



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

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

Twenty-fourth session

Summary record of the 504th meeting

Held at Headquarters, New York, on Monday, 29 January 2001, at 10.30 a.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 10.40 a.m.

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

Combined third and fourth periodic report of Mongolia (CEDAW/C/MNG/3-4)

1. *At the invitation of the Chairperson, Mr. Enkhsaikhan (Mongolia) and Ms. Udval (Mongolia) took places at the Committee table.*

2. **Mr. Enkhsaikhan** (Mongolia) said that the report would be introduced by Ms. Natsag Udval, Vice-Minister for Health of Mongolia and member of the National Commission on Gender Equality.

3. **Ms. Udval** (Mongolia) recalled that her country had been among the first to ratify the Convention in 1981 and that the State Great Hural, Mongolia's Parliament, had ratified article 20, paragraph 1, in 1998. In September 2000 her Government had signed the Optional Protocol, and its ratification was currently under consideration in Parliament. Furthermore, the Parliament had recently adopted the Law on the National Human Rights Commission, and its implementation was in process. In coordination with the United Nations Development Programme (UNDP) office in the capital, her Government had also launched a nationwide discussion to develop a National Programme on Human Rights.

4. In the 10 years since it submitted its second report to the Committee, her country had gone through radical political, economic and social changes. They had produced the institutions of democracy, promoted human rights and fundamental freedoms and unleashed the people's entrepreneurial and creative energies, so as to facilitate their active participation in the economic, social and political processes. Mongolia had become a country with a parliamentary multiparty system. The recent elections had shown that democracy and respect for human rights had become an irreversible choice. The new Government sought to continue democratic reforms, strengthen good governance for human security, promote human-centred development and fight corruption. It was determined to cooperate closely with non-governmental organizations and other representatives of civil society in implementing those policies, in particular those improving the status of women.

5. In establishing a legal framework to that end, Mongolia had become a party to 30 international human rights conventions and treaties. New legislation had been adopted and older laws had been revised in order to mainstream gender issues in national policies and programmes. In that connection she cited the new Labour Code of 1998, which prohibited discrimination in the workplace, and the Family Law of 1999, which protected women's equal right to inherit, to use land, and to own livestock and other property. In partnership with the United Nations Development Fund for Women (UNIFEM) her Government had prepared a joint Memorandum of Understanding aimed at economically and politically empowering the women of Mongolia. In that connection her Government had undertaken a situational analysis, in particular on the impact of the country's transition to a market economy on the status of women. Based on those findings, her Government would develop with UNIFEM a specific country programme.

6. The cornerstone of the legislative protection of women's rights in Mongolia was the Constitution, which stipulated that no person could be discriminated against on the basis, inter alia, of sex and that everyone had the right to act as a legal person. She cited numerous national laws that developed that basic provision and were further described in the report. The State Population Policy of 1996 called for a human-centred concept of development based on human rights and freedom, as well as the development of the individual and family.

7. Although the Constitution provided for the participation of all citizens in the conduct of State affairs, either directly or through representative bodies, the number of women members of Parliament was still low, hovering at around 10 per cent. There was one woman vice-minister in the Government but no women ambassadors. Women's right to education was well protected and the percentage of females in the education system ranged from slightly over 50 per cent in primary schools to well over 60 per cent in higher education. Women's right to employment was guaranteed in the Constitution and other laws. That protection applied to married and all childbearing women and new laws had been adopted dealing with the family, labour, criminal justice, the courts, and the National Human Rights Commission. Laws on social welfare and social insurance had been amended.

8. Rural women's issues were reflected in the National Programme for the Advancement of Women and initiatives had been organized to introduce new and advanced technology in rural areas in order to facilitate the work of rural women. The civil rights of women were protected mainly by the Constitution but also by the laws on citizenship, family, civil registration and the civil law.

9. Among the achievements in the process of implementing obligations under the Convention, she cited the establishment of an appropriate legal environment, the increased participation of non-governmental organizations, the increased assistance from the international community, the development and implementation of gender-equal policies, and the achievement of higher percentages and higher levels than men in education. Shortcomings included the lack of a specific national mechanism for implementing the Convention, the inequality within social groups and geographical zones, the rise in domestic violence against women, their lack of knowledge about the legal system, the absence of counselling services, and the regress in certain social indicators, such as maternal mortality, the incidence of sexually transmitted diseases and the participation of women in decision-making.

