



**NATIONAL HUMAN RIGHTS
COMMISSION OF MONGOLIA**

**SUBMISSION OF THE NATIONAL HUMAN RIGHTS COMMISSION OF MONGOLIA
(NHRCM) TO THE EIGHTY SECOND SESSION OF THE COMMITTEE ON THE
ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW)**

**ON MONGOLIA'S IMPLEMENTATION OF THE CONVENTION ON THE
ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN**

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**National Human Rights Commission of Mongolia
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The National Human Rights Commission of Mongolia (NHRCM) is an independent national human rights institution with A status accreditation of The Global Alliance of National Human Rights Institutions and has a mandate provided by the Law of Mongolia on the National Human Rights Commission adopted in 2000 and renewed in 2020.

**INFROMATION SUBMITTED TO THE UNITED NATION'S COMMITTEE ON THE
ELIMINATION OF DISCRIMINATION AGAINST WOMEN BY THE NATIONAL
HUMAN RIGHTS COMMISSION OF MONGOLIA IN ACCORDANCE WITH THE
LIST OF ISSUES RELATED TO THE 10TH PERIODIC REPORT OF MONGOLIA ON
THE IMPLEMENTATION OF THE CONVENTION ON THE ELIMINATION OF ALL
FORMS OF DISCRIMINATION AGAINST WOMEN**

National Human Rights Commission of Mongolia (hereinafter the NHRCM or the Commission), in accordance with the List of issues delivered by the United Nation's the Committee on the Elimination of Discrimination against Women (hereinafter CEDAW) in relation to the tenth periodic Government report of Mongolia on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, is hereby expressing its position as follows:

Constitutional and legislative framework

Guarantee for the prohibition of discrimination against women and the promotion of gender equality is ensured in Article Fourteen and Part 11 of Article Sixteen of the Constitution of Mongolia. In addition, Law on the promotion of gender equality in Mongolia adopted in 2011 has strengthened fundamental legal doctrine to ensure the possibility and ground where every woman has equal right in political, legal, economic, social, cultural fields, in familial and other affairs as a man does, participates in social life, and benefits from social wealth as equals. Gender equality is also regulated elaborately by other laws.

Labour Code was renewed on the 2nd of July 2021 and entered into force on the 1st of January 2022. This Labour Code provides the following progresses:

- The fundamental principles such as non-discrimination, fairness, prohibition of harassment, violence, and sexual harassment, social partnership have been clarified as elaborate regulations. Under Articles 5, 6, 7, and 8 any form of discrimination at work place including physical and verbal assault, defamation, mental and sexual harassment and violences are prohibited in employment, and employers are obliged to include provisions on these prohibitions in accordance with the characteristics of the sector within the labour internal rules and regulations as well as regulations preventions from these, complaint handling process, and sanctions imposed on the violations are stipulated in detail; and
- Labour code also contains a provision to prohibit an employer from making pregnant women and employees with children under the age of 3 to work on weekends, public holidays, at night or overtime, or on business trips without their consent. Employers are also obliged to implement child-friendly and child protection policies by creating flexible employment conditions, supporting employees to ensure work-life balance, and incorporating them into internal labor standards.

In addition, the Law on the Protection of Personal Information, which was adopted on December 17, 2021 and came into force on May 1, 2022, defines sexual orientation and sexual information as "Human Sensitive Information" and prohibits the collection, processing or use of such information for the purpose journalism or protection of public interests without the consent of its

owner. In order to prevent violations of human rights and freedoms in the collection, processing and use of sensitive human information, it is stipulated that the National Human Rights Commission of Mongolia (hereinafter referred to as the "National Human Rights Commission") shall issue recommendations to the respondents.

Stereotypes and harmful practices

Gender inequality and discrimination, which are stereotyped in many aspects of family, cultural, and political life, are indirectly discriminatory, although not violent. For example, the procedure to issue honorary title badge and ID of "Darkhan Ber" adopted by a resolution of Citizens' Representatives' Council of Tsogtsetsii soum of Umnugovi province stated ground to grant the honour to a woman, "... if she gave birth to more than three sons in a row in her first marriage, ... if a girl is born, the mother shall not be granted the title, ... only the children born and raised by the mother are included, but children adopted are excluded." As this practice is indirect gender-based discrimination defined in Part 4.1.6 of Article 4 of the law on the promotion of gender equality in Mongolia, the NHRCM delivered Commissioner's Demand 03/01 dated the 6th of January 2022 to the respondent party and got the resolution repealed.

