

Shadow Report

On the Implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in Mongolia

MONFEMNET

(MONFEMNET National Network)

May 19, 2015

Ulaanbaatar, Mongolia

Brief Summary

Patriarchal traditions and customs, which have been used for hundreds of years in Mongolian society, have survived until today in political, social, economic and cultural lives in rather modified forms and trends, becoming contributing factors to the so-called causes and excuses for discrimination against women.

Because of this reason, member organizations of MONFEMNET National Network have decided to write the shadow report on the implementation of CEDAW in Mongolia by the theme of state accountability to change negative traditional values and public attitudes which create causes for discrimination against women in terms of government, market, community and family frameworks.

It has been 34 years since the Government of Mongolia ratified the CEDAW in 1981 and 25 years since it adopted its Constitution which declared ensurance of human rights, equality and non-discrimination and determination of government duties and responsibilities. Even though the Constitution states that “The citizens of Mongolia shall enjoy the guaranteed basic human rights and freedoms” and “The State is responsible to the citizens for the creation of economic, social, legal, and other guarantees ensuring human rights and freedoms, for the prevention of violations of human rights and freedoms, and restoration of infringed rights”, this report includes specific issues of violations of and discrimination against the rights and freedoms of Mongolian women. In

addition, this report emphasizes the fact that the Government of Mongolia has not taken specific, adequate measures to implement international human rights conventions and treaties to which it is Party, especially what was stated in **Article 5** of this Convention.

1.1. Measures taken to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation(Article 2(d))

The government has not taken substantial measures to change stereotypical concepts and attitudes to discriminate against and look down on women and to create power balanced relations. On the contrary, instead of ending discriminatory acts and practices against women and eliminating root causes of discrimination, the government itself is initiating and promoting them.

1.2. Measures taken to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women(Articles 2 and 3)

Even though it has made progress in terms of adopting Law on Promotion of Gender Equality and Law on Combatting Trafficking in Persons and discussing at the parliament to amend the Domestic Violence Law during the reporting period, the Government of Mongolia has made decisions stepping back from previously progressive policies.

1.2.1. Pro-natalist policy on population growth and state policy viewing women as reproductive tools and their consequences

Due to the state policy that distributes small amount of cash to incentivize birth for population growth and strengthens the stereotypical attitude that childcare is only women's issue, the birth-related social service infrastructure (maternity hospitals, nurseries and kindergartens) is left behind. This brings unpaid, enormous amount of labor burden on the shoulders of women. This state policy does not only discriminate women in the formal employment market because of their reproductive roles and responsibilities, but also restricts their equal opportunities in combining child rearing

with income making by working, owning properties and gaining social resources with equality, putting them in more vulnerable and risky situations.

Conclusion

Phenomena of discriminating against and looking down on women have been increasing in political, economic, familial and social environments due to the attempts to protect the country with small population from negative effects of globalization and to preserve its cultures, as well as ultra-nationalism. However, the government, which has the duties to eliminate negative cultures, traditions and customs, is supposed to take a set of systematic, comprehensive measures to eradicate their root causes; instead it is strengthening them by its laws and policies, moving backward from achievements and progresses it has made in the past years.

Recommendations

- Incorporate the concepts of human rights and gender equality into the curriculum of educational organizations of all levels and universities where future human resources are trained;
- Comprehensively integrate population policy with other relevant issues, including enhancing the quality and accessibility of basic social services such as health and education, reducing the costs of child rearing and combining child rearing with opportunities to employment as challenges facing families;
- Develop the infrastructures of pre-school education, health and social services and increase investment by improving the capacity of maternity hospitals and quality and accessibility of health services and care for women, midwives, children and infants;
- Implement a policy creating an enabling environment in terms of working hours and flexibility so that both parents can be supported to care for their children in turns, without hindering their employment with wage;
- Create a legal environment in which the government provides social welfare benefits equivalent to one's monthly salary for pregnant and new mothers and the

parents who are on maternal or paternal leave and those care for their children with disabilities and pays for relevant social and health insurance fees;

