



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

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**Committee on the Elimination of Discrimination
against Women**
Forty-second session

Summary record of the 858th meeting (Chamber B)

Held at the Palais des Nations, Geneva, on Friday, 24 October 2008, at 10 a.m.

Chairperson: Ms. Dairiam (Malaysia)

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined fifth, sixth and seventh periodic report of Mongolia (CEDAW/C/MNG/7; CEDAW/C/MNG/Q/7 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Mongolia took places at the Committee table.*

2. **Ms. Baigalmaa** (Mongolia), introducing the report (CEDAW/C/MNG/Q/7), said that the Ministry of Social Welfare and Labour had set up a working group comprising representatives of Government agencies with a view to preparation of the report. In 2002, a training workshop, in which International Women's Rights Action Watch (IWRAP)-Asia Pacific had participated, had been held for the staff of Government bodies, non-governmental organizations (NGOs), universities and other institutions in order to streamline implementation of the Convention. The report had also been discussed with civil society representatives and presented to the cabinet.

3. Mongolian legislation respected human rights and prohibited discrimination based on age, sex, race, nationality, language, culture or religion. While legal reforms during previous reporting periods had regulated basic social relations, the current reforms focused on specific social relations and, particularly, human rights. Two acts, one on domestic violence and one on the National Commission on Human Rights, had been adopted and the Criminal Code and Labour Code had been amended. A draft law on gender equality was being prepared and the State's family law was being revised to reflect social changes and trends. Surveys and research were being carried out in relation to country-specific Millennium Development Goals (MDGs). The new Comprehensive National Development Strategy, which addressed gender equality issues, had begun to be implemented. Parliament had adopted State policies on population and family development and the Government had implemented national programmes on, inter alia, gender equality, domestic violence, adolescent development and reproductive health.

4. Although significant progress had been achieved with regard to social and economic conditions such as the standard of living, household incomes and family

benefits, a number of concerns needed to be addressed. The proportion of women involved in high-level decision-making had not increased and, in some cases, had even decreased. In 2007, parliament had removed an earlier provision under which women were required to account for 30 per cent of candidates in all elections; as a result, only three women had been elected to parliament in 2008. The cabinet included two women ministers. Advocacy through NGOs was therefore necessary in order to encourage legislators and decision-makers to comply with the National Programme for Gender Equality and with the national MDGs, under which the percentage of women among senior officials should have increased to between 15 and 30 per cent by 2004. Under political party charters, 20 to 30 per cent of their internal staff must be women.

5. Domestic violence and other crimes against women and children, such as human trafficking, were on the increase. Although the population's literacy and education levels were relatively high, school dropout rates had risen as a result of poverty, particularly in the rural areas. Despite a sustained increase in the number of women enrolled in higher education, the education sector was characterized by gender imbalance to the extent that the teaching staff was dominated by women but the management staff by men. Accordingly, the Ministry of Education had entrusted external non-staff gender watch units with conducting surveys and research on gender balance in the education sector and providing advice to education policymakers and implementing agencies. Although a reduction in child and maternal mortality in line with the national MDGs was achievable, the percentage of women succumbing to pregnancy and birth complications was higher among the rural and low-income population. In response, measures had been taken to ensure that all pregnant women received early prenatal care and to offer maternity rest home services in rural areas.

6. Unemployment and poverty had emerged during the transition period and were being aggravated by high fuel prices that led to inflation with respect to food and other products. Unemployment affected primarily women and wage disparities were emerging in the sectors where they were employed. Since many women had taken jobs in the informal sector or performed unpaid domestic work, it was necessary to raise their social insurance benefits. Rural women were particularly affected by inadequate infrastructure and

limited access to health, education, culture and other services in rural areas, where half of the Mongolian population lived. Although rural women's participation in nomadic animal husbandry was increasing, new technologies, which could improve their working conditions, were rarely introduced. Nevertheless, some progress had been made in providing rural households with power generators, telecommunications and other services.

