



16 March 2011
Check against delivery

**UN Human Rights Council
Sixteenth session, 28 February – 25 March 2011**

**Item 6:
Consideration of UPR reports**

MONGOLIA

Mr. President,

Amnesty International welcomes Mongolia's positive engagement with the Universal Periodic Review.

In particular, we welcome Mongolia's support for recommendations to ratify the Second Optional Protocol to the ICCPR calling for the abolition of the death penalty and urge the early implementation of these recommendations.¹ We also welcome the announcement, on 14 January 2010, by the President of Mongolia of a moratorium on executions and the subsequent submission in Parliament, the State Great Khural, of a bill to sign and ratify the Second Optional Protocol. The bill has been approved by the Parliamentary Standing Committee on Legal Affairs and the Standing Committee on National Security and Foreign Policy and is awaiting a final vote in the Parliament. Amnesty International looks forward to the abolition of the death penalty in national legislation.

Mr. President,

We note that certain recommendations made during the UPR have been accepted by Mongolia with the assertion that they have already been implemented. These include recommendations to bring the definition of torture in national legislation into line with international standards and to abolish or amend Article 44.1 of the Criminal Code. This Article provides that acts causing harm to the rights protected by the Criminal Code do not constitute crimes if committed in the course of carrying out mandatory orders or decrees.² Amnesty International is concerned that this might lead to impunity for

¹ Recommendations 84.7-84.13 (Australia, Brazil, Canada, Italy, Portugal, Slovakia, Spain, Sweden and Switzerland).

² Recommendations 84.19 (United Kingdom), 84.20 (Mexico), 84.21 (Ghana) and 84.22 (Netherlands)

human rights violations. It has been noted by the UN Committee against Torture that Mongolia's national legislation does not define torture in line with international standards and that Article 44.1 of the Criminal Code is in breach of the Convention against Torture. Amnesty International calls on Mongolia to ensure the effective implementation of these recommendations, including by abolishing or amending Article 44.1.

Finally Mr. President,

We welcome Mongolia's support of the recommendation to ensure access to health care, adequate housing, education and safe drinking water and sanitation for all, especially people living in "ger" districts.³ Amnesty International is concerned that there is a lack of adequate housing, infrastructure, sanitation and drainage for residents in these districts.

We encourage Mongolia to involve relevant stakeholders, notably the residents of "ger" districts, in its effort to implement these recommendations and to keep the Council informed of its implementation measures.

Thank you Mr. President

³ Recommendation 84.105 (Slovenia)