



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Concluding observations on the third periodic report of Mongolia**

1. The Committee considered the third periodic report of Mongolia¹ at its 2157th and 2160th meetings,² held on 12 and 13 November 2024, and adopted the present concluding observations at its 2168th meeting, held on 20 November 2024.

A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the simplified reporting procedure and submitting its periodic report thereunder, as this improves the cooperation between the State party and the Committee and focuses the examination of the report and the dialogue with the delegation.

3. The Committee welcomes the constructive dialogue held with the State party's delegation and the oral replies and written information provided in response to the concerns raised by the Committee.

B. Positive aspects

4. The Committee also welcomes the State party's initiatives to revise and introduce legislation in areas of relevance to the Convention:

(a) The adoption of the Law on the Establishment of Courts, which provides for the establishment of the court of first instance for family and children's affairs in the area of the capital, Ulaanbaatar, in 2024;

(b) The adoption of the Law on Child Protection, which prohibits corporal punishment and other degrading treatment of children by parents, custodians and other persons in family and social environments, in 2024;

(c) The reform of the Criminal Procedure Law, which eliminates the provision regulating "indefinite arrest", and introduces a requirement to provide a detailed explanation of the reason for the suspect's immediate arrest, the judge's approval, and the refusal of approval in unjustified cases, in 2024;

(d) The adoption of the Law on Amendments to the Criminal Procedure Law, introducing alternatives to detention, in 2024;

* Reissued for technical reasons on 16 December 2024.

** Adopted by the Committee at its eighty-first session (28 October–22 November 2024).

¹ CAT/C/MNG/3.

² See CAT/C/SR.2157 and CAT/C/SR.2160.



(e) The revision of the Law on the National Human Rights Commission of Mongolia, which provides for the establishment of the national preventive mechanism, in 2020;

(f) The revision of the Law on Combating Domestic Violence, which criminalizes domestic violence, in 2016.

5. The Committee commends the State party's initiatives to modify its policies and procedures in order to afford greater protection to human rights and to apply the Convention, in particular:

(a) The adoption of the Mental Health Comprehensive Action Plan (2024–2027);

(b) The adoption of the Action Plan for the Protection of Human Rights in Business Activities, Prevention of Human Rights Violations and Restoration of Violated Rights (2023–2027);

(c) The adoption of the Strategic Action Plan of the Unit for the Prevention of Torture (2023–2026);

(d) The establishment of the Domestic Violence Division by order A/301 of the Director General of the National Police Agency, in 2019;

(e) The establishment of a Unified Domestic Violence Database, which was integrated into the police call and registration system, in 2018.

C. Principal subjects of concern and recommendations

Pending follow-up issues from the previous reporting cycle

6. In its previous concluding observations,³ the Committee requested the State party to provide information on the measures that it had taken in follow-up to the recommendations on the following issues: respect for fundamental legal safeguards⁴ and impunity for acts of torture.⁵ Noting that a reply concerning the information sought by the Committee was provided on 27 May 2018,⁶ and with reference to the letter dated 23 October 2018 from the Committee's rapporteur for follow-up to concluding observations⁷ as well as to the information contained in its third periodic report, the Committee considers that these recommendations have been only partially implemented. The outstanding issues addressed in the previous concluding observations are covered in paragraphs 9, 10, 15 and 16 of the present document.

Definition of torture

7. While noting the revision of article 21.12 of the Criminal Code in 2017, aimed at criminalizing torture as a separate offence, the Committee is concerned that the definition of torture is still not fully in line with article 1 of the Convention, although it appreciates the information provided by the representatives of the State party during the dialogue on a new proposed revision of the crime of torture, which is pending approval. In this connection, the Committee notes the following shortcomings contained in article 21.12 currently in force. First, this provision does not specifically refer to acts of torture committed for the purpose of intimidating or coercing the victim or a third party; second, it does not include acts of torture committed at the instigation of or with the consent or acquiescence of a public official or a person other than a public official acting in an official capacity; third, the criminal responsibility of superior officers who are aware or should have been aware of acts of torture or ill-treatment committed by their subordinates, but failed to take the appropriate action to

³ CAT/C/MNG/CO/2, para. 41.

⁴ Ibid., para. 12 (a)–(d).

⁵ Ibid., para. 16 (a)–(d).

⁶ CAT/C/MNG/CO/2/Add.1.

