



**MONGOLIA's Compliance with the
Convention on the Elimination of Discrimination against Women**

PARALLEL REPORT RELATING TO DOMESTIC VIOLENCE

**Submitted by The Advocates for Human Rights
A non-governmental organization in special consultative status with ECOSOC
and
National Center Against Violence**

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I. Reporting Organizations

- 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’ Women’s Human Rights Program has published 25 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. The Advocates also provides legal services to low-income asylum seekers in the Upper Midwest of the United States. Since 2014, a growing number of women from Honduras who have fled gender-based violence have requested legal assistance from The Advocates in seeking asylum in the United States. Information from asylum seekers about gender-based violence in Honduras has been used in this submission with their permission.
- 2. The National Center Against Violence (NCAV).** 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.

II. Issues Relating to Domestic Violence in Mongolia

A. Background Information

1. Despite recent progress, domestic violence is acknowledged to be a widespread and serious problem in Mongolia.¹ National statistics on domestic violence in Mongolia are not readily available, but 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.² Similarly, in 2007, approximately one-half of all administrative detainees and one-quarter of criminal detainees were held for domestic violence-related offenses.³ Under one estimate, one in three Mongolian women was a victim of domestic violence in 2010.⁴
2. Domestic violence is generally seen as a private matter within Mongolia.⁵ Many victims view the domestic violence they suffer as normal.⁶ Individuals involved in the justice system often hold harmful attitudes that promote preservation of the family over women's safety.⁷ There is also widespread misperception that alcohol abuse and dependency is a main cause of domestic violence in Mongolia.⁸ This perception manifests itself in the government response, where the legal and justice systems tend to prioritize addressing alcoholism over violence.⁹
3. Mongolia's current legal framework includes many gaps. Until recently, the provisions of the Criminal Code failed to criminalize domestic violence and, as a result, there was little criminal action taken against domestic violence perpetrators.¹⁰ Mongolia's Law on Combatting Domestic Violence (2004) (LCDV) includes provisions for restraining orders, but the rate of their issuance under the LCDV is very low.¹¹ As one result of the poor legal framework, instead of availing themselves of legal remedies, many women in Mongolia turn to divorce to escape violence.¹²

III. Mongolia's Obligations under CEDAW

¹ Reports on Mongolia, Executive Summary, Embassy of the United States, available at <https://mongolia.usembassy.gov/hrr2015.html>.

² 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_monitorng_the_implementation_of_mongolia_s_domestic_violence_legislation.html.

³ *Id.* at p. 1.

⁴ *Id.* at p. 5. In part, the lack of specific criminal law provision on domestic violence to date, makes efforts to track reported cases difficult. See *id.*

⁵ *Id.* at p. 13.

⁶ *Id.* at pp. 9-10.

⁷ *Id.* at pp. 10-15.

⁸ Eighth and Ninth Periodic reports of States parties due in 2014: Mongolia, Annex 1, 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/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMNG%2fCO%2f7&Lang=en.

⁹ The Advocates for Human Rights and National Center Against Violence, Implementation of Mongolia's Domestic Violence Legislation, at p. 5 (2014), at pp. 30-31.

¹⁰ Eighth and Ninth Periodic reports of States parties due in 2014: Mongolia, Annex 1, 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/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMNG%2fCO%2f7&Lang=en.

¹¹ The Advocates for Human Rights and National Center Against Violence, Implementation of Mongolia's Domestic Violence Legislation, at p. 5 (2014), at p. 9.

¹² *Id.* at pp. 46-50.

4. 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.
5. This report focuses on Mongolia’s obligation under CEDAW, Articles 2, 3, 5, 14, 15, and 16.

