



## **MONGOLIA:**

**Submission to the Committee on the Elimination of Discrimination against Women**

**for the 63rd Session: Pre-Sessional Working Group  
Adoption of List of Issues  
(27-31 July 2015)**

**by**

**The Advocates for Human Rights, a non-governmental organization in special consultative status pursuant to HRC resolution 5/1 of 18 June 2007**

**and**

**National Center Against Violence**

**June 2015**

## Statement of Interest

1. **The Advocates for Human Rights** (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates' Women's Human Rights Program has published 23 reports on violence against women as a human rights issue, frequently provides consultation and commentary on drafting laws on domestic violence, and trains lawyers, police, prosecutors, and judges to effectively implement new and existing laws on domestic violence.
2. **The National Center Against Violence** (NCAV) is a pioneer NGO in Mongolia combating domestic and sexual violence against women and children by addressing the prevention and protection of its victims. Since 1995, NCAV has addressed domestic violence and sexual abuse against women and children in Mongolia by establishing a nationwide system of prevention and protection. Through community development and engagement, NCAV strives to hold the government accountable for the delivery of safe and equitable support services to survivors of domestic violence and sexual abuse. It achieves its goals in the following ways:
  - Raising public awareness of the issue of domestic violence against women and children;
  - Advocating changes in the formal and non-formal educational system in order to include gender-based concepts and trainings in prevention of violence;
  - Building a legal framework that eliminates and prevents violence, notably with an independent law criminalizing domestic violence;
  - Contributing to the development of a social protection system that supports women overcoming the consequences of violence (legal assistance, psychological counseling, shelters, etc.);
  - Developing a network of national and international organizations working on the same issue.
3. The Advocates and NCAV published *Implementation of Mongolia's Domestic Violence Legislation* in January, 2014. The two organizations conducted fact-finding in 2013, traveling to seven cities in Mongolia and conducting 137 interviews with members of parliament, ministry officials, non-governmental organizations (NGOs), victims, social workers, police, judges, prosecutors, lawyers, governors, and healthcare workers. The monitoring report contains findings and recommendations representing the results of these interviews, the authors' observations, and secondary research. The report was presented at a meeting in the Mongolian parliament building attended by members of parliament, government officials and representatives of civil society.

4. The Advocates and NCAV submit the following suggested list of issues and suggested questions for adoption by the Pre-Sessional Working Group of the Committee on the Elimination of Discrimination against Women. This submission focuses on the State Party's domestic violence legislation and its implementation of such legislation to protect victim safety and promote offender accountability. This List of Issues submission is based on the publication, *Implementation of Mongolia's Domestic Violence Legislation*, as authored by the submitting parties.<sup>1</sup> This submission addresses articles 1, 2, 3, 5, 14, 15, and 16 of the Convention.

### List of Issues and Suggested Questions

5. Domestic violence continues to be a widespread problem in Mongolia. NCAV estimates that one in three Mongolian women was a victim of domestic violence in 2010.<sup>2</sup> Although national statistics on domestic violence in Mongolia are not readily available, local police departments report that a high percentage of the calls they receive are related to domestic violence. For example, one police station reported an average of 63 domestic violence calls per week.<sup>3</sup> The prevalence of domestic violence is also evident in statistics on punitive detention. In 2007, approximately one-half of all administrative detainees and one-quarter of criminal detainees were held for domestic violence-related offenses.<sup>4</sup>
6. Domestic violence constitutes a violation of women's rights under CEDAW. Domestic violence violates a woman's rights to freedom from discrimination, equal protection and equality with men before the law, and equality in all matters relating to marriage and family relations. In addition, when a state fails to ensure that its criminal and civil laws adequately protect women and consistently hold abusers accountable, or that its agents—such as police and prosecutors—implement the laws that protect victims of domestic violence, that state has not acted with due diligence to prevent, investigate, and punish violations of women's rights.
7. In 2008, the CEDAW Committee expressed concern over the prevalence of domestic violence in Mongolia.<sup>5</sup> The Committee also expressed concern that domestic violence was seen as a private matter within Mongolia, and that the rate of prosecution under the Law on Combatting Domestic Violence (LCDV) remained very low.<sup>6</sup> In its Concluding

---

<sup>1</sup> The Advocates for Human Rights and National Center Against Violence, *Implementation of Mongolia's Domestic Violence Legislation*, p. 5 (2014), [http://www.stopvaw.org/new\\_report\\_monitoring\\_the\\_implementation\\_of\\_mongolia\\_s\\_domestic\\_violence\\_legislation.html](http://www.stopvaw.org/new_report_monitoring_the_implementation_of_mongolia_s_domestic_violence_legislation.html).