- Create a legal environment taking account of domestic yet unpaid labor values such as domestic work and family business since the marriage between a man and a woman and care for children, people with disabilities and elders, as contributions to the creation of social wealth and household economy;
- Determine a policy to enhance economic empowerment comprehensively taking into account of all stages of lives of women by a way of facilitating women's employment with wage, guaranteeing their rights to ownership and increasing their opportunity to gain social resources with equality;
- Create a mechanism to implement the Law on Promotion of Gender Equality which codified the quota for appointed positions of public service at all levels;

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INTRODUCTION PART

General Introduction about Mongolia

Mongolia is located in Central Asia. It borders with the Russian Federation in the north and with the People's Republic of China by the rest of the borderline. Ethnically, 95% of the overall population is Mongolians, 4.9% Kazakhs and 0.1% other ethnic groups. The literacy rate is 99%.

Transitioning to the market economy saw intensive internal migration from rural areas into the capital city, leading two thirds of the population to residing in urban areas and 65% of today's urban populations is concentrated in the capital city Ulaanbaatar.¹

The population of Mongolia reached 3 million in January 2015. As of the end of 2014, the population was 2,995,949, 51.46% of whom were women.

According to the 2015 1st quarter workforce study, the nationwide workforce or economically active population who are above the age of 15 are 1,205,500, 632,100 or 52.4% of whom are male and 573,400 or 47.6% are female. Furthermore, participation level of the workforce is 61.5% on average nationwide, with male being 68.6% and female 55.3%.

As for the economically inactive population nationwide, the overall figure is 753,400, 289,300 whom are male and 464,100 or 61.6% of them are female.² As of the 1st quarter of 2015, the national unemployment rate is 88,600 citizens, 53,600 or 60.5% of whom are male and 35,000 or 39.5% are female.

As of 2013, the total number of single parents is 107,187, 81,741 of whom are women and 25,446 are men. Among these women, those who are below the age of 18 with many children are 39,904.

Mongolia is a people's republic state with parliamentary government, which declared in its Constitution that its "supreme objective is to build a humane, civil and democratic society in the country".

¹ Draft of the integrated state policy on population development (the version submitted to the parliament)

² NSO, 1st Quarter Data, 2015.

Mongolia is of nomadic culture and tradition and the Wikipedia mentions that “**Mongolian culture** can generally be defined as the cultural heritage of nomads who have constantly moved in its changeable natural climate and urban cultural civilization based on this nomadic lifestyle”.³

It has been 25 years since Mongolia rejected the socialist system, transitioned to the democratic system and developed a market economy in 1990.

In the name of ensuring the national independence and economic development, the Government of Mongolia views women as a tool for the population growth policy and an object to serve the national interest, violating their sexual and reproductive rights. This biased policy of the government brings about risks to further strengthen stereotypical, negative societal attitudes in relations to self-value and position of girls and women, reproductive roles and responsibilities and labor division.

PART I

1.1. Measures taken to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation (Article 2(d))

On December 28, 2011, the President of Mongolia issued No.239 decree on “Lighting the State Hearth of Mongolia”. Following this decree, the ceremony of “Lighting the State Hearth” was organized in the State Palace on December 29 of that year. This ritual spent about 360 million tugrugs from the state reserve funds and invited only men from the Parliament, President’s Office and government officials. However, not a single woman from the government or media was invited, not even a woman parliamentarian.

Therefore, citizen J. Zanaa filed a complaint to the Constitutional Court, claiming that “when the government and certain public officials(parliament members)organized an event with the tax payment of its citizens, they discriminated the citizens based on gender and religion”. On March 5, 2012, the Court issued Resolution No. 24 in response denying to initiate a dispute based on the rationale that “when lighting the state hearth, it used the finest sample of earth for the hearth fire and foundation of the *ger* (traditional

³https://mn.wikipedia.org/wiki/Монголын_соёл

Mongolian house) from the mountain where women are not allowed to climb, hence the ceremony did not violate the Constitution and followed the Mongolian tradition”.

Since the decree to worship stately sacred mountains and hills by the President of Mongolia was issued in 2004, the government has been allocating the state budget for these rituals. Going beyond this, some local authorities and citizens started to forbid women to climb the so-called stately sacred mountains and hills.

