizens to freely express their opinion, hold peaceful assemblies and demonstrations, and enjoy the freedom of association, except when it harms national security, public order, and the rights and freedoms of others.

125. The draft law on the amendments to the Law on Procedures for Organizing Peaceful Assemblies and Demonstrations, which was developed along with the revised version of the Law on Administrative Offenses submitted by the Government to the State Great Hural,

provides for the change of time for registering demonstrations and assemblies from 3 days to 1 day.

126. A Working Group has been established to draft a revision of the Law on Procedures for Organizing Peaceful Assemblies and Demonstrations approved by the State Great Hural in 1994. Currently, an assessment has been carried out to evaluate the impact of implementation of the Law.

#### **Follow-up information relating to paragraph 12(2) of the concluding observations**

127. There were recorded 28 demonstrations in Mongolia in 2018, 54 in 2019, 44 in 2020, and 25 in 2021.

128. For instance, on August 25, 2018, the LGBTQ center organized the “Voice for Equality Demonstration”, where 180 people marched, and on August 31, 2019, the “March for Gender Equality and Respect for Human Rights of Sexual Minorities” with the participation of 120 people.

### **Article 22**

129. The Government has developed a draft Law on the Legal Status of Associations and submitted it to the State Great Hural.

130. The draft Law on the Legal Status of Associations elaborates on the possibility of citizens to exercise their right to freedom of association by establishing an association with or without legal personality and builds upon the concept of voluntary establishment of association, joining, and leaving thereof.

### **Article 23**

#### **Follow-up information relating to paragraph 18(1) of the concluding observations**

131. To ensure the effectiveness of efforts to prevent domestic violence, to improve public understanding and attitude towards it, to positively change the behavior of perpetrators of violence, to strengthen the capacity of human resources in order to provide social work and services to victims at a professional level, to reduce violence, and to deliver necessary services to victims of violence in a timely manner, policies and measures are being undertaken with a focus to provide professional management and guidance in these works, and training and advocacy activities aimed at the public are regularly conducted.

#### **Follow-up information relating to paragraph 18(2) of the concluding observations**

132. A total of 1531 domestic violence crimes were registered by the police in 2021, which is an increase of 393 cases or 34.5 percent from 2020. Of these, 852 cases were registered in the capital city, representing an increase of 268 cases or 45.9 percent, and 679 in rural areas with an increase of 125 cases or 22.6 percent compared to the previous year.<sup>9</sup>

133. According to the information provided by the State General Prosecutor’s Office, as of December 15, 2021, 8 defendants in 13 cases were found guilty for the crime of “committing domestic violence and murder”, whereas 1 person was sentenced to life imprisonment, and 7 to 12–20 years of imprisonment, with 3 convicts to serve their sentences in open, and 5 in closed penitentiary facilities.

134. Article 222.1 of the Law on the Enforcement of Court Decisions stipulates that “mandatory training shall be organized to influence the behavior of prisoners convicted of domestic violence”. Accordingly, 9 sets of legal and psychological training programs on behavior modification, a “Standard training program for new arrivals and before release”, and a “Standard training program during imprisonment” are being organized by social

<sup>9</sup> Statement of cases and offenses recorded by police authority in 2021.

workers and psychologists in penitentiary facilities for prisoners sentenced under Article 11.7 of the Criminal Code.

135. Mandatory training on behavior modification for persons arrested for committing the offense of domestic violence stated in Article 5.4.4 of the Law on Offenses is carried out in accordance with the “Mandatory training program on behavior modification” approved by Order A/73 of 2017 of the Ministry of Justice and Home Affairs. The training is jointly conducted by government and non-government organizations in individual or in-class format, through take-out assignments, or by using information and notification systems.

136. In 2020, 5,899 people who were arrested under court decision for 7–30 days for violating the Law on Combating Domestic Violence were given 266 sessions of 608 hours of in-class and individual training, 82 sessions of 82 hours of take-out assignments, and 105 sessions of 210 hours of radio class; in 2021, 3830 people were enrolled in 174 sessions of 380 hours of in-class and individual training, 54 sessions of 54 hours of take-out assignments, and 69 sessions of 138 hours through information and notification systems; and in the first half of 2022, 3296 people in 102 sessions of 1610 hours of in-class and individual training and 338 sessions of 771 hours through information notification systems.

#### **Follow-up information relating to paragraph 18(3) of the concluding observations**

137. In accordance with the Law on Combating Domestic Violence, a system for the protection of victims of violence has been created, and the victims are provided with comprehensive protection and services. Nationwide, 6246 members of 735 joint teams tasked to provide primary services to victims of domestic violence are providing protection services to all victims of violence, including children and women, in a total of 33 shelters (17 temporary shelters, 16 one-stop service centers).