In addition, even though there is not a ban on the participation of women in a competition of ankle bone shooting, a traditional sport of Mongolia, in its rules, women are not allowed to participate, and there was a case of protest against holding a competition with woman participants. This indicates there are indirect discriminations based on stereotypes in sports, which is an important part of social life. Even though these stereotypes are not legal norms, a large number of such cases occur in reality.

Stereotypes also affect gender equality in political participation at the decision-making level. In terms of support for women in politics, 58.9 percent of men tend to support men in decision-making level, and 28.5 percent of men tend to support women in decision-making level, which suggests that gender stereotypes may play a role. However, with 48.3 percent of women supporting regardless of gender, it is not possible to say that women are less supportive of women.¹ According to the survey of candidates for the Citizens' Representatives' Khural, sexual harassment by party leaders or colleagues in order to compete in elections is the highest at the party quota setting and nomination stage, at 66.7 percent, during the election campaign at 22.2 percent, and at the final voting stage at 11.1 percent.

In addition, difficulties arising from public perceptions and attitudes towards women politicians are related to voters' education, and stereotypes on women's reproductive role, financial capacity, and marital status.

Gender-based violence against women

The NHRCM, in collaboration with the Social Policy and Development Research Institute, conducted "Study on awareness and perception of public servants about sexual harassment in the workplace" in 2021 and "Study on the prevalence of sexual harassment in the workplace" in

¹ Public perception report on women's participation at decision-making level, Institute of Social Policy Development Research, 2021.

2022 on a periodic basis by involving 3,000 female employees each from state central and local administrative bodies.

It is common for government agencies not to include sexual harassment in the workplace in their internal labour rules, and employers are not fulfilling their legal obligations to provide sexual harassment prevention training. About 70 percent of employees admitted to sexual harassment in the workplace, with more than 90 percent of the victims being women and about 70 percent of the perpetrators being men.² In terms of forms of sexual harassment, 21.4 percent were verbally abused, 13.3 percent were sexually assaulted, and 12 percent were sexually harassed. According to the results of the 2021 and 2022 surveys, female public servants are more exposed to verbal sexual harassment.

Taking into consideration of insufficient representation of women at the decision-making level in public administration and male dominance in management positions, which are prevalent factor of sexual harassment in the workplace, training for male leaders is needed.³

Amendments to the Infringement Code, which was passed by the Mongolian Parliament on the 10th of January, 2020, defines sexual harassment in the workplace as an offense, but this is not always in line with the provisions of international treaties and real practice.

According to the 2021 survey, 66 percent said that the lack of protection against sexual harassment in the workplace is the cause of sexual harassment, 63 percent said that exaggeration of power and aggression as a man is the cause of sexual harassment, and fifty-eight percent agreed that treating a woman as a sexual object was a cause of sexual harassment. According to the 2022 survey, these indicators have decreased by 4.5-4.8 percent. One of the common misconceptions in the civil service culture is that sexual harassment in the workplace is a minor issue. In other words, there is still a tendency to justify workplace harassment and violence.⁴

According to 2021 survey 32.8 percent of the public administrative servants answered that the organisations where they work, branch Councils of the Civil Service Council, and Gender Sub-Committees in charge of implementation of gender sub-programmes at local level implement measures against sexual harassment either well or little, whereas 67.2 percent either said these entities implement nothing or said “they don’t know”. However, the survey of 2022 indicates measures against sexual harassment increased by estimated 6 percent, which is a very modest progress.

On the 9th of July 2021, the National Tripartite Committee on Labor and Social Consensus and the National Human Rights Commission approved the “Model Guidelines” to be used as guidelines for integrating within the “Internal Labor Procedures” of public and private business entities relationships related to defining the responsibilities of the parties to the employment relationship regarding sexual harassment in the workplace, organizing preventive training and advocacy work, creating a non-sexual harassment environment in the workplace, and resolving complaints and information.

² Page 136, Chapter II, the 21st report on human rights and freedoms in Mongolia, NHRCM. 2022.

³ Page 158, Chapter II, the 21st report on human rights and freedoms in Mongolia, NHRCM. 2022.

⁴ Activity report of the Ministry of justice and Home Affairs of Mongolia. 2019.

Participation in political and public life

Women's participation in political life varies in terms of right to elect and to be elected, especially in terms of women's participation in political decision-making.

