

Combined third and fourth periodic reports of States parties

Mongolia (24th session)

234. The Committee considered the combined third and fourth periodic reports of Mongolia (CEDAW/C/MNG/3-4) at its 504th and 505th meetings, on 29 January 2001 (see CEDAW/C/SR.504 and 505).

(a) Introduction by the State party

235. In introducing the report, the representative of Mongolia informed the Committee that Mongolia had been one of the first countries to ratify the Convention on the Elimination of Discrimination against Women, in 1981. She also informed the Committee that, in 1998, the Parliament of Mongolia had accepted the amendment to article 20, paragraph 1, of the Convention. Mongolia had signed the Optional Protocol to the Convention in September 2000, and the procedures towards ratification were under way in Parliament.

236. The representative emphasized that, during the 10 years since the submission of its second report, Mongolia had seen radical changes in its political, economic and social life. Mongolia had become a country with a parliamentary Government and a multi-party system. Mongolia had become party to 30 international human rights treaties and had adopted relevant policies and enacted or amended legislation in accordance with its treaty obligations.

237. The representative informed the Committee that the Mongolian Constitution prohibited discrimination on the basis of sex. The rights of women to education and employment, as well as to participate in politics, were also protected by the Constitution and other legislation.

238. Reporting on action taken pursuant to the Convention, the representative informed the Committee that legislation had been amended and new legislation introduced to integrate the basic tenets of the Convention into the legislative framework and governmental policies and programmes. National programmes had been implemented to address the special needs of rural women, and initiatives to introduce advanced technology and create more job opportunities had been taken.

239. The representative highlighted the Health Law, which had come into force in 1998, and the new Labour Code, which contained specific provisions prohibiting discrimination in the workplace. The Family Law had come into force in 1999 and provided for women's equal rights to inheritance, land use and ownership of livestock and other property. The representative said that the State Great Hural (Parliament) had recently adopted the Law on the National Human Rights Commission and that, in collaboration with international organizations, the Government had launched a process of a nationwide discussion to develop a national programme on human rights.

240. The representative informed the Committee of some of the achievements in implementing the Convention in Mongolia. These included the creation of an appropriate legal environment, an increase of the participation of non-governmental organizations, the development and implementation of gender policies and the high level of education among women. Factors that had hindered the full implementation of the Convention included the lack of a specific national machinery, the high maternal mortality rate, the low participation of women in political decision-making, the discrepancies between various geographical areas and social groups, the rise in domestic violence against women and the lack of legal literacy among women.

241. The representative concluded by reporting on the Government's strategies for future implementation of the Convention. These were the improvement of the national coordination and integrating mechanism, the establishment of an integrated database, ongoing analysis of existing laws, a comprehensive review of the rural sector and the strengthening of cooperation between governmental and non-governmental organizations to promote the legal literacy of women.

(b) Concluding comments of the Committee

Introduction

242. The Committee expresses its satisfaction at the submission of the combined third and fourth periodic reports of Mongolia and the answers to the questions of the pre-sessional working group. It welcomes the oral updating statement, in particular the various strategies envisaged for the future implementation of the Convention.

Positive aspects

243. The Committee commends the Government for ratifying the amendment to article 20, paragraph 1, of the Convention and for taking steps to ratify the Optional Protocol.

244. The Committee notes that some legislative reforms regarding women have been undertaken, namely, provisions prohibiting discrimination in the workplace and provisions that allow for women's equal rights to inheritance, land use and ownership of livestock and other property. It also notes the Government's recognition of women's non-governmental organizations.

245. The Committee commends the progress made in providing women with access to education and the achievement of high levels of participation at the tertiary level.

246. The Committee welcomes the efforts made to undertake a situation analysis of women in Mongolia and to develop a national programme of action for the advancement of women, with technical support from international organizations.

Factors and difficulties affecting the implementation of the Convention

247. The Committee notes that the persistence of stereotypical and patriarchal attitudes to the role of women in the family and the community prevents the enjoyment by women of human rights and denies them the opportunity to participate fully in national development.

248. The Committee considers that the negative effects of the country's ongoing transition to a market economy are major impediments to the full implementation of the Convention.

Principal areas of concern and recommendations

249. The Committee notes with deep concern the deteriorating situation of women in Mongolia in a period of economic transformation. It expresses its particular concern that the Government has failed to prevent the erosion of women's rights to economic advancement, health, education, political participation and personal security.

250. The Committee urges the Government to protect and promote women's human rights and to utilize the development and technical resources available as well as the human resources of the country, including civil society and women's groups, so as to reverse this trend.

251. The Committee expresses concern that poverty is widespread among women as a consequence of privatization and other factors linked to the transition to a market economy.

252. The Committee calls upon the Government to collect data and information on women living in poverty, disaggregated by age and according to urban and rural areas; to develop targeted policies and support services; to make efforts to prevent more women from falling below the poverty line; and in particular to address the situation of households headed by women.