138. Under the order A/150 of 2020 of the Minister of Labor and Social Protection, the variable cost per person of temporary shelter services has been revised, and one-stop service centers and temporary shelters are financed by the state budget in accordance with revised normative. Information system for domestic violence victims, [www.etuslamj.mn](http://www.etuslamj.mn) was created and linked to temporary shelters and one-stop service centers. Through this system, every instance of domestic violence against child and women victims is recorded, every process of social services to be provided to the victim is determined, factual information about the victim at the time of violence is established, and service records and information are fully digitized, thus enabling a system of professional social works management and control for all primary services provided.

139. According to the conclusion of the Ministry of Labor and Social Protection, the measures undertaken in 2020 due to the Covid-19 pandemic (curfews and declaration of emergency) significantly contributed to the increase in stress levels by changing the daily lifestyle of the population. Therefore, a Rapid Assessment was conducted with the purpose to determine the impact of gender-based violence, especially domestic violence, on the protection of child rights and assess how it affects prevention activities, victim protection, and rehabilitation services, as well as to determine the necessary measures to be taken thereupon.

140. According to the assessment report, while information or calls about crime decreased during the curfew, reports about domestic violence increased. Also, the number of citizens who received services at shelters or at one-stop service centers for victims of violence increased by 88 percent.<sup>10</sup> Based on the results and conclusions of the Rapid Assessment, 24 types of measures were implemented in 3 areas.

#### **Follow-up information relating to paragraph 18(4) of the concluding observations**

141. Within the framework of the “Combating Gender-Based Violence” project implemented by the Government in cooperation with the United Nations Population Fund, to ensure the implementation of the Law on Combating Domestic Violence, to improve the

<sup>10</sup> Ministry of Labor and Social Protection with the support of the United Nations Population Fund and the Swiss Development Agency, “Rapid Assessment Report” 2020, Ulaanbaatar.

knowledge and capacity of officers in charge of investigating domestic violence crimes, offenses, or reports and information, and to increase knowledge and awareness on gender, a regional training was organized in Uvs, Khentii, Uvurkhangai, Umnugovi, Orkhon aimags and in Ulaanbaatar city in April 2022, in which more than 200 participants including local judges, prosecutors, police officers, officers from the organizations for enforcement of court decisions, and employees of family, child, and youth development organizations attended.

## Article 24

142. During the pandemic, the child allowance that was provided to each child under the age of 18 was increased, and until the end of 2020, 1.2 million children were given 100'000 MNT per month. Moreover, in order to protect the income of citizens, this increase in child allowance was estimated to be paid until the end of 2021, and 1,455.2 billion MNT was allocated for the performance of 2021.

143. In 2020, there were 352924 children aged 6 months to 13 years who were eligible for seasonal flu immunization, and 96.6 percent of the children or 340968 were vaccinated. The rate of vaccination was 96.2 percent in the capital city, and 98 percent in local areas. In 2021, a total of 360600 doses of vaccine were prepared for use in influenza vaccination, and based on the consent of parents or guardians, 235678 children aged 2–11 years were vaccinated against seasonal influenza. This represents 98.6 percent of all children eligible for immunization.<sup>11</sup>

### Follow-up information relating to paragraph 18(5) of the concluding observations

144. Child protection service commences from the moment when the child victim of violence, or his/her friend, any citizen, teacher, physician, public officer, police, social worker, or member of a joint team contacts or reports to the local emergency state services (police – 102, ambulance – 103, line for reporting domestic violence – 107, child support line -108) or non-governmental organizations.

145. Depending on the situation, location, and degree of danger of the call, the organization that receives the information forwards it either to the joint team of the Soum, Bagh, or Khoroo (the lowest level administrative unit) or to the Family, Child, and Youth Development Division of the aimag or district (secondary level administrative unit) and police.

146. Whereas the joint teams provide community-based services, and the family, child, and youth development organizations provide social work services by connecting children to provincial, district, and national level shelters and psychological treatment services, the police investigate cases of criminal or offensive nature. Child protection services are jointly provided by state organizations, and the expense of protection services is covered by the state.

147. In 2018, 19058 children, 13468 children in 2019, 22756 children in 2020, 20724 children in 2021, and 677 children in the first half of 2022, were registered in the Child Rights Database of the Family, Child, and Youth Development Department, and were provided child protection emergency relief and rehabilitation services.

148. Of the minor victims of sexual abuse, over 70% were sexually abused by their blood relatives or related persons in the family environment. Child victims of sexual abuse require long-term rehabilitation service. Family, Child, and Youth Development Divisions of 21 aimags and 9 districts of the capital city opened personal cases for 202 children in 2018, 196 in 2019, 236 in 2020, 345 in 2021, and 224 in the first half of 2022 and provided protection services to these children.

