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تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

## زيارة إلى منغوليا

### تقرير المقررة الخاصة المعنية بمسألة العنف ضد المرأة وأسبابه وعواقبه، ريم السالم\*

موجز

زارت المقررة الخاصة المعنية بمسألة العنف ضد المرأة وأسبابه وعواقبه، ريم السالم، منغوليا في الفترة من 29 تشرين الثاني/نوفمبر إلى 8 كانون الأول/ديسمبر 2021. وتدرس المقررة الخاصة، في تقريرها عن الزيارة، الثغرات والتحديات التي تواجه الوفاء بالتزامات الدولة بالقضاء على العنف ضد المرأة وأسبابه وعواقبه، وتوصي باتخاذ تدابير لمنع ومكافحة العنف ضد المرأة في البلد.

\* يعمم موجز التقرير بجميع اللغات الرسمية. أما التقرير نفسه، المرفق بهذا الموجز، فيُعَمَّم باللغة التي قُدم بها فقط.



الرجاء إعادة الاستعمال

## Annex

### **Report of the Special Rapporteur on violence against women, its causes and its consequences, Reem Alsalem, on her visit to Mongolia**

#### **I. Introduction**

1. The Special Rapporteur on violence against women, its causes and consequences, Reem Alsalem, conducted an official visit to Mongolia from 29 November to 8 December 2021, at the invitation of the Government. The main objective of the visit was to assess the situation of gender-based violence against women in the country, as well as the laws, policies and services to prevent and combat it, in order to provide recommendations to strengthen the efforts and fully implement the international obligations of Mongolia relating to violence against women and women's human rights.

2. The Special Rapporteur thanks the Government for the excellent cooperation it extended to her before, during and after the visit, for the openness with which she was received and for the frank and constructive dialogue. During her visit, the Special Rapporteur met with several high-ranking government officials, including the Minister for Foreign Affairs, the Deputy Minister for Justice and Home Affairs, the Deputy Minister for Education and Science, the State Secretary of the Ministry of Health, the first deputy chief of the National Police Agency, the secretary of the National Committee on Gender Equality, officials from the Ministry of Labour and Social Protection, the head of the parliament subcommittee on human rights; the Deputy Prosecutor General, the chief judge of the criminal chamber of the Supreme Court, judges of the criminal court of first instance; the head of the secretariat of the coordination council for crime prevention, and the acting chief commissioner of the National Human Rights Commission of Mongolia. After the visit, she had a virtual meeting with the Minister for Labour and Social Protection. She travelled from the capital to Umnugobi Province, where, in addition to meeting its Governor and local officials, she visited a one-stop service centre and met with victims of domestic violence and beneficiaries of youth programmes. The Special Rapporteur also met with representatives from international organizations, including the entities that are part of the United Nations country team, international donors and civil society organizations.

3. The Special Rapporteur would like to express her gratitude to the Resident Coordinator Office, the United Nations Population Fund (UNFPA) and the United Nations Development Programme (UNDP) for their extensive support in preparing and facilitating the visit and to all representatives from international entities and civil society organizations for meeting with her and generously sharing their time and knowledge. Most of all, she would like to thank all of the victims and survivors of violence whom she met for sharing their personal, and often traumatic, stories of overcoming gender-based violence.

4. Unfortunately, some of the planned activities were not carried out due to constraints related to the coronavirus disease (COVID-19) pandemic. For example, the Special Rapporteur's request to visit detention facilities in Mongolia had not been feasible on account of COVID-19. Likewise, visits to service centres for victims and meetings with local officials also had to be cancelled due to circumstances related to COVID-19. Nevertheless, the activities carried out allowed for a broad overview and understanding of the situation of gender-based violence against women in Mongolia, which the Special Rapporteur summarizes in the present report, and for the recommendations she issues therein. She looks forward to a continuing dialogue with the Government and other stakeholders on the implementation of the recommendations contained in the present report.

## II. Incorporation of international standards in the domestic legal framework

5. Since the adoption of the new Constitution in 1992, Mongolia has established itself as a democratic country based on the rule of law with a broad legal and institutional framework to promote and protect human rights and gender equality. According to article 10 (1) of the Constitution, Mongolia adheres to the universally recognized norms and principles of international law and pursues a peaceful foreign policy. The Constitution enshrines gender equality and prohibits discrimination on a variety of grounds by establishing in its article 14 (2) that no person may be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin or status, property, occupation or post, religion, opinion or education.

6. Mongolia is party to eight of the nine principal human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, ratified in 1981, and its Optional Protocol, ratified in 2002. During that same year, the State also ratified the Rome Statute of the International Criminal Court.

7. The country has been cooperating regularly with treaty bodies and, in 2020, submitted its tenth periodic report to the Committee on the Elimination of Discrimination against Women, as scheduled.<sup>1</sup> In particular, it has made progress in implementing the recommendations made by the Committee in its concluding observations on the eighth and ninth periodic reports, including recommendations on gender-based violence.<sup>2</sup> In the present report, the Special Rapporteur highlights some of the measures taken and provides her recommendations for the further implementation of the State's international human rights obligations under the Convention on the Elimination of All Forms of Discrimination against Women and other instruments.

8. Mongolia has passed important legislation, especially during the past 10 years, to promote gender equality and eliminate gender-based violence against women, including the law on gender equality, the law on combating domestic violence, the law on combating trafficking in persons, the law on child protection, the law on victim and witness protection, amendments to the Criminal Code and the newly reviewed labour law. In particular, these legislative changes criminalized domestic violence and other forms of violence against women, further defined domestic violence and provided an institutional framework for preventing and combating such violence.

9. The law on gender equality of 2011 provides a broad framework prohibiting gender-based discrimination, establishing special measures to promote equality and prohibiting non-discrimination in a broad range of spheres, such as political life, the workplace, education, culture, health care and family life. It also sets out the responsibilities of different entities in the Government, including local governments, and places under the oversight of the National Human Rights Commission of Mongolia the implementation of the law and the review of complaints.

10. Many legislative efforts have been directed at improving legislation on domestic violence against women. In December 2016, the law on combating domestic violence was passed, greatly improving the legal framework on the issue that had been in place since 2004. With the current legislation, domestic violence is explicitly criminalized, and a broader scope of protected relationships and acts such as stalking or harassment are included. The law also lays out responsibilities among government entities for the implementation of the law and establishes institutional mechanisms for that purpose. Amendments were made afterwards to the Criminal Code and the infringements law accordingly, as well as to the Code of Criminal Procedure and the infringements procedure law, with important improvements made, such as the elimination of the dismissal of criminal cases if a victim and the perpetrator had reconciled. Currently, a prosecutor must continue with the case even if a victim withdraws her complaint.

