



NATIONAL COMMITTEE
ON GENDER EQUALITY



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EVALUATION OF THE IMPLEMENTATION OF THE LAW OF MONGOLIA ON PROMOTION OF GENDER EQUALITY SUMMARY REPORT



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INTRODUCTION

In 2011, the Parliament of Mongolia passed the Law on Promotion of Gender Equality (LPGE). MGCG LLC, a research and consulting service contracted by the Secretariat of the National Committee on Gender Equality (NCGE), is presenting this report to assess the impact of the implementation of the Law on Promotion of Gender Equality. The purpose of the law enforcement impact assessment is to consolidate achievements in the process of implementation, analyze the application of the law, identify problems, challenges and its positive and negative impacts on society and identify possible alternatives for the proper and effective implementation of the law in the future¹. The Annex 6 of the Government Resolution No.59 of 2016, “Regulatory Impact Assessment Methodology” was used as a guideline in assessing the results of the implementation of the LPGE.

FINDINGS AND RECOMMENDATIONS ON ASSESSMENT OF THE IMPLEMENTATION OF THE LAW OF MONGOLIA ON PROMOTION OF GENDER EQUALITY

In assessing the impact of the implementation of the LPGE, a system of indicators to determine the effectiveness of the implementation of each provision and sub-provision of the law was developed and used in accordance with the “Regulatory Impact Assessment Methodology” approved by Annex 6 of the Government Resolution No.59 of 2016. A total of 218 evaluation criteria were identified for each of the 82 provisions and 84 sub-provisions of Articles 5-27 of the Law along with relevant statistical information, reports and surveys were collected and performed the evaluation.

An overall assessment on selected indicators for each provision of the law on its progress, effectiveness and correlation during the implementation was conducted and consolidated.

It would be effective to improve this system of indicators further and conduct regular monitoring and assessment on guarantee implementation to ensure gender equality within the timeframe set by law.

(i) public awareness of gender equality at certain level has increased; (ii) by legalizing the participation of civil society organizations, their activities have become more active and expanded; (iii) a system has been established to support the implementation of gender equality policies; (iv) the principle of gender equality is enshrined in national law; (v) progress in ensuring gender equality within the economy was an achievement in the implementation of the LPGE.

Lack of understanding, initiative and efforts on the part of state organizations and civil service bodies, and the fact that gender issues are not considered as a complex inter-sectoral issue within the responsibilities of organizations, but merely taken into account as employee-employer responsibilities. Lack of capacity in correcting gender stereotypes and bad practices within society, and inadequateness ensuring gender equality in managing essential issues related to social and human development, including education, health and employment are the main challenges in implementation of the law.

Outcomes implementing the LPGE is evaluated as “**below average**” in relation to the goals and objectives of the law, and the government will need to “**make a significant effort**” to ensure a full implementation of the law. For example, by aggregating evaluations of the indicators selected for each provision of the law, the consequence of guarantee implementations to ensure gender equality is at “**average**” level in economic sphere, culture, education and family relations, at

¹ Annex 6 to Government Resolution No. 59 of 2016. “Regulatory Impact Assessment Methodology”

“**below average**” level in political sphere, the health sector, employment and labor relations, and at “low” level in the civil service.

It is recommended that the report on the progress and results of activities ensuring gender equality and on the status of implementation of the law to be prepared and presented to the Government and the Parliament and to establish decision-making procedures which should be adhered to. In addition to general findings and recommendations, this report also analyzes the implementation of recommendations and findings stated in the previous report. It is considered as an appropriate way to manage gender related activities by analyzing specific provisions, topics and issues, and present them together with relevant assessments and draft decisions to the decision-makers. Gender related activities have a deep and wide content and takes place in various forms covering broad social relations.

The assessment concludes that the country needs to transplant the world's best practices on ensuring gender equality, as a key component and tool for sustainable development, and bring knowledge, attitude, and practice to a new level, which include the highest level of political leadership in gender equality.

It is also commendable that the National Program on Gender Equality, which supports the LPGE and public policy, has been adopted and is being implemented as a sectoral and local level program in accordance with the principle of “think globally, act locally”. It is recommended that these programs to be continued in their current “special-target” form until there is no doubt in practice and research showing that there is an evident qualitative change in gender equality, and to prevent the program to be tarnished by other programs and plans.

