



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

Distr.: General  
28 January 2009

Original: English

---

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

**Summary record of the 859th meeting (Chamber B)**

Held at the Palais des Nations, Geneva, on Friday, 24 October 2008, at 3 p.m.

*Chairperson:* Ms. Dairiam (Malaysia)

**Contents**

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

*Combined fifth, sixth and seventh periodic report of Mongolia (continued)*

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

*The meeting was called to order at 3.12 p.m.*

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

*Combined fifth, sixth and seventh periodic report of Mongolia (continued) (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.*

*Articles 7 to 9*

2. **Ms. Neubauer** pointed out that some of the data provided to the Committee suggested that the Government of Mongolia did not understand that balanced participation of both sexes at all levels of political and public life was a human-rights requirement and that responsibility for ensuring women's equitable participation in the political sphere lay with the State, not with non-governmental organizations (NGOs) as the report (CEDAW/C/MNG/7) seemed to imply. Noting from table 1 in the responses to the list of issues and questions (CEDAW/C/MNG/Q/7Add.1) that all 22 of the provincial and capital city governors were men, she asked whether any of the corrective measures listed in the report had been taken, over and above what had been said regarding the former 30 per cent quota for women candidates in parliamentary elections. Information regarding women's participation in the foreign service would also be welcome.

3. **Ms. Belmihoub-Zerdani** suggested that the Mongolian State could meet its obligation to ensure women's adequate representation in elections by ensuring that on ballot papers, male and female candidates' names appeared alternately, beginning with a woman, and by making subsidies to political parties contingent upon compliance with gender quotas. Furthermore, the Government should build on the country's good educational system and the high percentage of female students by promoting women's access to top-level posts in the public and private sectors, such as mayor or chief executive officer. Lastly, it was essential to know whether, in line with article 9, paragraph 2, of the Convention, Mongolian women married to foreigners could transmit their nationality to their children.

*Articles 10 to 14*

4. **Ms. Gaspar** noted that while school enrolment and literacy rates were fully satisfactory, rural areas lagged in infrastructure; she wondered whether there were any differences between urban and rural areas in the area of education. She would also welcome information on school attendance among the children of the nomadic population, teachers' training in human rights and criticism of gender stereotypes in the classroom.

5. **Ms. Patten**, invoking a National Commission on Human Rights report according to which Mongolian women were largely unaware of their rights, asked what special measures the Ministry of Social Welfare and Labour had taken to raise rural and urban women's knowledge of labour law. Over and above the complaints process described by the delegation at the morning meeting, she would like to know whether specialized labour or industrial courts or arbitral tribunals were accessible to women; whether legal aid was available to women for labour law cases; and whether any employers had been prosecuted in connection with the complaints referred to by the delegation.

6. Section 49 of the Labour Code should be amended promptly because it contained provisions that were at variance with the Convention and with International Labour Organization (ILO) Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, and because it tied remuneration to output, a criterion that employers could use to pay women lower wages. Moreover, in light of technical improvements in working conditions, it was no longer necessary to continue to exclude women from many of the wide range of occupations considered hazardous by the Ministry of Social Welfare and Labour. In view of the numerous reported cases of discrimination against pregnant women in the workplace, Labour Code section 100, which allowed an employer to terminate employment for serious faults, should be amended. Furthermore, information would be welcome on any plans to enact legislation prohibiting sexual harassment in the workplace; on implementation of the Government's commendable policy on informal employment and its impact on urban and rural workers; and on the judiciary's interpretation of the Labour Code with regard to discrimination against women on the basis of sexual issues and gender identity.

7. **Ms. Natsagdolgor** (Mongolia) said that corrective measures designed to improve women's participation in the political sphere included steps taken by the Government in order to increase the number of trained women in public service and to fund, through an NGO, advertisements for women candidates; and initiatives undertaken by the political parties with a view to providing their women candidates with training and international experience. Funding was also provided for dissemination of the idea of equal participation by women and men in the decision-making process. Women's presence in the foreign service was exemplified by several ambassadors; a number of members of permanent missions abroad, including at the United Nations; and two former Ministers of Foreign Affairs. Although the electoral system had a direct impact on the number of women elected, consideration would be given to the suggestion of listing female and male candidates alternately on ballots.

8. Gender equality in education was a positive legacy of the former socialist regime. There were currently no differences between rural and urban areas regarding the enrolment of boys and girls although, at an earlier stage of post-communist privatization, rural boys had tended to drop out of school in order to help their families with livestock breeding. Gender balance in the teaching profession was an issue under discussion. Teachers received periodic training in human rights, including the rights of the child. In disseminating information on the Labour Code by various means, including appropriate contracts with civil society organizations and NGOs, the Ministry of Social Welfare and Labour gave priority to the rural population. For instance, the association of disabled women advertised social welfare law amendments in rural areas. The Ministry's social welfare and employment division was responsible for publicizing all new amendments to the Labour Code.