<sup>2</sup> *Id.*, p. 5.

<sup>3</sup> *Id.*, p. 5.

<sup>4</sup> *Id.*, p. 1.

<sup>5</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women, Committee on the Elimination of Discrimination against Women, Forty-second session, CEDAW/C/MNG/CO/7, p. 5 - 6 (Nov. 7, 2008),

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMNG%2fCO%2f7&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMNG%2fCO%2f7&Lang=en).

<sup>6</sup> *Id.*

Observations to Mongolia's last review, the Committee urged the State party to give high priority to implementing the LCDV.<sup>7</sup>

8. **Multiple barriers impede efforts to combat domestic violence in Mongolia.** A pervasive lack of knowledge about domestic violence and the LCDV prevents women from seeking its protections.<sup>8</sup> Many victims view the domestic violence they suffer as normal and are **unaware of the remedies available to them through the LCDV.**<sup>9</sup> Some police, prosecutors, judges, and social workers do not know about the LCDV and hold harmful attitudes that **promote preservation of the family over women's safety.**<sup>10</sup> As a result, instead of availing themselves of the LCDV's remedies, **many women turn to divorce to escape the violence.**<sup>11</sup> There is also **widespread misperception that alcohol abuse and dependency is a main cause of domestic violence in Mongolia.**<sup>12</sup> This perception manifests itself in the government response, where the legal and justice systems prioritize addressing alcoholism over violence.<sup>13</sup>

### **Restraining orders (CEDAW, Articles 2, 3, 5, 14, 15, and 16)**

---

<sup>7</sup> *Id.*:

26. The Committee urges the State party to place high priority on the implementation of the Law on Fighting against Domestic Violence and to make it widely known to public officials and society at large, in the context of the National Programme on Fighting against Domestic Violence. The Committee calls upon the State party to ensure that all women who are victims of domestic violence, including rural women, have access to immediate means of redress and protection, including protection orders, access to safe shelters and medical and rehabilitation assistance in all parts of the country. It urges the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with applicable legal provisions, and are sensitized to all forms of violence against women and adequately respond to them. It urges the State party to conduct research on the prevalence, causes and consequences of domestic violence to provide the basis for comprehensive and targeted intervention and to include the results of such research in its next periodic report. The Committee recommends that the State party enhance its action on violence against women beyond domestic violence to all forms of violence against women, in the light of the Committee's general recommendation 19, and in this connection, reiterates its previous recommendation to the State party in respect of the criminalization of marital rape.

<sup>8</sup> The Advocates for Human Rights and National Center Against Violence, *Implementation of Mongolia's Domestic Violence Legislation*, p. 9 - 14.

<sup>9</sup> *Id.*, p. 9 - 10.

<sup>10</sup> *Id.*, p. 10 - 15.

<sup>11</sup> *Id.*, p. 46.

<sup>12</sup> Eighth and ninth periodic reports of States parties due in 2014: Mongolia, Annex I, Committee on the Elimination of Discrimination against Women, Sixty-third session, CEDAW/C/MNG/8-9, p. 2 (Dec. 11, 2014), [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MNG/INT\\_CEDAW\\_ADR\\_MNG\\_18866\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MNG/INT_CEDAW_ADR_MNG_18866_E.pdf).

<sup>13</sup> The Advocates for Human Rights and National Center Against Violence, *Implementation of Mongolia's Domestic Violence Legislation*, p. 30 - 31.

