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The domestic violence

Submission:

National Center Against Violence

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Mongolian Human Rights NGO Forum

The Mongolian Human Rights NGO Forum (hereafter HRF) was established in January 2010 in the wake of a training organized for NGOs as a preparation for Mongolia's participation in the first UPR cycle. Since then, HRF has united in its ranks over 50 NGOs which have consistently worked to improve the human rights situation in Mongolia, promote and protect human rights. For the purpose of energizing the implementation of UPR recommendations, HRF has also organized regular consultative meetings among governmental and non-governmental organizations and engaged in advocacy work.

National Center Against Violence

Domestic Violence

Mongolia has attended at the UN Human Rights Council's regular Universal Periodic Review on 5 May 2015 and has committed to implementing 150 recommendations. Total 21 out of 150 recommendations are on combating domestic violence, preventing and protecting victims.

The Government of Mongolia has approved the action plan to fulfil the recommendations with resolution # 204 in 2016. The informal council to oversee the implementation of the recommendations was headed by the Minister of Justice and Home Affairs, which consists of representatives from all Secretariats of Ministries, Heads of Government Agencies and civil society representatives.

The required information for writing this report is collected from relevant governmental organizations, non-governmental organizations, target groups, focus group discussions with specialists, and reviewed the collected data.

A focus group discussion with 111 specialists from seven aimags, including Uvurkhangai, Darkhan-Uul, Khuvsgul, Umnugovi, Bayankhongor, Khentii, and Bayan-Ulgii aimags to determine the current situation and challenges of domestic violence in a local level.

To determine the problems facing the victims and target groups, overall three interviews were held involving 50 people. Then, the draft report is discussed among relevant stakeholders and considered their comments and recommendations.

Achievement:

- The Law on Combating Domestic Violence has been revised and approved following the Criminal Code Reform Act. It has created a comprehensive legal environment.
- Furthermore, it legislated the domestic violence is violation and criminalized, violations can be imposed on 7 to 30 days of imprisonment and attend at compulsory behaviour change training^[i], even though it legislates that to take restraining order for a period of six months to one year, or to imprison for a term of time for the crime^[ii]
- -Threatening^[iii], Stalking^[iv] actions are accepted as crimes and sentenced to criminal accountability.
- In the Criminal Code, the sentence is subjected to serious penalties when raping a person with a family relationship^[v].
- -it is available to take restraining order while the criminal investigation process is ongoing which prohibits a perpetrator not to visit victim's work and the home event not to approach to victims and limits to visit some places as well^[vi].
- -The sub-council was established on preventing domestic violence and child abuse.
- -The ministries have adopted a total of 33 regulations on ensuring implementation of the law on combating domestic violence.
- Law enforcement and multidisciplinary team members were trained to detect, respond and investigate tp domestic violence case.
- -Thank you international donor organisations funding support, 7 one-stop service centres in aimag level and 2 in district level were established. There is a total of 14

one-stop service centres and 14 temporary shelter houses are existing at the national level. The Government of Mongolia allocated 700 million MNT.

Emerging issues:

- According to the National Statistical Office research "Mongolian Women's Life Experience" in 2017, states that one in three women in Mongolia was physically abused and four in ten women were subjected to emotional abuse[\[vii\]](#).
- Due to domestic violence, an increasing number of injury, loss of life, and child abuse tend to increase. Since the adoption of a law on combating domestic violence revision, 15 people lost life due to domestic violence for the last 2 years[\[viii\]](#).
- Regarding the adoption of the law on combating domestic violence, it has not yet allocated the budget for ensuring full implementation of the law.
- A one-stop service centre and temporary shelter houses which were established within the framework of international organizations and some local initiatives are not able to provide sustainable services due to lack of funding sources.
- Inter-sectoral co-operation in the field of prevention from domestic violence, advocacy of legislation, changing attitudes of the general public, training of specialists, capacity building and the responding to victims are weak and inadequate.
- The specialists do not respond effectively to domestic violence cases, due to lack of regular training without complex program content to policemen, doctors, teachers, social workers who are responsible under the law on combating domestic violence
- There is still a need to strengthen the capacity of civil servants and specialists with the mandate to enforce the Law on Combating Domestic Violence, to ensure the working conditions for sustainable engagement of staffing and increase number of specialists. There are still 4,585 vacancies needed at the police station due to lack of following the standard and norm.[\[ix\]](#) Although, Mongolia still has the limited opportunity to increase the number of vacancies associated with the International Monetary Fund (IMF) extended program.

It is challenging to respond effectively to domestic violence case at the local level due to the lack of professionals police, social worker, psychologist as well as not stable human resource. Even though, there is still need professional social workers at some level.

The professionals are not stable and are constantly changing after the election, so it is difficult to enforce the law.

Note from the focus group discussion at Umnugobi, Dornod, Khuvsgul, and Khentii aimags accordance to preparation UPR

The police and court decision enforcement authorities have mandated the compulsory behaviour change training to influence the perpetrators who are sentenced for domestic violence but the cost for professional teachers, classroom, and facilities to conduct training at the local level has not been solved[\[x\]](#).

Recommendation:

1. To implement the Law on Combating Domestic Violence and to allocate the costs of delivery of services to the state budget, for instance: the budget for the One-Stop Service Centers, Temporary Shelter Houses, prepare required human resource, and supply techniques;
2. To take effective actions to create positive approach on preventing domestic violence and tolerate the violence; To improve inter-sectoral coordination and collaboration within the field of combating domestic violence;
3. Conduct regular pieces of training with comprehensive program and content for specialists, including policemen, doctors, teachers and social workers who are responsible for accordance with the Law on Combating Domestic Violence
4. Resolving the cost-effectiveness of mandatory behaviour change training and take action to deliver the training.

[i] Law on Breach of Laws article 5.4. (Breaching Law on Combating Domestic Violence and regulation)

[ii] Criminal Code article 11.7. (Domestic violence)

[iii] Criminal Code article 13.5. (Threatening)

[iv] Criminal Code article 13.12 (Illegal stalking)

[v] Criminal Code article 12.1 /2.3 (Raping family relevant member)

[vi] Law on Investigating Criminal Crime article 14.5. (Taking restraining and preventing order)

[vii] The survey report on Gender-Based Violence, National Statistic Office, 2017,

[viii] A White Book on Crime in Mongolia, Council on Preventing from Crime, 2017

[ix] Monitoring report on the implementation of the police responsibility within the framework of Law on Combating Domestic Violence, 2018, NCAV

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