The above-mentioned example shows how the government initiates and even promotes an act or practice of discrimination against women, instead of trying to end it or eliminating the root causes of such discrimination.

1.1 Measures taken to adopt appropriate legislative and other measures, prohibiting all discrimination against women (Articles 2 and 3)

The 1992 Constitution states that “Men and women enjoy equal rights in political, economic, social, and cultural fields as well as in marriage”, “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), “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) and “All persons lawfully residing within Mongolia are equal before the law and the courts” (14.1). In addition, “Law on Promotion of Gender Equality” (2011), Family Law(1999), Labor Law(1999), Law on Combatting Domestic Violence (2004) and Law on Combatting Trafficking in Persons(2012) stipulate and ensure equal rights for both men and women.

Article 19 of the Constitution states that “The State is responsible to the citizens for the creation of economic, social, legal, and other guarantees ensuring human rights and freedoms, for the prevention of violations of human rights and freedoms, and restoration of infringed rights”.

Even though there are no provisions to directly discriminate against and look down on women’s political, economic, social and cultural rights in legal documents such as Mongolian laws and state policies, women cannot genuinely enjoy the rights guaranteed in the Constitution and other laws due to that facts that the system and

mechanism to ensure genuine equality are still poor and insufficient; the government support is not enough; and the government has not taken proper measures to systematically and routinely train its human resources. Because of this, opportunities for women's equal participation in political, social and family lives are limited in comparison with those for men, making women subject to direct and indirect discrimination and all types of violence and pressure in government, market, public and family spheres.

Although it has made progress in terms of adopting Law on Promotion of Gender Equality and Law on Combatting Trafficking in Persons and discussing at the parliament to amend the Domestic Violence Law during the reporting period, the Government of Mongolia has made decisions stepping back from previously progressive policies. For instance:

- a) Despite the fact that the Law on Promotion of Gender Equality was adopted by the Parliament in 2011 and the strategy to implement this law was approved by the Government in 2014, there has been no political will to do so. The new government formed in November 2014 abolished the Secretariat of the National Committee on Gender Equality (NCGE) which carried out cross-sectoral coordination and brought it under the Ministry of Population Development and Social Protection (MoPDSP), claiming that it was done due to the economic crisis, government's transitioning to the economizing mode and reducing the duplication of work. Shifting this mandate under one particular ministry has made it impossible to implement cross-sectoral coordination and gender mainstreaming for the past 8 months. Towards this end, NGOs sent a petition to the Prime Minister, but to no avail. Although the Government explains that the Prime Minister is still the Chair of the NCGE enabling its cross-sectoral coordination, the NCGE has not convened a single meeting since 2015.
- b) In July 2013, the Parliament adopted the Law on Victim and Witness Protection and Law on Takhar (Marshal) Service and established the Marshal Authority. However, attempts have been made to abolish this authority due to the same reasons mentioned above. The newly formed government issued the 2014 Government Resolution No. 147 on "Measures to transition to the

budget downsizing mode”, laying off 464 positions in ministries and agencies and estimating to save 13 billion tugrugs. On December 5, 2014, Prime Minister Ch. Saikhanbileg submitted the resolution to abolish the almost-one-year-old Marshal Authority to Mr. Z. Enkhbold, Speaker of the Parliament. Even though the proposal was rejected by some parliamentarians for further perusal, draft Law on Criminal Adjudication and other relevant laws include suggestions to abolish the authority. Since the inception of the Marshal Authority, actions to protect victims of domestic violence, sexual violence and human trafficking have been made swiftly and effectively, in close collaboration with the non-governmental organizations working in the field. About 200 NGOs were united and held a press conference on May 12, 2015 and submitted a petition to the President of Mongolia, Prime Minister and Speaker of Parliament, but no response has been given so far.

Recommendation 23 of the Committee on the CEDAW states that “The Committee also recommends that the State party introduce human rights education, including gender education on the basis of the Convention, into school curricula, and to encourage the media to promote cultural changes with regard to the roles and responsibilities attributed to women and men, required by Article 5 of the Convention”. However, consistent, systematic and coherent measures have not been taken in order to implement this recommendation, except for the monthly program called “Legal Guide” initiated by a journalist of the Mongolia National Broadcaster.