1. Findings and recommendations on the basic principles for ensuring gender equality and status of policy implementation.

5.1.1. Principle of equality: men and women shall have opportunities and conditions to enjoy equal rights in political, economic, social, cultural, family and other relations, and to equally participate in social life and equally access the benefits of development and social wealth.

Although the assessment of gender equality in Mongolia is slightly above the international average, it has decreased compared to 2010. As of 2020, the global average gender gap was 68.6%, while Mongolia ranked 79th out of 153 countries with 70.6%. This figure was 71.9% in 2010 and decreased by 1.3 percentage points. This was mainly due to a decrease of 12.4 percentage points in economic participation and opportunity indicators. There were no changes in education or health indicators. Political participation increased, but reached only 10.2%, ranking Mongolia 120th out of 153 countries in the world.

Compared to 2010, there was a setback for all sub-indicators that make up economic participation and feasibility. The labor force participation rate decreased from 88.0 to 81.2 by 6.8 points, equal pay for work of equal value decreased from 81.0 to 73.0 by 8.0 points, average income decreased from 87.0 to 66.5 by 20.5 points, and sex ratio of legislators and executives decreased from 90.0 to 64.0.

In Mongolia, it is cherished by law that every man and woman has equal rights in political, economic, social, cultural, family and other relations, equal participation in social life, and the opportunity and conditions to receive equal benefits from development benefits and social resources. However, **due to social, political and economic circumstances, gender equality is indirectly violated.** For example:

In the political sphere, the legislature, executive and in leadership of political parties gender balance is distorted and women's participation is insufficient.

In the economic sphere, the principle of ensuring all men and women to have equal access to the benefits of development and social wealth has been lost. For example, in sectors with high wages, with higher productivity, and growth, men continue to dominate. Men also continue to dominate in decision-making level, in offices allocating state and local budgets, as well as among the ultimate owners of private enterprises.

Promotion and appointment to senior positions in the civil service depend on factors such as the political situation, women's employment opportunities, and social stereotypes. Given the fact that the Law on Civil Service does not reflect the concept of gender equality, state organizations and officials have been negligent in implementing the legislation aimed at ensuring gender equality in the civil service. The civil service should play a leading role in the implementation of gender equality legislation and implement the principle of state responsibility in line with international standards.

Gender equality is being undermined due to a lack of awareness and action of the employers, and due to an insufficient of knowledge and efforts to protect their legitimate rights by the employees. There is a lack of information, guidance, policy and professional advice needed to carry out employer's responsibilities to support employees to become aware of their rights and responsibilities. In addition, other social and economic factors contribute to gender inequality and indirect discrimination in employment. The Labor Law and other relevant legislation did not adequately address specific provisions for the development of gender-equitable jobs, human resource management, and the promotion of decent employment.

In the education sector, gender ratio of staff and teachers in preschools, primary and secondary schools, and students of universities and vocational schools and gender-based harassment in the sector and lack of effort to enforce specific measures of the law remained an issue. There is also a need to add relevant guarantees to ensure gender equality in the cultural sector.

Poor access to health services, insufficient public awareness, biased approaches, and practices have created significant disparities in the life expectancy between men and women. The main reason for this is the lack of gender sensitivity in health policy.

The persistence of gender inequality in family relationships is explained by the predominant gender stereotypes in society, as well as direct and indirect gender discrimination in economic, labor, education, and health sectors. Gender inequality and power imbalances in decision-making process in family relationships are becoming main cause for gender-based violence and domestic violence.

5.1.2. Principle of non-discrimination: Every man and woman, regardless of age, gender, occupation, position, opinion, marital status, education, shall enjoy human rights and freedoms without any discrimination or restriction.

Encompassing principles of non-discrimination and establishing legal penalties for any form of discrimination in the Labor Law and the LPGE has become an evidence of progress. There is a clear need to streamline sanctions and penalties imposed for discrimination, ensure coherence between laws, and define common relations in accordance with the laws. Parallely, there is a need to intensify awareness-raising activities on the right to be free from discrimination, on the concept of gender equality, as well as on the government policies and legislation. It is also needed to intensify legal education and publicizing activities within the framework of specially developed approach, called "Citizens' Legal Commuality".

5.1.3. Principle of state responsibility: The state shall fulfill its obligations under the Constitution of Mongolia, international treaties and other laws to ensure equality between men and women, and be responsible for its outcomes.