10. Of the lessons that had been learned in the process, she enumerated the need for planning and guidance and for improving coordination and integration, the need to strengthen the leadership role of the Government in reporting and further national capacity-building, and the need to amend certain existing laws and adopt a specific law on violence against women. To that end the Government would seek to improve further the national coordination and integration mechanisms, to strengthen the National Human Rights Commission, to establish an integrated information database and networking on women's issues, to analyse and revise current legislation, to conduct a comprehensive rural sector review, to improve and systematize monitoring and evaluation and the reporting procedures regarding implementation of the Convention, and to strengthen cooperation between the Government and non-governmental organizations in improving legal literacy among women and provide counselling services.

11. **Ms. Açar** said the report reflected the high degree of conscious and goal-oriented consideration of issues in Mongolia on how to implement the Convention.

However, a perennial problem arose in country reports in connection with article 5 of the Convention on the adoption of appropriate measures to modify behaviour and eliminate prejudice and stereotypes. The problem of traditional cultural patterns of conduct was at the heart of the problem of discrimination against women in many societies. While Mongolia had stated in its report that in an effort to promote social stability it sought to promote respect for traditions, it recognized that some of those traditions could work against implementation of the Convention, in particular its article 5. She wondered whether, for instance, the plan to restore the old family names would simply strengthen patriarchal traditions that had been discriminatory in the past. She wished to know more about what traditions and policies were involved and whether the Government had checked to see how those traditions affected full implementation of the Convention. Another problem was a society's basic attitude towards violence against women. She asked what measures had been taken in Mongolia to achieve public sensitization to the problem and to combat discriminatory traditions, especially violence against women.

12. **The Chairperson**, speaking in her personal capacity, pointed out, in connection with article 5 of the Convention, that, if the Government had any doubt as to what constituted violence against women, the Committee had spelled that out in its General Recommendation No. 19.

13. **Ms. Feng Cui** said that it appeared that there was only one official responsible for women's issues in the Ministry of Health and Social Issues and she wondered whether that one official could handle all the work required. She also asked about the National Council for Women's Affairs, in particular its composition, its relation to the Ministry of Health and Social Welfare, its method of work and its role in formulating policies and legislation. In the section of the report on poverty alleviation, the discussion of pensions for women with more than four children gave rise to some concern. She asked whether, given that the relevant sections of the Law on Pensions were apparently sometimes being used to fire those women, women hoping to make a career and gain promotions were being discouraged.

14. **Ms. Ferrer Gomez** said that the transition to a market economy in Mongolia, while increasing economic capacities and opportunities in general, had had an adverse effect on various sectors and social

groups. Despite the numerous laws enacted to protect the rights of citizens in general, and of women in particular, joblessness and poverty had increased during the transition period, especially among women and especially those with many children, whose jobs were less secure, whose working conditions were worse than for men, and who faced a higher risk of being fired. Mongolia's responses to the list of issues and questions showed the results of various government surveys and studies that confirmed the negative impact on women in particular of economic reform and structural adjustment. She requested more complete statistics on the increasing percentage of women in poverty and extreme poverty and on the inclusion of women in poverty programmes and the extent to which they had benefited. Given the large number of children in many families, especially among women in poverty, she was concerned to know what efforts were being made to encourage and facilitate contraceptive use, which appeared to be low. Maternal mortality appeared to be rising, which might lead to fears among women of giving birth and to the rise of unsafe abortions. She asked about the prevalence of sex education and why considerable portions of the government budget allocated to women's issues had not, it appeared, been spent. She noted that salary differences persisted between pay for women and men and asked how that problem was being addressed. Finally, she asked what was being done for the large numbers of street children, who were always vulnerable to sexual and other abuses.

15. **Ms. Udval** (Mongolia), responding to the questions posed by members of the Committee, said that a study was being conducted to identify family traditions and those that were not in conformity with the Convention. To combat violence against women, the National Centre Against Violence, a non-governmental organization, had established a programme that provided psychological counselling to violent men. Moreover, a draft law on fighting domestic violence had been proposed and would soon be submitted to Parliament for consideration and adoption. To prevent in-breeding, the concept of the family tree was widely used in her country. No discrimination was inherent in that custom.

16. The Ministry of Health and Social Welfare was responsible for women's issues. National capacity in that regard would have to be strengthened. Accordingly, the National Council for Women's Affairs

would soon be reorganized as a National Commission on Gender Equality under the office of the Prime Minister. The law on pensions was not discriminatory towards women; it provided that men who had reached the age of 60 and women who had reached the age of 55 and who had paid pension insurance premiums for a period of no less than 20 years, were entitled to retirement pensions.

