

Responses to Recommendations

MONGOLIA

Review in the Working Group: 2 November 2010
 Adoption in the Plenary: 16 March 2011

Mongolia’s responses to recommendations (as of 11.07.2011):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
118 REC accepted (among which 6 are considered implemented or in the process of implementation); 11 pending	No addendum.	Out of the 11 pending, the delegation accepted 8 and rejected 3	Accepted: 126 Rejected: 3 No clear position: 0 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/16/5:

84. The recommendations formulated during the interactive dialogue and listed below have been examined by Mongolia and enjoy its support:

A - 84.1. Ratify, at the earliest possible date, the International Convention for the Protection of All Persons from Enforced Disappearance (France);

A - 84.2. Favourably consider the possibility of the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Mexico);

A - 84.3. Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and introduce effective mechanisms for monitoring the actions of law enforcement officials (New Zealand);

A - 84.4. Ratify the Optional Protocol to the Convention against Torture, and the International Convention for the Protection of All Persons from Enforced Disappearance, and make the declaration provided for in article 22 of the Convention against Torture (Spain);

A - 84.5. Become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Argentina);

- A - 84.6. Become party to the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);
- A - 84.7. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Brazil) (Spain);
- A - 84.8. Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Sweden) (Portugal);
- A - 84.9. Ratify relevant international instruments, including the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and take the necessary steps to remove the death penalty from Mongolia's justice system (Australia);
- A - 84.10. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and render its legal practices consistent therewith (Canada);
- A - 84.11. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and amend its Criminal Code with a view to abolish the capital punishment entirely (Slovakia);
- A - 84.12. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, and consequently amend its national legislation, in particular the Criminal Code (Italy);
- A - 84.13. Swiftly accede to the Second Optional Protocol of the International Covenant on Civil and Political Rights (Switzerland);
- A - 84.14. Intensify its effort to harmonize national legislation with international standards, including by providing more training for judicial and law enforcement officials with a view to ensuring more effective application of international standards (Malaysia);
- A - 84.15. Continue harmonizing its domestic legislation in conformity with the Convention on the Rights of the Child, introduce legislation to prevent and end all forms of corporal punishment, and adopt effective measures for preventing children under the age of 18 from being involved in hazardous work (Italy);
- A - 84.16. Adopt laws and mechanisms essential to protecting human rights and freedoms, particularly in the following areas: protection of victims and witnesses; protection of human rights defenders; provisions on ensuring citizens' right to participation in decision-making; gender-based violence; independence of publishers; accountability of Parliament members; and civil society's right to participation in public interest litigation (Hungary);
- A - 84.17. Enact broad anti-discrimination legislation that explicitly prohibits discrimination based on sexual orientation and gender identity (Canada);
- A - 84.18. Adopt legislation to prevent and end all forms of corporal punishment, in accordance with the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Brazil);
- A - 84.19. Amend its Criminal Code to define torture as a crime in accordance with the definition in the Convention against Torture, including abolishing or revising article 44.1 of the Code so that there is no impunity for human rights violations (United Kingdom);
- A - 84.20. In addition to initiatives undertaken by the Government for the elimination of torture and other cruel, inhuman or degrading treatment, bring national legislation into line with the Convention against Torture, particularly with respect to the proper definition of the crime of torture (Mexico);
- A - 84.21. Take steps to remedy the shortcomings related to the definition of torture and to the Criminal Procedure Code, which did not ensure that evidence obtained from torture is not invoked in any legal proceedings, to ensure conformity with the provisions of the Convention against Torture (Ghana);

A - 84.22. Amend the relevant legislation to bring the definition of torture into line with the Convention against Torture, and ensure that evidence obtained from torture is not invoked in any proceedings (Netherlands);

A - 84.23. Adopt an anti-trafficking law to protect and assist victims of such criminal and clandestine activities (Indonesia);

A - 84.24. Enact specific and comprehensive national legislation on trafficking providing for a national oversight mechanism (Poland);

A - 84.25. Strengthen domestic legislation to protect victims and witnesses of human trafficking (Australia);

A - 84.26. Uphold its commitment to strengthen the national mechanism for the protection and promotion of children's rights (Islamic Republic of Iran);

A - 84.27. Step up the efforts aimed at the adoption of the new 10-year National Programme on Strengthening Child Development and Protection (Algeria);

A - 84.28. Successfully implement its plan of action for the period 2008-2012, which was adopted by the Government with a view to the implementation of the Convention on the Rights of Persons with Disabilities (Russian Federation);

A - 84.29. Ensure that all human rights initiatives stipulated in the National Plan of Action are implemented and monitored in an effective way (Indonesia);

