



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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

**Consideration of reports submitted by States parties under  
article 18 of the Convention**

**Eighth and ninth periodic reports of States parties due in 2014**

**Mongolia\***

[Date received: 5 November 2014]

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\* The present document is being issued without formal editing.



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## Introduction

### i. Explication on the combined eighth and ninth periodic report of the Government of Mongolia on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women

The Government of Mongolia submitted its combined fifth, sixth and seventh periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/MNG/7) in September 2008. The previous combined periodic report used information and statistical data for the period of 2000-2004. Based on the concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/MNG/CO/7), the current combined eighth and ninth periodic report contains the statistical data and related information of periods covering 2004-2009 and 2010-2014 respectively, as well as including an additional sex-disaggregated statistical brochure in Annex 1.

To the implementation of Order No 77 dated 3 June 2014 of the Mongolian Prime Minister, a working group was established for preparing this periodic report, from which the National Committee on Gender Equality (NCGE) and its Secretariat led the report writing process. The content of the report has been discussed and reviewed by representatives of the government, civil society institutions, international organizations as well as the national consultants. This report reflects the achievements and challenges faced during the implementation of the Beijing Platform for Action (BPFA) and the Millennium Development Goals (MDGs) in the context of the CEDAW Articles and provisions.

The responses to comments of concluding observations of the Committee on the Elimination of Discrimination against Women (54th session) on the Mongolian Government's combined fifth, sixth and seventh periodic report are being shared herewith.

The Government of Mongolia reflects the concept and principles of CEDAW in its national policy, legislation and action programs by condemning all forms of discrimination against women and will continue exerting due efforts in the future.

### ii. General introduction on Mongolia

Mongolia is located in the heart of Central Asia where it shares its northern border with the Russian Federation and the southern with the People's Republic of China. Mongolia covers an area of 1.5 million sq.km. There are 21 aimags (provinces) and 362 soums (administrative units) in the country and the capital city has 9 districts.

Mongolia's population is 2.9 million and women make up 51.3 per cent of the total population. An average population growth is 1.4 per cent. And average life span is 69.1 years as of 2013, of which women live up to 75.0 compared to men's average life span of 65.4.

67.2 per cent of the population live in cities and settlements, which is due to the internal migration from rural areas to urban settlements that resulted in the rapid increase of the urban population over the past decade.

Mongolia's human development index (HDI) is 0.787 and gender development index (GDI) was 0.677 in 2005 and 0.791 in 2013. The GEM data of 2005 showed 0.388 and 0.529 in 2013.

**Socio-economic situation**

With Mongolia's successful transitioning to a free market economy its mining sector has been developing intensively over the past 10 years. The success of the mining sector has been positively reflecting on the national budget revenue by demonstrating the record-breaking 17.3 per cent of the economic growth rate in 2011. However, two-digit inflation rate is still remaining. The first half of 2014 showed 5.3 per cent increase in GDP while unemployment rate was 8.4 per cent, with 14.9 per cent inflation rate.

The Global Competitiveness Report, 2011-2012 issued by the World Economic Forum states that according to the level of economic and social development, Mongolia is moving from the first stage of development, which is based on production factor development, to the second stage, which is based on efficiency. Since 2008, Mongolia has fallen under the category of countries with low-middle income based on GNI. Before 2008, Mongolia was one of the low-income category countries.

Although, the economic growth rate looks quite promising in general, its benefits and impacts have not yet been positively affecting the livelihood of women and vulnerable segments of the population.

Over the period of past 10 years, the mining sector has been playing a crucial role in the country's economy and this tendency may remain essential in the future. This new wave of using mineral resources may open up broad range of positive opportunities as well as challenges and concerns towards environmental, social and political perspectives. One of the major concerns is that while local citizens and communities are the victims of negative environmental consequences caused by mining explorations, they do not have the rights and the access to monitor the mine operations.

According to statistics, the poverty level was 38.7 per cent in 2010 and this percentage decreased annually reaching 27.4 per cent in 2012. 35.5 per cent of urban settlers are poor while the poverty level in rural areas makes up 23.2 per cent. Livelihood conditions of poor population vary. For example, more men are affected by poverty in rural areas whereas more women are poor in urban settlements.

Female headed households (FHHs) make up 76.2 per cent of all single-person headed households which increased by 22.900 compared with 107.200 households registered in 2004. There are 39.900 FHHs in Mongolia with children below the age of 18 years and over 60 per cent of households with 8 or more family members live below the poverty line.

According to 2013 Police statistics, from a total of 623 registered domestic violence cases 54.8 per cent were in the urban and 45.2 per cent were in rural areas. From domestic violence cases women and their children make up the majority of victims.

## Part One

### 1.1. Laws, regulations and legislative measures intended to eliminate discrimination on grounds of gender

*(Article 2 and 3)*

The Government of Mongolia reflects the concept and principles of CEDAW articles in its national policy, legislation and in the implementation of action programs by condemning all forms of discrimination against women.

The Constitution of 1992 stipulates that “men and women enjoy equal rights to political, economic, social, cultural life and in family relations (11), and no person may be discriminated on the basis of ethnic origin, language, race, age, sex, social origin or status, property, occupation or post, religion, opinion, or education (14.2), everyone is a person before the law and all persons lawfully residing within Mongolia are equal before the law and the courts (14.1), marriage is based on the equality and mutual consent of the spouses who have reached the age determined by law. The state protects the interests of the family, motherhood and the child (16.11).

The Mongolian Parliament once again reinforced the above mentioned provisions by adopting the Law on Promotion of Gender Equality (LPGE) in 2011 and has facilitated advancing legal environment for further realization of equal rights of women and men.

The Law on Promotion of Gender Equality (2011), Family Law (1999), Law on Combating Domestic Violence (2004) and the Law on Combating Trafficking in Persons (2012) have re-affirmed values of human rights and women’s rights while concretizing the accountability lines of all levels of public and private entities and other related parties.

The Mid-Term Strategy and Action Plan on the Implementation of the Law of Mongolia on Promotion of Gender Equality (LPGE) (2013-2016) were approved in January 2013. This strategic document has set the goal to mainstream gender in sectoral policies and to strengthen national capacities to meaningfully implement the LPGE. The approval of this first-ever governmental strategy proves the complexity in the cross-cutting nature of implementing of the LPGE and the need for inter-sectoral coordination.

This strategy obligates all-level of policy planning processes to be gender-responsive on the basis of gender statistics and gender analysis and calls for setting up of a gender-specific data-base in each sector. All central and local level governance institutions are obliged to collect and use gender-sensitive statistics inform the end-users and the general public with meaningful interpretation.

In this regard, in September 2013, the National Statistical Office (NSO) approved the basic indicators and related framework of national gender statistics. The NSO is currently working on the methodologies of using gender statistical basic indicators and linking the gender statistical data-base with that of the sectoral Ministries. The creation of a national-level, sex-disaggregated data-base will become an important tool in monitoring of the implementation of CEDAW provisions as well as assessing the realization of the gender responsive policies. The “Gender Information” is the title of a new statistical brochure that is being prepared to illustrate the evolution and progress of gender equality provisions in the country. Since 2013, the NSO has

recruited a full-time gender specialist who in turn plays a crucial role in leading of developing of the gender-specific statistics.