IV. Recent Developments Addressing Domestic Violence in Mongolia

6. In large part, Mongolia has been actively working to protect victims of domestic violence through the avenue of legal reform. Mongolia’s domestic violence law entered into force in January 2005 and it includes several important provisions to protect victim safety.¹³ However, the LCDV and other provisions of Mongolian laws addressing domestic violence need to continue to be strengthened to achieve the key goals of any domestic violence law—promoting victim safety and offender accountability.¹⁴
7. The President of Mongolia has been vocal about the issue of domestic violence. In December 2013, the President delivered a speech drawing attention to the issue of domestic violence and calling on citizens to unite against domestic violence.¹⁵ On March 8, 2015, Mongolia’s President again publicly acknowledged and emphasized the importance of efforts to address domestic violence by stating the intention to submit a draft law criminalizing domestic violence for Parliament’s approval in 2015, thereby expanding the country’s public discourse on domestic violence issues as well as promoting legal reform in the area.¹⁶
8. In April 2015, Mongolia’s President submitted a revision of and amendments to the LCDV, as well as to the Criminal Code before Parliament. The proposed amendments to the Criminal Code sought to strengthen criminal liability for perpetrators of domestic violence.¹⁷ The revised LCDV law intends to correct the currently “ineffective” law.¹⁸ The revised law prioritizes the protection of victims’ rights and focuses on “providing a system to protect people’s rights.”¹⁹ 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.”²⁰ The draft amendments explicitly direct responsibility for implementation of the law.²¹ The draft amendments also include a chapter to address the protection of children from domestic

¹³ *Id.* at p. 9.

¹⁴ *See generally id.*

¹⁵ Reports on Mongolia, Executive Summary, Embassy of the United States, available at <https://mongolia.usembassy.gov/hrr2015.html>.

¹⁶ President of Mongolia to Present Draft Law on Domestic Violence to Parliament, MAD Mongolia Newswire, <http://mad-intelligence.com/president-of-mongolia-to-present-draft-law-on-domestic-violence-to-parliament/>

¹⁷ Ch. Unurbayar: Domestic violence is unacceptable, THE U.B. POST (May 14, 2015), <http://ubpost.mongolnews.mn/?p=14549>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

violence.²² 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.²³

9. According to the proposed LCDV 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 to further protect and emphasize victims' rights.²⁴
10. On December 3, 2015, Parliament approved the part of the proposed draft law which addressed domestic violence in the Criminal Code. As a result, domestic violence is now a specific crime and subject to criminal punishment.²⁵
11. In terms of enforcement, shortly after the approval of revisions to the Criminal Code involving domestic violence, Parliament approved revised provisions to the Petty Offence Code, which allows professionals who are designated with responsibility within the LCDV to be held legally accountable for failing to meet their responsibilities.²⁶
12. Discussions on the proposed amendments to the LCDV continue before Parliament.²⁷
13. Other steps forward have been made. Government and public awareness of domestic violence issues appears to be improving. According to NCAV, the number of police officers who reached out to the NCAV to ask for information regarding how to complete restraining order forms increased significantly compared with 2013.²⁸ Additionally, there were fewer complaints that police refused to respond to domestic violence calls because they considered it an internal family matter.²⁹ In addition, in the first nine months of the year, the police received 543 reports of domestic violence, which nearly doubled the 284 reported for the same period in 2013, indicating and increased knowledge of relevant systems and willingness to access those systems.³⁰
14. In terms of services provided, NCAV stated that in the first six months of 2015, it provided temporary shelter to 83 persons (36 women and 47 children) at its shelters, psychological counseling to 371 individuals, and legal counseling to 469 individuals (overlapping categories), and overall providing services for 712 people between January and June for domestic violence and sexual abuse.³¹
15. Other improvements in 2015 included: revisions to police officers' position descriptions to include combating domestic violence; the establishment of a Division for the Prevention of Domestic Violence and Crimes Against Children under the Ulaanbaatar Metropolitan Police Department, including a new police-run shelter for domestic violence victims being run under this

²² Law on Combating Domestic Violence [LCDV, revised version] art. 8, 9 (2014) (Mong.).

²³ LCDV, revised version, art. 8, 9 (2014) (Mong.).

²⁴ Ch. Unurbayar: Domestic violence is unacceptable, THE U.B. POST (May 14, 2015), <http://ubpost.mongolnews.mn/?p=14549>.

²⁵ Email communication from NCAV to The Advocates, Dec. 4, 2015 (on file with authors).

²⁶ Email communication from NCAV to The Advocates, Dec. 15, 2015 (on file with authors).

²⁷ Email communication from NCAV to The Advocates, Dec. 4, 2015 (on file with authors).