⁷ See

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FMNG%2F32846&Lang=en.

prevent them, is absent as well; fourth, it does not cover complicity in torture or attempts to commit torture; and fifth, perpetrators of acts of torture can be subject to sentences of a fine or to imprisonment from one to five years, which are penalties that are not commensurate with the grave nature of the crime. Moreover, the Committee is concerned that the Criminal Code does not explicitly exclude the application of an amnesty and a statute of limitations for the crime of torture, except when life imprisonment is imposed for the commission of the crime under specific aggravating circumstances of criminal liability under article 1.10 of the Criminal Code (arts. 1 and 4).

8. **The State party should amend article 21.12 of the Criminal Code to ensure that all forms of torture, as defined in article 1 of the Convention, are prohibited, including acts of torture committed for the purpose of intimidating or coercing the victim or a third party and acts of torture inflicted by or at the instigation of or with the consent or acquiescence of any public official or any other person acting in an official capacity. The State party's legislation should also clearly provide for the criminal responsibility of superior officers who are aware or should have been aware of acts of torture or ill-treatment committed by their subordinates but failed to take the appropriate action to prevent them. It should clearly provide for criminal liability for any act constituting complicity or participation in the commission of torture and attempts to commit torture, in accordance with article 4 (1) of the Convention. The Committee recommends that the State party ensure that the offence of torture is punishable by appropriate penalties which take into account its grave nature, in accordance with article 4 (2) of the Convention. Lastly, the Committee recommends that the State party adopt the necessary legislative measures to ensure that no acts of torture are subject to an amnesty and a statute of limitations.**

Fundamental legal safeguards

9. With reference to its previous concluding observations,⁸ as well as the assessment made by the Committee's Rapporteur for follow-up to concluding observations, the Committee notes the efforts of the State party to further strengthen procedural legal safeguards and to revise the Criminal Procedure Law in this respect in 2024. However, it remains concerned at reports indicating the following shortcomings:

(a) A high number of arrests are still carried out with the consent of the prosecutor without a court order (known as arrests without delay), in particular by the General Intelligence Agency and the Anti-Corruption Agency, although the Committee takes note of the measures taken and envisaged to enhance judicial oversight of these immediate detentions, as explained by the delegation;

(b) Reported delays in ensuring the right of access to a lawyer and challenges in providing adequate legal aid, notably in remote areas, despite the State party's efforts to improve the legal aid system. In addition, lawyers are allegedly prevented from accessing the full case file of their clients, although the Committee notes the delegation's statement to the contrary;

(c) The Criminal Procedure Code allows for a delay of up to six hours in notifying a relative or legal representative of detainees (art. 31.6 (5)), including in the case of children (art. 18.6 (4));

(d) Questioning of persons summoned as witnesses by the police takes place outside the official interrogation rooms, although the Committee notes the delegation's assertion that this practice has now been eliminated; according to reports, self-incriminating statements or forced testimonies are frequently obtained during these interviews, without the presence of a lawyer, and they often lead to immediate arrest;

(e) Not all interrogations are properly recorded, and where they are, the recordings are not adequately protected and retained for a reasonable period of time; and not all interview and interrogation rooms are equipped with video and audio recording equipment, particularly

⁸ CAT/C/MNG/CO/2, paras. 11 and 12.

in remote areas, although the Committee appreciates the information provided by the State party that 849 interrogation rooms have already been equipped;

(f) The length of police custody still sometimes exceeds the legal limit of 48 hours; the period of stay in sobering up facilities of up to 24 hours is often not counted against the 48-hour limit in the event of transfer to police custody (art. 2).

10. The Committee urges the State party:

(a) **To take all necessary measures to require law enforcement officials to obtain an arrest warrant issued by a judicial authority in order to conduct an arrest, except in cases of flagrante delicto;**

(b) **To ensure that all persons deprived of their liberty are in practice afforded all fundamental legal safeguards from the very outset of their deprivation of liberty, including persons brought to the police station for informal questioning or testimony, in particular unimpeded access to an independent lawyer of their choice or, if necessary, free legal aid of adequate quality in accordance with international standards, including during the initial questioning or interrogation;**

(c) **To amend article 31.6 (5) and article 18.6 (4) of the Criminal Procedure Code to guarantee the right of arrested persons to notify a relative or another person of their choice, of their detention, immediately after apprehension;**