In order to implement the provisions of the LPGE, the National Committee on Gender Equality (NCGE) has been partnering with various public institutions such as the General Elections Committee, Council of Civil Servants, NSO, National Human Rights Commission, Police Authority, Monitoring and Evaluation Department of the Cabinet towards resolving some of the complicated matters in terms of protecting the rights of girls and women.

Within the framework of the Judicial Reform process, the President's Office together with the Ministry of Justice played a critical role in adopting of the "Law on Victim and Witness Protection" in 2013 and consequently setting up of the Marshal's office. This would facilitate adequately protecting the rights of girls and women, survivors of violence in many ways including, filing orders for protection (OFP), etc.

The Police Authority Information and Research Centre provides the NCGE with data and information on registered criminal cases including/related to domestic violence cases on a quarterly basis. And the Police Authority's data-base contains related information on perpetrators and victims/survivors, forms of violence and location, etc.

According to the LPGE, the National Human Rights Commission (NHRC) has the mandate to report on the implementation and progress of the LPGE to the Mongolian Parliament on a biannual basis. And the NHRC has an authority to receive, review and resolve the complaints in relation to discrimination on grounds of gender. The Commission also focuses its attention to the implementation of CEDAW within its mandate of preventing, protecting and promoting of human rights and freedom. The Commission submits an annual report on the status of human rights and freedom to the Parliament review. The conclusion of the Parliamentary review is approved by the Legal Affairs Standing Committee of the highest legislative body and due measures are ought to be taken. The 13th report of the Commission submitted in 2014 revealed that the legal environment on combating domestic violence is not sufficient to protect victims or survivors of violence. The Commission made necessary recommendations directed at preventing from, revealing and eliminating of the domestic violence by providing effective and safe protection to victims as well as introducing an effective accountability system towards perpetrators. All this efforts and advocacy activities have successfully facilitated towards working on the needed amendments to the Law to be reviewed by the legislators.

Since the adoption of the LPGE, the National Human Rights Commission has received a total of 39 complaints including 5 in 2011, 9 in 2012, 16 complaints in 2013 and 9 complaints during the first half of 2014 on the grounds of gender discrimination, sexual harassment at work place and domestic violence. The NHRC is entitled to submit complaints and recommendations to relevant institutions and individual decision-maker/s upon the receipt of complaints from the victim/survivor of violence, bring the case a lawsuit, charge the perpetrator with responsibility as well as retrieve the victim's honour.

In order to protect the rights of women serving jail time, the NHRC studied the reasons for murder case/s and conducted analysis on the court decision/s. The

analysis and findings have showed that the court left the issues related to guardianship or care-takers of her children unresolved and therefore, the Commission proposed due legal measures to be taken or coordinated on this matter. It was noted that majority of women serving in jail experienced domestic violence for years.

This year, the NHRC has conducted an independent survey amongst 24 organizations and 514 individuals in order to monitor the implementation of gender equality perspectives in the employment practices and labour relations as stipulated in the Article 11 of the LPGE. The survey identified that a victim of sexual harassment in work place failed to bring the perpetrator to justice due to issues, such as the lack of understanding from the employer, limited information about similar cases, limitations of the Labour Law provisions in this regard, absence of coordinating mechanisms and related accountability measures preventing such conduct. The 13th report of the Commission (2014) on the status of human rights and freedom highlighted this case and submitted it for the Parliamentarian review. It is hoped that all the issues mentioned above will duly be considered during the amendment of the Labour Law.

In 2005, the National Committee on Gender Equality (NCGE) was established under the Prime Minister's chairmanship to coordinate the gender equality policies at the national level. The Secretariat of the NCGE was set up to manage daily activities in promoting women's empowerment and facilitate the implementation of the gender-responsive agenda and campaigns.

The NCGE has 25 members, 22 branches at aimag and district levels, and 25 sectoral councils at ministerial and committee levels supported by the functional Secretariat with 8 full-time staff members. During the period of 2005-2009, based on the successful practices of other countries and international organizations the NCGE focused its attention on introducing of gender equality policies and principles in the sectoral activities sharing their knowledge and related information with the government organizations as well as the general public. The adoption of the LPGE in 2011 concretized the roles and responsibilities of the NCGE vis-a-vis inter-sectoral coordination towards implementing of the LPGE, leading the national-level gender equality policies and improving of the enabling legal environment. The following [www.gender.gov.mn](http://www.gender.gov.mn) website is an accessible resourceful tool for the general public that shares information on open and transparent policy agenda regarding women's empowerment and gender equality.

The NCGE Secretariat initiated and has been encouraging the activities of the a) National Gender Experts Group, b) Gender Consortium and c) Consultative Council of Media, Press and Civil Society which serve as the core, substantive expert teams.

The National Gender Experts` Group is composed of experts specialized in gender equality and human rights issues, who not only conduct gender audit, analysis & reviews responding to the challenges faced in the process of promoting gender equality agenda but who also provide policy recommendations based on requests and inquiries from various institutions.

The Gender Consortium is a team composed of academia, professors of higher educational institutions and action researchers working to improve and promote gender education and gender studies. The Gender Consortium together with the NCGE not only organizes an annual conference on emerging gender issues amongst

students of universities and colleges, but they also provide support for all-levels of educational institutions regarding gender-sensitizing of their curricula.

Mongolia has a vibrant women's movement working for promoting women's rights and gender equality. Women's non-governmental organizations have made an immensely effective contribution towards eliminating all forms of discrimination against women in Mongolia step by step.

A number of international organizations, bilaterals, foundations and cooperation agencies including UN Gender Theme Group (UNGTG), UNFPA, UNDP, World Bank, Asian Development Bank, Swiss Agency for Development and Cooperation (SDC) have successfully been partnering towards changing gender based stereotypes amongst the general public, combating domestic violence, trafficking in persons as well as strengthening of the national capacities in realization of women's empowerment and gender equality agendas.

The following forms of gender-based violence (GBV) are common in Mongolia: domestic violence, sexual harassment, trafficking in persons, sexual harassment in work place. Both the Law to Combating Domestic Violence and the National Action Plan to Combat Domestic Violence has provisions to protecting the rights of victims and survivors of violence. However, no mechanism and budget has been allocated yet for the above specific purposes, therefore unfortunately, the effective protection services have not yet been rendered to survivors of violence.

Over the past 3 years, 49 persons lost their lives, 1180 persons were injured because of domestic violence, of which 86.6 per cent of all victims were women (Police Authority Information and Research Centre data). Rape makes up 3.8 per cent of domestic violence crimes. 33 per cent of 72 child victims were abused by their stepfathers, 59 per cent by their relatives or siblings and 8 per cent by strangers. (Data from One-Stop Services 1 Jan to 25 May 2010). Current judicial practice does not necessarily differentiate between rape and incest, which often leads to an "inefficient investigation of perpetrator's crime" and further conceals their incestuous act. Therefore, it is necessary to investigate and review these issues efficiently in order to bring to justice.