A - 84.30. Channel its efforts into implementing poverty-alleviation strategies, particularly in suburban and rural areas (Indonesia);

A - 84.31. Continue to push forward its human rights cause in the light of its national conditions, especially by giving priority to economic development, poverty alleviation and protection of the rights of vulnerable groups (China);

A - 84.32. Make its procedures and decisions more transparent, and limit recourse to the law on State secrecy for corruption crimes, thus allowing monitoring bodies' independence and access in order to ensure that sanctions are fully applied (Switzerland);

A - 84.33. Pay more attention to providing better treatment for foreigners (Republic of Korea);

A - 84.34. Put in place structures to ensure that Government and Parliamentary decision-making processes are transparent and that public legislative hearings take place (United Kingdom);

A - 84.35. Ensure a participatory and inclusive process with civil society in the implementation of the universal periodic review recommendations, including organizations representing minorities (Norway);

A - 84.36. Involve domestic human rights organizations in the follow-up to this review and in the implementation of its National Human Rights Action Plan (United Kingdom);

A - 84.37. For the protection of the rights of persons with disabilities, the participation of all relevant organizations is vital in order to promote their rights as well as the infrastructural and psychological environment are much needed (Kazakhstan);

A - 84.38. Undertake special measures concerning employment, social welfare and protection of the rights of vulnerable groups, in particular women and persons with disabilities (Islamic Republic of Iran);

A - 84.39. Demonstrate improvements in submitting its reports in a regular manner to the treaty bodies, particularly for the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, reports under which have been overdue since 2003 (France);

A - 84.40. Finalize and submit the treaty body periodic reports as a matter of priority (Australia);

- A - 84.41. Submit overdue reports to the United Nations treaty bodies as a matter of priority (Norway);
- A - 84.42. Report regularly to all human rights treaty bodies (Slovenia);
- A - 84.43. Extend an invitation to the Special Rapporteur on trafficking in persons, especially women and children (New Zealand);
- A - 84.44. Ensure a human rights culture, inter alia, by strengthening the antidiscriminatory legislative framework and ensuring its effective implementation (Norway);
- A - 84.45. Take stronger measures to combat discrimination in both the public and private sectors while promoting greater women's participation at the highest levels of decision-making (United States);
- A - 84.46. Adopt a draft law on gender equality and the establishment of an institutional mechanism responsible for the promotion of equality (Ghana);
- A - 84.47. Strengthen existing legal protections and enhance enforcement to combat discrimination against and mistreatment of women and girls (United States);
- A - 84.48. Adopt expeditiously a law on gender equality, empower its National Committee on Gender Equality, and take appropriate measures to eliminate discrimination against women, hence promoting their advancement, with a particular focus on the most vulnerable groups, such as rural women (Slovakia);
- A - 84.49. Undertake effective measures to ensure the implementation of legislation guaranteeing the principle of non-discrimination, adopting a comprehensive strategy to eliminate all forms of discrimination, particularly on the basis of gender, and strengthen its efforts aimed at harmonizing its national legislation with ratified international instruments (Ukraine);
- A - 84.50. Develop policies favouring equal opportunities for women (Switzerland);
- A - 84.51. Ensure equal rights for women in the area of employment (Norway);
- A - 84.52. Ensure equal pay for work of equal value (Norway);
- A - 84.53. Strengthen maternity protection (Norway);
- A - 84.54. Strengthen efforts to address domestic and sexual violence (Norway);
- A - 84.55. Ensure proper redress and protection for victims of such crimes (Norway);
- A - 84.56. Publicly condemn all forms of violence and discrimination based on sexual orientation, and investigate and prosecute all reported attacks and threats against individuals based on their sexual orientation (Netherlands);
- A - 84.57. Develop its legislation with a view to effectively protecting the rights of LGBT persons, and discourage the development of discriminatory ideologies in the country through information and human rights education (Switzerland);
- A - 84.58. Ensure thorough and impartial investigations into all allegations of attacks and threats against individuals targeted because of their sexual orientation and gender identity, and bring to justice those responsible (Canada);
- A - 84.59. Support the efforts to promote and protect the rights of vulnerable groups such as children, women, disabled persons and the elderly (Cuba);
- A - 84.60. Increase awareness regarding disability rights, and make all appropriate accommodations for disabled voters (United States);