(d) **To continue its efforts to equip all interrogation rooms in all parts of the country with video and audio recording equipment, and to guarantee the right to have the questioning in custody, as well as interviews and witness statement-taking, systematically recorded, with mandatory instructions for the storage of such recordings in secure facilities for a reasonable period of time; and to ensure that recordings are reviewed to identify and investigate torture and other breaches of standards, and that they be made available to defendants and their counsels, prosecutors and other supervisory bodies, and that they may be used as evidence in court;**

(e) **To ensure that protection measures are in place against making self-incriminating or coerced statements by persons who have been interrogated as witnesses and that courts examine the circumstances in which such statements were made and, where a claim of coerced confession is made, stay proceedings until the claim has been thoroughly investigated;**

(f) **To ensure that the maximum period of police custody does not exceed 48 hours and that any period of de facto deprivation of liberty, including during a stay in a sobering up facility, is counted against the 48-hour period in the case of arrest;**

(g) **To provide the Committee, in its next periodic report, with information on the number of complaints received regarding the failure to respect fundamental legal safeguards, and on the outcome of such complaints, including disciplinary measures taken against officials who failed to afford fundamental legal safeguards.**

Pretrial detention

11. While noting the amendments adopted by the State party to improve the legal framework governing pretrial detention during the reporting period, including the limitation of the maximum period of pretrial detention to 12 months, or to 18 months in the case of more serious indictable offences, the Committee is concerned at reports that such detention routinely exceeds the legal limits due to the excessive length of judicial proceedings. In this connection, it notes the State party's explanation of its budget investments made to strengthen the judiciary in 2025, which might contribute to addressing the length of judicial proceedings and pretrial detention periods. The Committee also remains concerned about the excessive use of pretrial detention by the judicial authorities during the reporting period, although it appreciates the information provided by the State party about a decrease in the number of pretrial detainees in the past year due to the imposition of alternative measures to detention, such as travel bans. It also notes the introduction of technical devices as an alternative to detention, planned for 2025 (arts. 2 and 14).

12. **The State party should ensure that the provisions on pretrial detention are respected and that such detention is resorted to only in exceptional circumstances and for a limited period, taking into account the principles of necessity and proportionality. It should also intensify efforts to address the prolonged periods of detention due to the excessive length of judicial proceedings, and whenever feasible, make more use of alternatives to pretrial detention, such as electronic monitoring, travel bans, house arrest and bail, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).**

National preventive mechanism

13. The Committee welcomes the designation of the National Preventive Mechanism Unit within the national human rights institution, the National Human Rights Commission of Mongolia, in 2022. However, it observes with concern the following shortcomings: first, the limited human resources available to carry out activities related to the mechanism's mandate, including the monitoring visits, while acknowledging the geographical conditions and challenges that exist in the State party, the absence of a multidisciplinary composition of its staff, and the lack of clear and explicit functional immunity of its members, which is necessary for the independent exercise of its functions; second, the absence of a separate budget line within the overall budget of the National Human Rights Commission and the lack of budgetary autonomy; and third, a commentary provided on article 33.1.1 of the Law on the National Human Rights Commission, which grants the mechanism access to only a restrictive list of places of deprivation of liberty (art. 2).

14. **The State party should strengthen the capacity of the national preventive mechanism, by: (a) providing it with the financial and human resources, including qualified multidisciplinary personnel, such as medical professionals, psychologists, social workers and other relevant experts, to carry out its work effectively in all types of places of deprivation of liberty, in accordance with the requirements of the Optional Protocol to the Convention, and establishing in law the immunity of the members of the mechanism as is necessary for the independent exercise of their functions; (b) ensuring its budgetary autonomy from the National Human Rights Commission; and (c) amending article 33.1.1 of the Law on the National Human Rights Commission and its comment note, so as to include a comprehensive list of places of deprivation of liberty, in accordance with article 4 of the Optional Protocol to the Convention and general comment No. 1 (2024) of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

Ineffective investigation of acts of torture and ill-treatment

15. With reference to its previous concluding observations⁹ and to the assessment made by the Committee's Rapporteur for follow-up to concluding observations, the Committee remains concerned about the following:

(a) The delays in the establishment of an independent body to investigate complaints of torture and ill-treatment made by persons deprived of their liberty, while noting the State party's commitment to submit the draft law on the establishment of a special investigation unit in 2025. In the meantime, the Committee remains concerned about the potential conflict of interest and ineffectiveness of investigations into allegations of torture and ill-treatment carried out by the Investigation Division of the Anti-Corruption Agency and the Investigative Division of the General Police Department;

(b) Numerous allegations received of torture or ill-treatment committed by law enforcement officials, a high rate of dismissal of torture cases as time-barred, a low percentage of prosecutions, and the imposition of fines rather than appropriate sentences in several convictions;

⁹ CAT/C/MNG/CO/2, paras. 15 and 16.