Since the 5th, 6th and 7th reports on the implementation of the Convention until today, the government has not made assessments from the human rights and gender equality perspectives on legal documents such as national legislations, resolutions and decrees. In regards to this point, National Statistics Office (NSO) concluded in its 2012 report that “The criteria for the Millenium Development Goals did not take account of these three indicators: i) Experts’ assessment on Mongolian national legislations in line with international human rights treaties and conventions, ii) Attendance rate of citizens participating in the process of candidate nomination for

the governors of *bags* and *khoroos* (administrative units below province or *aimag*), and iii) Percentage of unregistered residents among urban populations”.⁴

1.2 Measures taken to modify the social and cultural patterns of conduct of men and women (Article 5)

The Convention stipulates that “States Parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”⁵

The Constitution of Mongolia states that the international treaties to which Mongolia is a Party become effective as domestic legislation upon the entry into force of the laws on their ratification or accession.⁶

The national legislations of our country have provisions on equality of men and women and non-discrimination, but its enforcement in real life is insufficient. Substantial and brave changes have not been made by the Government of Mongolia to eliminate root causes of discrimination against women, taking account of patriarchal traditions existing in political, economic, social and family relations and derogatory attitudes, acts and practices against women in the name of culture, in its entirety. On the contrary, the government has been implementing policies, programs and events that bring about new forms of discrimination and challenges, turning its back on past achievements and successes.

Pro-natalist policy on population growth and state policy viewing women as reproductive tools and their consequences

In the name of ensuring the national independence and economic development, the Government of Mongolia views women as a tool for the population growth policy and an object to serve the national interest, violating their sexual and reproductive

⁴http://www.1212.mn/contents/stats/contents_stat_fld_tree_html.jsp

⁵Article 5 (a) of the CEDAW

⁶Article 10.3 of the Constitution of Mongolia

rights. The integrated state policy on population development focuses solely on increasing the birth rate, as if only the birth has impact on the population growth and as if this population growth would have positive effects on economic growth, social development and life quality automatically. This biased policy of the government brings about risks to further strengthen stereotypical, negative societal attitudes in relations to self-value and position of girls and women, reproductive roles and responsibilities and labor division.

Measures to ensure women's rights are implemented only in terms of maternal health protection, which tends to increase discrimination and marginalization caused by reproductive roles and responsibilities.

When political parties run for the parliamentary election held every 4 years, they have promised to distribute cash for families and children with the purpose of incentivizing birth, putting emphasis on population growth policy to attract more votes. The winning parties reflect this promise and policy in their agenda when forming their government. Classic examples are shown in the following facts:

“The fact that the birth rate went down to 17.4 in 2005, the lowest in history, whereas it became 27.5 as of 2013, the highest since 1990, proves that the appropriate policies and actions by the government support birth and population growth. The high number of age groups of 0-4; 20-24 and 25-29 as well as of women who are reproductively active (ages 20-29) among the general populations indicates the probability of the birth rate increasing in recent years. Therefore, it is necessary to create an enabling environment to support birth as there are many people at the age of reproduction.”⁷

This state policy does not only discriminate women in the formal employment market because of their reproductive roles and responsibilities, but also restricts their equal opportunities in combining child rearing with income making by working, owning properties and gaining social resources with equality, putting them in more vulnerable and risky situations.

The policy to incentivize birth rate for the sake of population growth by distributing small amount of cash creates an environment in which women are more vulnerable to

poverty. This blocks the long-term investment for them to obtain professional skills, to get employed with wages, to make incomes, to own properties and to get promoted.

The state policy strengthens the stereotypical attitude that childcare is only women's issue, so the birth-related social service infrastructure is left behind. This brings unpaid, enormous amount of labor burden on the shoulders of women.

Capacity of Maternity Hospitals: In Mongolia, on average 70,000 women give birth annually. 45.8% of overall birth rate or about 30,000 of them are in the capital city Ulaanbaatar. As for the capacity of maternity hospitals, it increased by 20 percent in the past 3 years. Even though the population of the capacity exceeds 1.2 million, there are only 3 maternal hospitals with 45-50 beds each. In 2013, the 1st Maternity Hospital built an extension with 150 beds. The facilities are consistently overcrowded, with long wait times for antenatal care and delivery services. Due to limited number of obstetricians and the fact that pregnant women have to queue at hospitals for medical check-up from 5 am, the quality of antenatal care coverage is poor.⁸ Lack of beds leads women to wait for their delivery in the corridors. As it is unacceptable to keep new mothers in the corridors of hospitals for a long time, we have to discharge them after one day of stay.