- A - 84.61. Design and implement educational programmes for the gradual inclusion of students with disabilities in the education system (Slovenia);
- A - 84.62. Design and implement educational programmes promoting greater inclusiveness in classrooms (United States);
- A - 84.63. Continue its efforts with a view to definitely abolishing the death penalty, and adhere to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (France);
- A - 84.64. Continue to adopt measures with a view to abolishing the death penalty, in particular to ratify the second Optional Protocol to the International Covenant on Civil and Political Rights (Argentina);
- A - 84.65. Maintain its moratorium on the use of the death penalty with a view to eventually abolishing it (Germany);
- A - 84.66. Follow up on the positive development (the moratorium on the death penalty) by removing capital punishment from legislation (Norway);
- A - 84.67. Adopt and implement, as soon as possible, the new legislation on the abolition of the death penalty (Switzerland);
- A - 84.68. Amend existing provisions in the Criminal Code with the aim of introducing a complete abolition of the death penalty (United Kingdom);
- A - 84.69. Amend its legislation in order to abolish the death penalty (New Zealand);
- A - 84.70. Ensure that the de facto moratorium declared by the President of Mongolia in January 2010 is incorporated into legislation with a view to completely abolishing the death penalty (Spain);
- A - 84.71. Establish awareness-raising programmes addressed to law enforcement forces aimed at preventing torture and other cruel, inhuman or degrading treatment, as well as efficient investigative mechanisms in order to fight against impunity in this regard (France);
- A - 84.72. Pay due attention to the implementation of recommendations made by the Special Rapporteur on Torture (Kazakhstan);
- A - 84.73. Apply mandatory training of police in the appropriate use of force (Canada);
- A - 84.74. Take effective measures to combat domestic violence (Azerbaijan);
- A - 84.75. Implement legislation which provides for the investigation of violence against women, and the prosecution and punishment of the perpetrators of such violence (New Zealand);
- A - 84.76. Give high priority to the enforcement of the Law on Fighting against Domestic Violence in order to ensure that victims have access to adequate means of protection and compensation (Portugal);
- A - 84.77. Take measures to guarantee effective access for women victims of gender-based violence to justice, redress and protection (Brazil);
- A - 84.78. Adopt the necessary measures and introduce the necessary amendments to the 2005 law on gender violence to ensure its effectiveness and to clearly define the sentences for offenders (Spain);
- A - 84.79. Continue to work to improve conditions in its prisons, including through the implementation of the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention and Imprisonment, and the United Nations Standard Minimum Rules for the Treatment of Prisoners (New Zealand);

- A - 84.80. Undertake more efforts to effectively combat the human trafficking phenomenon (Azerbaijan);
- A - 84.81. Ensure that adequate mechanisms are in place for the rehabilitation and social integration of women and girls who have been victims of trafficking (Poland);
- A - 84.82. Expand the national programme on the prevention of human trafficking, particularly the use of children and women for sexual purposes, with a view to dealing with all violations of provisions of the Palermo Protocol, in line with the recommendations of the Committee on the Rights of the Child (Mexico);
- A - 84.83. Adopt an approach of non-criminalization of the victims of human trafficking, which provides for compensation for victims and their reintegration into society (Mexico);
- A - 84.84. Increase efforts to prosecute sex and labour trafficking offenders, as well as assist and protect victims of trafficking (United States);
- A - 84.85. Further develop, enhance and expand awareness-raising campaigns to counter human trafficking (Canada);
- A - 84.86. Continue its policies against trafficking (Germany);
- A - 84.87. Strengthen its institutional capacity for investigation of cases of human trafficking and prosecution of perpetrators (Canada);
- A - 84.88. Continue its efforts to ensure effective protection of minors and women against sexual exploitation (Czech Republic);
- A - 84.89. Adopt specific measures for the protection of minors and women who have become victims of sexual exploitation, and ensure assistance to, restore the reputation of and provide rehabilitation for those victims (Czech Republic);
- A - 84.90. Strengthen measures to prevent sexual exploitation of children, ensure prompt investigation of allegations of exploitation and sexual abuse, and punish perpetrators (Argentina);
- A - 84.91. Take the necessary steps, as soon as possible, to address the issues of inadequate protection of children from sexual exploitation as well as the insufficient investigation of the perpetrators of sexual crimes against children and the consequent low ratio of prosecutions against perpetrators of sexual crimes against children (Japan);
- A - 84.92. Implement effective measures to tackle child labour (Azerbaijan);
- A - 84.93. Continue efforts to improve the situation of children and, in this context, intensify the efforts to effectively prevent child labour (Germany);
- A - 84.94. Further strengthen the law enforcement and judicial system in the effort to address impunity and prevent the incidence of trafficking and domestic violence as well as the sexual abuse of women and girls (Malaysia);
- A - 84.95. Strengthen the Special Investigation Unit of the State General Prosecutor's Office to ensure thorough and independent investigations of all allegations of police violence (Canada);
- A - 84.96. Ensure thorough and impartial investigations into all allegations of attacks and threats against individuals targeted because of their sexual orientation, as in the case of LGBT individuals, and bring to justice those responsible in accordance with international standards of fair trial (Sweden);
- A - 84.97. Combat impunity in cases of torture (Germany);
- A - 84.98. Establish clear national guidelines that allow all faiths equal access to registration (United States);