(c) Information about intimidation and other invasive measures against relatives and legal representatives of victims during the criminal proceedings (arts. 12, 13 and 15).

16. The Committee urges the State party:

(a) **To finalize the law establishing an independent mechanism to investigate acts of torture and ill-treatment committed by public officials, in particular law enforcement officials, and to ensure that there is no institutional or hierarchical relationship between the body's investigators and the alleged perpetrators of such acts; and to strengthen efforts to ensure that acts of torture and ill-treatment are promptly, impartially and effectively investigated by this independent body, whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed, and that the alleged perpetrators are duly tried and, if found guilty, punished in a manner commensurate with the gravity of their acts. The Committee notes the commitment made by the State party at its latest universal periodic review in this regard;¹⁰**

(b) **To ensure that the authorities open an ex officio investigation whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed, and that in cases of alleged torture or ill-treatment, the alleged perpetrators are immediately suspended from their duties for the duration of the investigation, in particular where there is a risk that they would otherwise be in a position to repeat the alleged act, to commit reprisals against the alleged victim and their relatives or to obstruct the investigation;**

(c) **To take all appropriate measures to prevent acts of intimidation and reprisals against alleged victims and their legal representatives and relatives;**

(d) **To compile and publish relevant comprehensive disaggregated statistical information on all complaints and reports of torture and ill-treatment received, including information on whether such complaints have led to investigations and, if so, by which authority, whether the investigations have resulted in disciplinary action or criminal prosecution, the nature of the penalties imposed in the event of convictions, and whether the victims have obtained redress.**

Evidence obtained through the use of torture and ill-treatment

17. While noting article 16.12 of the Code of Criminal Procedure which provides for the inadmissibility of testimony obtained through the use of torture and ill-treatment, the Committee is concerned that the prohibition contained in this article is focused narrowly on testimonies rather than on any evidence or information derived from statements obtained through torture and ill-treatment, and is concerned at reports that this prohibition is not always respected in practice (art. 15).

18. **The State party should amend article 16.2 of the Code of Criminal Procedure to ensure that any evidence or information derived from statements obtained through torture or ill-treatment is not admissible as evidence in law and in practice. The State party should also continue to improve, and provide, mandatory training for law enforcement and intelligence personnel on the provisions of the Convention, in particular on the absolute prohibition of torture and ill-treatment, and on non-coercive interrogation and investigation techniques, including the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles), introduce advanced investigative tools and establish a system for the collection of forensic evidence, in order to strengthen the shift from a confession-based to an evidence-based system.**

Complaints mechanisms in places of deprivation of liberty

19. While noting the installation of complaint boxes in prisons and detention facilities, which are regularly checked by the prosecutors during their visits, the Committee is concerned at reports received that many persons deprived of their liberty are unaware that

¹⁰ [A/HRC/46/9](#), paras. 116.4 and 116.50–116.56, read in conjunction with [A/HRC/46/9/Add.1](#), para. 3.

they can lodge complaints of torture or ill-treatment or are reluctant to do so due to fear of reprisals or intimidation. The Committee notes the information provided in the State party's report that detainees can lodge their complaints through the administration of the detention facility, which raises concerns about the protection of their confidentiality (arts. 2, 12, 13 and 16).

20. The State party should take steps to strengthen the existing complaints mechanisms by ensuring that victims of torture and ill-treatment in all places of deprivation of liberty have effective, confidential and unhindered access to them, and information about these mechanisms should be transparent and widely disseminated; and neither the guards nor the officers of the facility should play any role in the collection or transmission of complaints. The State party should ensure that complainants are protected from any intimidation or reprisals as a result of their complaints.