9. **Even when women are aware of and attempt to obtain restraining orders, legal and procedural hurdles make the process difficult, if not impossible.** Although not legally mandated, a risk assessment form is often required, and judges often refuse to issue a restraining order unless the victim shows a sufficient level of danger.<sup>14</sup> Obtaining a risk assessment is not straightforward, however, as both a police officer and social worker must complete the form, and these actors do not always cooperate or complete the form in a timely manner.<sup>15</sup> Courts also typically require forensic documentation of the victim's injuries before issuing a restraining order. Victims must overcome long distances, fees for the forensic evaluation, referral requirements, and limited operational hours—while their injuries are still fresh—to obtain this certificate.<sup>16</sup> Because free or low-cost legal services are inadequate or non-existent throughout Mongolia, victims must navigate this arduous process on their own.<sup>17</sup> As a result, their chances of success in obtaining a restraining order are poor. For women living in rural areas far from government services, the distance poses even greater burdens for them to obtain the needed documentation.<sup>18</sup>
10. **Even when a restraining order is issued, it is not implemented or enforced, and the LCDV fails to clearly assign responsibility for enforcing restraining orders.** Lack of harmonization of the LCDV with related laws seriously hinders its implementation and enforcement. The LCDV does not explicitly direct any government agency to serve the restraining order on the perpetrator and, in cases of eviction, remove him from the home.<sup>19</sup> Although the Court Order Implementation Agency (COIA) is charged with implementing court decisions, in the absence of a specific directive regarding restraining orders, its implementation of such orders has been inconsistent at best.<sup>20</sup> Only when a COIA official personally takes the initiative to serve and execute restraining orders does the agency play any role in implementing the orders.<sup>21</sup> This practice is rare, however, and most COIA officials have never implemented a restraining order.<sup>22</sup>
11. **The LCDV does not specify the consequences of a violation.** The LCDV fails to specifically criminalize the violation of restraining orders.<sup>23</sup> Although the Criminal Code makes it a violation to disobey a court decision, many government officials do not recognize that this provision applies to restraining orders.<sup>24</sup> As a result of the vague language in the LCDV, the failure to apply the provision in the Criminal Code that imposes penalties for disobeying a court decision, and the lack of assigned responsibility for enforcement, many restraining orders are never enforced.<sup>25</sup> Perpetrators repeatedly

---

<sup>14</sup> *Id.*, p. 16.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*, p. 16 - 17.

<sup>17</sup> *Id.*, p. 17.

<sup>18</sup> *Id.*, p. 17 - 18.

<sup>19</sup> *Id.*, p. 23 - 24.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*, p. 22 - 24.

<sup>23</sup> *Id.*, p. 25 - 27.

<sup>24</sup> *Id.*, p. 25.

<sup>25</sup> *Id.*, p. 22 - 24.

violate their orders without consequence.

12. This lack of enforcement and failure to impose sanctions for violating a restraining order is a key problem in the government's response to domestic violence.<sup>26</sup> Police officers tend to issue warnings or simply fail to respond when a perpetrator violates a restraining order.<sup>27</sup> Without enforcement and proper sanctions, victims remain in danger, and restraining orders are nothing more than a piece of paper that perpetrators are free to ignore.<sup>28</sup>

*Suggested Questions*

- Does the State Party consider victim testimony sufficient evidence (with the opportunity for a hearing at the request of either party) to issue a restraining order? If so, what steps will it take to enable judges to issue restraining orders based solely on victim testimony?
- What measures will the State Party take to ensure that responsibility for implementation and enforcement of restraining orders is clearly defined, delegated, and properly executed?
- Does the State Party intend to criminalize the violation of a restraining order, including in cases where the perpetrator has committed no additional violence?

**Administrative and criminal prosecutions (CEDAW, Articles 2, 3, 5, and 16)**

13. **Mongolia lacks an effective administrative and criminal response to domestic violence.** Because administrative and criminal laws lack specific provisions addressing domestic violence, law enforcement personnel turn to other provisions that either carry inappropriate punishments or are fraught with evidentiary and procedural obstacles.<sup>29</sup> Police officers rely heavily on provisions of the Administrative Penalty Law.<sup>30</sup> In the absence of a specific criminal domestic violence provision, police and prosecutors rely on general criminal assault provisions, such as infliction of bodily injury and torture.<sup>31</sup>
14. **The legal system response in Mongolia fails to hold perpetrators accountable for domestic violence.** In the majority of domestic violence cases, perpetrators go unpunished. When the legal system does take action to hold perpetrators accountable, it most often relies on the Administrative Penalty Law.<sup>32</sup> The sanctions of the Administrative Penalty Law typically applied in domestic violence cases are for alcohol intoxication and hooliganism.<sup>33</sup> These penalties are more lenient than the punishments available under the Criminal Code. Police apply the intoxication provision to remove the

---

<sup>26</sup> *Id.*, p. 22 - 27.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*, p. 25 - 27.