253. The Committee expresses its concern that, although the Constitution provides for the equality of all citizens before the law, it does not reflect the definition of discrimination in article 1 of the Convention, which prohibits both direct and indirect discrimination. It also expresses its concern that there are no remedies available to women to redress violations of their rights.

254. The Committee calls upon the Government to undertake legal reforms so as to ensure that the full meaning of article 1 of the Convention is reflected in the country's Constitution and legislation, and that constitutional rights are enforceable.

255. The Committee notes that a series of laws have been enacted but have not been analysed for their potentially discriminatory impact on women. It expresses its concern that laws are not effectively enforced so as to protect women's human rights.

256. The Committee calls upon the Government to review and reform all gender discriminatory laws, in consultation with professional and women's groups. It urges the Government to strengthen law enforcement and to provide effective remedies through the courts. The Committee requests the Government to develop legal literacy programmes for the community and gender-sensitization programmes for judges and law-enforcement officials.

257. The Committee notes with concern that Mongolia has not yet specifically developed gender-sensitization and legal literacy programmes for its large population of young people.

258. The Committee calls upon the Government to extend its distance education programmes for young people so as to include programmes on gender education as soon as possible. The Committee considers that the young people can be an important resource in changing stereotypical and patriarchal attitudes in society.

259. The Committee expresses its concern that the high achievement levels of women in education are not reflected in their participation in national and local legislative bodies, and in decision-making posts in administration.

260. The Committee urges the Government to introduce temporary special measures, in conformity with the Convention, and programmes on public awareness and human rights education that will create a supportive environment for women's greater participation in public life.

261. The Committee expresses its deep concern that the phenomenon of violence against women has not been adequately addressed in laws, policies and programmes. It expresses particular concern at the long delay in enacting the proposed legislation on domestic violence.

262. The Committee urges the Government to enact the proposed domestic violence law, including marital rape provisions, to strengthen law enforcement and to develop a holistic range of initiatives to respond to violence against women in the light of general recommendation 19 of the Committee and the Declaration on the Elimination of Violence against Women.

263. The Committee notes that a range of institutions and agencies deal with gender issues in an ad hoc manner and do not coordinate their work. The Committee expresses its concern that, although the Government has recognized the weakness of the national machinery, it has not provided information on new initiatives to address this problem.

264. The Committee urges the Government to establish strong and effective national machinery so that the Convention and the Beijing Platform for Action can be integrated into development plans. It considers that gender mainstreaming must be effectively coordinated and monitored. The Committee recommends that gender concerns be integrated into the work of the Commission on Human Rights and that women be appointed as members of this body.

265. The Committee expresses its concern that limited steps have been taken to combat prostitution and trafficking of women.

266. The Committee urges the Government to take steps to prosecute persons engaged in organizing prostitution and to adopt effective measures to combat trafficking of women.

267. The Committee expresses its deep concern at the negative impact of privatization on women's access to adequate health care and education.

268. The Committee calls upon the Government to ensure that these services are not reduced and that, in particular, the areas of health and education do not suffer as a result of privatization.

269. The Committee expresses its concern that Mongolia places the responsibility of family and childcare exclusively on women, particularly as the population policy encourages women to have large families. It notes that this situation encourages their marginalization in the economy and exacerbates poverty.

270. The Committee urges the Government to develop laws, policies and educational programmes that support and promote the idea of joint parental responsibility and prevent discrimination against women because of their family responsibilities.

271. The Committee expresses its concern about the high level of unemployment of women.

272. The Committee urges the Government to establish a legislative basis that will ensure women equal access to the labour market and equal opportunities to work and prevent direct and indirect discrimination in employment. It calls upon the Government to implement unemployment policies aimed at reducing the level of unemployment of women.

273. The Committee expresses its concern with regard to women's health throughout their life cycle. The Committee also expresses its concern that economic hardship impacts negatively on women's reproductive and mental health. In particular, the Committee notes with concern the acute problem of maternal mortality, owing in part to abortions performed under unsafe conditions and the non-availability of family planning services.

274. The Committee urges the Government to maintain adequate safe, affordable and accessible physical and mental health services for women throughout their life cycle. It also urges the Government to increase access, particularly in the rural areas, to affordable contraceptives for women and men, and to provide sex education to girls and boys.

275. The Committee expresses its concern that much of the information provided in the oral and written responses was not related to the current situation of women in Mongolia.

276. The Committee requests that the Government provide pertinent information on the situation of women in its next report, as well as information on the other concerns raised in the present concluding comments.

277. The Committee encourages the Government to ratify the Optional Protocol to the Convention.

278. The Committee requests the wide dissemination in Mongolia of the present concluding comments in order to make the people, in particular governmental administrators and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and of the further steps that are required in this regard. It requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".