Conditions of detention

21. While appreciating the measures taken by the State party to introduce alternatives to detention and noting its efforts to build pretrial detention facilities and to improve the material conditions in prisons, the Committee observes with concern reports received concerning:

(a) Poor and unhygienic conditions, as well as inadequate sanitary facilities, which persist in several prisons and remand centres, and persisting deficiencies in the material conditions, such as poor sanitation facilities and ventilation in police stations and sobering up facilities; the Committee also notes the information provided by the State party about the national standard of living space, which can be as low as 2 square metres per detainee;

(b) Inadequate healthcare services, including the lack of psychosocial services, and insufficient support provided to detainees with psychosocial disabilities, as well as inadequate access to reproductive health services for female detainees due to the lack of healthcare staff and of the necessary medical equipment. In this regard, the Committee acknowledges the efforts made by the State party to modernize 22 per cent of medical equipment during the reporting period;

(c) Deaths in custody due to illness, with contributing factors such as delays in the detection of illness and inadequate training of medical personnel in this regard;

(d) The lack of reasonable accommodation provided for persons with physical disabilities in prisons, and the remote location of the women's prison facility located in Ulaanbaatar, which constitutes an obstacle to family visits from remote regions;

(e) The overly punitive and disciplinary approach, as well as insufficient rehabilitation, resocialization and reintegration programmes and meaningful activities in places of deprivation of liberty, as noted by the Subcommittee on Prevention of Torture¹¹ (arts. 2, 11 and 16).

22. The State party should:

(a) **Improve existing prison facilities and material conditions to bring them into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and take steps to ensure minimum international standards of living space for each detainee;**

(b) **Make greater use of non-custodial measures, such as parole and early release, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);**

(c) **Adopt specific measures to provide individualized reasonable accommodation and accessibility in prisons to persons with disabilities;**

¹¹ See <https://www.ohchr.org/en/press-releases/2024/05/mongolia-paradigm-shift-towards-rehabilitative-approach-needed-effective>.

(d) **Take steps to ensure that women prisoners have adequate opportunities to maintain relations with their families, in particular where they have minor children, by taking the necessary measures to enable such visits and to increase inmates' contact with the outside world, including by allowing them to make frequent telephone calls;**

(e) **Strengthen its efforts to ensure that sufficient resources, including appropriate medical staff, are allocated to provide prisoners with adequate healthcare, in particular mental healthcare and reproductive healthcare, and redouble its efforts to improve the necessary medical equipment;**

(f) **Conduct an evaluation of the punitive and retributive approach in the criminal justice system and introduce the necessary changes to move from a punitive model to one of rehabilitation and reintegration of persons deprived of their liberty as part of effective efforts to protect them from torture and cruel, inhuman or degrading treatment, by providing rehabilitation and reintegration programmes, including meaningful activities, vocational training and education.**

Disciplinary sanctions for persons deprived of liberty

23. The Committee is concerned that, under articles 227.1.1 and 228.1 of the Law on the Enforcement of Court Decisions, the right to meet or make phone calls can be restricted for up to three months as a disciplinary measure and solitary confinement can be imposed for up to 30 days, and in exceptional cases for up to 60 days for male prisoners, as a disciplinary sanction, accompanied by excessive and punitive restrictions (arts. 2, 11 and 16).

24. **The State party should bring articles 227.1.1 and 228.1 of the Law on the Enforcement of Court Decisions and the practice of disciplinary sanctions, in particular the prohibition of family contact and solitary confinement, into line with international standards, in particular rules 43 to 46 of the Nelson Mandela Rules. In this context, disciplinary sanctions or restrictive measures should not include the prohibition of family contact, except when imposed for a limited period of time and when strictly required for the maintenance of security and order, and solitary confinement should be imposed only in exceptional cases as a last resort, for the shortest possible period of time (not exceeding 15 days) and subject to independent review, and only with the authorization of a competent official and under the daily supervision of a healthcare professional.**

Special closed unit

25. While noting the commutation of all death sentences to long-term imprisonment following the abolition of the death penalty, the Committee is concerned about the special restrictive regime imposed on persons serving their sentences, including life imprisonment, in the special closed unit (Prison No. 405), and their isolation in prolonged solitary confinement, the practice of handcuffing and shackling them outside their cells, the extremely limited contact with other inmates as well as with the outside world, and the lack of access to work and adequate rehabilitation programmes. Moreover, the Committee observes with concern that inmates with intellectual or psychosocial disabilities who, as explained by the delegation are not in a stable condition, can be placed in solitary confinement for a period of time as a protective measure in this facility (arts. 2, 4, 11–14 and 16).