²⁸ Reports on Mongolia, Executive Summary, Embassy of the United States, available at <https://mongolia.usembassy.gov/hrr2015.html>.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

division. The shelter staff received multiple iterations of Ministry of Justice-funded training from NCAV staff members during the year.³²

16. While these improvements address some of the problems with domestic violence related systems, important gaps and weaknesses remain and are likely to remain for some time, even in the face of the altered criminal provision. Further, certain provisions of the current proposed draft of the LCDV have the potential to place victims of domestic violence in greater danger through provisions such as the broad mandatory reporting requirements of domestic violence to the police.³³

V. Barriers to Ending Domestic Violence

A. Lack of knowledge and information

17. A pervasive lack of knowledge about domestic violence and available legal remedies also prevents women from seeking its protections.³⁴ Although the LCDV was adopted in 2004, a number of police, prosecutors, judges, and social workers remained unaware of the law nine years later as discovered during fact-finding in 2013.³⁵

B. Legal and procedural hurdles

18. Administrative and criminal laws generally lack specific provisions addressing domestic violence. As a result, the legal system currently fails to hold perpetrators accountable for domestic violence and perpetrators frequently go unpunished.
19. Law enforcement personnel rely instead on legal provisions that either carry inappropriate punishments or pose substantial evidentiary and procedural obstacles.³⁶ For example, police rely heavily on provisions of the Administrative Penalty Law in domestic violence cases.³⁷ The sanctions of the Administrative Penalty Law typically applied in domestic violence cases are for alcohol intoxication and hooliganism.³⁸ These penalties are more lenient than the punishments available under the Criminal Code. Police apply the intoxication provision to remove the perpetrator to a sobering unit; they can also charge a perpetrator with hooliganism for violating the public order even if he is sober.³⁹ Sometimes offenders are detained for short periods of time and are fined.⁴⁰ Similarly, prosecutors bring criminal charges relating to domestic violence under more general provisions of the criminal code (such as those on assault, battery, infliction of injury, disorderly conduct, and hooliganism).⁴¹ The determination of whether to charge abusers

³² *Id.*

³³ LCDV, revised version, art. 21 (2014) (Mong.).

³⁴ The Advocates for Human Rights and National Center Against Violence, Implementation of Mongolia's Domestic Violence Legislation, at p. 5 (2014), at pp. 9-14.

³⁵ *Id.* at pp. 10-15.

³⁶ *Id.* at pp. 28-30.

³⁷ *Id.* at p. 30.

³⁸ *Id.*

³⁹ *Id.* at pp. 30-31.

⁴⁰ Reports on Mongolia, Executive Summary, Embassy of the United States, available at <https://mongolia.usembassy.gov/hrr2015.html>.

⁴¹ *Id.*

with administrative or criminal offenses often depends on the severity of physical injury inflicted on the victim. These provisions, however, are ineffective in stopping domestic violence.⁴²

20. Criminal prosecution of domestic violence cases has encountered several obstacles, including government reticence to pursue these cases, unrealistic evidentiary requirements, and a reconciliation loophole.⁴³ 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.⁴⁴ 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.⁴⁵ All of these requirements place a heavy burden on the victim and result in inadequate access to effective criminal remedies.⁴⁶
21. The adoption of the new draft provision of the Criminal Code that criminalizes domestic violence should be a beginning step in addressing problems where police and prosecutors rely on generalized criminal provisions, such as provisions relating to assault, infliction of bodily injury and torture.⁴⁷ Other legal amendments and changes in implementation still remain needed in order to effectively enforce the new criminal law.

C. Restraining Orders

1. The LCDV provides remedies to protect victims against offenders, including expulsion from the home, prohibitions on the use of joint property, prohibitions on meeting victims and on access to minors, and compulsory training aimed at behavior modification.⁴⁸ Even when women are aware of and attempt to obtain restraining orders, however, legal and procedural hurdles make the process of obtaining and implementing a restraining order difficult, if not impossible.⁴⁹
2. The LCDV requires police who receive reports of domestic violence to accept and file complaints, visit the site of incidents, interrogate offenders and witnesses, enforce administrative penalties, and take victims to a refuge, which police can be hesitant to do.⁵⁰
3. Domestic violence cannot be reported anonymously, and callers must often give their names and locations, thereby dissuading individuals from reporting domestic abuse due to fear their identity might be made known to the perpetrator.⁵¹
4. 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.⁵² Obtaining a risk

⁴² The Advocates for Human Rights and National Center Against Violence, *Implementation of Mongolia's Domestic Violence Legislation*, at p. 5 (2014), at pp. 30.

⁴³ *Id.* at p. 33.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *See id.* at pp. 41-43.

⁴⁸ Reports on Mongolia, Executive Summary, Embassy of the United States, available at <https://mongolia.usembassy.gov/hrr2015.html>.