Although it was planned to build an extension with 105 beds for the 3rd maternity hospital, it has not been done due to the unresolved budget issues. Furthermore, the foundation was laid to construct the 4th maternity hospital with 300 beds, but it was not realized as the project was implemented incorrectly and the budget was not resolved.

Accessibility of pre-school educational organizations: There is no facility or organization that cares for children below the age of two at the moment. Only 40% of the children who are supposed to be going to kindergarten is enrolling. In other words, 60 out of 100 children cannot go to kindergarten due to lack of facility availability.

As of 2013, there are 247,104 children of 2-5 ages nationwide, 61,585 of whom or one fourth and 74,900 children of the same age group in the capital city, 21,400 of whom or one third are unable to enjoy pre-school educational services.⁹

⁸Country Profile on Universal Access to Sexual and Reproductive Health: Mongolia, 2015, page 11

⁹From the concept note of the draft law on babysitting services submitted to the parliament

Discrimination in Employment and Labor Relations:

There is no regulation to support equal share of parents' roles and responsibilities for childcare. Implementing an one-sided policy viewing women as only "mothers", not considering women's rights and all spheres of their lives has restricted their rights in labor relations, employers discriminating and refusing to employ young women.

Women's opportunities to paid employment are limited due to various factors such as pressures related to reproductive roles and responsibilities, domestic workload and lack of time and disabling labour environment. Women's employment market is not expanding and women are rather squeezed out of guaranteed, paid jobs with social insurance coverage, eventually shifting to informal, domestic work. Therefore, women's investment to education is becoming worthless. In 2000, there were 64,500 women registered as housewives, whereas it became 93,600 in 2010.¹⁰

In these circumstances, instead of analyzing and improving this policy, the government has submitted the draft "Mongolian Integrated State Policy on Population Development" to the Parliament, further strengthening the policy. In addition, the draft law "Many of Us" has been developed and is about to be submitted to the Parliament.

The draft "Mongolian Integrated State Policy on Population Development" is planned to be implemented until 2025. One of the priority areas of this policy is defined as "Create an enabling environment for healthy, quality delivery based on the fact that there is a high number of reproductive age populations and stabilize population growth by protecting the health of general populations". The indicator for outcomes of this area is defined as only the average annual population growth and integrated measures to develop birth-related social service infrastructure have not been reflected.

Another priority area is to create an environment in which working-age populations have opportunities to employment and incomes and the relevant goals and outcome indicators do not even mention the combination of child rearing with paid employment.

The draft law "Many of Us" is a document which is not based on human rights and women's sexual and reproductive rights, viewing women as reproductive tools only. For

¹⁰Results of the National Census on Population and Accommodation, National Standardization Committee, 2010

instance, the objective of this law is to regulate benefits and allowances for pregnant women and women who are raising children up to the age of 2 as well as those who gave birth to and are bringing up twins and more than 3 children. It is also specifically mentioned that the mothers who are raising more than 3 children deserve monthly allowances and mothers who have more than 4 children (2-18 of ages) will be exempt from individual income taxation. This leads not only women but also young couples to vulnerable, risky circumstances such as workplace discrimination against young women and their being driven out of labor market due to reproductive roles and responsibilities, having to sustain livelihood only by salary and income of one member of the family and being disqualified for housing loan failing the bank requirements as there is no income except for allowances for childcare.