Taking the above into consideration, the Ministry of Justice established a working group with civil society representatives, who submitted draft amendment/s to be added the "Law on Combating Domestic Violence" for the Parliamentarian review and hearings. 24 hours HOTLINES-1222 and 108 for children are in service to prevent domestic violence, render related efficient services and improve the protection of child rights.

The Social Welfare Foundation has approved specific standards of shelter home/s and has been in charge of allocating expenses to survivors of domestic violence during their stay in a shelter home. In 2011, a variable cost per person staying in the shelter home was MNT9000; this amount has increased up to MNT19.150 by 2014. Three "One Stop Services" Centres were established in Ulaanbaatar in an approximate distance from hospitals where the survivor/s of violence can have access to medical care services. Due to its financial limitations, the Government has been rendering financial support to only one of these centres in Ulaanbaatar. The Government is looking into more possibilities to allocate necessary budget to support shelter homes and one stop service centres working at national level.



41 judicial decisions were made for the period of 2004-2007, based on the provisions of the Law on Combating Domestic Violence. However, these decisions could not be implemented due to the lack of relevant procedures and mechanisms, which were not in place yet. Here is a case, *“22 years old G was stabbed with a knife 12 times by her husband and was murdered on 5 April 2012. Since the day she got married, she was under constant pressure and acts of violence by her husband. She was asking for help from many organizations and lost her life without being able to get any legal protection. Even though, the Law on Combating Domestic Violence was enforced at the time, this young woman could not get due protection. Women’s rights organizations condemned that loophole of the legislation, insensitive attitude of lawyers and experts led this young woman to death”* (NCAV Information, 2014). Therefore, the government is working to its full capability on the improvement process of enabling legal environment to combat domestic violence and pursue policy level dialogues with relevant parties.

## **1.2. Actions on breaking down the prevailing stereotype patterns on the responsibilities of men and women**

*(Article 5)*

Within the framework of implementing of the National Program on Gender Equality, the Government has been pursuing a wide-range of advocacy activities to break down the prevailing biased stereotype on women and the media organizations have also been involved in these advocacy work. The “Media Council” which is composed of representatives from various media institutions, was established at the NCGE. The Media Council worked with the national NGO “Globe International” on the user-friendly handbook titled the “Gender indicators for media sector” and along with media experts from the public TV and daily newspapers, they are currently piloting practical utilization of these indicators.

Annual Seven-Day Women’s Rights Campaign has been organized by the Government in commemoration of the International Women’s Rights Day among the general public. Various international and national partners including the NCAV, UNFPA and UNDP have been partnering on these advocacy events.

In order to encourage more men to combat violence against women, under the auspices of the President of Mongolia and in partnership with the Ministry of Population Development and Social Protection and Ministry of Health, the NCGE organized the National Forum entitle “Men in Development” in 2013, in which one of its critical agenda topics was about combating domestic violence.

In consequence of public debates and discussions held during 1999-2008, the list of jobs that prohibited women to work was abolished in 2008, in which historically, women were banned from certain jobs that involve physical labour according to the Labour Code of 1999. This list encouraged “positive discrimination” against women and restricted their potential and capabilities to work for example in the mining sector where the salary is generally higher.

The currently practiced legislations such as the “Family Law” and “Labour Law” made provisions on stereotyping or highlighting women’s role and responsibilities in the raising their children. Therefore, the currently drafted versions for newly amended laws are being focused more on the equal parenting responsibilities and roles.

43. In order to include basic concept and principles of human rights and gender equality in the curricula of all levels of educational institutions, a new credit system is being introduced in the curricula of universities and colleges starting from 2014-2015 academic year where students will have a choice to take the “gender course”.

Although, the above mentioned activities have been conducted to break down prevailing biased stereotype towards the responsibilities of men and women as well as the discrimination against women, there is still a lot to be done in terms of improving the relevant policies, programs and action plans, strengthening the capacities of experts and institutions, conducting systematic assessment and evaluations, raising funds and allocating budget as well as identifying specific “cultural” policies.

### **1.3. Actions to prevent and eliminate all forms of trafficking in women and children and exploitation of women in prostitution**

*(Article 5)*

In 2005, the Government of Mongolia approved the National Program, which implements – prevention of all citizens from trafficking and protection of women and children from sexual exploitation. In addition to the National Program, in 2012, the Parliament passed the Law on Combating Trafficking in Persons (Anti-TIP) that banned all forms of exploitation of women and children and trafficking in persons. In 2008, Mongolia joined the Convention against Transnational Organized Crime, Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

In 2013, by the Order No58, the National Standardization Council issued the “common standards in providing social services to the victims of trafficking in person crime”. The purpose of these new standards is to facilitate and provide the victims of TIP crime with the necessary requirements for social services and to improve the quality of services. The relevant procedures on the “comprehensive protection and care services for victims of TIP” was issued in 2013 by the Order [A/93](#).

Over the past 8 years (2006-2013), 95 crime cases of 226 victims of TIP were filed according to the data researched by the Department of Combating Organized Crime. Over the past 12 years (2003-2014), a total of 554 persons became victims of TIP crime according to the Gender Equality Centre (NGO). Although, there is some progress made towards defection of crimes followed by adequate judicial decisions, the TIP crime still remain hidden having a transnational nature. This NGO reported example is a reflection of it, *“In 2009, P nicknamed as Jijgee together with his band kidnapped many girls and sexually exploited them by intimidating and threatening them in rented rooms of apartments and hotels. Four of the perpetrators were prosecuted accordingly”*.

The Government has been exerting its efforts in eliminating all forms of trafficking and sexual exploitation of women and children, by improving the enabling legal environment and building national capacities to prevent, combat and eliminate trafficking in persons as well as to protect the victims of TIP crime.

In cooperation with key stakeholders representing various civil society and international organizations, the Government organized public awareness campaigns on TIP prevention using the media means and institutions.

According to the Law on Combating TIP, the Ministry of Justice established a Sub-Committee represented by public and civil society organizations and a special TIP Unit was created at the Criminal Investigation Bureau of the Police General Authority.

A decade ago, only few NGOs were working on TIP related issues, today, there are over 30 NGOs and 12 donor organizations engaging in this matter. Two of these organizations are being specialized in protection of TIP, five are in legal counselling and over ten of them are in training and capacity building services.

During the first half of 2014, the Government of Mongolia, the Ministry of Foreign Affairs, Intelligence Service of Mongolia, Gender Equality Centre (NGO) could bring back home 36 women-victims of TIP and survivors of domestic violence from abroad. Expenses of these efforts were financed by the "Help Individuals Fund". This Fund had MNT 280mln in 2013 and their budget for 2014 was approved to be only as MNT224mln.

The Ministry of Justice has organized a series of TIP programs designed to train Police staff members as well as starting a research entitled the "Reasons for & Conditions of TIP and its Prevention".