17. **Mr. Enkhsaikhan** (Mongolia) said that, while both men and women were entitled to retirement pensions, he gave assurances that that provision should not be used as an excuse to force people to retire or to dismiss them. Currently, there were no plans to amend.

18. **Ms. Udval** (Mongolia) acknowledged that as a result of recent socio-economic changes, the majority of the unemployed and of the poor were women. Forty-four per cent of all women, including 60 per cent of all married women used some form of contraception. However, the generally infrequent use of contraceptives in the country was attributable to the reluctance of rural women to use the devices. Abortions were legal in Mongolia and many private and public hospitals performed them, with few maternal deaths due to the procedure; moreover, the national reproductive health programme was focusing on reducing complications and enhancing the quality of performance. There was a curriculum for sex and health education for primary and secondary schools as well as for universities.

19. Not enough funds were earmarked for the National Programme of Action for the Advancement of Women under the State budget. However, United Nations agencies, including the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA) and the United Nations Development Programme (UNDP) provided financial support. The Programme had links with many other national projects, including those for reproductive health and education. Therefore, all women benefited to some extent.

20. The figure of 30,000 street children was not correct; their number, according to official statistics, was about 1,000. The Government was developing a community-based strategy to address the problem. Elements of that strategy included campaigns to vaccinate the children, to educate them on the prevention of HIV/AIDS and other sexually transmitted diseases; and to give them medical check-

ups and take them to shelters, especially in winter. Efforts were also being made to return them to their families and to find out why they had left home in the first place.

21. **Ms. Goonesekere** congratulated Mongolia for its transparent system of governance and its focus on ratifying and implementing many international treaties, including the CEDAW Convention. Although the high level of education among women was commendable, it had unfortunately not opened up employment opportunities for them. On the contrary, women were being excluded from decision-making positions and, as a result of the current economic transformations, they were being pushed out of the work force, leading to the feminization of poverty.

22. In that regard, she questioned whether the Government's policy of encouraging women to have more children was not a factor in their marginalization. Contrary to what the report stated, parenting should be a shared responsibility and the Government should endeavour to evolve a concept of parenting and family responsibilities as a social responsibility that was not exclusively the business of women. In short, the Government did well to focus on the contradictions between the achievements of Mongolian women, the social problems that they were facing with respect to violence against them and the economic processes that were excluding them.

23. She wanted to know why the Constitution was not being used to enforce the standards that had been recognized. She speculated that no reply had been forthcoming on the number of court cases that enabled women to enforce the rights to which they were entitled under the laws said to be non-discriminatory was because Mongolia did not have an enforcement mechanism. Accordingly, she recommended that in carrying out a review of laws Mongolia should explore the prospect of using the Constitution as a method of enforcement.

24. With regard to education, she noted that the report had indicated an increase in fees as a result of the privatization of education, making it more difficult for low-income families to afford education. If that situation was not monitored, it might prevent many girls from access to education. The absence of Government gender sensitization programmes for the judiciary should be remedied. In connection with

marriage, she asked whether the Government planned to recognize non-marital cohabitation.

25. **Ms. Schöpp-Schilling** sought more information on the situation of rural women, including the impact of livestock ownership and the privatization of land. She would also like to know whether the report had been endorsed by the Government. On the question of national mechanisms for dealing with women's issues, she said that information concerning the monitoring of laws pertaining to women's issues would be welcome for all ministries together with verification mechanisms to ensure that laws did not have the effect of direct or indirect discrimination, as defined under article 1 of the Convention. While cooperation between the Government and non-governmental organizations was important, she expressed concern that the Government might delegate too many of its own responsibilities to those organizations. In that regard, she wondered whether there were any plans to fund non-governmental organizations when their programmes came within the Government's own mandate.

26. She suggested that more use might be made of article 4.1 of the Convention, with a clear commitment by the Government to increasing women's representation in government bodies and possibly the introduction of quotas for vocational training, especially in more future-oriented occupational fields. She asked whether there were any plans to incorporate human rights teaching into the Government's highly successful distance learning programmes, whether any studies had been carried out on the micro-credit movement and, in particular, whether women actually earned a living wage from the small businesses they set up.