The fact that the Parliament and the Government of Mongolia adopted the LPGE and relevant policies and programs on gender equality and non-discrimination allowed the State to fulfill its responsibility to ensure gender equality. However, the results of this impact assessment show that the implementation and monitoring of the adopted policies, programs and laws and accountability is insufficient. It has been determined that the relevant state organizations, which ought to manage and organize activities associated with gender equality, did not prepare reports, opinions, and discussions on implementation of the law, or at least within the timeframe specified in the law, which concludes that the principle of state responsibility has been breached. Insufficient implementation of the Government's medium-term strategy action plan, lack of project funding, and lack of tangible results in terms of introducing gender-sensitive budget planning system prove that the principle has not been fully realized.

For example, Article 2 of the Law on Procedures for Enforcement of the LPGE, adopted by the Parliament on 2 February 2011, states that "The government shall adopt a plan and implement provisions stated on the Article 10.1.2-10.1.4, Article 10.3 of the LPGE." However, the implementation of this law has been insufficient.

A special attention should be paid to ensure the implementation of the law and fulfilling the principle of state responsibility to ensure gender equality.

5.1.4. Principles of Gender Sensitive Policy: Make development policy gender-sensitive by integrating gender concepts into legislation, government policies, programs, plans and projects.

Principle of gender equality needs to be guaranteed in distinctive legislations regulating politics, economics, civil service, labor, culture, education, health, and family relations to ensure gender equality. In this context, it is necessary to conduct a gender impact assessment on draft legislations and introduce a methodology based on the findings and recommendations for further improvements.

It is also recommended that the draft government policies, programs and action plans be reviewed to ensure that gender equality is ensured, and that guidelines and procedures to reflect the necessary provisions and measures to be developed and enforced by all state organizations.

5.1.5. Principle of access to gender-related information: Ensure transparency, openness and accessibility to official statistical figures and other information associated with gender.

During the implementation of the LPGE, the principle of access to gender-concerned information was not sufficiently reflected in government policies and legislation. As access to gender information is a key condition for ensuring knowledge-based policies and their effective implementation. This principle should be specifically reflected in relevant legislation, and gender-categorized criteria should be included in all government policy monitoring, evaluation and reporting procedures and tools. There is a need to increase the government's effort on classifying and analyzing statistics by gender, and to improve public policy quality and performance criteria which are essential for state responsibility and gender-sensitive policy.

It is important to ensure that the principles set out in Article 5.1.1 of the LPGE are implemented, to take into account the coherence and their cause-and-effect relationship.

5.2. The state policy on ensuring gender equality shall be aimed at creating conditions to ensure equal rights, equal opportunities and equal treatment for men and women, and to prevent and eliminate gender discrimination.

Policies and projects aimed to ensure implementation of the law on promotion of gender equality has been targeted at building legal, human and financial resources to ensure equal rights, equal opportunities and equal treatment for men and women.

Due to insufficient implementation of the basic principles of gender equality and targeted programs to ensure the enforcement of the law set forth in Article 5.1 of the LPGE, the conditions for the implementation of Article 5.2 of the state policy have not been established. Issues such as women's labor force and political participation, men's health, life expectancy, divorce, gender-based violence, and domestic violence must be reflected as basic principles of the LPGE and correlated with other relevant laws. Such problems needs to be taken into account under the cause-and-effect relationship and to be addressed at the state policy level with a focus on prevention measures.

Article 6. Prohibition of gender based discrimination.

Although there is no direct discrimination on the basis of gender in the laws regulating political, legal, economic, social, cultural and family relations, but social stereotypes and socio-economic conditions indirectly create gender discrimination. Gender-based violence and sexual harassment are directly related to gender discrimination in the Law Against Domestic Violence, the Criminal Code, and the Law on Violations. The procedures regulating the implementation of these laws define the conditions for preventing and combating gender-based violence, ensuring the safety of victims and witnesses, and protecting their rights. The Law on Civil Service prohibits direct and indirect gender discrimination in the activities of state organizations and civil service employees.

There is a lack of research on the legal environment and situation on indirect gender discrimination, and it needs to be further studied and assessed. It is important to address the issue of gender discrimination, especially indirect gender discrimination, in the context of current social and economic developments, and it is crucial to make appropriate changes in the context of legal conflicts. It is important to address the issue of gender discrimination, especially indirect discrimination, in the context of current social and economic developments, and to resolve within the context of violation.