<sup>1</sup> CEDAW/C/MNG/10.

<sup>2</sup> CEDAW/C/MNG/CO/8-9.

11. However, some inconsistencies remain. For instance, the four types of violence covered in the law on combating domestic violence, namely, physical, sexual, psychological and economic, are not adequately mirrored in either the Criminal Code or the infringements law, which refer to fewer manifestations of violence. The Special Rapporteur is also concerned that the provisions of the law on combating domestic violence are not gender sensitive, failing to reflect that domestic violence is a type of violence that disproportionately affects women. This has important implications for the implementation of the law, which will be discussed below. The fact that the law does not apply to non-cohabitating intimate partners, such as girlfriends, or to domestic workers means that it excludes victims from its protection.<sup>3</sup>

12. The inclusion of ambiguous language in the Criminal Code, requiring domestic violence to take place constantly or “systematically” (art. 11.7), has in practice posed an obstacle in victims’ access to justice. This provision has been interpreted to mean that only repeated acts of domestic violence are considered a criminal offence, while first instances of violence are addressed under the infringements law, with sanctions of compulsory training and imprisonment for up to 30 days. It is also unclear from the provisions whether the counting of instances of violence should refer to previous police reports or court decisions.<sup>4</sup> A six-month statute of limitations in the infringements law poses additional challenges for victims. Lastly, access to protection orders has been made more difficult by recent amendments. Currently, the Code of Criminal Procedure requires a previous criminal proceeding for victims to be granted protection orders. In practice, that prevents victims in high-risk situations from having access to protection before domestic violence takes place.

13. The Special Rapporteur is also concerned at the incompatibility of criminal provisions on rape in the Criminal Code with international standards.<sup>5</sup> Rape is criminalized under article 12.1 for an act against the victim’s will using force or threat or taking advantage of a situation in which the person is not capable of initiating resistance due to mental illness, a drunken or drug-addicted state or illness, or use of force to engage in sexual intercourse using the victim’s state of material, occupational or other form of dependence, or a forceful act of a sexual nature. This definition is mostly based on force or the use of threats and therefore fails to apply to other situations where the victim’s consent was lacking but where force or threats were not used. According to international standards, consent should be at the centre of the provisions criminalizing rape. Another point of concern is the lack of provisions explicitly criminalizing marital rape, which in practice has resulted in these cases not being investigated or prosecuted.

14. Another point of concern is the lack of specific legislation on the issue of harassment in public places, including on public transportation. Currently, these cases could only be prosecuted as an infringement of public order, which does not directly address the individual dimension of the violence affecting women in these cases. The Special Rapporteur calls upon the Government, the parliament and other stakeholders to discuss and adopt effective legislation to combat harassment in public places.

15. Mongolia acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in 2008 and, in 2012, it amended parts of its Criminal Code to clarify the elements of the crime of trafficking in persons and to prohibit trafficking in line with the Protocol. In 2012, the law on combating trafficking in persons was adopted. However, this law does not constitute comprehensive anti-trafficking legislation and is not fully in line with international standards. The Special Rapporteur is particularly concerned about the difficulties for victims to secure access to protection services when formal criminal proceedings have not been initiated against their alleged traffickers due to misinterpretations of the law.

16. The Special Rapporteur welcomes the revised labour law, which entered into force in January 2022, to prohibit harassment in the workplace, including sexual harassment. In

<sup>3</sup> On the scope of legislation on domestic violence, see [E/CN.4/1996/53](#).

<sup>4</sup> Association of Mongolian Criminologists, “Addressing gaps in domestic violence response in Mongolia”, September 2020.

<sup>5</sup> For further information on international standards, see [A/HRC/47/26](#) and [A/HRC/47/26/Add.1](#).

particular, she welcomes the explicit recognition that such harassment may also take place outside the workplace, including online, and the provisions ensuring equal pay for men and women. She urges the Government to work together with employers to fully implement the law, and particularly to raise awareness about the issue and to develop effective policies and complaint mechanisms. She also welcomes the amendments to the Criminal Code, which entered into force in 2017; the Criminal Code now criminalizes hate crimes and discrimination on the grounds of sex, gender and sexual orientation.

17. The Government of Mongolia is currently conducting a review of domestic legislation to harmonize it with the country's international human rights obligations. While welcoming this important initiative, the Special Rapporteur calls upon the Government to take into account her recommendations on this process, and to propose and pass bills and amendments that can address the shortcomings she has pointed out.

### **III. National programmes, machinery and independent human rights institutions**

18. Gender issues are included in major national and sectoral policies and programmes in Mongolia. The emphasis in the Constitution of 1992 that men and women enjoy equal rights is reflected in the myriad of existing laws, as mentioned above, as well as in the national programme on gender equality (2017–2021), in which the issues of gender-based violence against women and gender inequality are considered.<sup>6</sup> Although the programme includes objectives related to the elimination of gender-based violence against women and girls, it mostly focuses on domestic violence and the implementation of services for victims of that type of violence, a limitation that is reflected in the policies that have been implemented, as discussed in section IV below.

19. The law on gender equality assigns the responsibilities to the State Great Hural (parliament) to allocate a sufficient budget for policies to promote gender equality, to pass and improve legislation, and to review reports produced by the Government and independent State bodies on the situation of women's rights and the implementation of policies. Both the national and local governments are assigned direct responsibilities for promoting data collection, for awareness-raising and for other policies related to gender equality. The Prime Minister is in charge of leading and monitoring the work of the National Committee on Gender Equality. Additionally, the law mainstreamed gender into the mandates and activities of the National Human Rights Commission of Mongolia, the Civil Service Council and the National Statistics Office.<sup>7</sup>

20. The National Committee on Gender Equality is a body composed of Government, civil society and professional union representatives and is responsible for supervising the design and implementation of policies for gender equality and for mainstreaming gender issues into the different entities of the national and local governments through its local subcommittees. The Committee is also responsible for the implementation of the national programme on gender equality and is supported by a secretariat under the Prime Minister's Office.

21. In 2018, the Government of Mongolia accorded the National Committee on Gender Equality an independent status, reporting to the Prime Minister as part of the Cabinet Secretariat. Today, it has 26 members with equal representation from State and civil society organizations. Furthermore, it has 31 subcommittees in 21 provinces and in the nine districts of Ulaanbaatar. It also has 14 sector-level subcouncils on gender at line ministries and an independent secretariat office. The Special Rapporteur appreciates that gender-responsive policy planning processes at sectoral and local levels have been gaining momentum, with four sectoral-level gender-responsive policies being adopted in 2017 and 2018. Furthermore, and following the issuance of guidelines for the development of gender-responsive local

<sup>6</sup> UNFPA, "Evaluation of the UNFPA sixth country programme of assistance to the Government of Mongolia: final report", 6 May 2021, p. 17.