While, fifty-one percent of Mongolia's voters are women, 55.9 percent of voters in the 2020 Citizens 'Representatives' Khural elections and 54.9 percent of voters in the 2016 and 2021 Presidential elections are women.

The number of women candidates in the parliamentary elections increased from 129 in 2016 to 151 in 2020, an increase of 17 percent over the previous election year.

However, their representation in the State Great Hural is only 17.3 percent, or 7.6 percent lower than the world average, which is insufficient compared to the increase in the number of candidates.

At the local policy-making and decision-making levels, there are total 1,106 members in provincial and Capital Area's Citizens 'Representatives' Khurals, of which 80.4 percent are men and 19.6 percent are women.

There has been quota requiring minimum 20 percent of candidates to election of the Parliament of Mongolia to be of one sex. However, as no specific measures have been taken to implement quotas, such as retaining seats to ensure gender balance in political and managerial positions, quotas stipulated in the Law on the promotion of gender equality have not been fulfilled for the past decade. Difficulties for women candidates to run in any election include the lack of financial resources and the fact that today's legal environment gives more opportunities to wealthy candidates and political parties, insufficient support from the party's internal organization and leadership, especially from male members, and general public, and significant slander and attacks by citizens.

Education

One area where gender equality is not fulfilled for men is education. This is a negative gender phenomenon due to the prevailing attitude among parents after Mongolia's transition to a market economy that employment and the ability to live independently is a problem for girls, and that boys can survive on manual labor and animal husbandry without education. Statistics show that the enrollment of boys is declining when it is time to get a next level of education.

The sex ratio of all girls and boys enrolled in full-time secondary schools is 50:50 in public schools and 49.1: 50.9 percent in private schools, and the number of boys tends to decrease as they progress. For example, 48.9 percent of all primary school students, 49.5 percent of middle school students, and 54.7 percent of high school students are girls.⁵ In the 2020-2021 academic year, 44,850 students graduated from all levels of secondary education, 34,813 students from full secondary education, and 31,161 students graduated from universities and colleges, and 55.3 percent of all graduates were women. Among all students in all levels of education, 61 percent

⁵ Page 113, "Evaluation of impact of the implementation of Law on the promotion of gender equality in Mongolia" UNFPA and National Committee on Gender of Mongolia, 2021.

are women. 38.9 percent of total 148,446 university and college students are men, while 61.1 percent are women, and 66.2 percent of graduate students, 55 percent of post graduate students, 60 percent of undergraduate students, are women.⁶

Gender disparities manifest from the lower secondary level and continue to increase at higher levels of the general education system.⁷ According to a 2009 survey, boys from poor and herder families have limited access to secondary education, and boys from poor and herder families make up about 60 percent of all children aged 8-15 who dropped out of school.⁸ This has still been the case, and according to 2020 National Statistics Office briefing on education sector poverty and illness are the main reasons for boys aged 6-14 to drop out of school. There is still not any targeted policies and programs to reduce male dropout rates and promote higher education as follow up to outcomes of these studies, statistics, and analyses.

Employment

As of 2020, 60.8 percent of the employment rate was men and 48.7 percent was women. As of April 2021, there were 1,226,504 workers in Mongolia, of which 52.5 percent were men and 47.5 percent were women.⁹

The participation rate of men in all age groups work force is higher than that of women. For example, each age group of 15-19 and 40-54 years old is relatively close or 2.9-11.3 percentage points different.

In the 20-39 age group, the difference is 14.1-23.6 percentage points, with women leaving the labor force for childbearing and care at this age, and returning to the labor force as their children grow older.

Mothers with young children and pregnant women are discriminated against in employment. For example, a survey involved 718 women found that 22.1 percent had been threatened to be fired during pregnancy and parental leave, and 37 percent had experienced some form of discrimination. In addition, the lack of childcare, the lack of kindergartens, and the coincidence of work, kindergarten gatherings, and dispersal times are among the biggest barriers to women's employment.¹⁰

Health

In terms of health, the most concerning issue in gender gap is the difference in life expectancy between men and women. Globally, women live an average of 4.3 years longer than men, while

⁶ Official letter 2/961 of the Ministry of Education and Science dated 2 March 2022.

⁷ Page 35, "Towards Mongolia's Long-Term Development Policy Vision 2050: Advancing education equity, efficiency and outcomes", the International Bank for Reconstruction and Development (IBRD) and the World Bank, 2022.