In 2010, the Government of Mongolia in cooperation with Macao Special Economic Zone Authority of China signed the "Cooperation Agreement on Combating TIP". This will enable the creation of a functional mechanism on the exchange of information on TIP matters. Since 2011, annual consultative meetings have taken place at the level of consulate offices of the Russian Federation, People's Republic of China, Republic of Korea, Republic of Kazakhstan and Republic of Turkey to discuss matters concerning the TIP, drugs transportation and organized crimes, exchange of information/data, provision of support, and cooperation within the agreed legal frameworks as well as assessment of performance under the agreement.

Over the past 10 years, national NGOs have been effectively partnering with interested international organizations to combat trafficking in persons. Since 2006, the Gender Equality Centre (NGO) has been running the hotline-1903 service through the support of the Asia Foundation. This hotline service provides information related to the trafficking in persons (TIP) issues, counselling for victims of TIP as well as cooperating with legal enforcement agencies with regard to domestic and international level of TIP cases. The Human Security Research Centre (NGO) has built shelters in Ulaanbaatar and Zamyn-Uud (border settlement near China) with financial support of the SDC and provides psychological counselling service to victims of TIP. This NGO actively participated in drafting and lobbying of the Law on Combating Trafficking in Persons and this is one of the best government and civil society partnership practices for development.

Over MNT7mln has been allocated recently to provide legal support and professional advocate services for victims of TIP as well as their poor families in need.

## Part Two

### 2.1. Provision of equal participation of women and men in the country's political and public life

(Article 7, 8)

The Law on Promoting Gender Equality (LPGE) prohibits gender discrimination in political and public life.

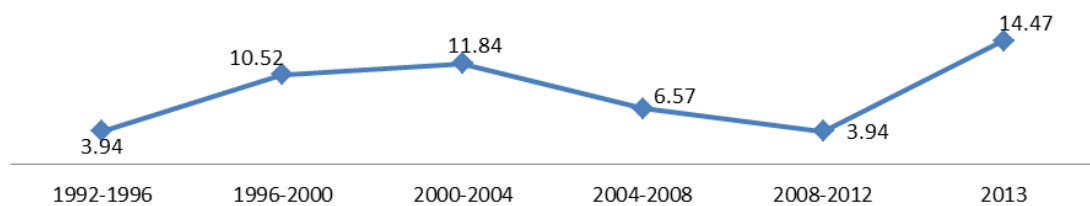
Mongolia has a Parliamentary democracy as political system, in which every citizen enjoys the right to elect and be elected. The people can exercise state power through their direct participation in state affairs as well as through the people-elected representative bodies. People have the right to organize non-governmental and other organizations on a voluntary basis.

Although, women's participation in the economic, social and political life has significantly been improved over the past 10 years, their share in the decision-making process still remains low. The Government of Mongolia had commitment to increase women's participation in the decision-making process up to 30 per cent by 2015 (MDG-3). In 2011, within this goal area, the Parliamentarian Election Law of Mongolia (article 27.2) stipulated that "women should represent not less than 20 per cent of all candidates nominated by the political parties and alliances". Thus, women made up 32.0 per cent of all candidates nominated for the 2012 Parliamentarian elections and now they make up 14.47 per cent of elected MPs of the State Great Hural.

The revised Elections Law made its worthy contribution to the election of 11 women legislatures out of 76 MPs now serving their term for the period of 2012-2016. Women parliamentarians set up the Women MPs Caucus.

#### Picture 1. Women's share in the Parliament by percentage

*Election years*



Source: *The Elections General Committee, 2012*

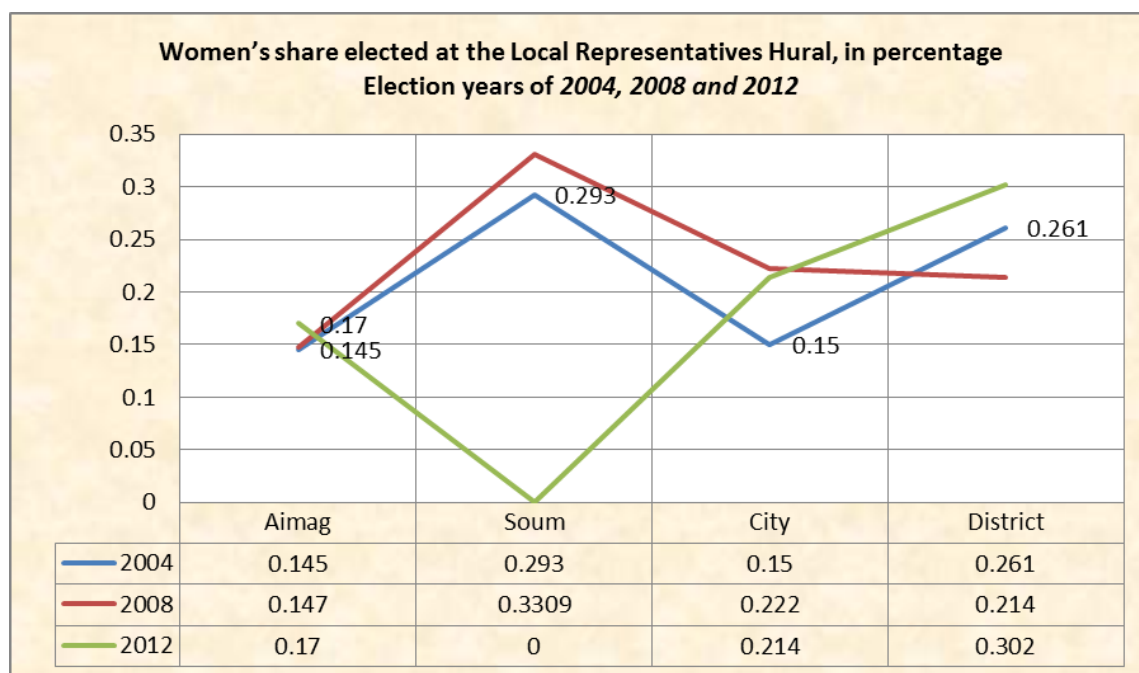
Over the past 20 years, continuous efforts and engagement of civil society organizations, namely that of Mongolian women's movement have certainly made critical contribution to the above outcomes. This achievement should also be shared by the NCGE that was established in 2005 which has been taking series of measures aimed to promote women's empowerment and a meaningful implementing of the LPGE.

Numerous obstacles still remain before women's adequate participation in the policy and decision-making levels is realized. In one hand, some of political parties have been influenced by financial groups, with weak internal democracy, weak member participation and little media transparency. On the other hand, research findings and data of surveys conducted by the women NGOs noted that traditional patriarchal stereotype about women's status still remain strong amongst the population.

Women's share and participation in decision-making positions at the aimag, soum, city, district and horoo levels still remain modest. Therefore, the Government has been exerting its efforts towards capacitating elected women representatives at the local community levels. Efforts have been made towards establishing 40 per cent quota for women at the local aimag, city and district level Hurals.

**Picture 2. Women's share elected at the Local Representatives Hural, in percentage**

Election years of 2004, 2008 and 2012



Source: Elections General Committee, 2012

Article 10 of the LPGE stipulated that women's representation in decision-making positions of central and local public administration offices should not be less than 15-40 per cent. Currently, women make up to 57.4 per cent of all 17.9 thousand civil servants and they represent 27.6 per cent of the decision-makers.