<sup>7</sup> Asian Development Bank, *Mongolia Gender Situational Analysis: Advances, Challenges and Lessons Learnt Since 2005* (Ulaanbaatar, Mongolia National Committee on Gender Equality, 2019).

development subprogrammes in 2018, 21 provinces and the 9 districts of the capital have gender subprogrammes. The Special Rapporteur hopes that the others will follow suit and that key ministries, such as the ministries of health and of mining, will also develop their sector-specific gender-responsive policies in 2022.<sup>8</sup>

22. While, when it was first formed, the National Committee on Gender Equality was placed under the supervision of the Ministry of Labour and Social Protection, it is now at the highest level of the national Government, reflecting a growing understanding of the intersectoral nature of the policies on gender equality. The Special Rapporteur was pleased to hear that the proposal to move the Committee from the Prime Minister's Office back to the Ministry of Labour and Social Protection was rejected, at least for the next couple of years. The Special Rapporteur highlights the importance of maintaining the current arrangement, which demonstrates the high-level nature of the gender equality agenda and the need for interministerial collaboration under a clear government-wide mandate.

23. There seems to be uneven engagement from the different ministries in the implementation of the policies on gender equality. The Special Rapporteur notes the need to further expand the capacity of the secretariat of the National Committee on Gender Equality to ensure that the Committee can properly conduct its coordination role. Likewise, there is a need to strengthen the teams at the different government entities responsible for implementing the gender-equality agenda and to ensure that they address the manifestations of gender-based violence against women according to their mandates, with particular attention paid to the areas of health and education. The Special Rapporteur notes gaps in identifying gender-differentiated impacts in the health sector. For example, there are no laws or regulations that allow for the identification of and response to obstetric violence, although anecdotal information received during the visit suggests it is a recurring type of violence experienced by women in Mongolia.

24. The law on combating domestic violence establishes responsibilities for the coordination council for crime prevention and its subcouncil on domestic violence with respect to implementing the law. Bringing together a number of key entities at the national Government, the subcouncil provides training for officers and professional and methodological supervision for multidisciplinary teams, among other responsibilities. The council has branches at provincial and district levels. The council and its subcouncils, including the subcouncil on domestic violence, are under the supervision of the Ministry of Justice and Home Affairs. That ministry and the Ministry of Labour and Social Protection are the main government ministries responsible for the implementation of the law on combating domestic violence.

25. Given the importance of providing methodological guidance to the different actors involved in the implementation of the law on combating domestic violence, particularly the multidisciplinary teams, it is of crucial importance that the subcouncil on domestic violence promotes training on gender-based violence against women to its members and the technical teams it supports to ensure its work is gender sensitive. This is particularly important considering that the work of the multidisciplinary teams has taken mostly a family perspective and has focused on violence against children, as discussed in section IV below. Likewise, the coordination council for crime prevention and all its subcouncils should adopt a strong gender perspective in their work to ensure that their actions contribute to gender equality and that they adequately combat all manifestations of gender-based violence against women, including but not limited to domestic violence.

26. Created by a law in 2000 and established in 2001, the National Human Rights Commission of Mongolia was recently restructured and expanded. In 2020, a new law was passed, increasing the number of commissioners to five, establishing a minimum of two commissioners of each sex and harmonizing the process of selecting commissioners with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>9</sup> The Commission has the responsibility to analyse

<sup>8</sup> Ibid., pp. 82–83.

<sup>9</sup> The National Human Rights Commission of Mongolia is accredited with “A” status by the Global Alliance of National Human Rights Institutions.

complaints under the law on gender equality and has been playing an important role in making visible other forms of gender-based violence beyond domestic violence, particularly workplace harassment and violence against women. The Commission was also instrumental in ensuring that no budget cuts were made to shelters and other essential services for victims during the COVID-19 pandemic. With its regular reports to the parliament, the Commission has played an important role in investigating and documenting the situation of women's rights in Mongolia, including different manifestations of gender-based violence and violence affecting particular groups of women, such as herder women and those living in rural areas.

27. These different bodies perform important functions in the prevention of gender-based violence against women and in providing support to victims, albeit somewhat in isolation from one another. While considering their different mandates, roles and status, the National Committee on Gender Equality, the coordination council on crime prevention and the National Commission on Human Rights of Mongolia could benefit from closer collaboration and coordination in their work.

#### **IV. Policies to combat gender-based violence against women, including essential services for victims and access to justice**

##### **A. Scope of policies on gender-based violence against women**

28. Considerable efforts have been made by the Government of Mongolia, with the support of partners and donors, to tackle domestic violence. This is demonstrated through its measures to pass and amend legislation and to establish the subcouncil on domestic violence under the coordination council for crime prevention, and in the services put in place for victims. However, there has not been a specific focus on gender-based violence against women in setting up this framework, which has resulted in some biases in how these government entities have designed and implemented policies and services. As mentioned above, the law on combating domestic violence does not include gender-sensitive language, which has led to implementing bodies and services that are not fully sensitive to the specific needs of women when it comes to their experiences of gender-based violence. Most of the services that provide immediate care for victims, such as the multidisciplinary teams, one-stop service centres and shelters, have prioritized violence against children, subsuming the issue of domestic violence against women in it.

29. As a result, domestic violence against women has been tackled within a family-centred framework, leading to gaps and inconsistencies. Additionally, the Government has concentrated almost the entirety of its efforts and resources on addressing domestic violence, which has led to important challenges regarding other manifestations of gender-based violence, such as workplace harassment, online violence against women and violence against women in politics.

30. During the visit, it also became clear to the Special Rapporteur that, despite favourable policies targeting women as a whole, there are groups of women and girls that continue to be invisible in their suffering and who are falling through the cracks of the safety nets, particularly victims of trafficking; persons of diverse sexual orientations and gender identities; sex workers; and foreign migrant women who are not identified, protected or assisted in a timely manner. A victim-centred approach to dealing with the phenomena of violence against sex workers and victims of trafficking is overshadowed by a crime-prevention and law enforcement focus. Where there is a victim-centred approach, the focus is primarily on children.