<sup>29</sup> *Id.*, p. 28 - 30.

<sup>30</sup> *Id.*, p. 30.

<sup>31</sup> *Id.*, p. 41 - 43.

<sup>32</sup> *Id.*, p. 30.

<sup>33</sup> *Id.*

perpetrator to a sobering unit; they can also charge a perpetrator with hooliganism for violating the public order even if he is sober.<sup>34</sup> Neither provision, however, is effective in stopping domestic violence.<sup>35</sup>

- 15. Criminal prosecution of domestic violence cases encounters several obstacles, including government reticence to pursue these cases, unrealistic evidentiary requirements, and a reconciliation loophole.**<sup>36</sup> For a case to be charged and prosecuted criminally, a number of conditions must be satisfied. First, a forensic certificate must show that the victim suffered medium to severe injuries; second, the police inspector must decide whether to charge the case criminally; third, that decision must be confirmed by the prosecutor.<sup>37</sup> In most cases a victim must register a complaint before a prosecutor will proceed with the criminal prosecution. Finally, if the victim reconciles with her abuser, which she is usually encouraged to do, the case is dropped.<sup>38</sup> All of these requirements place a heavy burden on the victim and result in inadequate access to effective criminal remedies.<sup>39</sup>

#### *Suggested Questions*

- What measures, if any, has the State Party taken to amend its law to include domestic violence as a specific crime in the Criminal Code?
- What steps is the State Party taking to educate systems actors about the dynamics of domestic violence, including the problems with reconciliation and addressing domestic violence as an alcohol treatment issue?
- Is the State Party taking steps to eliminate provisions in penal laws that allow for a case to be closed upon reconciliation between an offender and victim in domestic violence cases?
- What steps is the State Party taking to promote prosecution in cases that lack forensic evidence?

#### **Divorce (CEDAW, Articles 1, 2, 3, 5, 15, and 16)**

- 16. The futility of restraining orders and lack of an effective criminal justice response lead victims to seek divorce, an inadequate and often dangerous alternative.** Many women see divorce as a primary, and often the only, solution to domestic violence.<sup>40</sup> Mongolia's Family Law, however, poses several barriers for a woman seeking relief through a divorce. Divorce is not available to women who are pregnant or have a child

---

<sup>34</sup> *Id.*, p. 30 - 31.

<sup>35</sup> *Id.*, p. 30.

<sup>36</sup> *Id.*, p. 33.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*, p. 46.

under the age of one year.<sup>41</sup> The cost of filing for divorce is prohibitive for many women.<sup>42</sup>

17. The Family Law also prioritizes reconciliation over divorce, creating serious safety concerns for victims.<sup>43</sup> The law authorizes judges to impose a three-month reconciliation period for couples before granting a divorce.<sup>44</sup> Although the law does not require a reconciliation period where there is a threat to life, judges do not screen for domestic violence consistently nor do they always discover it when they do screen.<sup>45</sup> Even when domestic violence is reported, some judges nevertheless impose a reconciliation period. The reconciliation period creates serious safety concerns for victims, especially when the victim does not have a restraining order. Women have been threatened, abused, and even killed by their abusers during the reconciliation period.<sup>46</sup> Although Mongolian victims of domestic violence turn to divorce because they are unable to obtain protection through civil restraining orders or criminal prosecution, the divorce process contains its own barriers to safety for victims.

#### *Suggested Questions*

- How do women victims of domestic violence who cannot afford fees obtain a divorce? Is the State Party undertaking measures to remove financial barriers to divorce for indigent women, and if so, what are those measures?
- What steps, if any, is the State Party taking to eliminate reconciliation periods and restrictions regarding who is allowed to divorce?

#### **Inadequate services for victims (CEDAW, Articles 2, 3, 5, 14, and 16)**

18. **Services for victims are inadequate.** Although shelters are referenced throughout the LCDV and are an essential component of any system to combat domestic violence, they are rarely available in Mongolia.<sup>47</sup> The need for shelters in rural areas of Mongolia is especially acute, where women are often forced to travel great distances to seek safety.<sup>48</sup> Without the protection of shelters, perpetrators in Mongolia have easily stalked, threatened, hurt, and even killed victims who were trying to escape.<sup>49</sup>

---

<sup>41</sup> *Id.*, p. 47 - 48.