27. She asked what the Government's plans were with respect to the segment of the population that no longer had access to health care. It would be of interest to know whether there were social security allowances, such as unemployment benefits, based on the earning history of individuals rather than of families.

28. **Ms. Livingstone Raday** expressed concern about the apparent disparity between the Government's acceptance of the principles set forth in the Convention and the great potential for the advancement of women in Mongolia, as evidenced by their remarkably high level of educational achievement, and the difficult de facto situation of women in political and economic terms.

29. Women's poverty appeared to be reinforced by cultural attitudes and stereotypes, their position in employment being a case in point. With regard to equal pay for equal work, which also meant work of equal value, measures needed to be taken to counteract the assumption that men were paid more because they held more senior positions and were engaged in heavier physical work. She asked what was being done to ensure women's equality in managerial positions, whether there were any data on women in such positions and whether there was any equal employment opportunity machinery enabling women to assess their position in relation to men with respect to work of equal value and any legislation giving them equal recourse to the courts. She asked what was meant by "post-diploma education", why there were so few women among the beneficiaries, why women's educational programmes received relatively less funding than men's and whether there were any childcare schemes.

30. There seemed to be inadequate provision for working mothers, who were caught in a poverty trap, partly because of traditional pressures that restricted use of family planning methods but also on account of the shortcomings of the law, which failed, for instance, to provide for maternity benefits. She hoped that that omission would be urgently remedied. She asked whether the Government was considering converting maternal rights into parental rights with, inter alia, provision for childcare leave.

31. She expressed concern about the statement that many women with higher education preferred not to work, as it suggested that it was simply a matter of personal choice, and asked what pressures caused women to make such a choice. The survey finding that nearly 30 per cent of women stated that their husbands would not allow them to work suggested that in many cases women were coerced into not working.

32. In a context of women's poverty and unemployment, the Government's apparently uncritical attitude towards the Mother Oulen private college, whose stated purpose was to prepare activists for women's organizations and "diligent housewives", called for clarification. The Government's job creation programmes were commendable, although the fact that many women failed to register as unemployed might result in underestimated women's unemployment figures. In order to ensure that women's potential was

used to the full, the jobs created should include high-level jobs usually occupied by men.

33. The flaws in women's situation within the family, despite the provision of the Civil Code, which essentially certified the separation of the property of spouses where the family income derived from one of the spouses' individual talent, should be seen as reflected in women's absence from the labour market, men's very much higher incomes and the traditional division of labour. It must surely disadvantage divorced women, especially older women, and create a poverty trap for them. Noting the increase in the divorce rate, she asked whether consideration was being given to reforming the relevant provisions of Family Law. Domestic violence and marital rape could also contribute to the poverty trap, as was acknowledged in the report.

34. More information was needed on the extent to which existing prosecution procedures were being implemented in practice, with figures on the number of cases and convictions and the type of sentences handed down. In view of the need to address those problems, the worrying decline in women's representation in decision-making positions and specifically in Parliament might necessitate the introduction of a temporary quota system. She asked how many of the women candidates for parliamentary posts had been elected.

35. **Ms. Tavares da Silva** said that given the disparity between the de jure and de facto situation of women, she was gratified to hear that a study was being undertaken on cultural and traditional pressures to which they were subjected and that its findings would be reflected in forward-looking policies. She questioned the implication that women's failure to participate in political life was due to their own lack of initiative, and wondered whether it might not be attributed to the conditions in which women lived and the prevailing cultural myths about men's and women's roles and capacities. In any case, more active measures were needed to encourage women's participation.

36. She hoped that the proposed measures to provide for the prosecution of aggressors would improve the situation of violence against women. Observing that it was a critical human rights issue, she wondered whether the inclusion of the section on that subject in the report under the heading "Miscellaneous issues"

did not reflect the stereotype of violence against women as something of a side issue.

37. It was to be noted that certain measures or provisions adopted with the best of intentions might have negative consequences in view of the large numbers of women with numerous offspring who had slipped into poverty, and the possible consequences for working women of the provisions concerning pregnant women. With regard to the reference to mothers as a vulnerable group in response to a question, she asked whether all mothers, or just some, were so considered and whether they were considered vulnerable because they had sole responsibility for domestic duties. The fact that women spent so much more time than men on household duties was unfair to men, as it meant that they could not fully enjoy their parental and domestic rights, and it also perpetuated stereotyped roles. Such roles might be reinforced by the formulation of certain provisions or policies. As an example, she cited the statement in the responses that the State would pursue the policy of increasing the role of head of family in establishing and developing the family. In conclusion, notwithstanding the difficulties Mongolia was experiencing, she expressed the hope that the next report would reflect government efforts to translate gender-related policies into reality by involving all the relevant government departments and monitoring their action.