31. The Special Rapporteur was concerned to learn that violence against lesbian, bisexual and transgender women and girls continues to be underreported, and victims mistrust government officials and service providers due to prevailing stereotypes and biases against this group. Social and institutional discrimination against lesbian, gay, bisexual, transgender and intersex persons continues unabated, despite the fact that, during the universal periodic review of Mongolia in 2020, the State had been urged to "further develop and implement the legal provisions to protect people from discrimination and harassment based on sexual

orientation, gender identity, intersex status or gender expression”.<sup>10</sup> While the Criminal Code of 2015 criminalizes hate crimes, including on the basis of sexual orientation and gender identity, the implementation of the Code’s provisions has been challenging. The Special Rapporteur notes that service providers and public officials are still insufficiently sensitized to the protection needs of women and girls of diverse sexual orientations and gender identities, including those on the multidisciplinary teams and those who work in the justice system. There is a need to improve outreach and inclusion in mainstream government programmes and response mechanisms. There is also a need to improve data collection and statistics regarding the situation of these groups.

## **B. Data collection**

32. Mongolia has made efforts to assess the impact of gender-based violence against women on its economy and its national development. A study carried out by UNFPA and supported by the Government on the economic costs of intimate partner violence, launched in 2020, found that MNT 601.2 billion (\$247 million) is lost every year due to intimate partner violence in Mongolia. Furthermore, the total cost of inaction was estimated at MNT 577 billion (\$237 million), which equates to almost 24 times the current level of expenditure on service provision.<sup>11</sup>

33. The Government of Mongolia has made significant efforts to improve data collection on violence against women. Of particular mention is the National Study on Gender-Based Violence in Mongolia, which was carried out in partnership with UNFPA in 2017 and which constitutes the first nationwide survey on violence against women, with a focus on domestic violence. The study provides a much-needed overview of the situation and a baseline against which progress can be assessed. Its main findings are presented in section VI below.

34. Nevertheless, there continues to be a need to improve the availability and quality of disaggregated administrative data related to violence against women, including on use of services. Pursuant to article 11 (1.4) of the law on combating domestic violence, the Ministry of Justice and Home Affairs issued an order on the collection of data. Although the setting up of an integrated Internet database on domestic violence cases is a positive step, information and data from non-governmental organizations providing services to domestic violence survivors are yet to be fully covered in the database. Furthermore, it is important that data on persons housed in shelters and one-stop service centres differentiate between children victims of violence and children accompanying their mothers who are victims. This will allow for the fine-tuning of the different policy responses that are necessary for these different kinds of beneficiaries.

## **C. Multidisciplinary teams**

35. Several essential services have been set up in recent years to provide support to victims of gender-based violence against women, including at the provincial level, which have significantly expanded the Government’s capacity to provide assistance to women experiencing violence. For example, and as a direct outcome of the enactment of the law on combating domestic violence, multidisciplinary teams have been set up, which include law enforcement, social workers, health workers, psychologists and other professionals. Spread nationwide, they are the first responders to situations of domestic violence and can assist victims with different needs. The Ministry of Labour and Social Protection, which has overseen the establishment of these teams, has provided technical support and some funding in coordination with local governments. Although the teams are supposed to respond to incidents of gender-based violence against women and girls across the board, because they and supporting services are placed under the direction of the department of child, family and youth development, they often prioritize the goal of supporting family units, superseding that of protecting women and girls from violence. The staff of the multidisciplinary teams suffer

<sup>10</sup> A/HRC/46/9, para. 116.30.

<sup>11</sup> Montsame, “UNFPA launches study on economic costs of intimate partner violence in Mongolia”, 12 April 2020.



from a high turnover, in connection to the political cycles and the electoral changes of local governors who are the heads of the teams, as well as their low salaries, particularly of social workers. Most of the team members exercise these important functions in addition to their full-time jobs. It is important that the Government of Mongolia identify the resources to have fully dedicated staff of the multidisciplinary teams, particularly in provinces where there is high demand, and to strengthen the use of mobile teams in rural areas.

#### **D. Multidisciplinary programmes for assisting women victims of gender-based violence**

36. Despite the progress made in putting in place multidisciplinary programmes to assist and support victims of violence, the quality of some types of services requires strengthening, particularly those pertaining to economic independence, legal services and the police.<sup>12</sup> While there are some business incubation centres promoting women's business initiatives and the economic empowerment of women, there is agreement that they lack financial resources.<sup>13</sup>

37. There are some, but limited, initiatives to support women victims of violence in developing new skills and obtaining grants for starting small businesses. The limited access that women victims of gender-based violence have to such programmes, which allow them to become financially and economically independent, partially explains why 70 per cent of all victims go back to the situation of violence they were trying to escape. These opportunities should be scaled up and expanded to reach more women, as they are key to support women in their efforts to break cycles of violence by reducing their financial dependency on perpetrators. Many international donors and financial institutions have provided much-needed resources and a gender-sensitive framework for initiating many of the current programmes.

38. The United Nations country team in Mongolia, and particularly UNFPA, have been crucial in supporting civil society and government efforts to set up services and deepen public understanding and awareness of the situation of violence against women in the country. The regulations of 2017 for shelter and associated services stipulate that the services provided in a shelter must be covered by central and local budgets.<sup>14</sup> The funds allocated by the different levels of government to these activities have, however, not been sufficient. It is hoped that the Ministry of Finance's introduction of gender-responsive budgeting with a pilot project for 2022–2025, which has started, will improve the allocation of budgets at central and provincial levels to efforts to prevent and respond to gender-based violence against women.

#### **E. Shelters**

39. The Special Rapporteur expressed her appreciation that the number of shelters and one-stop service centres in the country had expanded. In 2018, there were 11 shelters run by government agencies and civil society;<sup>15</sup> as of December 2021, there were 38, with a total capacity of 323 beds. These centres must continue to be strengthened to ensure that they can provide, in addition to emergency accommodations, the multidisciplinary services they are designed to offer, as well as referral mechanisms for other important specialized services, such as legal support, particularly in rural areas.

40. Nevertheless, several challenges remain in the implementation of these services. For example, the presence of shelters in rural areas continues to be a challenge. Furthermore, some multidisciplinary service shelters are currently managed by law enforcement entities,

<sup>12</sup> Mongolia, National Statistics Office and UNFPA, *Breaking the Silence for Equality: 2017 National Study on Gender-Based Violence in Mongolia* (Ulaanbaatar, 2018), p. 108.

<sup>13</sup> Tsolmon Begzsuren and Veronica Mendizabal Joffre, "Translating women's voices into action in Mongolia: addressing gender-based violence through investments in infrastructure", ADB East Asia Working Paper Series, No. 14 (Manila, Asian Development Bank, 2018), p. 9.

<sup>14</sup> *Ibid.*, p. 11.