9. Employment-related complaints were filed with a complaints committee on labour or a complaints committee on social security at the district level; if not resolved, they were referred to the agency and ministry levels. As a rule, complaint cases resolved at the district level were related to lack of information or failure to comply with official rules while those resolved at the agency level involved logistical issues and those referred to the ministry might necessitate amendments to existing legislation. The issue of

informal employment was addressed through a national programme designed to protect women's rights. There were two types of labour contracts: those concluded under labour agreements and employment contracts. Several labour-related complaints had been filed in 2008 as a result of labour inspections.

10. Mongolia planned to ratify the ILO conventions on maternity and social security and to provide full maternity protection for working women. Measures for pregnant workers introduced through recent amendments to the social welfare and insurance legislation included a pay increase for pregnant women in military service (from 75 to 100 per cent of their normal wage). Despite criticism by some donors, such as the World Bank, a cash benefit programme, financed by the Mongolian Development Fund, had been introduced for new couples, newborns and children. The Government's social security policy targeted the most needy population groups. Lastly, although currently Mongolia had no law against sexual harassment, interventions took place in specific cases, such as those identified by NGOs.

11. **Ms. Altangerel** (Mongolia) said that the children of women married to foreigners could hold Mongolian nationality if their parents wished. The Government planned to address the issue of dual nationality in the case of migrant Mongolian workers' children born in countries where dual citizenship was possible.

12. The quota for women candidates in parliamentary elections should be seen in the broader context of economic transition, which had negative effects on both sexes. Men, too, suffered discrimination inasmuch as under economic and social pressure they, rather than women, tended to emigrate, become alcoholics or commit criminal offences. It was difficult to strike a balance on the issue of gender equality.

13. **Ms. Patten**, reiterating an earlier question, asked whether Mongolia had labour courts.

14. **The Chairperson**, speaking as a member of the Committee, asked whether the complaints mechanism in place was effective.

15. **Ms. Schöpp-Schilling** noted that in other former socialist countries women-dominated sectors, such as teaching and health and legal services, had been systematically under-evaluated and their professionals had received lower remunerations. She wondered whether any efforts were being made to raise wages in

such sectors using job evaluations modelled on Scandinavian practices. She also observed that Mongolian men suffered from the effects of economic transition not because of their sex, but as Mongolian citizens.

16. **Ms. Belmihoub-Zerdani** underscored the importance of women's election to parliament, on which all legislative progress depended.

17. **Ms. Begum** said that she failed to understand the reference to discrimination against men; it was women that were clearly disadvantaged on the labour market and in the area of decision-making.

18. **Ms. Altangerel** (Mongolia) said that although no specific law against sexual harassment existed, there were plans for appropriate amendments to the Criminal Code and for related regulatory measures. Adoption of the Law on Fighting against Domestic Violence showed that domestic law did not neglect women victims of that offence.

19. Mongolia had a well-defined complaints system comprising administrative procedures and courts for the public sector and civil courts and ad hoc arbitration procedures for the private sector.

20. The Government's potential to regulate women's political participation were limited by parliament's prerogatives and, ultimately, by public opinion. It was therefore crucial to achieve parliamentary consensus on that issue.

21. **Ms. Schöpp-Schilling** asked whether pay raises were more likely to go to teachers and physicians or to engineers.

22. **Ms. Pimentel** invited the delegation to comment on her earlier observation that domestic violence was primarily a crime against women's human rights rather than an offence against children, the family and social morals.

23. **Ms. Natsagdolgor** (Mongolia) said that there were plans to conduct job evaluation research. Women were most commonly employed at construction and other manual work. Wages in those sectors were higher than civil servants' salaries, even though the latter had more than doubled in the past three years, and allocations to the social sectors — education, social security and social welfare — continued to increase and currently absorbed almost half the State budget.

Under the new Government programme, the rates of wage increases would vary by sector.

24. **Ms. Altangerel** (Mongolia) said that it was ultimately the courts that decided, on a case-by-case basis, whether acts of domestic violence were criminal. The delegation appreciated the substance of the comment that domestic violence primarily affected women's human rights.

25. **Ms. Pimentel** noted that according to the report (p. 21), bleeding and sepsis accounted for 35.3 per cent of maternal mortality. She requested the delegation's view on the link between bleeding, sepsis and abortion; asked what the legal status of abortion was in Mongolia; and enquired as to the conditions under which abortion was practised in the country. She would also be interested in information on prenatal care.

26. **Ms. Begum** observed that during the economic transition, the number of female-headed households with many children had significantly increased; women had tended to be dispossessed of family assets, such as livestock; and many educational establishments in rural areas had closed. Accordingly, she asked what family benefits were received by women with many children; what child benefits were provided and for how many years; and what measures were taken to facilitate the employment of educated women, especially in the provinces. She would also like to know what percentage of women took out loans in their own name and whether they could avail themselves of such facilities as microcredit. Lastly, she enquired as to the availability of recreational facilities for women.