7. In addition to the Law on Fighting Against Domestic Violence and the draft law on gender equality, which was under preparation with Asian Development Bank (ADB) support, there had been a number of achievements. Although the number of women members of parliament had decreased, there had been an increase in the percentage of women in high-level posts in other bodies, such as the Supreme Court, the General Elections Committee and the National Commission on Human Rights; women were also represented appropriately in the political and public administration. Efforts were being made to improve information and research and ensure gender mainstreaming through appropriate national policies and initiatives and NGO activities; NGO action was being promoted through cooperation agreements concluded by the Ministry of Social Welfare and Labour. Mongolia cooperated with specialized agencies of the United Nations system, development banks, other financial institutions and international NGOs. Within the United Nations Development Assistance Framework (UNDAF), particular emphasis was laid on human rights protection and gender equality. Lastly, a National Committee on Gender Equality, chaired by the Prime Minister and comprising a working group for facilitating coordination among sectors and providing guidance on gender issues, had been established.

8. A number of challenges remained to be addressed in order to improve implementation of the Convention. There was a need to raise public awareness of the Convention, analyze issues from the perspective of the Convention and encourage its practical application. Capacity-building should be intensified and human rights training and promotion activities — including the training of teachers and trainers — should be conducted; the Convention should be integrated systematically into planning, policy, programmes and reporting in all sectors; a database and an external auditing system should be set up in order to monitor implementation of the Convention; NGO participation

in implementation of the Convention should be strengthened; and the capacity of Government officials to implement the Convention should be enhanced.

Articles 1 to 6

9. **Ms. Schöpp-Schilling**, recalling that in 1982, Ms. Luvsandanzangyn Ider of Mongolia had become the first Chairperson of the Committee, said that as a country in transition, Mongolia faced the challenges and opportunities of transforming the purely formal equality that had prevailed under the previous system into substantive equality. She asked to what extent parliamentarians were involved in preparation of the draft law on gender equality; what the time frame for its consideration by parliament was; whether the draft law would reflect the Convention's definition of discrimination; whether it would apply only to State bodies or also to private employers, organizations and individuals; whether it would provide for temporary special measures in the public and private sectors in order to accelerate the achievement of de facto gender equality; and whether it would ban sexist advertising. She wondered whether such advertising was already banned under the Law on Public Radio and Television and suggested that the essential notions of the draft law on gender equality should be published in a brochure for broad dissemination. Lastly, she would welcome information on the complaint mechanism for women's rights violations and on access to legal aid for use of that mechanism.

10. **The Chairperson**, speaking as a member of the Committee, asked what steps had been taken to identify any potentially discriminatory provisions of existing legislation and whether the plans for specific legal reforms regarding social relations that affected women meant that women's interests had not been taken into consideration in earlier reforms. Referring to the regression in women's election to public office, she asked what analyses and amendments were being contemplated in order to remedy that problem. Stressing the importance of sex-disaggregated information on discrimination against women in the process of economic transition, particularly in the area of unemployment, she requested information on any research into the impact of privatization and poverty on women and on any related action taken by the Government in accordance with the Committee's previous recommendations. She was alarmed at the lack of regulations for collecting, analyzing, compiling

and disseminating sex-disaggregated data and indicators; the report seemed merely to provide advice to the Government and did not comply with the Committee's reporting guidelines.

11. **Ms. Neubauer**, after commending the Government for the many steps taken in order to enhance the effectiveness of the National Policy and Programme on Gender Equality, requested the delegation to elaborate on the functions and potential of the national women's rights machinery. She wondered how the National Committee on Gender Equality supported intersectoral coordination in the capital and the aimags (provinces); whether there were specific coordination procedures for implementation of the National Programme; and whether the working group established by the Ministry of Social Welfare and Labour was instrumental in developing, implementing and monitoring the measures taken.

12. **Ms. Gaspard** requested information on the composition and the frequency of meetings of the National Committee on Gender Equality and of the working group and on linkages between those bodies and civil society, over and above the participation of IRAW — Asia Pacific. She asked whether the delegation's statement regarding plans to introduce a gender dimension into policies, statistics, dialogue with NGOs and training for civil servants indicated that the Committee's 2001 comments had not been heeded and what follow-up the Government bodies concerned had conducted. It would also be useful to know whether Mongolia's report had been submitted to the National Commission on Human Rights and why the special temporary measure aimed at increasing the number of women candidates in parliamentary elections had been removed in 2007.

13. **Ms. Hayashi**, while applauding Mongolia's progress with regard to literacy and women's presence in higher education, asked where competent female graduates would be employed in order to contribute to national development; she wondered whether the decision to remove the quota for women candidates in parliamentary elections had been part of a backlash against the gender equity movement, or whether it was symptomatic of the transition process. Lastly, she would like to know which political parties applied quotas for women in their internal organization and structure.