⁴⁹ *See id.* at pp. 9-27.

⁵⁰ Reports on Mongolia, Executive Summary, Embassy of the United States, available at <https://mongolia.usembassy.gov/hrr2015.html>.

⁵¹ *Id.*

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.⁵³ 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.⁵⁴ Because free or low-cost legal services are inadequate or non-existent throughout Mongolia, victims must navigate this arduous process on their own.⁵⁵ 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.⁵⁶

5. Overall, restraining orders are rarely issued in cases involving domestic violence and, when issued, they are poorly monitored and enforced as described below.⁵⁷

D. Enforcement of the LCDV

6. There are a number of problems with enforcement of the LCDV. When a restraining order is issued, it is not implemented or enforced as 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.⁵⁸ 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.⁵⁹ 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.⁶⁰ This practice is rare, however, and most COIA officials have never implemented a restraining order.⁶¹
7. In addition, the LCDV does not specify the consequences of a violation, including a failure to specifically criminalize the violation of restraining orders.⁶² 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.⁶³ 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, as well as the lack of assigned responsibility for enforcement, many restraining orders are never enforced.⁶⁴

⁵² The Advocates for Human Rights and National Center Against Violence, Implementation of Mongolia’s Domestic Violence Legislation, at p. 5 (2014), at p. 16.

⁵³ *Id.*

⁵⁴ *Id.* at pp. 16-17.

⁵⁵ *Id.* at p. 17.

⁵⁶ *Id.* at pp. 17-18.

⁵⁷ *Id.*; see also The Advocates for Human Rights and National Center Against Violence, Implementation of Mongolia’s Domestic Violence Legislation, at p. 5 (2014), at pp. 9-27.

⁵⁸ *Id.* at 23-24.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.* at pp. 22-24.

⁶² The Advocates for Human Rights and National Center Against Violence, Implementation of Mongolia’s Domestic Violence Legislation, at p. 5 (2014), at pp. 25-27.

⁶³ *Id.* at p. 25.

⁶⁴ *Id.* at 22-24.

8. 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.⁶⁵ Police officers tend to issue warnings or simply fail to respond when a perpetrator violates a restraining order.⁶⁶ Without enforcement and proper sanctions, victims remain in danger, and restraining orders are little more than a piece of paper that perpetrators are free to ignore.⁶⁷

E. Divorce

9. The futility of restraining orders and lack of an effective criminal justice response lead victims to seek divorce, an inadequate and often dangerous alternative in Mongolia. Many women see divorce as a primary, and often the only, solution to domestic violence.⁶⁸ 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 under the age of one year.⁶⁹ Also, the cost of filing for divorce is prohibitive for many women.⁷⁰
10. The Family Law also prioritizes reconciliation over divorce, creating serious safety concerns for victims under which victims may be coerced to reconcile, even in the face of violence. The law authorizes judges to impose a three-month reconciliation period for couples before granting a divorce.⁷¹ 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.⁷² 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.⁷³ 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.

F. Inadequate services for victims

11. Services for victims are inadequate in Mongolia. 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.⁷⁴ The need for shelters in rural areas of Mongolia is especially acute, where women are often forced to travel great distances to seek safety.⁷⁵ Without the protection of shelters, perpetrators in Mongolia have easily stalked, threatened, hurt, and even killed victims who were trying to escape.⁷⁶

⁶⁵ *Id.* at pp. 22-27.

⁶⁶ *Id.*

⁶⁷ *Id.* at 25-27.

⁶⁸ *Id.* at p 46.

⁶⁹ *Id.* at pp. 47-48.

⁷⁰ *Id.* at pp. 46-47.

⁷¹ *Id.* at pp. 47-48.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.* at pp. 51-52.

⁷⁵ *Id.* at pp. 53-54.

⁷⁶ *Id.* at pp. 51-54.