27. **Ms. Patten** expressed concern over environmental degradation and its negative consequences for the health of the population in general and women in particular, given their sensitivity to toxic chemicals. She requested information on any research into the impact on women of environmental degradation caused by unsustainable production patterns, drought, poor water quality and natural disasters and on any measures taken to enhance women's access to clean water. It would be useful to know whether the Government provided rural women with opportunities to participate in environmental decision-making at all levels, including as designers and managers of projects for restoring polluted water, and with training in the skills required.

28. Food security issues, which had been emphasized in relation to Mongolia by the Special Rapporteur on

the right to food, gave cause for concern. The Government focused on food fortification or supplementation; it was unclear what State department was responsible for food security. Information on measures benefiting women who were excluded from social assistance, such as registered migrants, single mothers, women heads of household and certain minority women who lacked identity documents, would also be welcome.

29. **Ms. Gabr** said that, in future reports, the Government should provide more statistical information. She also stressed the importance of women's awareness of their economic rights and of credit possibilities.

*Articles 15 and 16*

30. **Ms. Hayashi** asked what initiatives the Government had taken to promote joint parental responsibility in line with the Committee's previous concluding comments, adopted in 2001 (A/56/38, paras. 234-278), especially in view of Mongolia's population policy, which, through child benefits, encouraged women to have large families. Population growth and women's human rights were compatible only through the elimination of gender stereotypes and the provision of adequate childcare facilities. Relevant statistical information would be welcome.

31. **Ms. Natsagdolgor** (Mongolia) said that since the delegation did not include any representative of the Ministry of Health, the Committee's questions related to reproductive health would be answered in writing. No gender-disaggregated statistics on Mongolia's 72,100 singled-parent families were available. Paternal responsibility was encouraged; the divorce rate, which had soared early in the transition period, had subsided as a result of the provision of child benefits and family allowances. Under a 2008 amendment to the Social Welfare Law, an allowance for children under 18 was provided. Single-parent families with at least four children under age 14 were entitled to a small business start-up loan. Training was provided to rural women in order to enable them to launch an economic activity needed in their area. Under a 2008 amendment to the land acquisition act, not only households but individual family members had the right to own land. In the event of a divorce, household property was shared. There was no State policy for setting up recreational facilities; their number was increasing, but they were privately run. Bank loans were available to women

registered as unemployed who proposed a project approved by the labour mediation office.

32. Primarily as a result of drought over the past 10 years, safe water had become scarce, but the issue was not under the jurisdiction of the Ministry of Social Welfare and Labour. Detailed information would be provided later. Although the Ministry of Health was responsible for food security, food supply issues related to vulnerable groups such as children under five, older persons and the disabled, came under the responsibility of the Ministry for Social Welfare and Labour. Increases in food prices since 2007 had prompted members of parliament to submit a draft food supply act, which was currently under discussion. The Ministry of Economics and the Ministry of Agriculture had jointly drawn up a national food supply programme, to be launched in 2008 with a US\$ 12 million budget contributed by various State agencies, enterprises and development banks. There were plans to introduce locally compiled indicators as a planning tool for use by the Ministry of Social Welfare and Labour in supporting social development at the aimag and district levels. That Ministry had also proposed a national population development initiative aimed at demographic growth and improved quality of life with a focus on joint parental responsibility and the provision of childcare services for working mothers.

33. **Ms. Altangerel** (Mongolia) said that abortion was legal during the first 12 weeks of pregnancy, but only if carried out by a physician. New amendments to the mining legislation were expected to affect individual property rights and environmental accountability favourably by compelling the numerous transnational companies active in the country to share and exploit the country's resources responsibly. The introduction of the right of individuals to own land had fostered economic development and poverty reduction. A development bank offered microcredit to women. Infrastructure development, including the availability of electricity and cell phones in all sums (administrative subdivisions), was expected to be boosted by an upturn in mining operations and more people were expected to register for social benefits as increasing numbers of identity cards were issued. Future amendments to family law would define clear responsibilities for each parent.

34. **Mr. Boldbaatar** (Mongolia) assured the Committee that Mongolia would follow up on its

recommendations in order to fulfil its obligations under the Convention.

35. **The Chairperson** observed that during the process of economic transition, structured discrimination against women seemed to have taken shape. Accordingly, temporary special measures were necessary, not as privileges for women but as a means of protecting their rights; negative social effects on men should not be confused with discrimination against them. The adoption of temporary special measures was a responsibility of the Government. Moreover, changes in the Government should not affect fulfilment of the obligations of the State. The planned introduction of indicators would help monitor implementation of the Convention. Lastly, where the executive branch of Government became helpless because of a recalcitrant parliament, the judiciary should step in. All branches of Government should function, and the judiciary should be strengthened as appropriate.

*The meeting rose at 5.12 p.m.*