<sup>42</sup> *Id.*, p. 46 - 47.

<sup>43</sup> When courts promote reconciliation, victims may be coerced into reconciling or face renewed violence from their abusers.

<sup>44</sup> The Advocates for Human Rights and National Center Against Violence, *Implementation of Mongolia's Domestic Violence Legislation*, p. 47 - 48.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*, p. 51 - 52.

<sup>48</sup> *Id.*, p. 53 - 54.

<sup>49</sup> *Id.*, p. 51 - 54.



19. **Victims in Mongolia also lack access to a number of other essential social services and support, largely due to a lack of funding.** The State Party has not allocated a specific budget for domestic violence issues, and therefore, victims and survivors do not have access to effective protection.<sup>50</sup> Three “One Stop Services” Centres were established in Ulaanbaatar around hospitals where victims and survivors can have access to medical services, however, “due to its financial limitation, the Government has been rendering financial support to only one of these centres.”<sup>51</sup> With only one government-funded centre, and given its location in the city, it is extremely difficult for victims and survivors – especially rural women – to have access to adequate protection services.
20. **Social workers, police, and legal aid providers have heavy caseloads that prevent them from adequately addressing the needs of domestic violence victims.**<sup>52</sup> These needs are particularly severe in rural areas.<sup>53</sup> Government actors frequently do not place a high priority on their responsibilities under the LCDV for combating domestic violence.<sup>54</sup> For example, the LCDV directs social workers to work with families and conduct risk assessments.<sup>55</sup> Social workers’ job descriptions, however, often fail to include these responsibilities.<sup>56</sup> Instead of incorporating these duties within their workday, **social workers must address domestic violence issues on their own time and outside of their job mandate.**<sup>57</sup> Local and regional governors are also responsible for combating domestic violence under the LCDV, but **domestic violence is also a low priority for them, and they have few resources to assist them.**<sup>58</sup> Volunteers, such as NCAV’s regional coordinators, often step in to provide much-needed counseling and support services.<sup>59</sup> While this support is welcome, it is far from adequate to meet the needs of domestic violence victims.

### *Suggested Questions*

- What financial support does the State Party intend to allocate to activities to combat domestic violence, including victim services, shelters, and trainings for systems actors?

<sup>50</sup> Eighth and ninth periodic reports of States parties due in 2014: Mongolia, Convention on the Elimination of All Forms of Discrimination against Women, Sixty-third session, CEDAW/C/MNG/8-9, p. 8 (Dec. 11, 2014), <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgOTxO5cLIZ0CwAvhyns%2byLTmgva7X1c8MI9sn4zNTkpm2yIgHmqIWI7wOHgS%2bIlhcsFhgNmhVHYXHwQJHsBV1LTAofJ1GejXfx6W7RC%2f5Ix>.

<sup>51</sup> *Id.*, p. 8 - 9.

<sup>52</sup> The Advocates for Human Rights and National Center Against Violence, *Implementation of Mongolia’s Domestic Violence Legislation*, p. 56 - 58.

<sup>53</sup> *Id.*, p. 53 - 54.

<sup>54</sup> The Advocates for Human Rights and National Center Against Violence, *Implementation of Mongolia’s Domestic Violence Legislation*, p. 56.

<sup>55</sup> *Id.*, p. 16.

<sup>56</sup> *Id.*, p. 56 - 57.

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*, p. 57 - 58.

<sup>59</sup> *Id.*, p. 55.

- What steps is the State Party taking to increase victims’ access to services?
- How does the State Party intend to educate the relevant authorities and organizations about the LCDV and domestic violence in order to achieve more effective protection for victims and accountability for offenders?