149. In 2019, the Family, Child, and Youth Development Department organized capacity building training for 176 lawyers nationwide, and started settling expenses related to the defense of indigent child victims of sexual abuse from the child protection budget. In 2019–2022, the defense costs for the lawyers that represented 481 children were financed from the state child protection budget. As a result of these activities, cases involving child victims of

<sup>11</sup> Performance report of the “Action Plan of the Government of Mongolia for 2020–2024”.

sexual abuse were resolved duly in accordance with the laws, and in some cases, the courts started to determine the emotional damage incurred.

150. Under the Government Resolution No.55 of 2016, a “Child Helpline 108 Telephone Service Center” was established at the Family, Child, and Youth Development Department, and calls from citizens, communities, officers and staff who provide services to children, families, neighbors or children themselves to report child right violations or to seek advice has increased in recent years. The call line received 118,662 calls and information in 2020, 92,762 in 2021, and 49,080 in the first half of 2022.

151. Settlement of the cases transferred from Child Helpline 108 call service center to the local Family, Child, and Youth Development Departments/Divisions, or the joint teams of the Soum, Bagh or Khoroo was 73.1% in 2018, 84.3% in 2019, 69% in 2020, 69.3% in 2021 and 55.6% as of the first half of 2022.

152. To prevent children from being exposed to any form of violence or possible risks in the school environment, the “Child protection policy in the secondary school environment” was approved by Order A/476 of 2018 of the Minister of Education, Culture, Science and Sports. Recommendations and manuals for the implementation of this policy were developed, and a national training was organized in 21 aimags and Ulaanbaatar city in 2019, where more than 1700 secondary school principals, social workers, and teachers of dormitories participated.

153. Moreover, as of the first half of 2022, more than 47300 citizens have participated in the “Positive parenting approaches” training organized by the aimag and districts’ Family, Child, and Youth Development Divisions.

154. Family and child social workers are being employed as experts to protect the interests of children in legal proceedings related to children, such as the appointment of guardians of children. In the first half of 2022, specialists in charge of family and child issues in 21 aimags, capitals, and districts received 265 orders from the court, and an expert team was appointed to determine the guardians of children through expert opinions. 133 local specialists from the aimags have been enrolled in capacity building training on issuing expert opinions.

## Article 25

### Follow-up information relating to paragraph 40 of the concluding observations

155. The 2015 Law on Elections unified the procedures for the elections of the President of Mongolia, the State Great Hural, and the Local Citizens’ Representatives’ Hural, which had previously been regulated by separate laws. However, difficulties arose in its application and led to various challenging situations, such as the interpretation and application of the law by the participants in the election relations in their own way, resulting in disputes between the parties participating in the elections, and confusion among citizens and voters.

156. In 2019, the State Great Hural adopted the Law on the Election of the State Great Hural of Mongolia, and in 2020, the revised versions of the Law on the Elections of the Hurals of Citizens’ Representatives of Aimag, Capital city, Soum and District and the Law on the Election of the President of Mongolia.

157. Under the newly adopted laws, the requirement of “military service” has been removed from the requirements for candidates. The National Audit Office oversees the matters related to the establishment of election expenses and the maximum threshold, the expenditure of election expenses, the monitoring and reporting thereof, and the relevant rights and obligations of are defined and legislated in detail in the laws. For instance, the authority of the state audit organization has been increased to improve and enhance the effectiveness of the supervision over the performance of election expenses, expense reports are required to be sent directly to the state audit organization authorized to review and publicize them, and published accordingly, information about contributors is required to be disclosed to the tax authority and checked against the tax return of the contributing legal entity.

## Article 26

### Follow-up information relating to paragraph 14 of the concluding observations

158. The Government of Mongolia is developing a draft Law on Accessibility and Availability for the first time in order to establish a legal environment aimed at creating a friendly and accessible environment for people with disabilities. The (draft) law aims to create conditions for the equal, full and independent participation of people with disabilities in social relations, to prevent and eliminate any obstacles, and to provide them with access to services such as buildings, highways, road facilities, public transport, information technology and communication. With the approval and implementation of the law, access to apartment and public buildings, public transportation, information, communication and technology and services will be improved, and obstacles that occur in infrastructure, information and services for citizens to participate in social relations will be removed in accordance with international common models.

159. In addition, the standards “Space and environment considering the requirements of disabled people in civil construction planning-MNS 6055:2009” and “Technical requirements for roads for pedestrians and disabled people- MNS 5682:2006” were revised and updated to “Budgeting and technical requirements for the construction of pedestrian roads and areas” in 2020 in accordance with international standards and is being implemented.

