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Report of the Working Group on the Universal Periodic Review*

Mongolia

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.



Mongolia's views on recommendations

1. Mongolia welcomes recommendations which received during the second cycle of the Universal Periodic Report and hereby provides its views on the recommendations to be included in the report. The Government of Mongolia has carefully considered all recommendations together with national NGOs and other stakeholders in determining its views on each of 164 recommendations.

2. Mongolia accepted 150 recommendations and does not accept 14 recommendations. The unacceptable recommendations are 1, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 81 and 159 in order listed on the Report of the Working Group. An approach of integrated reasoning for unacceptance is taken as the recommendations overlap.

Recommendation No 1

3. Mongolia fully supports the work and competence of the Human rights treaty bodies. The Government will simultaneously consider recognizing the competence of the Committee on the Elimination of Racial Discrimination under Article 14 of the Convention and the competence of the Committee against Torture under Articles 21 and 22 of the Convention against Torture at an appropriate time in the future.

Recommendations No 4, 5 and 6

4. Mongolia ratified the Optional Protocol to the Convention against Torture in 2014 and will assign the National Human Rights Commission of Mongolia with the function of the national preventive mechanism by revising its law. Our priority until the next cycle is to focus on the successful implementation of the OPCAT and to commence the cooperation with the Subcommittee on Prevention of Torture in addition to continued enforcement of measures to address the issues of torture reflected in other relevant recommendations made during the second review.

5. As noted above, the Government will submit the proposal to recognize the competence of the Committees under the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture to the Parliament at the same time in the future.

Recommendations No 9, 10, 11, 12, 13 and 14

6. Mongolia is a state party to all core international human rights treaties and conventions except the International Convention on the Rights of All Migrant Workers and Members of their Families. Research and surveys to study the possibility of acceding to the Convention were undertaken by relevant authorities and agencies. The Government of Mongolia would like to see more countries, especially those recipient countries of foreign workers, including Mongolians to accede to the Convention and then to consider the possibility of becoming a state party.

7. Although a domestic work is non-traditional form of employment in Mongolia, the Government will study the possibility of ratifying the ILO 189 Domestic Workers Convention.

Recommendations No 14, 16 and 159

8. The 1951 Convention relating to the Status of Refugees and its 1967 Protocol have always been in careful consideration by the relevant authorities and agencies. Strongly coupled with the national security policy of the State, a decision to accede these instruments is ultimately a matter for the Parliament of Mongolia and cannot be considered at this time. Surveys and research works are carried out to this end but further analyses should also be done.

9. The Government will further study the possibility of introducing a specific regulation to provide working guidelines for relevant authorities in promoting and protecting the rights of asylum-seekers and will continue to work together with UNHCR ensuring that asylum-seekers have access to their rights, particularly in compliance with the principle of non-refoulement.

Recommendations No 14 and 15

10. In Mongolia, a stateless person enjoys the same rights and freedoms as foreign nationals. Nationality and citizenship of a child born from a stateless person is regulated by the Law on Citizenship and Nationality. The national security policy also requires maintaining appropriate balance of foreign nationals, stateless persons and migrants in the country. These laws and policy documents fully support the rights of stateless persons under the Convention relating to the Status of Stateless Person and the Convention on the Reduction of Statelessness.

Recommendation No 81

11. Mongolia is committed to strengthen its efforts to investigate all allegations of torture and police brutality. National legislation in force prohibits an arbitrary detention of persons by law enforcement officials as such action has to be approved by the judge. Thus, the recommendation is unacceptable.