14. **Ms. Natsagdolgor** (Mongolia) said that the new legislation on domestic violence and on public radio and television had been adopted in order to ensure women's protection and that measures were being taken to promote their participation in all sectors. The draft law on gender equality would be enacted and implemented as part of the four-year agenda of the new Government, elected in June 2008. The working group which had prepared the report had consisted of former ministry officials and NGO representatives.

15. **Ms. Altangerel** (Mongolia) said that the draft law on gender equality, initiated by women members of the previous parliament, had been based on considerable country-specific analysis. Its main purpose was to ensure that the provisions of the Convention were implemented by law enforcement and other State bodies. Since the June 2008 elections, little progress had been made with regard to adoption of the draft law, which was modelled on Swedish gender-equality practices, because it would be discussed in the context of the Government's four-year plan, which was still being drawn up. The inter-departmental working group, established by the Ministry of Social Welfare and Labour and comprising members of the previous parliament, would submit the draft law first to the cabinet and then to parliament; if adopted, it would be implemented as part of the four-year plan. Erotic advertising would also be addressed during the next four years. That practice, encouraged by tourism and human trafficking, would be combated under new obscenity legislation and a specific erotic-advertising act that would be enforced by the police; in the past, the matter had been dealt with less effectively by the intellectual property agency.

16. In principle, Mongolian women faced no discrimination with regard to filing complaints, receiving legal aid or accessing justice in domestic violence cases. In 2008, the Ministry of Social Welfare and Labour had opened State-funded legal aid centres in every district of the country for women unable to pay for legal assistance on criminal, civil or family law matters. Furthermore, eight forensic medical centres had been established in cooperation with the Swiss Agency for Development and Cooperation (SDC) in order to provide medical care, psychological counselling and legal assistance to victims of prostitution and human trafficking. Many shelters had also been set up by Mongolian NGOs, which were particularly active and more efficient than the

understaffed State units. There was an increasing tendency among Government agencies to transfer awareness-raising and counselling functions to NGOs.

17. The change from a party-dominated political system to the rule of law was not an easy exercise as it involved a transition from some 30 laws to the almost 400 laws that had been adopted and the over 100 international conventions that had been signed since 1990. Time was required for readjustment, training and change in attitudes. The legal reforms adopted by parliament in 1992 had laid down the main concepts required for a transition to democracy. As an international conference of Government and civil society representatives had found, Mongolia had made significant progress in that time; the basic laws governing civil relations and criminal procedure had already been adopted and the Government was considering further reforms with a view to enhancing law quality, effectiveness, enforcement and compatibility with international law, including the Convention.

18. **Mr. Boldbaatar** (Mongolia) said that the proposal for a 30 per cent quota of women candidates in parliamentary elections had been submitted to the parliament by some of its members; however, the President of the Parliament had vetoed the bill, which was currently at a stalemate.

19. **Ms. Natsagdolgor** (Mongolia) said that the National Committee on Gender Equality sought to implement the National Programme for Gender Equality in the areas of family relations, the economy, rural development, decision-making, public administration and cooperation with civil society through a mechanism that included the district governments and regional development directorates. Through 25 indicators, progress was assessed by the Information, Research and Monitoring Office of the Ministry of Social Welfare and Labour, which was responsible for following up and evaluating all activities related to poverty and to specific groups such as women, older persons, the disabled, poor families and abused children. Although analyses based on sex-disaggregated data were not conducted systematically, gender-specific statistics were available with regard to variables such as income where indicators showed that women were somewhat worse off than men, and employment. Women registered more often with the unemployment service and accounted for 51.4 per cent of the unemployed; in 2006, cash benefit programmes

for mothers and children had been introduced. Half of the staff hired by the Ministry of Social Welfare and Labour and the Ministry of Health and half of the directors in the Ministry of Justice were women. In the preceding five years, the number of women employed in educational establishments had increased by 16 per cent and women accounted for 25 per cent of school directors. Although they varied from sector to sector, women's participation rates had tended to rise over the past six years.

20. **Ms. Altangerel** (Mongolia) said that the National Commission on Human Rights was an independent human rights "watchdog" which monitored the enforcement of laws and international conventions relating to human rights and made recommendations to the Government. Its Chairperson was elected by parliament, to which it submitted annual reports. Remedies for human rights violations were available through the Commission, which had an appropriate complaints review and investigation mechanism, as well as through other State agencies; the independent judiciary branch, which was part of Mongolia's system of checks and balances; and the Constitutional Court. Civil society and the media contributed actively and effectively to freedom of information, transparency and accountability.