26. **The State party should develop appropriate measures to review the detention regime in the special closed unit (Prison No. 405), including for prisoners serving long sentences, and bring it into line with international human rights standards, such as the Nelson Mandela Rules, notably rule 43 (1) (b). In this regard, it should ensure that prisoners serving long sentences have access to a regime of organized and purposeful out-of-cell activities, with a view to preventing the deterioration of their mental faculties and social abilities, and take measures to integrate them into the general prison population. The Committee would like to draw the State party's attention to rule 45 (2) of the Nelson Mandela Rules, which prohibits the use of solitary confinement in the case of prisoners with intellectual or psychosocial disabilities if their condition would be exacerbated by such measures.**

Juvenile justice

27. The Committee takes note of the State party's efforts to improve the situation of children in conflict with the law, including through legislative measures and capacity-building activities for judges, among others. However, it regrets the slow progress in establishing a comprehensive juvenile justice system since the previous periodic review. Furthermore, the Committee notes with concern the situation of children detained in general pretrial detention facilities, where they do not have access to adequate educational and recreational activities, which is not the case for convicted child offenders. It is also concerned about inadequate material conditions for the accommodation of children in conflict with the law in the Special Training and Education Centre in Ulaanbaatar. Lastly, the Committee regrets the absence of comprehensive information on the non-custodial alternatives to detention applied in practice to child offenders (arts. 2, 11 and 16).

28. **The State party should strengthen its efforts to bring its juvenile justice system fully into line with the relevant international standards. In particular, the State party should promote alternatives to detention and ensure that detention is used as a measure of last resort and for the shortest possible period of time and is regularly reviewed with a view to its withdrawal, in accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules). Furthermore, the State party should:**

(a) **Proceed without delay with establishing the specialized juvenile court and its procedures, provide it with adequate human, technical and financial resources, appoint specialized judges for children and ensure that such specialized judges receive appropriate and continuous training;**

(b) **Improve access to education, rehabilitation and social reintegration programmes for children detained in pretrial detention facilities and ensure that the staff are appropriately trained;**

(c) **Take measures to improve, as a matter of urgency, the living conditions in centres of deprivation of liberty for children and adolescents in terms of sanitation and hygiene.**

Persons with disabilities

29. While welcoming the adoption of the Mental Health Comprehensive Action Plan (2024–2027), the Committee is concerned at the inadequate allocation of resources for its implementation. It also observes with concern the involuntary hospitalization of persons with disabilities on the basis of impairment. The Committee further observes with concern the lack of community-based services for persons with psychosocial disabilities, resulting in their subsequent long-term hospitalization in the National Centre for Mental Health, often without their informed consent. Furthermore, the information on the situation of forensic patients held in the closed acute psychiatric ward, their prolonged isolation, and the lack of staff and support services, as well as the reported lack of access to effective complaints mechanisms in psychiatric institutions, are matters of concern (arts. 2, 11, 13 and 16).

30. **The Committee recommends that the State party allocate sufficient resources for the effective implementation of the Mental Health Comprehensive Action Plan (2024–2027), intensify its efforts to avoid involuntary admissions to closed institutions on the basis of impairment and develop a policy of deinstitutionalization in the form of alternative and community-based support services and other forms of outpatient care programmes throughout the territory of the State party. It should also adopt measures to improve the situation of forensic patients held in closed wards, including by investing in staff reinforcement, non-custodial measures and community-based services, and establish an effective, independent, confidential and accessible complaints mechanism for persons with disabilities in psychiatric institutions.**

Redress

31. The Committee takes note of the revision of the Law on the Government Special Fund in 2019, which provides for the right to seek compensation for acts of torture, and of the

regulations adopted in this regard. The Committee observes, however, that no victim of torture has yet been compensated under this law, and only a few recognized survivors of torture have managed to obtain monetary compensation from the convicted perpetrators, as stated by the delegation. The Committee is concerned at reports that the above-mentioned law lacks clear procedures for calculating damages and ensuring fair and adequate compensation, and that it does not cover non-pecuniary damages and survivors have to resort to other legal means for this purpose. The Committee takes note of the adoption of the Forensic Law in 2022, under which 668 victims of crimes have so far received compensation for psychological and moral damage, but regrets to observe that no court order has yet been issued in this regard for torture victims, although, according to the State party's statistics, four torture survivors have their claims pending. The Committee regrets that there are no ongoing comprehensive reparation programmes for victims of torture and ill-treatment available in the State party. The Committee draws the attention of the State party to its general comment No. 3 (2012) on the implementation of article 14, in which it elaborated on the nature and scope of the obligations of States parties under the Convention to provide full redress to victims of torture (art. 14).