- A - 84.99. Promote the rights to freedom of expression, association and assembly without discrimination of members of the LGBT community (Sweden);
- A - 84.100. Introduce appropriate measures necessary to allow persons with disabilities to exercise their right to vote (Slovakia);
- A - 84.101. Take effective measures to ensure that persons with disabilities and detained persons can exercise their right to vote (Islamic Republic of Iran);
- A - 84.102. Improve the level of participation of women in the decision-making process (Algeria);
- A - 84.103. Continue its efforts to reduce poverty and food insecurity (Azerbaijan);
- A - 84.104. Strengthen efforts to combat malnutrition and diseases such as tuberculosis (Bangladesh);
- A - 84.105. Ensure access to health care, adequate housing, education and safe drinking water and sanitation for all, especially people living in “ger” districts (Slovenia);
- A - 84.106. Continue taking appropriate measures to provide a healthy and safe environment for its citizens (Pakistan);
- A - 84.107. Consider giving a greater role to the private sector in developing the national education and health system (Islamic Republic of Iran);
- A - 84.108. Step up efforts to improve and conserve the environment, including by strengthening the relevant laws and providing the public with the necessary information, education and awareness regarding the impacts of environmental pollution and degradation (Malaysia);
- A - 84.109. Take further appropriate measures, including the adoption of a national plan of action to tackle challenges resulting from global warming or climate change and adverse human activities, in particular with regard to sanitary systems (Islamic Republic of Iran);
- A - 84.110. Apply programmes and means to improve the enjoyment of the right to education and the right to health (Cuba);
- A - 84.111. Take additional measures to fight against dropping out of school, particularly among boys (Algeria);
- A - 84.112. Intensify its efforts to reinforce the human rights issue in school curricula (Turkey);
- A - 84.113. Provide adequate minority protection for indigenous and tribal groups (Slovenia);
- A - 84.114. Continue the strategies and the plans for the social and economic development of the country (Cuba);
- A - 84.115. Continue to fight to overcome its challenges with the assistance of the international community (Bangladesh);
- A - 84.116. Request technical assistance and cooperation, as deemed appropriate, from the international community, including the relevant United Nations and specialized agencies, with a view to ensuring the promotion and protection of the full spectrum of the human rights of its people (Malaysia);
- A - 84.117. Seek international assistance to combat child labour, such as through the International Labour Organization (Brazil);
- A - 84.118. Seek technical cooperation at the international level in order to respond in a timely manner to the challenge of providing a healthy and safe environment for its citizens (Pakistan).

85. Mongolia considers that recommendations nos. 84.5, 84.19, 84.20, 84.21, 84.22 and 84.52 above have already been implemented or are in the process of implementation.

86. The following recommendations will be examined by Mongolia, which will provide responses in due course, but no later than the 16th session of the Human Rights Council, in March 2011.

R - 86.1. Become party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Argentina);

R - 86.2. Accede to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto (Norway);

R - 86.3. Mandate the Constitutional Court to act upon violations of the individual rights and freedoms guaranteed under the Constitution. This possibility should also help to remedy violations of the land and environmental rights of indigenous and herder peoples, including the right to safe drinking water (Hungary);

A - 86.4. Consider accepting individual complaints mechanisms such as those provided for in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women (Brazil);

A - 86.5. Adopt quick and effective measures, as well as necessary legislation, in order to explicitly prohibit, prevent, punish and abolish discrimination on any grounds, including on the basis of HIV/AIDS status (Mexico);

A - 86.6. The National Human Rights Commission of Mongolia, which has an "A" status accreditation, should play a decisive role in the exercise of drafting a gender equality law as well as during its implementation (Hungary);

A - 86.7. Include women in high-level decision-making positions (Norway);

A - 86.8. Amend the provisions of the Criminal Code and eliminate legal provisions and practices by public authorities, including possible practices of harassment and bullying by the police forces, which lead to discrimination based on sexual orientation and gender identity (Spain);

A - 86.9. Protect victims by defining hate crimes as crimes under criminal laws (Canada);

A - 86.10. Declassify death penalty sentences imposed in the past as a State secret, with the aim of providing the families of those who were executed with information on their relatives sentenced to death (Czech Republic);

A - 86.11. Remove the classification of information on the death penalty as a State secret, and provide statistics and information related to death sentences and executions (Netherlands).

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