160. In order to change public attitude towards disability, within the framework of the “Project to support the social participation of people with disabilities in Ulaanbaatar”, 46 national trainers were trained to conduct the “Disability and Equality training” for the first time in Mongolia. All the trainers are people with disabilities, and are unique in that they teach and provide insight to others on the basis of difficulties they face. Since 2017 and as of the first quarter of 2022, about 22000 people attended more than 460 courses.

161. According to the 2021 report of the National Statistics Committee, there are 11835 children with disabilities aged 0–18, of whom 6208 are in secondary schools with 1683 in special needs schools. There are 1928 disabled children of preschool age /2–5/, of whom 1056 attend kindergartens.

162. In Mongolia, since 2015, the most progress has been made in the regulatory framework of education for children with disabilities, a group that faced barriers preventing access to education services.

163. “Procedures for the inclusive enrollment of children with disabilities in secondary schools” and “Regulations for inclusion of disabled children in pre-school educational services” were adopted, and according to these regulations, a new structure called the “Support team” to support and assist children in their education is to be established in schools and kindergartens.

164. During the 2021–2022 academic year, 4525 children with disabilities studied in regular secondary schools, and more than 700 children attended regular kindergartens. In addition, the “Methodology for comprehensive development support for children with disabilities” was approved by the joint order A/220, A/475 and A/812 of 2021 of the Minister of Labor and Social Protection, Minister of Education and Science and Minister of Health. Pursuant to this methodology, the “Councils to support access to education” are working in local areas to provide alternative educational services to all children according to their needs.

165. In order to improve the educational environment, during the 2018–2019 academic year, secondary schools No.25, 55, 63, 70, and 116, and kindergartens No.10 and 186 underwent major repairs at a state budget of 500.0 million MNT. Moreover, 1.0 billion MNT school buses and 500.0 million MNT furniture and required teaching materials were purchased and supplied. Additionally, in the special needs kindergarten No.186 of Sukhbaatar district, within the framework of the “Improving indoor air quality” project of the United Nations Children’s Fund, the renovation of the ventilation system at the cost of MNT 238.0 million was carried out.

166. To improve child rehabilitation, a new nursery kindergarten complex No.10, which met international standards, was built at a budget of 5.3 billion MNT and was put into operation in June 2020.

167. Attention is being paid to the design of new school and dormitory buildings to enable accessibility for disabled children. In 2020, 40 secondary school buildings and 54 kindergarten buildings were commissioned, and a total of 268.5 billion MNT was spent on 130 buildings for relocation purpose. New buildings are being constructed with entrances, exits, and ramps for disabled children.

168. With the assistance of the Asian Development Bank, China, and Japan, 12 school buildings with a capacity of seats for 8340 children, and under the loans of the Asian Development Bank, China, the United States, and the United Nations, 11 kindergarten buildings with a capacity of seats 940 children, each designed with special entrances, exits, space, and passages for children with disabilities, were respectively commissioned. Between 2013 and 2021, 283.3 billion MNT was spent on constructing schools with friendly environment for disabled children, and school buses worth 1 billion MNT were supplied. Moreover, children's development support rooms with appropriate materials and equipment were established in 21 provinces and six special needs schools at a budget of 1.1 billion MNT.

169. Preparation, training, and re-training of special needs education teaching cadres is being constantly organized.

## **Article 27**

170. Mongolia has guaranteed the right of ethnic minorities to study in their mother tongue by its Constitution and has further regulated this matter by relevant laws and regulations. On the issue of teaching Mongolian, the official language of the State, to the children of ethnic minorities, the Government has been adopting tailored policies suited to the time and implemented by reflecting in the curriculum of general education schools.

171. As part of the work to support bilingual education, dictionaries were developed in Mongolian-Kazakh, Kazakh-Mongolian, Mongolian-Tuva, and Tuva-Mongolian languages for mathematics, biology, natural science, arts, and physical education. These dictionaries contain a total of 5600 words both in Mongolian and Kazakh (between 680 and 1800 words in each of the five subjects, the most being related to biology), and a total of more than 3400 words in the Mongolian-Tuva language dictionary.

172. Due to the global spread of the "COVID-19" pandemic, during the period of heightened and universal preparedness situations, the content of the interrupted Tuva and Kazakh language classes for elementary and middle schools was telecast, and the Government, in cooperation with mobile communication operators, enabled free access to the tele-courses published on the websites [www.econtent.edu](http://www.econtent.edu), and on [www.eyesh.eec.mn](http://www.eyesh.eec.mn) and [www.help.eec.mn](http://www.help.eec.mn) designed for high-school students, providing practical support for students.

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