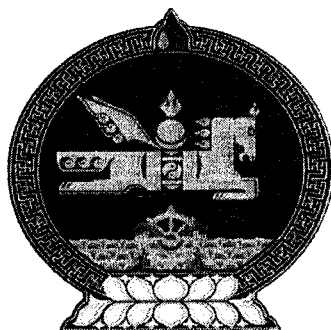


Draft



STATEMENT

**by His Excellency, Mr. Luvsantseren Orgil,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Mongolia to the United Nations
Office in Geneva and Other International Organizations**

at the Sixteenth Session of the Human Rights Council

(16 March 2011, Geneva)

**Mr. President,
Esteemed colleagues,
Ladies and Gentlemen,**

Let me begin by extending our wholehearted greetings to the Human Rights Council and expressing our appreciation for its work that my delegation finds constructive and fruitful. We wish every success for the Council's endeavours.

Once again my Government welcomes this opportunity to have a candid and constructive discussions on the human rights related issues with the ultimate goal of promoting the human dignity in my country.

Last November Mongolia presented its first National Report on the situation of human rights to the Ninth Session of the Working Group on the Universal Periodic Review. As we are all aware the total of 129 recommendations were put forward. Taking this opportunity I wish to thank all the members and observers of the HRC for their engagement with us on this important issue. Over the last few months extensive dialogue and consultations have taken place regarding all the aspects of the recommendations as well as our voluntary commitments. Twice the Government of Mongolia has held consultations involving representatives of national NGOs and other Government bodies regarding the national-level consultations being the integral and the most important part of the UPR process. In November the Government of Mongolia expressed its readiness to accept 118 recommendations whereas the remaining 11 recommendations were left in "the bracket". After the careful studies and "home-consideration" 8 recommendations out of 11 were accepted by the Government and only 3 are deemed to be unacceptable at the moment. Let me dwell on specific recommendations.

Recommendations №1 and №2.

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

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

Both Conventions and the protocol have been carefully considered by the relevant authorities and agencies. My Government expresses its willingness to implement the Recommendations. The accession to these instruments is strongly linked to our national security interests. The Government has conducted surveys and research works on the issues however further analyses should also be done. The Government of Mongolia has submitted its findings and conclusions to our national Parliament. Since the decision to accede to the Conventions is the within the competence of the State

Great Hural or the Parliament the Government is not in a position to declare the acceptance of recommendations №1 and №2 at the moment.

Recommendation №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);

The Constitutional Court of Mongolia (the "Tsets") is the organ exercising supreme supervision over the implementation of the Constitution by making judgment on specific laws and legislative norms that are considered to be in violation of the Constitution itself. The Government finds it impractical to mandate the Constitutional Court to receive every single complaint regarding the breach of individual rights and freedoms guaranteed under the Constitution as it reads *"The Constitutional Court shall review and make judgment on the disputes at the request of the State Great Khural, the President, the Prime Minister, the Supreme Court or the Prosecutor General and/or on its own initiative on the basis of petitions and information received from citizens"*.

Nevertheless the Government is committed to further study this issue. It should be also mentioned here that specialized courts of civil and administrative cases do deal with above mentioned matters. Due to the above mentioned circumstances the Government of Mongolia is not in a position to accept the Recommendation 3.

Recommendation №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);

Mongolia is already a party to the Optional Protocol to the International Covenant on Civil and Political Rights, and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. As for the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture, we will consider the possibility of making declarations provided for in Article 14 and Article 22 of the respective Conventions. Recommendation 4 is thus acceptable.

Recommendation №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 Working Group to elaborate amendments to the Law on Prevention of HIV/AIDS was set up in November 2009. The Draft amendments include important clauses, such as anti-discrimination of people with HIV/AIDS, and protection of labor rights, as well as personal confidentialities of those persons. The current Criminal Code has no provision regarding discrimination. Recommendation N^o5 is acceptable.

Recommendation N^o6 and N^o7.

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);

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

The State Great Khural of Mongolia (the Parliament) has just adopted the Law on Gender Equality. Under the Law the National Human Rights Commission can play a lead role in implementing the legislation. Although the issue is directly related to the policies of political parties on gender issue, the Law also provides ample opportunities for women to be included in the upper and/or high-level decision making process. Recommendation N^o6 and N^o7 are acceptable.

Recommendation N^o8 and N^o9.

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);

Protect victims by defining hate crimes as crimes under criminal laws (Canada);

Recently, a Working Group to elaborate amendments to the Criminal and Criminal Procedure Codes of Mongolia has been established. Through these amendments the issues such as discrimination based on sexual orientation and gender identity, as well as hate crimes can be eliminated at once. Recommendation N^o8 and N^o9 are acceptable.

Recommendation N^o10 and N^o11.

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);

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)

Declassification of death penalty sentences imposed in the past and removal of classification of information on death penalty are expected to be realized after the approval of the Bill Abolishing Death Penalty, which the Government sees possible. Therefore, recommendation №10 and №11 are acceptable.

Finally my delegation is pleased to bring the two following moments to your attention:

The Spring Session of the State Great Khural (Parliament) is scheduled to debate Mongolia's accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of death penalty.

The newly adopted Foreign Policy Concept of Mongolia (February 12, 2011) reads: *"Mongolia will actively participate in the process of promoting human rights, freedom and strengthening democracy"*.

Having said that we look forward to working with all the partners to promote and protect human rights in our country.

Thank you.