Article 7. Special measures to ensure equal rights for men and women.

There has been significant developments adopting and implementing in laws, policies and projects to protect the rights and interests of mothers and children. In the sense of the special measures set out in Article 7.2.1 of the LPGE, it is useful to obtain reports and evaluations on the implementation of these policies and programs. Currently, there has been no significant changes in relation to realization of balanced representation of men and women in political and managerial positions by implementing quotas and retaining seats. The Law on Parliamentary Elections is the only provision which ensures gender balanced representation by stipulating that at least 20 percent of candidates from parties and coalitions must be men or women. Provisions for the implementation of advocacy activities included in education, sports, culture and science policies (2021-2024). Measures are being taken to increase number of men studying in education and health sector, and women studying in information technology and engineering sector. Other than that, there are currently no cases of special measures implemented in accordance with the Articles 7.2.3 and 7.2.4 of the LPGE.

The secretariat of the National Committee on Gender Equality should develop recommendations, guided by international treaties, indicating on what circumstances and through which method the special measures set forth in article 7 of the law must be implemented. The secretariat should

also provide relevant recommendations and guidelines to sub-councils and committees AND OTHER STATE ORGANIZATIONS.

2. Findings and recommendations on the guarantee implementation of gender equality in politics

The findings and recommendations on the guarantee implementation of gender equality in politics are presented on each provision of law. The impact assessment on ensuring gender equality in politics are considered **below average**. This report has examined 4 provisions of the law related to ensuring gender equality in politics. The progress has been made in Articles 8.3 and 8.1. However, Article 8.2 and 8.4 have not been implemented. Therefore, the implementation of these provisions led to a conclusion that the impact assessment on the implementation of gender equality in politics are below average.

Article 8.1. Discrimination and limitation of the equal rights and opportunities of men and women to participate in the political parties, trade unions and other state organizations is prohibited.

Progress has been as a result of the implementation. Participation in the political parties and activities of women at the primary and secondary levels of the party is sufficient, whilst participation at the decision-making and management level is unsatisfactory. Furthermore, the data on gender ratio of political party members are insufficient.

As for the trade union organization of Mongolia, 55.2 percent of the members participating in trade union activities are women which is a sufficient number to consider as gender equal. Even though the Law on Trade Union Rights (1991) does not include any provisions related to the gender matters, the Charter of Trade Union of Mongolia has included 5 provisions.

There are few civil society organizations (“**CSO**”) with regular and systematic activities among the numerous CSOs registered in Mongolia. Community organizations are typically small in size, understaffed and voluntary. The middle sized CSOs have from 2 to 5 staff members and volunteers. Women are working both in the decision-making level and as a staff member. 80 percent of the overall employees are women.

Recommendations:

1. Delivering political education to the women, who has a membership in political parties and the preparation of the women for the election must be supported and included in the LPGE.
2. Taking into account that a political party has obligation and impact on the governance and development policies, the Law on Party and Election Financing must be formulated. Regulation on the participation of gender specialists as a part of the monitoring and evaluation activities must be framed and implemented.
3. State policy must encourage women’s education on management skills, whom will be working in the decision-making level as stated in the LPGE. The trainings must be conducted by professional organizations.

Article 8.2. Political parties shall provide equal financial support for the election campaign of male and female candidates at all levels of election.

The implementation is insufficient and cannot be evaluated. Political parties have allocated more than 20 percent quotas to women under the Law on Elections.

There is a lack of data and research, categorized by gender, on the amount of financial support provided by the political parties for the parliamentary election campaign. Expenditures for one candidate was increased from MNT 69 million in 2016 to MNT 71 million in 2020. Total expenditure

for parties and candidate increased by 25 percent from MNT 34.4 billion in 2016 to MNT 43.0 billion in 2020.

There is insufficient data and research, categorized by gender, the amount of financial support provided by the political parties for the local election campaign. Moreover, there are no policies, financial and methodological support for female candidates in Mongolia. There is no reliable data on the financial support for election campaigns provided by political parties.

