



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

Distr.: General
27 March 2001

Original: English

**Committee on the Elimination of Discrimination
against Women**
Twenty-fourth session

Summary record of the 505th meeting

Held at Headquarters, New York, on Monday, 29 January 2001, at 3 p.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 3.10 p.m.

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

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

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

2. **Ms. Taya** said that although, according to the unofficial report issued by Mongolian non-governmental organizations, women constituted 70 per cent of legal professionals in Mongolia, which was a much higher percentage than in developed countries, they were concentrated in the less exalted posts: only 17.6 per cent of Supreme Court judges were women for example. Nor was the judiciary adept at handling cases from the gender perspective. It appeared that there were no special educational programmes to sensitize either law students or existing judges to gender issues. Such a lack of awareness was particularly glaring in the case of the draft law on combating prostitution. It was of particular concern that photographs of alleged prostitutes — the victims of prostitution — were published in order to expose them to public humiliation, while the real offenders escaped punishment. She understood that the Government's resources were limited, but it would be possible, with little extra expenditure, to put an end to such discrimination by changing the application of article 12, paragraph 2, of the draft law. She wondered whether the Government faced any difficulties in amending the draft and, if so, what those difficulties were. If there were none, she asked why it had not been amended already.

3. Secondly, she asked what measures existed to rehabilitate girl prostitutes, whether by the Government itself or by non-governmental organizations. In that context, she wished to know whether there would be any difficulty in collaborating with non-governmental organizations on gender-sensitivity training for the judiciary.

4. She was concerned that, according to No. 64 of the list of issues and questions (CEDAW/PSWG/2001/I/CRP.2/Add.2), women were given no help in applying for microcredit or soft loans. It should be government policy to encourage the

granting of such loans to women, for a number of reasons: they had suffered more from the economic transformation and the associated indirect discrimination; the incidence of poverty was far greater among women than among men; and, above all, as the report itself stated, women borrowers had an excellent record of debt repayment.

5. **Ms. Achmad** expressed concern that the situation of women had deteriorated despite the Government's efforts. Important as the legal reforms had been, their implementation was no less important, and she wondered whether any attempt had been made to target strategic groups in society to bring about that implementation and so advance gender equality. Young people, for example, could be made more aware of the situation, and non-governmental organizations could be involved in any plans to change attitudes. The help of the private sector and the media could also be enlisted.

6. The variety of bodies acting for women — including the National Council for Women's Affairs and several ministries — was rather confusing. She suggested that Mongolia's next report should contain a diagram to show the mandate of each body, their relations with other institutions, including non-governmental organizations and professional associations, and where the ultimate authority lay. She commended the fact that research on women's issues was being conducted: in order to achieve the Government's stated aim of developing national unity while respecting national culture, research was the best way of providing a solid basis of knowledge.

7. She requested further information on the real, as opposed to the legal, status of women in the family. Unless genuine equality existed in the home, it would be an uphill struggle to change attitudes and conduct. Measures to improve the status of women were commendable, but care should be taken to ensure that they did not act as a hindrance to women's real advancement. In that connection, she noted that the Government had no established family planning or population programmes.

8. The status of women in the family was closely bound up with other factors, such as domestic violence — which was on the increase — and the economic situation. She was concerned that measures to eliminate violence seemed to involve only short-term action, with help for the victim and punishment for the perpetrator. Prevention was of paramount

importance, however, and the best way to achieve that was to establish gender equality. She therefore wondered if any longer-term action plan existed. She also noted that, in the sphere of employment, it was unclear whether the Government had any plans for gender mainstreaming, especially in the public service.

9. **Ms. Shin** said that on a visit to Mongolia she had seen both the country's potential and the problems that had arisen from privatization and structural adjustment. She was concerned that, despite the Government's efforts, some problems were actually on the increase. At times, the Government's approach seemed inadequate. For example, from its description of the National Programme of Action for the Advancement of Women there emerged no clear policy on eliminating or alleviating the existing problems. Thus mention was made of a chapter in the Programme, entitled "Women and reproductive health", yet no specific projects were mentioned. The same went for the programme on poverty alleviation and the new system of social welfare and safety nets. She noted that the National Programme of Action was to have three stages, culminating in 2020, yet there was no indication of the specific action to be taken at each stage. She therefore requested full details of the Programme.

10. No mention was made, either, of how it was intended to change traditional attitudes to women and to gender roles. The Centre against Violence was after all run by a non-governmental organization, not the Government. Moreover, the fate of the draft law on domestic violence gave rise to concern: according to her information, a chapter on domestic violence in the 1999 Family Law had not been passed by Parliament because of resistance to the concept involved, and she wondered whether the law against domestic violence would fare any better.