<sup>15</sup> *Ibid.*, p. 4.

which should be avoided to the extent possible. In addition, shelters appear to still be the only tool to prevent perpetrators from contacting victims, acting often as a form of protective custody that results in the de facto confinement of the victim. Protection should be available to victims, including during transport to and from shelters. Furthermore, gender stereotypes and biases are palpable in the work of some service providers, including social workers and the police, which has led to victims being pressured to withdraw complaints in order to preserve the family unit or the perpetrator's reputation and social standing. This highlights the continued need to build the capacity of these service providers to ensure a gender-sensitive approach to women victims of violence. It also demonstrates the need for more professional service providers for victims of gender-based violence.<sup>16</sup>

41. Despite the increase in the number of shelters, their number remains relatively low, pushing civil society to take a leading role in filling the gap by developing their own network of services for victims. Civil society provides much-needed services, such as shelters, legal counselling and psychological counselling, as well as counselling for perpetrators, among others, often upon referral by judicial and law enforcement officials. Especially for adult women and women of diverse sexual orientations and gender identities, non-governmental organizations seem to be the lead provider of gender-sensitive services. In some areas, they are the sole service providers that operate in a given geographical area or that service a particular group. These non-governmental organizations do not generally receive funding from the Government and many of them struggle to continue to finance their life-saving activities. Furthermore, and while governmental and non-governmental service providers have had sporadic meetings around the issue of services and resources to maintain these resources, they have not been regular or consistent. Non-governmental organizations have also not been sufficiently involved in the design, implementation and monitoring of programmes aimed at combating violence against women.

## **F. Gender-sensitive judicial processes**

42. The use of protection orders has not reached its full potential, as they depend in part on the victim being able to produce evidence of physical harm, instead of relying on an objective risk assessment based on the victim's statement. Moreover, prosecutors rarely seek restraining or deterrent measures for perpetrators of violence.<sup>17</sup> Lastly, rather than assuming that it is the victim who has to leave the residence, protection orders should order the perpetrator to vacate the residence of the victim for a sufficient period of time and prohibit the perpetrator from entering the residence or contacting the victim. It is therefore not surprising that there is a lack of trust among victims about the capacity of the legal framework and law enforcement institutions to offer them meaningful protection.

43. Only a low percentage of reported cases lead to prosecutions, and few of those prosecutions result in the conviction of perpetrators. There are also significant delays between complaints being made and cases being heard. According to stakeholders with whom the Special Rapporteur met, the most common sanction for perpetrators is arrest and temporary detention. Moreover, court cases are lengthy and protections for victims from revictimization, from the investigative phase to trials, are mostly non-existent. Although the Government has passed a law on witness and victim protection, the reality indicates a lack of sufficient legal and policy measures to implement a victim-centred and gender-sensitive approach to judicial proceedings on cases of gender-based violence. Such an approach will require, among other measures, ensuring the access of victims to legal aid and counselling in a more predictable manner.

44. The Special Rapporteur is also concerned that judicial processes do not sufficiently factor in the safety and security of victims or their right to privacy and confidentiality. Most of the victims do not have entrances to the courtrooms that are reserved for them, nor do they

<sup>16</sup> Ibid, p. 10.

<sup>17</sup> International Development Law Organization, "Creating a culture of justice", December 2021.

have security escorts. Most of them wait in the same areas as the accused and do not have separate departure points after a court proceeding.<sup>18</sup>

## V. Prevention of gender-based violence against women

45. There is wide recognition among stakeholders in Mongolia of the multiple ways in which alcoholism triggers and exacerbates domestic violence. In a study of 2018 on gender-based violence in the peri-urban areas of Ulaanbataar, men and women respondents considered that alcoholism, among other factors, created environments that intensified the risk of violence against women.<sup>19</sup> There is a lack of effective regulation governing the consumption and sale of alcohol, including campaigns to educate the public about the impact of overconsumption. The abuse of alcohol is a challenge in cities and in peri-urban areas.<sup>20</sup>

46. The leadership of the Government of Mongolia is keen to invest in preventing violence rather than only responding to violence. It is cognizant that efforts to prevent gender-based violence against women can only be effective if they involve men and boys, including perpetrators of violence against women. Currently, male perpetrators of violence must undergo rehabilitation, which is a positive undertaking, but insufficient on its own. Research indicates that only a small percentage of perpetrators end up participating in the rehabilitation programmes, despite existing legislation. A number of stakeholders have provided valuable suggestions on how men and boys can be better engaged. The Asian Development Bank, for example, recommends providing individual and group counselling, conducting trainings involving non-violent problem-solving methods, and mobilizing young people and jobless men for community patrolling. The latter would help to reduce community violence, including against women and girls, as well as potentially reduce the abuse of alcohol.<sup>21</sup>

47. Lastly, and as the Committee on the Elimination of Discrimination against Women indicated, there continues to be a need to step up education to counter the deep-rooted patriarchal attitudes and discriminatory stereotypes concerning gender roles that perpetuate women's subjugation within the family. As the Committee stated, these stereotypes are also causes of violence against women.<sup>22</sup> There is a broad recognition of the need to dismantle these harmful stereotypes regarding gender-based violence against women and women's roles in society. However, to be effective, efforts to that end will have to be scaled up and expanded.

48. As deep-seated stereotypes play a large role in perpetuating these forms of violence, they have to be tackled from an early age. The frequent change of school curricula, particularly during 2012–2016, has negatively affected the incorporation of material on health and sexuality, in addition to weakening the focus on gender and human rights aspects.<sup>23</sup> The Special Rapporteur is of the view that the Government of Mongolia should include human rights education in the national curricula of schools, including on gender equality, healthy masculinities, diversity and gender-based violence. The Ministry of Education is well placed to take a more leading role in promoting campaigns and awareness-raising initiatives in educational settings, from early schooling to universities. These should be complemented by other campaigns and awareness-raising efforts targeting the wider public.

<sup>18</sup> Ibid.

<sup>19</sup> Tsolmon Begzsuren and Veronica Mendizabal Joffre, "Translating women's voices into action in Mongolia", p. 8.

<sup>20</sup> Ibid., pp. 14–15.

<sup>21</sup> Ibid., p. 12.

<sup>22</sup> CEDAW/C/MNG/CO/8-9, para. 16.

<sup>23</sup> UNFPA, "Evaluation of the UNFPA sixth country programme of assistance to the Government of Mongolia", p. 12.

## VI. Main manifestations of gender-based violence against women

### A. Domestic violence against women

49. As mentioned, until recently, there was little data on gender-based violence against women in Mongolia. An important survey, conducted by the National Statistics Office with the support of UNFPA, provided a much-needed baseline on the prevalence of different manifestations of intimate partner violence against women, as well as violence committed by strangers.<sup>24</sup> The study shows that 57.9 per cent of Mongolian women experienced in their lifetime at least one of the types of violence referred to in the survey – physical, sexual, emotional or economic violence or controlling behaviours. Regarding physical or sexual violence, 31.2 per cent of Mongolian women experienced such violence, which is similar to the global estimates of the World Health Organization (WHO).<sup>25</sup> The study shows that rates vary between the capital and the provinces, with 31.7 per cent of women in Ulaanbaatar experiencing physical or sexual violence in their lifetimes, and up to 41 per cent of women in Darkhan-Uul.