12. Victims in Mongolia also lack access to a number of other essential social services and support, largely due to a lack of funding. Mongolia has not allocated a specific adequate budget for domestic violence issues, and therefore, victims and survivors do not have access to effective protection.⁷⁷
13. As of June 2015, there were approximately seven shelters (two in Ulaanbaatar) and five one-stop service centers (three in Ulaanbaatar), which are run by a variety of NGOs, local government agencies, and hospitals.⁷⁸ As described in the State Party Report, the government has been providing financial support to only one of these centers.⁷⁹ The one-stop service centers, located primarily at hospitals, provided emergency shelter to victims for up to 72 hours; victims who need longer accommodation were transferred to shelters.⁸⁰ The very small number of shelters, particularly in rural areas, presents a challenge for domestic violence victims seeking assistance.
14. In 2015, a new police-run shelter for domestic violence victims was also established under the newly established Division for the Prevention of Domestic Violence and Crimes Against Children under the Ulaanbaatar Metropolitan Police Department.⁸¹ NCAV has expressed concern with the limited outcomes of that police shelter in light of the significant funding, staffing and supplies it has received.⁸²
15. Social workers, police, and legal aid providers have heavy caseloads that prevent them from adequately addressing the needs of domestic violence victims.⁸³ These needs are particularly severe in rural areas.⁸⁴ Government actors frequently do not place a high priority on their responsibilities under the LCDV for combating domestic violence.⁸⁵ For example, the LCDV directs social workers to work with families and conduct risk assessments.⁸⁶ Social workers' job descriptions, however, often fail to include these responsibilities.⁸⁷ 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.⁸⁸ 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.⁸⁹ Volunteers, such as NCAV's regional

⁷⁷ 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%2byLTmgva7X1c8MI9sn4zNTkpm2yIghmqlW17wOHgS%2bIlhcsFhgNmhVHYXHWQJHsBV1LtaofJ1GejXfx6W7RC%2f51x>.

⁷⁸ Reports on Mongolia, Executive Summary, Embassy of the United States, available at <https://mongolia.usembassy.gov/hrr2015.html>.

⁷⁹ 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, at pp. 8-9.

⁸⁰ Reports on Mongolia, Executive Summary, Embassy of the United States, available at <https://mongolia.usembassy.gov/hrr2015.html>.

⁸¹ Reports on Mongolia, Executive Summary, Embassy of the United States, available at <https://mongolia.usembassy.gov/hrr2015.html>.

⁸² *Id.*

⁸³ The Advocates for Human Rights and National Center Against Violence, *Implementation of Mongolia's Domestic Violence Legislation*, at pp. 56-58.

⁸⁴ *Id.* at pp. 53-54.

⁸⁵ *Id.* at p. 56.

⁸⁶ *Id.* at p. 16.

⁸⁷ *Id.* at pp. 56-57.

⁸⁸ *Id.*

⁸⁹ *Id.* at pp. 57-58.

coordinators, often step in to provide much-needed counseling and support services.⁹⁰ While this support is welcome, it is far from adequate to meet the needs of domestic violence victims.

VI. Recommendations for the Mongolian Government

The government and key actors in Mongolia must continue its work toward amending the LCDV to address the challenges outlined above. Further, the state must ensure that the recent changes to the Criminal Code are effectively implemented and enforced. Finally, the state must continue to ensure funding for domestic violence services and education to key system stakeholders. Specifically, the government and key actors in Mongolia must:

- Ensure adoption of those proposed amendments to the LCDV that ensure victim safety and promote offender accountability, as advocated by NCAV.
- Ensure harmonization between the LCDV amendments and accepted amendments to the Criminal Code, Petty Offence Code and other administrative laws.
- Ensure removal of mandatory reporting requirements under laws relating to domestic violence, except in cases involving violence against children or other vulnerable populations.
- Ensure measures to effectively implement the revised LCDV and criminal provisions, including through trainings for systems actors, adequate funding and sufficient resources, and consistent monitoring.
- Specifically ensure the amended LCDV includes:
 - Recognition of victim testimony as sufficient evidence (with the opportunity for a hearing at the request of either party) to issue a restraining order and, correspondingly, mechanisms for cases to move forward without forensic evidence;
 - criminalization of violations of restraining orders; and
 - the elimination of provisions that allow for a case to be closed upon reconciliation between an offender and victim in domestic violence cases.
- Ensuring monitoring and review of the implementation of the current change to the Criminal Code criminalizing acts of domestic violence.
- Ensure education of system actors regarding the dynamics of domestic violence, including the problems with reconciliation and addressing domestic violence as an alcohol treatment issue.
- Allocate government funding for activities to combat domestic violence, including victim services, shelters, and trainings for systems actors.
- Remove financial barriers to divorce for indigent women.
- Eliminate reconciliation periods and restrictions regarding who is allowed to divorce and when.

⁹⁰ *Id.* at p. 55.