11. Mongolia's report highlighted the active role played by non-governmental organizations in implementing the Convention. However, the Government had a role to play as well, both in policy-making and in enforcement. The Mongolian delegation had indicated at the preceding meeting that the Government had no clear policy on violence against women and that it would devise such a policy once the draft law on domestic violence had been passed. However, the Government should take the initiative by elaborating a policy first, and then determining, with the help of legislators, non-governmental organizations

and the general public, what legislation was needed to put that policy into practice.

12. The enactment of the law establishing the National Human Rights Commission was a welcome achievement. She was concerned, however, to note that none of the three commissioners was a woman, since many of the issues to be dealt with by the Commission would concern discrimination against women. She hoped that the Mongolian Government had a clear strategy for gender mainstreaming and that all government agencies would make efforts in that regard, with the help of non-governmental organizations.

13. **Ms. González** said she had been disappointed to note that, even though Mongolia had been one of the first countries to ratify the Convention, it had not followed the Committee's guidelines by providing full details on the implementation of each article of the Convention. She was also disappointed to note that the serious problem of domestic violence had been dealt with under the heading "Miscellaneous issues", even though domestic violence was a human rights problem that affected the whole of society and should be treated as a national priority.

14. Mongolia had made considerable progress in the areas of democracy, transparency and women's education. However, greater attention should be paid to the problem of domestic violence, and all sectors of society should be involved in addressing it. A comprehensive plan of action should be devised, bringing together the initiatives already being planned or implemented, such as information campaigns, monitoring mechanisms and training courses for legal and law enforcement personnel, teachers, parents and women's non-governmental organizations. In addition, greater efforts were needed to change gender stereotypes and to ensure that women's rights were fully recognized. Women themselves must be educated and trained in the exercise of their rights within the family and society.

15. **Ms. Udval** (Mongolia) said, in reply to Ms. Taya, that although there were currently no gender sensitization programmes for the judiciary and government ministries, the Government planned to conduct a gender analysis workshop, which would be followed by gender sensitivity training.

16. **Mr. Enkhsaikhan** (Mongolia) noted that, in connection with Mongolia's law on prostitution, Ms. Taya had referred to the report prepared by

representatives of Mongolian non-governmental organizations. While the Mongolian Government collaborated closely with those organizations, which shared its goals, he disagreed with the statement in their report that only prostitutes themselves were subject to arrest and imprisonment, while the men who purveyed prostitution escaped punishment. The law in question did not discriminate between women and men; it simply prohibited prostitution and related activities and established penalties for prostitution and all activities that directly or indirectly supported the practice.

17. **Ms. Udval** said that her Government had no difficulties in collaborating with non-governmental organizations. The Government had a microcredit policy targeting women in rural areas, but its coverage was still very limited.

18. In reply to Ms. Achmad, she said that the existing legislation was insufficiently enforced and that Mongolia's weakness in that area was the lack of well-planned action to implement the Convention. Efforts would be made to elaborate such plans. With respect to the legal reforms under way, non-governmental organizations and civil society did not play a significant role in formulating the legal framework; their role was in actively implementing the laws and raising public awareness. The private sector and the media also had an important role to play in promoting the Convention's implementation, and efforts would be made to increase their involvement. With respect to national machinery, Mongolia's next report would provide an organizational chart indicating which bodies and officials were involved in the National Commission on Gender Equality. That Commission, which had formerly been called the National Council for Women's Affairs and had reported to the Ministry of Health and Social Welfare, would be under the direct authority of the Prime Minister's Office.

19. In reply to Ms. Shin, she said that Mongolia's reproductive health programme had many components, including family planning, safe motherhood, prevention of HIV/AIDS and other sexually transmitted diseases and adolescents' reproductive health. It was supported by the United Nations Population Fund (UNFPA), the United Nations Development Programme (UNDP), the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF). The programme had been very successful and would be reviewed in March 2001; a new strategy

would be developed to reflect the changing situation in that area.

20. It was true that the effort to combat violence against women was a weak component of the country's National Programme of Action for the Advancement of Women. Domestic violence had been a hidden phenomenon in Mongolia until the 1990s. Although there was currently greater awareness of the impact of domestic violence on women and children, the law did not recognize such violence as a specific crime. Mongolia's criminal law included references to threats, beatings and obstruction of women's right to equality in family life, but did not recognize the concepts of psychological and emotional harm. Victims of domestic violence were reluctant to come forward because they felt ashamed or considered that such acts were a private matter, or because they did not know their rights. Likewise, the police were reluctant to intervene in what they considered to be private disputes. She agreed that a clear policy on combating violence against women should be devised as a first step. Lastly, she assured Ms. González that her comments would be taken into account in the preparation of future reports and policies.