PART II

2.1. Appropriate measures to eliminate discrimination against women in the political and public life of the country, in particular, ensuring to women, on equal terms with men (Articles 7 and 8)

In line with the international human rights treaties and conventions, the Constitution of Mongolia states that “Men and women enjoy equal rights in political, economic, social, and cultural fields as well as in marriage”, “The citizens have the right to elect and to be elected to State bodies. The right to elect is enjoyed from the age of eighteen years”. Even though these provisions meet the principles of equality, non-discrimination and government commitments, Article 10 of the Mongolian Law on Promotion of Gender Equality states that “The State shall ensure conditions and opportunities for actual implementation of equal rights of men and women to be hired and be employed in civil service through the following policy”, “10.1.1. Representation of any one sex among politically appointed civil servants shall not be less than 15 percent on national, aimag and the capital city levels, 20 percent on district, 25 percent on soum and 30 percent on khoroo levels”; “10.1.2. Representation of any one sex in decision-making positions in public administration shall not be less than 15 percent among state secretaries and

heads of agencies, 20 percent among managers in other central agencies, 30 percent among heads of department in ministries and agencies, 40 percent among heads of secretariats, departments and divisions on aimag, city, soum, duureg and khoroo levels” and “10.1.3. Representation of any one sex among public servants in special public agencies shall not be less than 40 percent, except in the army, border and domestic military, police, intelligence, court decision enforcement, anti-corruption and emergency agencies”, setting the minimum quota for women’s representation. Although these provisions may seem to have set the minimum quota to maintain the balance of gender equality, this has been used as the maximum quota of women’s representation in political and social frameworks for many years for the country where patriarchal systems, traditions and acts prevail. Measures to enforce the law have not been made.

Political parties are not implementing temporary and special measures in a proper method or form with consistence and sustainability to guarantee actual equal rights for women to be elected as a result of the parliamentary and local government elections. The government and public are still unaware of the basic legal concepts and importance of these temporary and special measures. The fact that women’s energy, knowledge and skills are utilized to “assist and support” male candidates during their election campaigns, limiting women’s political participation, shows that there are still those ideologies and attitudes of “preferring men to be working on legislating and policy-making, especially working for the higher-level organizations”.

Even though the Government of Mongolia appoints both men and women at the same level and condition for activities organized by international organizations as well as for ambassadors’ and other positions abroad, the appointment of women is usually in countries where they do not have permanent and active relations with Mongolia in terms of political, economic and social issues.

PART III

3.1 . Implementation of gender equality in the educational sector (Article 10)

In Mongolia, 939,500 children and youth enrolling in all levels of schools is an increase by 2.8% in comparison with that of the 2014-2015 academic year and on

average about 60% of them are female students. In this academic year, it is estimated that there is a total number of 101 universities and colleges nationwide, 16, 80 and 5 of which are state-owned, private and foreign, respectively.

Given that the majority of students of Mongolian schools and educational organizations are female, the implementation of women's rights to education may seem quite promising, but there is no guarantee of ensuring workplaces for these girls and women upon graduating with university diploma. For example, *a woman named "J" said that she is sustaining her life as a taxi driver using her own car even though she graduated from Law School and National Academy of Governance and applied for many jobs but to no avail.*

There are thousands of examples as the one mentioned above where women pay enormous amount of tuition fees for their secondary and high education, yet they hardly enjoy the fruits of their personal investment.

Furthermore, issues of workplace sexual harassment often occurring in multiple levels of educational organizations have been prevalent, rudely violating the rights to education and development. However, sexual harassment issues in schools are often suppressed and hidden as it has negative impacts on the reputation of female students enrolling in secondary schools and universities. Another issue of concern is anecdotes proving that there are many cases of female university students turning to sex work due to life conditions and an ever-increasing life cost which is far higher than the consumption rate. Furthermore, a rape case of a primary schoolgirl at school environment was reported 3 years ago. This indicates that proper, safe environment has not been ensured for girls and young women to study and to enjoy their freedom.

In general, youth knowledge and skills upon their graduation do not meet the needs and requirements of real life due to multiple reasons such as weak quality of the Mongolian education system, lack of teachers in kindergartens and schools, constant changes in the past in curricula of schools of all levels making students "guinea pigs", currently experimenting the content of the Cambridge system of education at a very few schools and using various textbooks for one type of science class, to name a few.

Article 6.3 of the Law on Mongolian Language, adopted in February 2015, states that "Foreign languages can be taught starting from the 5th grade at secondary schools

except for other secondary schools with the special permission to teach foreign languages and those which carry out training in foreign languages according to the permission issued by the government”. This law against equality and discrimination destroys the standards of public education on the one hand and gives rise to elitist policies on the other hand.