32. The Committee recommends that the State party take steps to establish comprehensive reparation programmes, under which victims of torture obtain redress and have an enforceable right to fair and adequate compensation, including the means for rehabilitation as fully as possible, including trauma treatment and other forms of rehabilitation, for victims of torture and ill-treatment, and that it allocate adequate resources to ensure the effective functioning of such programmes. In addition, the State party should take further steps to establish clear procedures for identifying victims of torture and awarding of adequate and fair pecuniary and non-pecuniary compensation for physical and mental suffering as a result of torture.

Non-refoulement

33. While noting that article 1.7 (3) of the Criminal Code prohibits the extradition of foreign nationals or stateless persons for the purpose of investigation or punishment of an offence where there is a risk of torture or the imposition of death penalty, the Committee remains concerned that several bilateral and multilateral agreements concluded by the State party, including those signed with Belarus and Kazakhstan in 2018 and 2019 respectively, contain broadly worded provisions which do not seem to specifically cover instances related to sufficient grounds to consider a risk of torture. Furthermore, the Committee notes with concern that the State party has not acceded to the international conventions on the rights of refugees and stateless persons, and that its domestic legislation, the Constitution and the Law on the Legal Status of Foreign Citizens do not provide a sufficient framework for a national asylum determination procedure that allows for a thorough individual assessment of whether there is a substantial risk that the applicant would be subjected to torture in the country of destination. While noting the statistics provided by the State party on the expulsion of 1,360 foreign nationals between 2020 and 2024, the Committee regrets the absence of statistics on asylum applications received and refugee status granted during the period under review, the reportedly low rate of refugee recognition in the State party and the lack of a registration database of migrants and stateless persons (arts. 2, 3 and 16).

34. The State party should ensure that no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would run a personal and foreseeable risk of being subjected to torture. In particular, the State party should take all necessary steps to bring its bilateral and multilateral agreements on extradition into conformity with the principle of non-refoulement. The State party should further take all legislative steps to establish comprehensive national asylum legislation and procedures that provide effective protection to asylum-seekers and refugees against refoulement to a State where there are substantial grounds for believing that they would be in danger of being subjected to torture or ill-treatment, in accordance with article 3 of the Convention. The State party should consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Protection of human rights defenders

35. While noting the adoption of the Law on the Legal Status of Human Rights Defenders in 2021, the Committee is concerned about its inadequate implementation in practice, as well as about several problematic legal provisions and vague and broad wording contained in the law, as identified by the Working Group on Arbitrary Detention during its visit in 2022,¹² which might hamper the work of human rights defenders and expose them to criminalization for their activities (arts. 2 and 16).

36. The State party should adopt effective measures to amend vaguely and broadly worded legal provisions of the Law on the Legal Status of Human Rights Defenders in order to ensure that they are not misused to criminalize the work of human rights defenders.

Gender-based violence, including domestic violence

37. The Committee notes the increase in the number of one-stop service centres and shelters for victims of domestic and sexual violence, the establishment of the hotline and the capacity-building activities carried out to combat domestic violence, as well as the criminalization of marital rape in the Law on Combating Domestic Violence. However, the Committee remains concerned at the insufficient resources allocated for the effective implementation of this law and at the low number of prosecutions and convictions compared to the high estimated number of cases of domestic violence, while acknowledging the initial steps taken by the State party to establish the specialized courts in this area. In addition, it notes with concern the inadequacy of support services for victims, including medical and legal services and shelters, particularly in rural areas, although it acknowledges the ongoing efforts to address these shortcomings (arts. 2, 12–14 and 16).

38. The State party should strengthen measures to prevent domestic and sexual violence and ensure that mechanisms are in place to encourage victims of sexual and gender-based violence to come forward, that all allegations of violence are promptly, thoroughly and effectively investigated, that perpetrators are held accountable, and that victims obtain adequate redress and have access to adequate medical and psychosocial support. It should further continue its efforts to establish the specialized courts to deal with cases of gender-based violence, including domestic violence and marital rape, and ensure that survivors and/or their families are protected and have access to medical and legal services, redress and rehabilitation, including adequate compensation, and to adequately funded shelters throughout the country.