There are 3 female Cabinet Ministers and 2 Deputy Ministers serving as of 2014. 81.0 per cent of all State Secretaries are male and 19.0 per cent of them are (3) female. 74.0 per cent of all ministers, deputy ministers, state secretaries, department and division heads are male compared to the 26.0 per cent female of decision-makers. There has not been a female Governor of aimag and city appointed or elected yet.

Mongolia maintains diplomatic relations with 173 states, has Embassies in 32 countries, two Permanent Representatives offices, 9 General Consulate offices and 3 Consulate offices. Out of a total of 32 Ambassadors working overseas, 4 are female.

Dr. S. Oyun, Cabinet member, MP, Minister of Environment and Green Development was recently elected as the first President of the United Nations Environmental Assembly (UNEA).

There are 458 judges and 65.9 per cent out of them are female in Mongolia. 2 out of 5 members of the Judicial General Council are female. 12 out of 25 Supreme Court judges are female. The capital city Chief Judge is female.

## **2.2. Equal citizenship rights to women, men and children**

*(Article 9)*

According to the Constitution of Mongolia (15.1) the grounds and procedure concerning Mongolian nationality, acquisition, or loss of citizenship may only be defined by law. Therefore, the deprivation of Mongolian citizenship, exile or extradition of citizens of Mongolia are prohibited.

Recently, the tendency of Mongolian citizens' cross-cultural marriages is increasing; 90 per cent of citizens married to foreigners are women. Matters related to marriage contract/s, property ownership and children's nationality have become an emerging issue.

According to surveys conducted by NGOs, various "marriage agencies" have experiences in marrying off Mongolian girls and women to foreigners for money. Many of these "married wives" may face high risk of becoming victims of violence, sexual exploitation and TIP crime. There is no special coordinating mechanism set up in managing "marriage agencies".

## **Part Three**

### **3.1. Gender equality in the educational sector**

*(Article 10)*

The Constitution of Mongolia (16.7) stipulates that every citizen has the right to education and thus the State provides basic general education free of charge. The package of Law on Education (2002) and LPGE (2011) states that girls and boys, women and men in Mongolia have equal access to primary, middle, high schools, vocational training schools, higher educational, science and technological institutions. The State policy on education and MDGs (2005) are in full force.

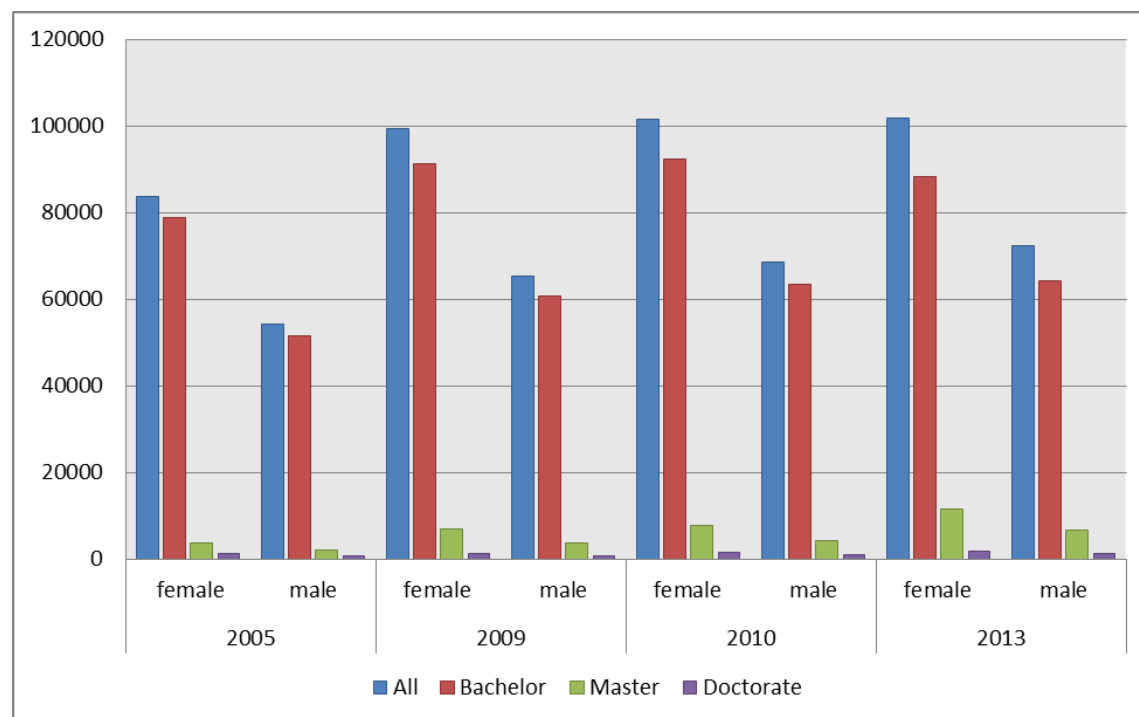
UNESCO reports highlight comparatively high literacy rate in Mongolia. According to statistics, 95.4 per cent of all population over the age of 10 years is literate and 95.5 per cent of female and 95.3 per cent of male population are literate.

Although, all citizens of Mongolia have access to education, adolescent young mothers face complications in having access to education due to limited livelihood circumstances and health concerns. The Ministry of Education is encouraging women of all ages to have access to "life-long education centre" which is intended to support women with less educational opportunities.

High school graduates make up 59.8 per cent, 15.5 per cent represent vocational school graduates of all level of educational institutions, and 24.7 per cent of graduates are university graduates. Female students make up 58.5 per cent of 174.0 thousand students in the higher educational institutions of Mongolia. Gender ratio at the primary educational institutions is 1.0, general secondary-1.2, high education-1.4. Sex-disaggregated statistical data on the employees of educational sector and on the students studying at all levels of educational institutions are available. 78 per cent of employees working in the science and educational sector are women.

### Picture 3. Students of higher educational institutions

*By gender and education*



The number of female students studying in the male-dominant areas of mining and construction is increasing. Women make up 21 per cent of the construction skills workers graduated from 57 vocational training schools; notwithstanding, most women remain in low-paid “traditional soft” sectors.

### 3.2. Gender equality in the labour market

*(Article 11)*

Mongolia guarantees non-discriminatory principles towards employment and the Constitution (1992) stipulates that every citizen enjoys the rights to choose their specialization and skills, favourable working conditions, adequate payment and the right to run their own business. The Government policy not only aims to encourage the citizens to enjoy their constitutional rights to employment but also implement specific programs regarding this issue.

*The Labour Law (1999)* guaranteed equal treatment for women and men in terms of labour relations; its article 7 pointed out non-discriminatory principles. Inspectors and specialists of the State Inspection Authority get involved in the resolution of matters concerning violation of the Labour Law provisions.

The “Law on Employment” (2001) was critical in the improvement of the state employment policy, its principles, identification of its financing sources and lowering of unemployment rate. This law stipulated that employers who provided sustainable employment for more than 6 months duration for persons at high risk of being unemployed such as females heading households and having four or more children under the age of 16 years, disabled citizens, individuals over the age of 45 years will be reimbursed 60 per cent of salaries they paid to the above employees from the “Employment Promotion Fund”.