21. **Ms. Natsagdolgor** (Mongolia) said that of Mongolia's 18 political parties, three were represented in the parliament: the Revolutionary Party, the Democratic Party and the Party of Civil Will. In accordance with their charters, they applied, respectively, a 30, 25 and 20 per cent quota for women candidates. The Law on Elections did not stipulate any gender quota. In the latest parliamentary elections, 66 of the 356 candidates had been women; the fact that only three women had been elected revealed a need to educate voters.

22. **Ms. Pimentel**, speaking in relation to article 5 of the Convention, noted that the amended Criminal Code punished not only rape but also the "satisfaction of sexual desire in an unnatural manner" and suggested that general recommendation No. 19 of the Committee (on violence against women) should be used as a basis for interpreting, implementing and amending that provision. A vast bibliography and many official statements could provide guidance on what could be considered natural or unnatural behaviour; diversity in sexual orientation was an important issue. Moreover, the amended Criminal Code's provisions on violence

against women seemed designed primarily to protect the children, family and social morals, not women's rights. Women should not be considered secondary victims of such violence; the concept of social morals often served to hide prejudice and serious discrimination against human beings, including women.

23. **The Chairperson**, speaking as a member of the Committee, asked whether analyses had been conducted in order to determine the contribution of gender stereotyping and negative images of women in the media to women's limited role in — and, therefore, influence on — decision-making and public policy formulation and the prevalence of women's sexual exploitation and harassment in public places. She would welcome information on any concerted programme aimed at eradicating gender stereotyping on the basis of such analyses and on any steps taken to eliminate gender-based segregation in school and university subjects and women's concomitant disadvantage on the labour market. She asked whether there were any school or community-based programmes designed to foster a culture of gender equality and whether media professionals received guidelines or training in avoiding negative portrayals of women.

24. **Ms. Gabr** said that the delegation's replies and the statistics it had provided had significantly complemented the report. Speaking in relation to article 6, she asked what international instruments on human trafficking Mongolia had signed and, in particular, whether it had 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. She would also be interested to learn of any plans to set up a national commission, or to enact more effective legislation and programmes, against human trafficking.

25. **Ms. Begum** noted that Mongolian citizens were victims of trafficking both domestically and abroad and that, contrary to the Committee's earlier recommendations, no specific anti-trafficking law had been enacted. She urged the Government to conclude bilateral and regional agreements with the countries concerned and requested statistics on the number of indictments and convictions under the existing human trafficking legislation. The existence of only one shelter for victims of that crime, run by an NGO and

funded by an international organization, showed a lack of commitment. Measures should be taken, including human rights education at all levels, poverty reduction activities, jobs for victims and former prostitutes and an immediate end to all erotic advertising.

26. **Ms. Altangerel** (Mongolia) said that although the Protocol to the United Nations Convention Against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) had been ratified in 2008, Mongolian legislation on human trafficking needed to be improved and harmonized with international law. Such steps, and more effective implementation of the Convention, would be part of the comprehensive changes to the Code of Criminal Procedure to be made during the next four years. A victims assistance fund would be set up under an act currently being drafted. In the area of international cooperation, Mongolia was a party to mutual legal assistance treaties and had signed bilateral agreements on civil and criminal matters, including human trafficking, with China and Russia. As an observer, Mongolia cooperated with a regional initiative against human trafficking launched by five countries and, at the international level, on political and law-enforcement matters, although it had conceptual differences with certain other countries, particularly China.

27. Erotic advertising had diminished significantly as a result of growing awareness of the problem. Of the 17 sexual exploitation cases heard by the courts since 2007, three had been categorized as human trafficking (which carried a 10-year prison sentence) and 14 as organized crime offences (which carried a 5- to 7-year prison sentence). The overall investigation and judicial procedure in such cases was protracted. Donors promoting anti-trafficking initiatives in Mongolia included the United Nations Office on Drugs and Crime (UNODC) and the Asia Foundation. Officials at border checkpoints provided young women travelling to Malaysia, Macao and other parts of China, or other countries with counselling and a passport insert with contact details for, inter alia, the International Organization for Migration (IOM) and a 24-hour hotline number provided by an NGO. Awareness campaigns were conducted through university students. The statement that the Government lacked commitment in respect of victim support could not be accepted. Shelters for victims of violence or prostitution were

provided not only by NGOs, but also by the police, and victims were dealt with by female police officers and by social workers within the limits of the State budget.