50. Regarding physical violence by an intimate partner, 29.7 per cent of ever-partnered women have experienced such violence in their lifetime, and 11.9 per cent during the previous 12 months. Physical violence is more prevalent among younger women, and the survey shows it starts early in a relationship. The prevalence of emotional violence (defined to include insults, belittling behaviour, threats or scary behaviour) is also high, with 40.3 per cent of women reporting such violence in their lifetime and 22.4 per cent currently experiencing it. Controlling behaviours (including attempts to limit a victim's contact with others and monitoring her whereabouts) were experienced by 41.6 per cent of women in their lifetime and they seem to be particularly intense among girls aged 15 to 19 years. Sexual violence by a partner, although more difficult to assess in this type of study, is also worryingly prevalent, with 8 per cent of ever-partnered women experiencing it in their lifetime, and 3 per cent during the previous 12 months. Fourteen per cent of women have experienced sexual violence from non-partners in their lifetime, most often by family members.

51. Few women who experienced physical or sexual violence from an intimate partner reported it to the police – only 8.3 per cent; while only a small fraction – 1.5 per cent – sought help from a shelter or other services for victims. There still seems to be a lot of stigmatization around domestic violence, which prevents many women from seeking law enforcement or any other kind of assistance. About one quarter of victims (26.5 per cent) reported not ever disclosing the violence they had experienced to another person until the survey. This is connected to patriarchal attitudes and beliefs shared by men and women. More than half of the Mongolian women surveyed agreed with the assertion that a husband should have more decision-making authority than a wife, who should obey her husband even if she disagreed; and one in four agreed that a husband could beat his wife if she was unfaithful. A study carried out by the Asian Development Bank in 2018 also revealed high support for stereotypical gender roles among residents of the peri-urban areas of Ulaanbaatar, with most men and women agreeing with the statement “men should be the backbone and breadwinner of the family”.<sup>26</sup> These patriarchal beliefs, coupled with insufficient assistance for securing income and housing, may be the reason why more than half of women abused by their partners left home for one night, but three quarters of them returned, for the sake of the family, according to the survey by the National Statistics Office and UNFPA.

52. These studies were conducted shortly after the passing of the law on combating domestic violence and thus the criminalization of domestic violence. During that period, there was also an expansion of services for victims, such as shelters and one-stop service centres. More recently, there seems to be a trend of reduction in the number of violations reported

<sup>24</sup> Mongolia, National Statistics Office and UNFPA, *Breaking the Silence for Equality*.

<sup>25</sup> WHO, London School of Hygiene and Tropical Medicine, and South African Medical Research Council, *Global, Regional and National Estimates for Intimate Partner Violence against Women and Global and Regional Estimates for Non-Partner Sexual Violence against Women* (WHO, 2013).

<sup>26</sup> Tsolmon Begzsuren and Veronica Mendizabal Joffe, “Translating women’s voices into action in Mongolia”.

(under the infringements law), whereas the number of criminal cases seems more stable. During the first 10 months of 2021, reported violations categorized as domestic violence decreased by 15.8 per cent as compared to the same period in 2020, while crimes categorized as domestic violence increased 7.8 per cent.<sup>27</sup> While some stakeholders have suggested that the trend was indicative of the effectiveness of the law and its deterrent effect, it is not possible to make that assertion without accounting for other confounding factors. It should be noted that 2020 had seen an increase both in the number of reports of domestic violence violations and in the number of resulting criminal cases. Available data show that women have been more affected by COVID-19 than men, resulting in setbacks in achievements with regard to gender equality. Domestic violence against women and children has also increased in connection to declining employment opportunities, quarantine measures, travel restrictions and reduced operating hours of bars and restaurants leading to more consumption of alcohol at home.<sup>28</sup> It is estimated that, in the first half of 2020, domestic violence cases rose by 30 per cent compared to the first half of 2019.<sup>29</sup> The restrictive measures implemented in the context of the COVID-19 pandemic led to many victims being isolated with their perpetrators and at an increased risk of violence.<sup>30</sup> It is therefore necessary to conduct new surveys to assess the changes, if any, in the prevalence of violence. It would be important to assess women's familiarity with the legislation, services for victims and their willingness to seek help.

53. In its nineteenth report on the situation of human rights in Mongolia, the National Human Rights Commission raised the issue of the human rights violations, including violence, experienced by herder women. Many of them work as assistant herders, supporting the family's herding activity while also being mainly responsible for household chores and care activities. Changing weather patterns in connection to climate change have worsened working conditions for many herding families, which, associated with changes in lifestyle, have increased exposure to livestock stealing, harassment, sexual abuse and even killings, particularly in women-headed households. A total of 24.3 per cent of herder women surveyed reported experiencing domestic violence, including physical, psychological, economic and sexual violence. Alcoholism and financial stress (including unemployment) were identified by victims as major triggers for domestic violence. While many of the victims do not disclose the violence to anyone, those who would like to seek assistance face serious difficulties in accessing police services, shelters and health-care services, which can be too remote or inaccessible in some provinces. The report also addressed herder women's access to sexual and reproductive rights and highlighted that, while 63 per cent of women had access to contraception, there were reports of women being denied access to contraception by their partners or family members, with the acquiescence of local health providers.<sup>31</sup>

## B. Femicide or gender-related killings of women

54. Domestic violence is a major manifestation of gender-based violence that women experience in Mongolia, and improving services and the Government's response to it will continue to be a major challenge in the upcoming years.<sup>32</sup> At the same time, the Special Rapporteur is concerned that the Government is addressing domestic violence almost

<sup>27</sup> Mongolia, National Statistics Office, *Socio-Economic Situation of Mongolia: Monthly Bulletin of Statistics* (Ulaanbaatar, 2021).

<sup>28</sup> United Nations Mongolia, *UN Mongolia Socio-Economic Response Plan for COVID-19* (2020), p. 19.

<sup>29</sup> United Nations Children's Fund (UNICEF), "No more: end gender-based violence at home, in the workplace, and in public places – 16 days of activism against gender-based violence", 25 November 2020.

<sup>30</sup> UNDP, National Committee on Gender Equality and Asian Development Bank, *COVID-19 Impact on Women and Girls in Mongolia* (UNDP, 2021).