The “Law on Occupational Safety and Health” (2008) coordinates areas concerning occupational safety, health and sanitation and monitors other related matters. Agencies specialized in providing safety and creating a hygienic labour environment, regularly conduct necessary assessments and evaluations to prevent workers from occupational disease and industrial accidents. The “National Program on Improving of Occupational Safety and Health” (2005-2010) was crucial in the implementation of the “Law on Occupational Safety and Health” (2008) to be interpreted in a meaningful manner.

The LPGE (2011) legalized gender equality principles regarding men and women’s association and participation in political, economic, social, cultural and domestic environment. This law not only guarantees equality for women and men in labour relations and employment, but also prevents pregnant women and mothers with young children from being laid off and preventing from sexual harassment at a work place. The NCGE is in charge of working on the coordination of inter-sectoral policy, whereas the National Human Rights Commission will be carrying out the monitoring functions.

The Law on Vocational Education and Training (2009) legalized vocational, skills and technical training relations. With the recent vast emergence of labour markets diversifying in mineral and mining exploration operations, the vocational training centres were established to train skilled workers specializing in the above areas.

The NPGE (2002-2015) has been focusing its attention to eliminate gender discrimination in labour relations, improve legal environment for those working in informal sector, change biased gender stereotype in labour market at all levels and to spotlight the harsh circumstances of women, especially rural women, who are employed without pay. State Policy on the Informal Employment (2006) has been focusing to shift informal employment relations in to formal standards and practice.

Although, the Constitution and labour promotion legislations encourage non-discriminatory principles and relations, there is no coordination and accountability mechanism in place for those who would like to complain regarding discriminatory practices. The marginalization and discrimination of people by age on Job Ads in newspapers and other media, is an evidence of the continual existence of discriminatory practices in labour markets.

Laws, policies and programs coordinating labour relations prohibit gender based discrimination and demand all employers to carry out a wide range of gender neutral actions and initiatives in a work place. In practical everyday situation such as



attempting to enforce laws that prohibit discrimination against pregnant women and women taking care of their young children, people have limited knowledge, which makes them unable to interpret the law and bring justice. Most people still do not know about their right to demand same pay for the same quality of work carried out by both genders, as well as the prohibition of sexual harassment in work place, etc.

In 2005, the National Human Rights Commission pointed out that there is a tendency to discriminate people based on their age and ethnicity which is considered as violation of Article 7 of the Labour Law. The Commission recommended making an amendment prohibiting the discrimination based on age and ethnicity in labour relations.

In 2005, the Government of Mongolia adopted the “National Program on Occupational Safety and Health” and after three years, in 2008, the Parliament approved the “Law on Occupational Safety and Health”. The Occupational Safety Monitoring Guidelines was approved in 2010, enabling equal legal environment for social partner organizations to carry out assessment on the realization of equality in labour relations. According to information from the General Inspection Authority (2006-2010), annually, 420-480 industrial accidents had occurred, of which an average of 450-500 persons and 15-20 per cent of them lost their lives. Annually, over 2000 people lose their employment due to occupational diseases. However, sex disaggregated data on people who lost their employment is not available.

According to statistics of 2013, from a total work force of 1103.6 with the age of 15 years and older, women made up 47.5 per cent while men made up 52.5 per cent. This shows that women workers’ rate decreased by 3.0 per cent while men had the opposite effect, an increase by 3.0 per cent. Women make up 47.8 per cent of all paid workers employed without considering the agricultural sector. This demonstrates that Mongolia reached the target within the MDGs.

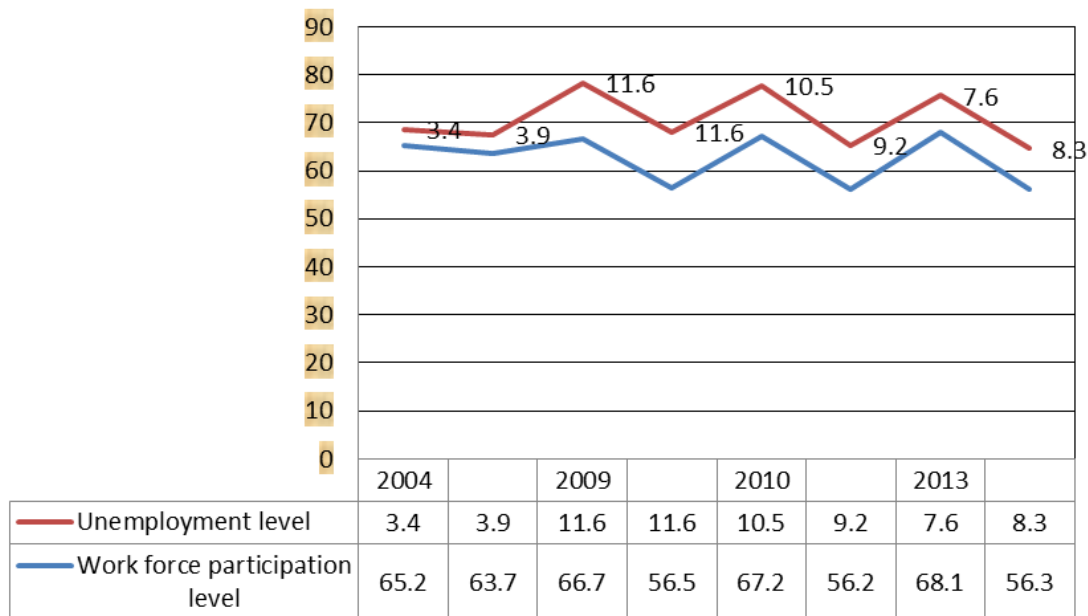
Women and men’s participation in the labour market is slightly different, however the gap in salary is far different. An average national wage of men is 14.3 per cent higher than that of women’s. The monthly average salary (MNT557.6 thousand as of 2012) varies sector by sector. The above mentioned sectors that provide higher paid jobs are male-dominant sectors.

Rural women are still burdened by unpaid and continuous hard work. Compared to urban women and rural and urban men taken together, rural women spend 2.5 more hours daily on unpaid labour.

In 2013, the participation of the national work force made up 61.9 per cent, of which women made up 56.3 per cent and men 68.1 per cent. Over the past 10 years, the labour force rate remains stable, in spite of the current economic slowdown. This could be linked to the government run programs that strive to keep the employment rate at a stable rate by providing part-time employment opportunities as well as encouraging of new job opportunities.

With the rate of 7.9 unemployment still remains a critical national area of concern. In 2004, the registered unemployed population amounted to be 35.5 thousand (44.8 per cent of them were men whereas 55.2 per cent were women) in 2013 this number increased by 42.7 per cent (45.2 per cent men and 54.8 per cent women).