Trafficking in persons

39. While acknowledging the State party's ongoing efforts to combat trafficking in persons, the Committee remains concerned that the phenomenon is still prevalent, notably child trafficking and trafficking for the purpose of sexual and labour exploitation. The Committee is also concerned about the limited number of cases investigated and prosecuted, the reported shortcomings in the detection of victims, particularly among migrants and in rural communities, the alleged revictimization throughout the identification process, and the insufficient training provided to all officials who might detect signs of trafficking, including in the labour market, although it takes note of various capacity-building initiatives carried out for police officers, doctors and social workers. Furthermore, the Committee is concerned about the insufficient resources allocated to the multidisciplinary task force for identifying, protecting and assisting victims of trafficking, and about the lack of comprehensive support services available to all victims of trafficking, including access to shelters (arts. 2, 12–14 and 16).

40. The State party should continue adopting measures to combat and prevent all forms of trafficking in persons, and ensure that such cases are thoroughly investigated, that suspected perpetrators are prosecuted and, if convicted, sentenced to appropriate penalties, and that victims obtain full redress, including adequate compensation and rehabilitation. The State party should strengthen its efforts to encourage the reporting

¹² [A/HRC/54/51/Add.2](#), paras. 23–25.

of cases by raising awareness of the risks of trafficking among the general population and by training judges, law enforcement officials, immigration and border control officers, labour inspectors and social workers in the early detection and identification of victims of trafficking and their referral to appropriate psychosocial and legal services. The State party should further ensure the allocation of sufficient resources for the implementation of prevention, protection and victim assistance programmes, including for the multidisciplinary task force, and access to shelters throughout the territory.

Violence and abuse against individuals on the basis of their actual or perceived sexual orientation or gender identity

41. The Committee notes with concern violence and abuse against individuals on the basis of their actual or perceived sexual orientation or gender identity, and the negative attitudes towards these individuals by health professionals when they receive treatment and by the police when they report violent incidents, as well as the lack of effective investigations into such cases (arts. 2 and 16).

42. **The State party should take effective measures to prevent violence based on actual or perceived sexual orientation or gender identity, and ensure that all acts of violence are promptly, effectively and impartially investigated and prosecuted, that perpetrators are brought to justice and that victims are provided with redress.**

Corporal punishment of children

43. While welcoming the significant legislative steps taken by the State party to prohibit and combat corporal punishment of children in all settings, the Committee is concerned at the reports documenting a high rate of violent disciplinary practices against children that persist in the country (art. 16).

44. **The State party should take all necessary measures to prevent corporal punishment of children, including by ensuring that these acts are investigated, that perpetrators are brought to justice and that victims are granted redress, and redouble its efforts to conduct awareness-raising and educational campaigns for the general public to inform them about the prohibition of the use of corporal punishment against children and the consequences of such punishment.**

Abuses in the military

45. The Committee is concerned at the reported increase in cases of discrimination, torture and ill-treatment, including beatings, of conscripts in the armed forces and at the lack of effective monitoring of military units (arts. 2 and 16).

46. **The State party should ensure effective investigations into all allegations of acts of torture and ill-treatment of personnel in the army, prosecute and punish those responsible with appropriate penalties, and provide victims and their families with redress, and adopt all necessary measures aimed at preventing these acts, including through monitoring of the military units by independent bodies, such as the national preventive mechanism.**

Training

47. While acknowledging the human rights training activities offered to law enforcement and prison officers, lawyers, judges and health professionals, the Committee is concerned about the reported shortcomings in medical evaluations in cases of torture and ill-treatment due to the lack of knowledge and training provided to medical professionals to detect signs and sequelae of physical or psychological torture (art. 10).

48. **The State party should continue to develop and implement mandatory initial and in-service training programmes for all relevant persons, including law enforcement officers, judicial officials and prison staff, and in particular medical professionals, so that they are properly trained to identify cases of torture and ill-treatment, in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul**

Protocol), as revised. The State party should also take measures to define the obligation for doctors working in the criminal justice system to assess and detect possible signs of torture and ill-treatment as part of the medical service provided.

Follow-up procedure

49. The Committee requests the State party to provide, by 22 November 2025, information on follow-up to the Committee's recommendations on the definition of torture, fundamental legal safeguards, and ineffective investigation of acts of torture and ill-treatment (see paras. 8, 10 (a) and (d) and 16 (a) above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

Other issues

50. The Committee encourages the State party to consider making the declaration under articles 21 and 22 of the Convention recognizing the competence of the Committee to receive and consider inter-State communications and communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by the State party of the provisions of the Convention.

51. The State party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its dissemination activities.

52. The Committee requests the State party to submit its next periodic report, which will be its fourth, by 22 November 2028. For that purpose, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its fourth periodic report under article 19 of the Convention.