<sup>31</sup> National Human Rights Commission of Mongolia, *Nineteenth Status Report on Human Rights and Freedoms in Mongolia* (2020).

<sup>32</sup> As stated above, UNFPA has estimated that the economic costs of intimate partner violence amount to approximately MNT 601.2 billion (\$247 million). Increasing service users by 75 per cent would require only 7.3 per cent of the cost of inaction. See UNFPA, "Economic costs of intimate partner violence in Mongolia", May 2020.

exclusively, directing much fewer resources and efforts to other important manifestations of gender-based violence against women. For instance, although civil society organizations have informed the Special Rapporteur of 28 femicides, or gender-related killings of women, that had taken place in the two years prior to the visit, there does not seem to be a coordinated strategy by the Government to address the issue. Likewise, there does not seem to be an integrated effort to collect disaggregated data on femicide, in line with the mandate's femicide watch initiative.<sup>33</sup> An investigation by UNFPA of cases of maternal mortality showed links between these deaths and gender-based violence against women, including maternal suicides,<sup>34</sup> which suggests the need to investigate and address further the connections between access to reproductive health and rights, gender-based violence against women and femicide.

### C. Workplace harassment and harassment in public places

55. Workplace harassment seems to be a widespread issue, with few cases reported or leading to responses by the authorities. Research shows that women experience a number of forms of harassment, inside public transportation and at bus stops, and in specific areas of districts of the capital.<sup>35</sup> A survey conducted in 2017 in the trade and services sector and in the wool and cashmere industry showed that women, along with young people 18–30 years of age and persons with disabilities, were among the most exposed to workplace harassment.<sup>36</sup> Furthermore, the Special Rapporteur was concerned to learn about the extent of harassment against girls and women in school environments and at universities.

56. Although public awareness on gender-based violence against women has increased in recent years, there remain harmful stereotypes about sexual harassment in particular, resulting in victims being blamed for the violence they experience. While the Special Rapporteur welcomes the amendments to the labour law to prohibit harassment, she notes that much work is needed to implement them fully. Street harassment and harassment on public transportation are also not sufficiently addressed by the Government, despite being a significant obstacle to women's enjoyment of a range of human rights.

### D. Violence against women in politics

57. As of 2020, 17.1 per cent of members of the parliament, the highest legislative body, were women, which is well below the global average of 24.9 per cent. Furthermore, only 27.1 per cent of members of local legislative bodies were women. No women have occupied higher offices at the national or provincial levels. The elections law includes a minimum quota of 20 per cent of women among candidates, although no quotas are established for elected officials. For local elections, 30 per cent of the candidates must be women.<sup>37</sup> Gender inequality at decision-making levels is often caused by gendered stereotypes and cultural norms, as well as male-dominated political structures – all of which serve to discourage women from pursuing a political career.<sup>38</sup>

58. Women in politics are at risk of violence, particularly online violence and harassment. There have been a number of online hate attacks against women members of the parliament in recent months, without meaningful measures taken by the Government or other State entities. These cases and the lack of response to them are connected to the persistence of negative stereotypes regarding women's participation in political life. The situation has also prompted UNDP to carry out a project on promoting gender equality in decision-making in Mongolia, funded by the Korea International Cooperation Agency, with the objective of

<sup>33</sup> For further information, see [A/HRC/20/16](#), [A/71/398](#) and [A/76/132](#).

<sup>34</sup> UNFPA Mongolia, Bimonthly Newsletter, vol. 16 (November and December 2021).

<sup>35</sup> Tsolmon Begzsuren and Veronica Mendizabal Joffre, "Translating women's voices into action in Mongolia".

<sup>36</sup> Asian Development Bank, Mongolia Gender Situational Analysis, p. 29.

<sup>37</sup> See <https://www.idea.int/data-tools/data/gender-quotas/country-view/210/35>.

<sup>38</sup> UNDP, "Mongolia to receive boost in increasing gender equality in decision-making levels", 20 April 2021.

supporting the Government of Mongolia in addressing the issue of underrepresentation of women in elected offices by strengthening the legal environment for women's representation at the decision-making level.

## **E. Trafficking of women and girls, violence against migrant women and the situation of sex workers**

59. The Special Rapporteur was concerned to hear of reports of forced migration, forced labour and trafficking of women, and the exploitation of women within the context of the sex industry in connection but not limited to mining activities and related industries. While there have been some studies on trafficking in persons in Mongolia, due to the fact that this phenomenon is hidden, it has been difficult to comprehend the scale of the problem. Available information suggests that traffickers tend to choose girls and women from poor households, with low incomes, or orphans, or those from families with a history of domestic violence or alcoholism. Most of the victims receive false information about the future or conditions of work before they are trafficked.<sup>39</sup>

60. Between 2017 and 2019, with financial support from the United States Department of State and the Asia Foundation, the Government provided training for 700 judges, prosecutors, police officers, and staff members of the General Authority for Border Protection and the immigration agency of Mongolia, as well as 2,000 university students, on using a victim-centred approach in proceedings of victims of trafficking in persons. However, the response to trafficking in persons seems to be predominantly carried out by law enforcement, with a limited number of cases investigated and prosecuted. The Special Rapporteur is also worried about reported deficiencies in victim identification and aiding victims. Awareness of the phenomenon of trafficking in persons is still limited, requiring urgent and more comprehensive measures by the Government.

61. Sex workers are also falling through the cracks of the safety system that was put in place for victims of gender-based violence. Sex work is illegal in Mongolia; the authorities most often turn a blind eye to the activity, while at the same time do not offer adequate support to sex workers if they experience violence. Sex workers will often seek shelters run by civil society organizations when they need help, as they fear reaching out to government-run shelters.

## **F. Violence against lesbian, bisexual, transgender and intersex women**

62. There remain pervasive negative stereotypes about persons of diverse sexual orientations and gender identities, leading to the invisibility of violence against lesbian, bisexual, transgender and intersex women and a lack of adequate government responses to such violence. There is insufficient data collection, making it difficult to assess and address violence against this group. Lesbian, bisexual, transgender and intersex women victims tend to mistrust available services, often due to negative past experiences with them; civil society organizations and their services end up as the main or sole providers of shelters and psychosocial and health-care support.