As the gap between the rich and the poor is increasing in Mongolia, even though women, especially single mothers belong to the economically active population groups, they are still unemployed or work in low-paid sectors, sacrificed by this elitist policy.

3.2. Implementation of gender equality in the employment sector (Article 11)

Employment status of the population group above the age of 15, as of the first four months of 2015:¹¹

Indicators	2015 1/4		
	Total number	Male	Female
Population above the age of 15(thousand)	1.958.899	921.376	1.037.507
Economically active population(thousand)	1.205.496	632.064	573.432
Economically inactive population(thousand)	753.387	289.312	464.075
Workforce participation level(%)	61.5	68.6	55.3
Employment rate(%)	57	62.8	51.9
Unemployment rate(%)	7.4	8.5	6.1

According to the above table, even though the percentage of women among the population above the age of 15 is 52.9%, the percentages of women among those economically active and inactive populations are 47.5 and 61.5, respectively and their

¹¹http://www.1212.mn/statHtml/print.do?orgId=976&tblId=DT_NS0_0400_006V1

workforce participation level, employment rate and unemployment rate are lower by 13.3, 10.9 and 2.4 points, respectively. This shows that the government does not pay adequate attention to issues in terms of limited opportunities for women to enjoy their rights to employment and increased income, providing them with jobs and increasing their economic capabilities. As of the end of April 2015, the number of job seeking citizens registered at the employment agency is 48,500, 25,400 of whom are women. The number of registered, unemployed citizens is 17,900 or 53% of them is women, an increase by 0.3 points compared with the previous year.¹²

The above statistics show that there still are economic factors which have negative impacts on women's economic, social, political and cultural rights and indicate direct and indirect discrimination by violating their rights guaranteed and stipulated in the Convention and the Constitution of Mongolia, in the name of "creating a democratic, free market economy", instead of realistically implementing the policies, laws and actions ensuring women's rights to employment.

PART IV

4.1. Implementation of gender equality in marriage and family relations (Article 16)

In the Principle part titled "Ensuring family-oriented human development" of the draft Mongolian integrated state policy on population development, it states that children, young people, elders and people with disabilities will be developed and protected within the framework of family, **"acknowledging that family is a social, population and reproductive basic unit"** and supporting human development by a way of supporting family development.

Article 3 of the Family Law defines that "'family' is family members who are related by property and personal rights and obligations created as a result of consummation of marriage". Concluding from this definition, single mothers are most likely to belong to the marginalized groups, irrelevant to the state policy on population development.

¹²http://www.1212.mn/statHtml/print.do?orgId=976&tblId=DT_NS0_0400_006V1

Besides that, priority areas of supporting population and family development state that “Create an enabling environment for healthy, quality delivery based on the fact that there is a high number of reproductive age populations and stabilize population growth by protecting the health of general populations”, “Regularly increase creative, capable human resources by developing and ensuring educational and cultural needs of children and youth”, “create an enabling environment for working-age populations to be employed and have income in order to effectively use large resources of working-age populations during the demographic window”, “Prepare populations for healthy ageing focusing on fast-paced ageing issues facing the country and create accumulated fund necessary for future pension, social benefits and services” and “Create a healthy, safe living environment for populations and improve their life quality”.

Nevertheless, current social and economic policies, especially mining exploration agreements which most likely will resuscitate our economy are developed, predominantly supporting the interests of foreign and domestic investors and making the redistribution of wealth unequal and unfair. This will not contribute to population and family development and will not be beneficial for the poor and middle class citizens.

The economic situation of Mongolia being more dismal than how the authorities portray it leads to ever-deteriorating lives of women, especially single mothers and mothers with many children, who are the majority portion of economically active populations, yet majority among the unemployed populations at the same time.

Conclusion

Even though it has been 34 years since the Government of Mongolia signed the UN Convention on the Elimination of All Forms of Discrimination against Women in 1981, women’s political, social, economic and cultural rights have not been actually implemented due to lack of political will to implement the recommendation made by the Committee, formalistic reporting and the fact that the convention has not been implemented based on basic principles to guarantee and ensure women’s rights.