38. **Ms. Udval** (Mongolia), replying to the questions posed by Ms. Goonesekere, said that her Government recognized that women had been particularly hard hit by the social and economic changes of the past decade and that their participation in the labour market did not reflect their capacities and high level of education. Regarding the argument that women were economically marginalized because they bore a disproportionate share of the burden of responsibility for childcare and housework, she explained that there was a disparity between Mongolia's Family Law, which provided that both spouses had the same obligations with respect to bringing up children and maintaining and supporting family members, and the de facto situation. Judges were currently undergoing gender-sensitivity training with a view to enhancing the enforcement of legislation prohibiting discrimination against women in the labour market and elsewhere.

39. According to a time use survey undertaken by the National Statistics Office, the burden on rural women

had increased with privatization. They were responsible not only for childcare and housework, but also for livestock rearing. Because of the high cost of petrol and transportation, they had limited access to health care, and private enterprise had yet to fill the void left by the elimination in rural areas of many public services. Rural women were among the beneficiaries of her Government's distance learning programme, which would shortly have a human rights component. A survey was to be conducted to evaluate the outcome of the micro-credit projects referred to by Ms. Schöpp-Schilling. Mongolia's fifth periodic report would contain information on those projects as well as more data from the time use survey and on the situation of rural women in general.

40. The report before the Committee had been prepared by a working group under the chairmanship of the Vice-Minister of Social Welfare and Labour and with the participation of representatives of other ministries. The final draft of the report had been circulated to all ministries and Cabinet members. With regard to gender mainstreaming, she said that social policy development and programme delivery were overseen by a monitoring and evaluation unit in each ministry.

41. Her Government was engaged in fruitful cooperation with Mongolia's more than 1,500 non-governmental organizations. A number of functions were delegated to them, particularly in the areas of health and social welfare. Non-governmental organizations had proved to be highly effective in implementing programmes aimed at specific target groups, including HIV/AIDS prevention initiatives. Some representatives of the 40 women's non-governmental organizations were members of the National Council for Women's Affairs. All non-governmental organizations were self-financing.

42. Her Government had undertaken in its manifesto to address the problem of access to health-care services for uninsured persons. As to social insurance, there was no disparity between the amounts of unemployment benefit paid to men and women.

43. In reply to the questions put by Ms. Livingstone Raday, she said that the purpose of post-diploma education, which was funded by the Government, was to enable highly qualified professionals to increase their expertise in a particular discipline. Because of the

limited availability of resources, few professionals, male or female, were pursuing such training. *The meeting rose at 1 p.m.*

44. The actual number of jobless women might be higher than the official figure because some women did not register as unemployed. The job creation programmes implemented by her Government had been aimed at creating employment for unskilled and semi-skilled workers; unemployment among educated women had yet to be addressed through government initiatives. She agreed that the labour market did not fully utilize women's high level of education. At the same time, women themselves were opting out of salaried employment because of low rates of pay, particularly in the public sector, choosing instead to start small businesses. A small number of women did not work because of pressure from their husbands. Either parent could elect to take childcare leave.

45. Mother Oulen, a private college, was the only institution in the country to offer courses in household management, social work and business administration. It was to be hoped that, in the future, State institutions would offer such courses.

46. Responding to the points made by Ms. Tavares da Silva, she agreed that the report lacked data in a number of areas. It was difficult to account for women's low level of political participation. The number of women elected to Parliament had remained stable over the past decade despite efforts by non-governmental organizations directed at the leadership of the main political parties. Clearly, her Government must take a more active approach to the problem. Research was currently being conducted into the impact of traditional perceptions of women and their role in society, and the findings would be reflected in Mongolia's fifth periodic report. The policy of strengthening the role of the head of the family should not be regarded as reinforcing a stereotype because, in Mongolia, it was not assumed that the head of the family was a man.

47. Legislation on domestic violence was being drafted, and, following its adoption, her Government would develop a policy on the issue. The National Centre against Violence had recently conducted a survey of victims of domestic violence but the sample had been too small to be regarded as representative of the country as a whole. Police statistics were unreliable since many women failed to report abuse, possibly because of a lack of awareness of their rights.