### **Amendments to the Law on Combatting Domestic Violence and other provisions of law**

21. Mongolia has taken steps to combat domestic violence in the direction toward fulfilling its obligations under CEDAW. The Advocates commends Mongolia on having enacted a domestic violence law, which entered into force in January 2005. Mongolia has included several important provisions in the LCDV.<sup>60</sup> However, the LCDV and other provisions of Mongolian law need to be strengthened to achieve the key goals of any domestic violence law—promoting victim safety and offender accountability.<sup>61</sup>
22. **Mongolia’s President submitted a revision of and amendments to the LCDV before Parliament in April 2015.** These proposed changes have not yet been accepted and are under review until the parliamentary session concludes in July 2015. The revised law intends to correct the current law, which, according to the Human Rights and Legal Policy Advisor to the President, is “ineffective.”<sup>62</sup> The revised law prioritizes the protection of victims’ rights and focuses on “providing a system to protect people’s rights.”<sup>63</sup> The amendments seek to “specif[y] the rights and responsibilities of the government and nongovernment organizations, and the relations between institutes and sectors to correct policy errors.”<sup>64</sup> The draft amendments explicitly direct responsibility for implementation of the law.<sup>65</sup> The draft amendments also include a chapter to address the protection of children from domestic violence.<sup>66</sup> Importantly, the amendments seek to broaden the scope of persons subject to the law to include divorced persons and persons who have never been married.<sup>67</sup>

---

<sup>60</sup> *Id.*, p. 89:

The Advocates especially commends Mongolia for including a restraining order (**Articles 16 & 17**) in the LCDV. The civil restraining order, also known as a protection order, is one of the best methods for keeping victims safe from domestic violence. The restraining order provision provide for significant and appropriate restrictions on the perpetrator’s actions (**Article 16**). Some of its other strengths include requiring that orders be issued within 24 hours of the victim’s complaint (**Section 17.2**), allowing the order to take effect while it is being appealed (**Section 17.4**) and not allowing the existence of a restraining order interfere with other, related actions (**Section 17.5**). The law includes a number of other important provisions including the broad scope of its coverage (**Article 3**) and identifying the roles and responsibilities of various government sectors and non-governmental organizations in combating domestic violence (**Articles 7, 8, 9, 10, 11, 14**).

<sup>61</sup> *Id.*, p. 89.

<sup>62</sup> *Ch. Unurbayar: Domestic violence is unacceptable*, THE U.B. POST (May 14, 2015), <http://ubpost.mongolnews.mn/?p=14549>.

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> Law on Combating Domestic Violence [LCDV, revised version] art. 8, 9 (2014) (Mong.).

<sup>66</sup> *Ch. Unurbayar: Domestic violence is unacceptable*, THE U.B. POST.

<sup>67</sup> LCDV, revised version, art. 3.2 (2014) (Mong.).

23. **According to the proposed amendments, seven types of services will be provided to victims of domestic violence:** security services, healthcare services, legal assistance, child protective services, mental health services, referral services, and social welfare services.<sup>68</sup> The Human Rights and Legal Policy Advisor has stated that these services in the revised LCDV are intended to further protect and emphasize victims' rights.<sup>69</sup>
24. **Proposed amendments to the Criminal Code seek to strengthen criminal liability for perpetrators of domestic violence.**<sup>70</sup> The draft of a revised Criminal Code – under review in the same parliamentary session as the revised LCDV – proposes the criminalization of domestic violence as a specific offense.<sup>71</sup>
25. **While this draft addresses some of the problems with the current version of the LCDV, it fails to address other important gaps and weaknesses.** Some provisions of the draft have the potential to place victims of domestic violence in greater danger. Among the most troubling proposals is an extremely broad provision mandating reporting of domestic violence to the police.<sup>72</sup> This mandatory reporting requirement, which applies to all citizens and legal entities, increases the risk of further danger to victims. Such mandatory reporting requirements should be limited to domestic violence involving children and vulnerable populations, such as persons living with disabilities. Mandatory reporting of domestic violence in cases involving competent adults may subject them to greater harm.

#### *Suggested Questions*

- Has the State Party adopted the proposed amendments to the LCDV? If not, what is its expected timeline for doing so?
- Do the proposed amendments to the LCDV address harmonization between the LCDV and related legislation?
- Do the proposed amendments to the LCDV criminalize the violation of a restraining order?
- Will the State Party remove the mandatory reporting requirement in the revised LCDV, except in cases involving children or other vulnerable populations?
- Do the proposed amendments include measures to effectively implement the revised LCDV, including through trainings for systems actors, adequate funding and sufficient resources, and consistent monitoring?
- If adopted, what measures will the State Party take to properly implement the revised LCDV throughout Mongolia?

---

<sup>68</sup> Ch. Unurbayar: *Domestic violence is unacceptable*, THE U.B. POST.

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> LCDV, revised version, art. 21 (2014) (Mong.).