**Picture 4. Workforce participation rate, unemployment rate, by gender and year**



Wage differentials between women and men can be concluded that men are more engaged in better paid jobs compared to women who are generally engaged in lower paid jobs. Women retire 5-10 years earlier than men; women with more children retire earlier. Generally, women stay home with their young children and provide care to their immediate and extended family members. Even though, many women manage to be employed and carry double or triple burden at the same time, it is crucial to note that their career growth and related promotion might be limited. *(Promoting gender equality through non-discriminatory labour legislation, survey conducted by Gender Centre for Sustainable Development, NGO, 2012.)*

Most parents are faced to lead a quite complicated work life as they have to combine the parenthood, work/career and social life. The number of kindergartens and crèches is not sufficient enough to provide a satisfactory experience for the child and the parent; starting from 2008-2009 academic year, the general secondary schools extended their schooling years from 10 to 12. Thus, 6-year old children start entering primary schools, which double the care burden of their mothers. There is no coordination scheme regarding this issue under the current Labour Law. Recently, many rural nomadic women have been choosing to move to soum centres during the school year to send their children to primary classes while their husbands and elderly members of their family stay behind. The Government is looking for the possibilities to introduce “flexible work time”, “work-life schedule” and to increase the number of institutions intended for child care and child development.

Article 40.1.3 of the Labour Law states that employees reaching 60 years can be retired from service. The Pension Law (1994) supported by the social insurance fund, offers a retirement package to employees (men over the age of 60 years and women 55) who served for 20 years minimum. Women who raised four or more children and contributed to the pension fund for not less than 20 years are entitled to retire at the age of 50.

Women NGOs stated that an early retirement of women limit their career opportunities, deprive their rights to enjoy political freedom and serves as ‘glass ceiling’. The work force survey of 2009 explained that early retirement of women served as the main reason for unemployment among women aging 50 and above. Almost 30 per cent of them head households, thus an early retirement certainly is not a choice as retirement affects their income status.

As of June 2014, monthly minimum retirement pension amount was MNT207.3 thousand, proportionately calculated minimum pension was MNT172.2 thousand and social welfare funded pension amount was MNT 168.0 thousand.

In December 2012, the government approved the decision to “reckon the pension insurance benefits and years of services” to regulate the situation for those individuals who lost their jobs and employment opportunities due to the economic transitory circumstances during the period of 1990-2000. As a result, about 494.8 thousand people used this beneficial option last year.

In 2014, an additional regulation was added to the above decision stating that those individuals who had an early retirement during 1991-1994 as well as retired women with 4 or more children would be covered by this beneficial option. During 1991-1994 women with 4 or more children and individuals served for the period of 27 years were entitled to retire regardless of their age. During the transition period of 1990s, many factories and economic entities were shut down as the country shifted from the centrally planned economy to free market system. During that period, many women had to retire in their mid-30s and these individuals now are entitled to minimum retirement schemes. According to a preliminary data, about 41000 individuals have been registered under this additionally regulated scheme from which 82 per cent of them were women. Thus, discrepancy of an old age pension amount would be compensated starting from January 2015.

“The impact of global economic and financial crisis on Mongolian economy: labour market, social vulnerability and poverty” report stated that 30-35 per cent of the country’s work force is engaged in informal sector. Women are largely engaged in small trading businesses that require modest initial investment; legal environment has not yet been established to protect their rights.

### **3.3. Gender equality in the health sector**

*(Article 4, 12)*

The Constitution of Mongolia (16.6) states that every citizen enjoys the right to protection of health and medical care. Thus, Article 4 of the Law on Healthcare stipulates that the population should receive medical care and services without any discrimination. Currently, three state policies, 13 laws, a health sector master plan and over 20 strategic documents are being implemented in this sector.

Since 1997, the “reproductive health national program” has been including matters related to family planning. Later, the “national strategy on the reproductive health related medicine, medical equipment safety and sustainable supply” was approved. The Government allocated MNT85mln in 2010, MNT100mln in 2011, MNT150mln in 2012, MNT180mln in 2013 and MNT210mln in 2014 respectively, for the supply of the most required reproductive health medicines and equipment, which has been managed by the Ministry of Health.

Targeting the vulnerable population, UNFPA allocates USD300k annually through the Ministry of Health for the necessary purchase and dissemination of reproductive health medicines and facilities.

Annually, the NSO conducts the national-level reproductive health survey and the findings of the 2008 survey concluded that 96-98 per cent of respondents who represented rural and urban areas irrespective of their education, income level and age said that they have knowledge on common methods of birth control. Regardless of the widely available knowledge on family planning methods, many people do not use that knowledge, thus the abortion level remains high. Almost 70 per cent of abortions are repeated. It is noted that the accessibility and quality of family planning counselling services remain to be improved towards targeted groups.

The implementation of two national strategies on the decreasing of maternal mortality (2001-2005, 2006-2010), national strategy on the prevention of infant micro-nutrition deficiency (2005) and the national strategy on the maternal and infant health (2011-2015) facilitated an improvement on the accessibility and quality of maternal and infant health services. In 2000, maternal mortality shown to be 166.2 which was decreased down to 96.7 in 2008 shifting the country's level of maternal mortality from "high to medium" level. This figure was 46.2 in 2013 demonstrating a decrease of 4.7 times compared to the figure of 1990. By 2015 we are striving to reach our MDG target. There are 341 maternity homes in the country serving 74.9 per cent of pregnant mothers.

The following factors have influenced the maternal mortality rate: women and men's knowledge about child-bearing and child birth processes, birth related complications, general health prevention and protection. At times, doctor's advice cannot be followed due to livelihood circumstances.

Laws on the healthcare, labour and social protection provide an overall guidance on pre-natal to post-natal health services, outline special considerations towards free medical care and provide services and provisions regarding breast-feeding mothers and infants lacking necessary nutrients. The state is in charge of medical check-ups, analysis and treatment (related to pregnancy and delivery of baby) of pregnant women before the delivery and during 45 days of the post-natal period. Women are eligible to receive monthly benefits for the period of 12 months starting from the 5th month of pregnancy.

Benefits funded through the health insurance system often does not matching with the provided medical services. Pregnant women and breast-feeding mothers often experience shortage of necessary micronutrients when they do not have any other income except the social welfare benefits; this situation varies region by region.

As of 2013, 20 percent of the state budget is being spent on health sector operations and 36.3 thousand health sector employees (out of 45.0 thousand) are women.

### **3.4. Eliminating discrimination against women in the economic and social life**

*(Article 13)*

The Law on Promoting of Gender Equality prohibits the gender discrimination in the economic and social spheres.

Article 9 of the PLGE guarantees equal rights in the economic sphere. The NCGE announced the year of 2014 as the "Year of Improving Economic Rights and

Leadership of Women” and within the framework of this campaign, the national debate was organized with participation of women engaging in small and medium size entrepreneurship as well as in the civil society. In June 2014, the sub-strategy on promoting women’s economic opportunities and leadership was approved. The NCGE has been carrying out a series of activities directed to improve household income, alleviate poverty and improve of women’s economic status through an approval of sub-strategy and formulation of relevant programs.

The current economic growth has not facilitated the eradication of poverty, but the gap between haves and have-nots increased thus making most women and children’s life vulnerable. As of 2014, female headed households amount to 17 per cent of total households. The Government is working on diversifying economic opportunities and providing social welfare to low income households.