⁸ page 41, "Gender equality in Mongolia", SDC, IRIM research institute, 2014.

⁹ National Statistics Office, <<https://www.1212.mn/>>

¹⁰ Page 14, "Situation of women's rights in Mongolia 2015-2019", Mongolian Women's Fund, 2020.

in Mongolia, in 2021, women live 9.5 years longer than men.¹¹ In particular, men's mental health and access to preventive check-ups have impact on this.

Cardiovascular diseases, the leading cause of death in the population, account for 18.6 percent more deaths than men and 10 percent more deaths from cancer than women, while men are more likely than women to die in traffic accidents, suicides, industrial accidents, fatalities, other accidents, and unexplained causes.¹² Outpatient visits are 1.5 times lower for men than for women, and outpatient records show a sharp decline in the proportion of men over the age of 20, with a gender ratio of about 38/62 percent.

Economic empowerment of women

Mongolia does not have different legal requirements for men and women to do business.

Within the scope of equitable distribution of economic participation and resources, girls' inheritance rights are not restricted in Mongolia, but women have a lower share than men in terms of land ownership and possession and non-land immovable property rights.¹³

While over 60 percent of owners of the houses and apartments, which is important for the household economy, are men and 33 percent are women, The majority of livestock owners, large-scale equipment and landowners are men.¹⁴ Large businesses are dominated by men, while small and medium enterprises are dominated by women (64 percent).

According to the 2020 and 2021 ownership registrations, women are 6-15 percent less likely to own real estate than men, and 15-41 percent more likely to be registered as co-owners.

As of 2021, 62.8 percent of corporate directors are men, 37.2 percent are women, and 52.5 percent of women work in trade and manufacturing.¹⁵ However, private sector owners and managers are clearly dominated by men, women entrepreneurs do not have equal access to investment and financial support, the domestic market is unprotected, and they cannot compete fairly in public and local procurement.¹⁶

The principle of providing equal opportunities and conditions for the benefits of economic development and social wealth is being lost. For example, men dominate in high-paying, productive, and high-growth sectors, and men dominate the decision-making process of allocating state and local budgets and the number of final owners of private enterprises.

Additional information

¹¹ National Statistics Office, <<https://www.1212.mn/>>

¹² Page 135, "Evaluation of impact of the implementation of Law on the promotion of gender equality in Mongolia" UNFPA and National Committee on Gender of Mongolia, 2021.

¹³ Page 282, <https://www3.weforum.org/docs/WEF_GGGR_2021.pdf>

¹⁴ Page 18, "Gender situational analysis of Mongolia, achievements and lessons from 2005 to present", Asian Development bank and Japanese Fund for Poverty Reduction, 2020.

¹⁵ Official letter 6/1767 of State Registration Agency dated 1 March 2022.

¹⁶ Page 10, "Gender situational analysis of Mongolia, achievements and lessons from 2005 to present", Asian Development bank and Japanese Fund for Poverty Reduction, 2020.

Migration for education, employment, and general education for children is having a negative gender impact on demographics.

According to 2019 data, one in every four persons employed in Mongolia, and 24.1 percent of the total workforce, worked in the livestock sector.¹⁷ A total of 285,482 herders were registered the year, 166,368 of whom or 58.3 percent were male, and 119,114 or 41.7 percent were female, indicating that the majority of herders were male.

As of 2021, 59 percent of the 305,430 herders in rural areas are men, and 41 percent are women, indicating a gender imbalance. Herder family structure has become negatively affected due to the fact that family members live separately due to the enrollment of children at the age of 6.¹⁸ Because it is common for rural families to seek higher education for girls, educated women settle in aimag and soum centers to pursue their careers. As a result of the influx of young women of marriageable age, the marriage age of young herder men tends to be delayed.¹⁹

It is also common for older women to retire early under pressure from employers,²⁰ not of their own free will.

¹⁷ 2019 preliminary data of “Labour force study”, National Statistics Office, 2020.

¹⁸ Page 40, “Gender situational analysis of Mongolia, achievements and lessons from 2005 to present”, Asian Development bank and Japanese Fund for Poverty Reduction, 2020.

¹⁹ Page 29-30, “Gender analysis in the livelihood of young herder men and women”, National Committee on Gender and Asian Development Bank, 2021.

²⁰ Page 4, “Gender situational analysis of Mongolia, achievements and lessons from 2005 to present”, Asian Development bank and Japanese Fund for Poverty Reduction, 2020.