The government has not paid sufficient attention to the obligations stipulated in the first part of the convention and has not taken structural and organizational measures of implementing the convention in a proper form and a consistent manner.

Phenomena of discriminating against and looking down on women have been increasing in political, economic, familial and social environments due to the attempts to protect the country with small population from negative effects of globalization and to preserve its cultures, as well as ultra-nationalism. However, the government, which has

the duties to eliminate negative cultures, traditions and customs, is supposed to take a set of systematic, comprehensive measures to eradicate their root causes; instead it is strengthening them by its laws and policies, moving backward from achievements and progresses it has made in the past years.

The 1992 Constitution states that “Men and women enjoy equal rights in political, economic, social, and cultural fields as well as in marriage”, “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), “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), “Everyone is a person before the law”, “All persons lawfully residing within Mongolia are equal before the law and the courts” (14.1), “Laws, decrees, and other decisions of state bodies and activities of all other organizations and citizens must be in full conformity with the Constitution”(70.1), “Mongolia fulfills in good faith its obligations under international treaties to which it is a Party”(10.2), “The international treaties to which Mongolia is a Party become effective as domestic legislation upon the entry into force of the laws on their ratification or accession”(10.3). However, attention has not been given sufficiently in order to develop specific laws, policies and programs to actually enforce the Constitution in all sectors of society and to provide financial resources for reliable systems and mechanisms.

Mongolian women living in today’s democratic and free market society are still subject to every type of discrimination because of discrepancies in terms of rich, poor, disability, health and educational differences, professional skills, social status, differences between urban and rural areas, as well as power relations.

The government has not taken actual measures in order to increase the knowledge and understanding of the government and general public on the Convention and to improve the roles and responsibilities of legislative, executive and judicial organizations, whereas various training, workshops, 3 different studies and shadow reports have been organized, conducted and written by women’s NGOs who joined the national network to monitor the CEDAW implementation, established in 1996.

On the other hand, UN agencies including UNDP have not financially supported the monitoring activities and shadow report writing on the implementation of Universal Periodic Review and other UN human rights and women's rights conventions. This is not in line with the UN goals to support meaningful participation of citizens to develop a democratic, humane society as well as the capacity of passionate individuals, NGOs and groups diligently and persistently working to improve the actual implementation of human rights, women's rights and gender equality.

Therefore, we as representatives of national women's NGOs suggest the Committee to allocate certain budget for writing, developing and translating of the shadow reports on the implementation of international human rights treaties and conventions, in particular CEDAW, in the future.

Recommendations

- Incorporate the concepts of human rights and gender equality into the curriculum of educational organizations of all levels and universities where future human resources are trained;
- Comprehensively integrate population policy with other relevant issues, including enhancing the quality and accessibility of basic social services such as health and education, reducing the costs of child rearing and combining child rearing with opportunities to employment as challenges facing families;
- Develop the infrastructures of pre-school education, health and social services and increase investment by improving the capacity of maternity hospitals and quality and accessibility of health services and care for women, midwives, children and infants;
- Implement a policy creating an enabling environment in terms of working hours and flexibility so that both parents can be supported to care for their children in turns, without hindering their employment with wage;
- Create a legal environment in which the government provides social welfare benefits equivalent to one's monthly salary for pregnant and new mothers and the parents who are on maternal or paternal leave and those care for their children with disabilities and pays for relevant social and health insurance fees;

- Create a legal environment taking account of domestic yet unpaid labor values such as domestic work and family business since the marriage between a man and a women and care for children, people with disabilities and elders, as contributions to the creation of social wealth and household economy;
- Determine a policy to enhance economic empowerment comprehensively taking into account of all stages of lives of women by a way of facilitating women's employment with wage, guaranteeing their rights to ownership and increasing their opportunity to gain social resources with equality;
- Create a mechanism to implement the Law on Promotion of Gender Equality which codified the quota for appointed positions of public service at all levels;

ANNEXES

1. Country Profile on Universal Access to Sexual and Reproductive Health:
Mongolia, 2015
2. Country Profile on Universal Access to Sexual and Reproductive Rights:
Mongolia, 2015