Recent intensive internal migration flow from rural areas to urban settlements has particularly affected the infrastructure of Ulaanbaatar, the capital city, burdened its social services and negatively affected its air and soil pollution levels. This migration has become a source for a better life for many women and men. In the recent years, inequality between urban and rural socio-economic levels and natural disaster have played a critical role in the intense migration flow. 64 per cent of recent migrants have accompanied/joined their family members and most of them are women (69 per cent). Migrant women are more vulnerable and prone to any forms of discrimination and they are often forced to engage in any type of work, which sometimes, may lead them to become victims of gender based violence.

The issues related to women and men with disabilities are resolved by the social protection policy. There are 96.3 thousand people or 3.8 per cent of the population is the citizens with disabilities, 52.7 thousand of them are men and 34.5 thousand of them are women. Employment of disabled residents and their social inclusion are the priority issues to be resolved.

### **3.5. Situation of rural women**

*(Article 14)*

During the period of 2004-2009, rural population made up 39.3 per cent which has decreased down to 34.9 per cent since 2009.

Mongolian rural women have been running traditional nomadic livestock-breeding under severe climatic conditions while managing specific cultural and geographic diversities. Livestock-breeding is generally dependent on climatic and natural conditions including severe drought and *zud* (heavy snowfall). Meantime, man-made changes in the ecosystem have affected the livelihood of nomadic herders particularly lives of rural women in terms of their increasing poverty, shortage in pastureland, migration process and ill-planned development and expansion of mining sites in their areas/communities.

Mongolia initiated the resolution on the “Improvement of rural women’s livelihood” at the 60th General Assembly of the United Nations and since then it has been exerting its efforts to move on.

Women in rural areas have been contributing an average 12-14 hours of unpaid daily work to family welfare and household businesses. The government is working on the possibilities of including herder women and men in the social insurance coverage on a voluntary basis.

The government focuses its attention to provide herder women with an access to medical services and particular efforts have been made to assist pregnant women and, future mothers with an easier access to pre-natal and maternity home services. Since the previous regime, special attention has been paid to help rural women with professional medical services; in addition, maternity homes were established with basic conditions. 60-80 per cent of pregnant women living in soum and bag areas have access to maternity home and related medical services, which resulted a significant decrease in the maternal mortality level.

As of 2013, all aimags received the opportunity to install distance diagnostics equipment as well as to train the medical doctors and technical personnel. The tele-medicine network has become a helpful resource for women, infants and children living in remote areas by giving access to have professional, modern medical services without losing time.

Since 2009, targeted training sessions for rural women on the improvement of their livelihood and household income have been conducted. The number of cooperatives for rural and herder women has been increasing since 2012. The Ministry of Agriculture introduced a new practice of paying MNT2000 per kg of wool, which inspired rural women getting engaged in wool collecting and processing business and improving their knowledge, skills and capacities in this regard.

The Government has been encouraging crop and vegetable growing cooperatives; and since 2012, a Harvest Fair event has been organized in Ulaanbaatar as well as other major cities, enabling crop growers to market their products and city dwellers to enjoy fresh and domestic produce from the field.

The Ministry of Environment and Green Development approved the first ever sectoral Gender Strategy which will facilitate rural women and their families with strategies to prevent their surrounding environment from degradation and scarcity, to sustain an environment-friendly and ecologically balanced economy.

## **Part Four**

### **4.1. Equality of women and men before the law**

*(Article 15)*

The Constitution of Mongolia (1992) states, “Men and women have the right to own the land and other types of property”. The Law on Land Privatization (2005) enables every household to have their plot of land (khashaa), however that plot of land is registered under the breadwinners name often under men’s name. Later in 2008, the law was amended enabling every citizen to have his/her plot of land and get the registration under the individual’s name. Thus, women were able to participate in the land privatization relations and own the land. Currently, every citizen of Mongolia has the right to own 0.07 hectares of land and lease up to 1 hectares of land for business.

However, the land being leased for business purposes are often registered under men’s names. According to a survey conducted in 8 provinces, 65 per cent of land was registered under men’s name, the rest of 35 per cent under women’s name. According to assessed results related to property rights, it is quite costly to identify un-privatized locations, document them and fence the area up, etc. This costly

exercise may prevent women from getting engaged in the land privatization processes and practices.

The existing gender inequality in the privatization process of any form of property may limit women to start private business and/or lead entrepreneurship. Since 2008, the government has been encouraging small and medium size enterprises development agenda and related campaigns; however, women's engagement still remains modest.

Article 126 of the Civil Code considers the dividend and securities to be as jointly owned property of members of the households. However, during divorce process, the dividends earned by the spouses from their joint company may be ruled or coordinated according to the Company Law. In such cases, the rights of spouses and other members of the family, who jointly own a property, may be jeopardized. To prevent these circumstances, the government is working on rectifying this practice.

#### **4.2. Gender equality in marriage and family relations**

*(Article 16)*

Mongolian Constitution states that Mongolian male and female citizens aging 18 years and older, can marry on ground of mutual consents. The Family Law guarantees family relations and equality of married couple. According to this law, marriage should be equal and voluntary. The state protects the interests of families, mothers, infants and children. The intended spouses must be registered by the authorized state institutions.

The law states that marriage relations are free from discrimination based on nationality, origin, language, race, property, religion, point of view, education and other circumstances. It additionally states that a male shall have one wife and a female one husband.

An average age of a first marriage is 24.2 for women and 26.2 for men which is being late compared to 10 years ago. The number of marriage is decreasing. As of 2013, 15.8 thousand marriages were registered and 3.5 thousand divorce cases were filed, which decreased the number of marriages by 67.8 per cent compared to the highest marriage peak in 2006 and the increase of divorce cases by 2.5 per cent.

The Family Law and other relevant laws state that the couple should make their reproduction related decision equally on a voluntary basis using necessary information and they should enjoy the equality in marriage, family planning, decision on the number of children, space between the birth of their children, location of their baby's birth, type of medical and health care services. The newly amended Family Law states that the "parents have the responsibility of their children", which legalizes the continuation of guardianship of their children after a divorce.

According a random survey conducted in 2013, 98.6 per cent of men aging between 15-49 and 99.6 per cent of women of the same age know some means of birth control. 45.4 per cent of men and 52.4 per cent of women said that they learned about family planning from the media means.

Gender relations and structure change of modern families must be carefully analysed to formulate an adequate population policy, while taking versatile types of extended families having disabled members in the family and families living

together with two or more generations, female headed households, etc. into consideration.

Therefore, the Ministry of Population Development and Social Protection has submitted its “Population Development Comprehensive Policy” for a Parliament review, which highlights family development issues. The newly amended Family Law suggested change of approaches regarding family development and child rights. It proposes to scale up the current Child Support Centre to a level of the State Agency having its branches and affiliations at aimag and local levels.

In 2013, common standards for family education, establishment of family counselling centres and related content, action plans, guidance methodologies and staff rules were agreed upon. The following domain [www.ger-bul.info](http://www.ger-bul.info) serves to provide information on the family related issues and the dissemination of social welfare on-line services designed to fulfil the families’ needs.

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