

ADVANCE QUESTIONS TO MONGOLIA – Add.1

CZECH REPUBLIC

- While welcoming President's declaration on *de facto* moratorium on death penalty, we would like to ask whether the Government of Mongolia intends to lift legislation classifying the penalty as a state secret with the aim to provide families of those who were executed with information on their relatives sentenced to death.
- While taking note that right to employment is reflected in the Constitution we would like to ask what measures the Government of Mongolia has taken/is planning to take to combat a high poverty rate and high level of unemployment. How the Government guarantees prohibition of child labour?
- What steps has Government of Mongolia taken for the protection of the young girls and women who became victims of sexual exploitation and for assisting them, for compensating damages, restoring their reputation, or for their rehabilitation?

DENMARK

- Denmark is pleased to note the great efforts and progress made in Mongolia in the field of democracy and human rights.
- Which specific measures are taken by the Mongolian government to ensure that all prisoners and detainees are treated humanely and in conformity with national and international law?
- When will Mongolia take steps to ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment?

NETHERLANDS

- **Death Penalty**

The Netherlands welcomes the moratorium on the death penalty as declared on 14 January 2010, and views this as a step towards abolition of the death penalty. With reference to concerns raised by the Special Rapporteur on the question of torture in 2005 regarding the death penalty being classified as a state secret and the unavailability of reliable information on the number of persons sentenced to the death penalty that could be given to him, what steps does the Government of Mongolia intend to take to enhance transparency with regard to the implementation of the moratorium? Moreover, in light of Mongolia now being on the list of countries that have abolished the death penalty in practice as is mentioned in paragraph 20 of the national report, does the Government of Mongolia intend to move from *de facto* abolition of the death penalty to *de jure* abolition?

- **Torture**

In light of the concerns voiced in paragraph 24 of the OHCHR compilation dealing with the legal definition of torture employed by the Government of Mongolia which the Special Rapporteur on the question of torture deems not in line with the CAT, would the Mongolian government consider to alter its definition of torture in line with the CAT and when can its initial report, overdue since 2003, be expected?

- **Rome Statute**

Paragraph 2 of the stakeholder report implies that the Government of Mongolia has not yet implemented its obligations under the Rome Statute and has not yet ratified the Agreement on Privileges and Immunities. With a view to the effective functioning of the International Criminal Court, when could the Mongolian government enact the necessary legislation for the implementation of the Rome Statute? Does the Government of Mongolia intend to ratify the Agreement on Privileges and Immunities?

- **LGBT**

The stakeholder report (paragraph 15, 17, 18, 28, and 38) paints a very worrying picture of the protection of the rights of Lesbian, Gay, Bisexual and Transgender (LGBT) persons in Mongolia. Their rights are insufficiently enshrined in legislation and instances of violence and discrimination against LGBT persons seem to be on the rise. What concrete actions does the Government of Mongolia intend to take to guarantee the fundamental rights of LGBT persons in line with international human rights law and to promote their acceptance at all levels of society?

- **Women's equality**

In the OHCHR compilation, inter alia in paragraph 14 to 19, concerns are raised that although the Constitution prohibits discrimination on the grounds of sex, the equal treatment of women in society does not seem to be secured and it seems that women do not have the opportunity to take up their place in society. What concrete measures will the Mongolian government take to promote the equal treatment of women at all levels of society?

SLOVENIA

- In 2008 CEDAW noted the existence of some discriminatory provisions in Mongolian laws. We would like to know if the Government has already reviewed all existing laws and amended remaining provisions that discriminate women?
- CEDAW also expressed concerns about difficulties of rural women in accessing adequate health services, clean water and sanitation services and in participating in decision making. What are the activities of the Government on these issues? How could international community assist Government by its endeavors?
- The ILO committee of experts reported a high drop-out rate of children of herders, while CRC reported about limited access to education by children from herder families in remote and rural areas, by children from families that migrated to the

capital city and by children from informal mining communities. What measures does the Government intend to take for improvement of the situation?

SWITZERLAND

- Will the government of Mongolia amend its national legislation in order to define torture as a crime in accordance with the definition in the UN Convention against Torture? Does the government intend to ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment?
- Will the government of Mongolia look into the improvements of its detention facilities and ensure that the conditions meet international standards?
- What measures is the government putting in place to ensure that discrimination on the basis of sexual orientation and gender identity will be prohibited?