21. **Ms. Myakayaka-Manzini** said it was unfortunate that there had been no specific information on the new machinery and on the relationship between the various national bodies dealing with women's issues; in particular, she wondered which ministries were represented in the National Council for Women's Affairs. The report stated that the Council was the highest national authority on women's affairs and that it was responsible for monitoring implementation of the National Programme on Improving the Status of Women. However, the delegation had mentioned that there were problems in that area, and she wondered whether the issue would be addressed during the review of the new machinery.

22. Members of Parliament fell under the legislative branch of Government, whose functions included monitoring the executive. She was therefore concerned that their membership in the National Council, which was headed by the Minister for Health and Social Welfare, might constitute a conflict of interest. Furthermore, women who were required to serve simultaneously on the National Council, the Standing Committee for Social Policy and the parliamentary group of female members of Parliament might not have time to keep abreast of the work of committees dealing

with political, economic and financial affairs, which also had an impact on women, or to involve themselves in their party caucuses. She asked what the Government was doing to help the small number of women members of Parliament to participate effectively in all aspects of that body's work.

23. **Ms. Kwaku** said that she commended the measures taken to implement the Convention and hoped that further efforts would be made. Nonetheless, in the light of the high levels of education and the large percentage of the population under age 35, she found it surprising that women were generally unaware of their rights under the law, and she requested an explanation.

24. The report, which had been issued in 1999, mentioned plans to review a number of legal instruments crucial for ensuring compliance with the provisions of the Convention. Nearly two years later, that review had not been completed; she wondered whether that length of time was normal for the Government or whether it meant that little importance was attached to legislation designed to promote the advancement of women.

25. The national programme on poverty alleviation was to have been implemented in two phases: 1994-1996 and 1997-2000. It would be useful to know whether it had been successful in improving the lives of Mongolian women.

26. The delegation had stated that legislation to combat domestic violence would soon enter into force and that the Government was taking significant action to assist the victims. However, it was important to seek the root causes of the increase in such violence, which was better prevented than cured.

27. **Ms. Udval** (Mongolia) said, in reply to Ms. Kwaku, that although Mongolia had a young and highly educated population, school curricula did not include education on women's legal rights.

28. Legislative reviews were normally carried out over a two-year period. In fact, most of the instruments mentioned had already been considered; only the new legislation on domestic violence was still pending. She agreed that efforts should be made to determine the root causes of domestic violence.

29. Despite the national programme on poverty alleviation, which had been implemented in cooperation with UNDP and the World Bank, the number of people living below the poverty line had

increased. However, the Government and donor organizations had noted a decrease in the percentage of those living in absolute poverty.

30. There were five standing committees in Parliament; the Standing Committee for Social Policy was chaired by a woman. The group of female members of Parliament was a lobbying body. Women's issues were dealt with at the legislative level by Parliament, at the executive or implementation level by the Ministry of Health and Social Welfare and at the consultative level by new machinery, including the National Commission on Gender Equality.

31. **Mr. Enkhsaikhan** (Mongolia) said that 10 per cent of the seats in Parliament were held by women and that members generally served on two or more committees. During the past nine years, over 400 laws and amendments had been adopted; thus, both men and women members were overextended.

32. **The Chairperson** said it was clear that Mongolia faced numerous challenges in implementation of the Convention as a result of the political, economic and social transition. The high maternal mortality rate, especially in rural areas, was caused in part by unsafe abortions; that problem, in turn, was a consequence of limited access to contraceptives and family planning counsellors.

33. Mongolian women were highly educated, yet their level of participation in political life was decreasing and domestic violence was a serious problem. It was unfortunate that the delegation had been unable to provide information on the draft legislation; however, she urged the Government to consult the Committee's general recommendation 19, which contained a definition of family violence. Marital rape should be defined as a crime, and the problem of trafficking in women should be addressed.

34. In the light of the gross disparities between men and women in Mongolia, efforts to achieve gender mainstreaming should be accompanied by specific measures to accelerate women's advancement. In conclusion, she expressed the hope that all the Committee's questions would be answered in the next periodic report.

35. **Ms. Udval** (Mongolia) said that the Committee's questions and comments would be reflected in future implementation of the Convention in Mongolia.

The meeting rose at 4.45 p.m.