28. **Ms. Natsagdolgor** (Mongolia) said that although there were no gender-specific analyses, the most urgent concerns with regard to policy design and implementation were identified by NGOs working on a contractual basis. In the preceding five years, there had been significant progress in combating domestic violence. The Government operated a national centre against domestic violence, funded a shelter service and ensured that research into various forms of violence against children and women was conducted. The secondary education curriculum included such subjects as women and society, building attitudes concerning domestic violence, the difference between conflict and violence, and conflict-resolution skills. Higher education institutions, such as schools for social workers, taught courses on emerging social issues such as domestic violence, sexual harassment, drug and alcohol addiction and human trafficking. Human trafficking and violence were also studied at the post-graduate level. There were plans to expand community-based programmes and NGO initiatives, such as counselling for mothers under the age of 18, to include the prevention of violence against children and women and to improve the so-called “soft” services, such as mediation and advice, which were less developed than the “hard” units (shelters and centres).

29. Although there were no specific guidelines for the media regarding gender issues, violence and sexual harassment were addressed as part of the training for media workers. Under a national programme launched in 2005 with a view to preventing abuse and, in particular, protecting children and women from sexual exploitation, training was provided in every aimag and city and capacity-building activities would soon extend to first-line workers, policy implementation staff and policymakers. A pilot agreement with the Republic of Korea covered training on combating trafficking in women, to be provided by NGOs and other stakeholders. Steps taken in the area of poverty reduction included a workshop on gender-responsive health and social security services, organized jointly with UNESCO for policymakers. There were plans for a national strategy involving specific measures for older, low-income women.

30. **Ms. Altangerel** (Mongolia) said that under the freedom of information act, the media were required to

cooperate with government agencies on crime prevention and, under the obscenity act, they could not broadcast erotic content. Legislation imposing stiff penalties, including licence revocation, for non-compliance with those provisions was being drafted.

31. **Ms. Schöpp-Schilling** pointed out that since the Convention had the status of law in Mongolia, the Government was empowered to regulate private media engaging in sexist advertising under article 2 (e), although it would be better to have an additional law to that effect. Referring to the fact that there were only three women members of parliament, she stated that under article 4 (1) of the Convention, States had an obligation to apply temporary special measures, where necessary, to accelerate the achievement of de facto gender equality; it was possible that the Constitutional Court had understood neither the Constitution nor the Convention. Furthermore, the requirement that candidates in parliamentary elections must advance a significant sum of money might be indirectly discriminatory against women, who usually had less money than men.

32. **Ms. Pimentel** said that she was waiting for the delegation to answer, or at least acknowledge, her questions.

33. **Ms. Begum** said that in view of the widespread perception that domestic violence did not constitute gender discrimination, mentioned in the responses to the list of issues and questions (CEDAW/C/MNG/Q/7/Add.1, para. 4), she wondered what action the Government was taking in order to change attitudes towards domestic violence and persuade the victims to file complaints.

34. **The Chairperson** stressed that the delegation should reply to at least some of the questions raised by each expert.

35. **Ms. Gaspard** asked whether the National Commission on Human Rights initiated specific inquiries into issues that might affect women's enjoyment of their rights.

36. **Ms. Altangerel** (Mongolia) said that the Government campaigned widely against domestic violence in cooperation with the media and local communities. An extensive programme for the perpetrators of violence was being implemented and an innovative programme for their rehabilitation through

training, as an alternative to imprisonment, was being developed; women themselves favoured that measure.

37. Although the discriminatory potential of the financial requirements for candidates in parliamentary elections deserved to be examined, that rule was imposed not by the Government but by the political parties, which were registered as associations.

38. **Ms. Natsagdolgor** (Mongolia) said that two complaints of human trafficking, three complaints of sexual harassment in the workplace and one complaint of discriminatory treatment had been filed since 2005; there was no record of any complaints prior to that year. Domestic violence was defined as a crime, including psychological, physical and financial violence. As part of an annual report on social and economic conditions, the National Statistics Office published employment data, including specific information on women. A special section on disabled women would be proposed for inclusion in the questionnaire portion of the population census to be conducted in 2009. Lastly, the National Centre against Violence applied as approach involving interpersonal conflict resolution to domestic violence cases, especially where children were concerned.

The meeting rose at 1 p.m.