## **VII. Conclusions and recommendations**

63. **Mongolia has taken important steps towards building legislative and institutional frameworks to tackle gender-based violence against women and girls. These frameworks have provided the basis on which services for victims have been implemented and expanded and they have resulted in the raising of awareness about gender-based violence in Mongolia. However, many challenges remain regarding the full implementation of the international human rights obligations of Mongolia to**

<sup>39</sup> Julak Lee and Hyungsok Kim, "Overview of human trafficking in Mongolia: current circumstances and legal framework", *International Journal of Humanities and Social Science*, vol. 2, No. 2 (March and April 2015), p. 9.

prevent and punish violence. Most importantly, the Government must go beyond the narrow understanding of gender-based violence against women that focuses almost exclusively on domestic violence, in order to respond to other manifestations of violence and offer protection to groups of victims that remain invisible. In addition, the Government must further develop a gender-sensitive approach to legislation and policies, in order to ensure that, particularly when it comes to domestic violence, protection for women is not subsumed under family-related interventions or child protection efforts. Lastly, the Special Rapporteur welcomes the Government's focus on prevention and working with men and boys, and invites the Government to take bolder steps in that direction.

64. Based on the above findings and in a spirit of cooperation and dialogue, the Special Rapporteur offers the recommendations listed below.

65. The Special Rapporteur underscores the efforts by the Government of Mongolia to reform its national legislation to be in harmony with its international human rights obligations. She calls upon the Government to continue to harmonize national legislation relating to gender-based violence with the international human rights treaties and principles by which Mongolia is bound. She notes the need to continue to adjust the following laws:

(a) **The law on combating domestic violence:** The definition of the four types of domestic violence (physical, sexual, psychological and economic) should be harmonized in the Criminal Code and the infringements law – neither of which recognize all manifestations of gender-based violence against women. All forms of domestic violence should be explicitly included. Furthermore, the statute of limitations of six months in the infringement law should be removed, as well as the requirement that domestic violence take place “systematically”. In their current formulation, both requirements act as obstacles that victims may experience in accessing justice;

(b) **The Criminal Code:** It should explicitly criminalize marital rape. Moreover, the definition of rape should be amended in order to centre it on the lack of consent by the victim;

(c) **The law on combating trafficking in persons:** The law and related legal frameworks should be brought in line with international standards, including the amendment of relevant laws where necessary to ensure victims' access to protection services regardless of whether officials initiate formal criminal proceedings against their alleged traffickers.

66. In addition, the Government should devise legislation that effectively tackles the issues of workplace harassment, online violence and obstetric violence.

67. The Special Rapporteur calls upon the Government of Mongolia to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the only core human rights treaty not ratified by the country. Likewise, she calls upon the Government to ratify the Violence and Harassment Convention, 2019 (No. 190) of the International Labour Organization.

68. The Special Rapporteur calls upon the Government to elaborate and implement a national programme on gender equality and its action plan for the period starting in 2022, following up on the plan for 2017–2021. In particular, she urges the Government to go beyond domestic violence in the programme and action plan and to include objectives and actions aimed at addressing other manifestations of gender-based violence against women.

69. The Special Rapporteur encourages the Government of Mongolia to take a woman-centred approach in designing and implementing policies that are aimed at preventing and responding to gender-based violence against women. Such an approach will require moving away from a family-centred approach to its interventions, as the focus on protecting the family unit can detract from the protection of and assistance for a woman or girl who may be at risk of violence or a victim of violence.



70. Similarly, the Special Rapporteur invites the Government of Mongolia to create stand-alone interventions that are clearly aimed at preventing and responding to gender-based violence against women and girls, delinking them from child protection policies.

71. The Special Rapporteur also urges the Government of Mongolia to strengthen the shelters and one-stop service centres, particularly with regard to the range and quality of services that they deliver, including those allowing victims to gain economic independence and enhance their self-reliance, as well as more predictable legal assistance and counselling services. The Special Rapporteur recommends that the management of one-stop service centres or shelters not be delegated to law enforcement.

72. The Special Rapporteur urges the Government of Mongolia to expand opportunities for protecting victims of gender-based violence, that is, to go beyond systematically removing the victims from their home and placing them in the shelter, as this may result in the de facto confinement of the victim. Protection orders should be more broadly implemented instead.

73. The Special Rapporteur urgently calls upon the Government of Mongolia to simplify the requirements that would enable victims to benefit from protective orders against the perpetrators of violence against them. Mongolia should enact legal provisions that allow victims to access protective orders regardless of the existence of charges against the perpetrator and ensure that they are not dependent on the victim being able to produce evidence of physical harm, but rather rely on an objective risk assessment based on the victim's statement.

74. The Special Rapporteur also urges the Government of Mongolia to ensure that a complete risk assessment of victims is carried out and that security measures for victims during court proceedings are strengthened. These should include, as a minimum, either separate entrances for victims and alleged perpetrators or at least staggered departures, separate waiting areas and sufficient security personnel to accompany the victim upon entering and leaving the court buildings.

75. The Special Rapporteur takes note of the Government's intention to increase the awareness of the wider public of relevant legislation and legislative reforms in order to allow women and girls to know their rights and their entitlements, including to reparations, and those who are at risk of violence or who are experiencing violence to be aware of what services they can access and how.

76. The Special Rapporteur recommends that the Government take steps to fully implement the anti-harassment provisions of the new labour law, in partnership with employers, including by carrying out awareness-raising initiatives on the legislation and the available complaint mechanisms.

77. The Special Rapporteur calls upon the Government to collect and analyse data on femicide and to review judicial responses to femicide cases in order to further develop evidence-based policies and legislation to effectively respond to these crimes, in line with the mandate's femicide watch initiative. The Special Rapporteur requests the Government of Mongolia to continue to adopt a gender-responsive approach in its policies, particularly in key sectors where such an explicit approach is still missing, such as health and mining. Furthermore, the Government should ensure adequate funding to gender-based violence prevention and response services, including to non-governmental organizations that offer such lifesaving activities in many areas. Non-governmental organizations should be fully included in the design, implementation, monitoring and evaluation of the different programmes that are aimed at combating violence against women.

78. The Special Rapporteur reiterates her concern that several groups that are particularly exposed to gender-based violence continue to fall through the safety nets and are not adequately detected, assisted or protected. These are primarily victims of trafficking in persons, sex workers, and women and girls who are of diverse sexual orientations and gender identities. Outreach to these groups needs to be urgently

improved, which requires service providers and law enforcement to be trained and capacitated to better engage with members belonging to these groups.

79. The Special Rapporteur supports the Government of Mongolia in its increased focus on prevention and its desire to multiply its work with men and boys to address harmful social norms and stereotypes. Such campaigns should also include outreach to educate the public about the negative impact of abuse of alcohol; in addition, laws should further regulate its sale and abuse. She urges donors, the United Nations and financial institutions to support the Government in its efforts with a view to scale up and expand all of these programmes.

80. Furthermore, the Special Rapporteur acknowledges the desire of the Government of Mongolia to increase awareness about these harmful norms and to improve the human rights and gender-related content in schools and curricula.

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