Recommendations:

1. The amount of financial support provided by political parties for all levels of election campaigning must be declared in an open and transparent manner and the report must be conducted on the basis of gender.
2. The State Audit Office must disclose information on party financing during election and non-election period and ensure that citizens have free access to the information.
3. The Law on Political Parties must include provision that the state funding must be used to encourage female candidate participation in elections and in decision-making.
4. The Law on Political Parties must include regulations on transparent nomination, on the requirements for the nomination, on the threshold for candidate and on the funding and donations procedures.

Article 8.3. Representatives of one sex shall hold at least 25 percent of the membership of central and local representative bodies of a political party.

Progress has been made as a result of the implementation. Although there are great number of women working in primary organizations and in assistant positions in political parties, there are few women working in the decision-making and management level.

During the examination on the inclusion of Article 8.3 of the LPGE to the party charters, it is identified that four parties have included this provision into its charters. Mongolian People's Party (MPP) has a quota of 30 percent, while the Democratic Party (DP) must have more than 90 women out of 410 members of the National Policy Committee and the candidates for all levels of elections shall consist by candidates of either sex with a threshold of 25 percent. It is remarkable that the political parties are using the quota methodology.

Recommendations:

1. Increase women's representations in central representative body of political party within the context of Sustainable Development Goals (SDGs), as there is sufficient representation and participation of women in local or primary and mid-level organizations.
2. Include the special measures specified in Article 7.2.2 of the LPGE and the provision ensuring the implementation of Article 8.3 of the LPGE in the Law on Political Parties.

Article 8.4. Political party shall deliver the implementation report on Article 8.2 and 8.3 every two years to the National Committee on Gender Equality stipulated in Article 18.1 of this law.

The implementation is insufficient. During the nine years since adopting the LPGE, political parties have not delivered the implementation reports on Article 8.2 and 8.3 of the LPGE to the National Committee on Gender Equality.

Recommendations:

1. This provision must be included to the Law on Political Parties.
2. Include the implementation report on Article 8.2 and 8.3 of the LPGE to the list of documents to be attached to the application submitted by the parties participating in the election.

3. FINDINGS AND RECOMMENDATIONS ON THE GUARANTEE IMPLEMENTATION OF GENDER EQUALITY IN THE ECONOMIC SPHERE.

The implementation of gender equality guarantees in the economic sphere has been evaluated as average since the enactment of the law. Implementation of ensuring gender equality in the economic sphere has been assessed as average, due to the incomplete progress in 2 out of 4 articles.

Article 9.1. Every citizen, regardless of sex, shall have equal rights to establish and register business entities and to engage in economic and professional activities.

Progress has been made as a result of the implementation. Over the last 10 years, Mongolia's business environment has improved, and accordingly, business environment assessment score increased from 59.9 in 2010 to 67.8 in 2020. There is no direct gender discrimination in Article 4.1.5 of the LPGE in terms of equal rights for every citizen, regardless of

There are no gender-related requirements for doing small and medium-sized businesses, and business start-ups, and no such prerequisite among business requirements, licensing, registration, lending, and project participation. In addition to the prevalent role of caregivers, women's businesses are negatively affected by the lack of collateral and network of acquaintances compared to men. There are projects and programs to support women entrepreneurs, but they need more inclusive and long-term sustainable support at the local level. Even though the business environment has improved in Mongolia, economic participation and opportunity have declined from the gender perspective.

Recommendations:

1. Review the thematic reports of the Business Indicators Report and conduct a detailed gender assessment for each Business Indicator; conduct a gender assessment of the business environment basing on the methodology of the report and implement necessary measures in cooperation with the government, private sector, civil society organizations and business associations.
2. In accordance with the amendments to the Law on State Registration of Legal Entities, information on the ultimate owners of business entities and organizations shall be classified by sex, evaluated and used as a criterion for the implementation of equal rights for every citizen to establish a business entity.
3. In accordance with the Law on Licence of Legal Entities, information on legal entities and individuals licensed by state and local administrations shall be classified by sex, and information on the sex ratio of professional personnel, such as lawyers, advocates and notaries, shall be provided in cooperation with professional associations.

Article 9.2. State central administrative bodies, local self-governing bodies and legal entities of all forms of ownership shall provide land, other real estate and movable property, budget assets, financial assets, financial loans and other economic resources equally and accessibly to both men and women on equal terms.

A little progress has been made as a result of the implementation. Government should take an exemplary and leading role, and influence the private sector through budget and fiscal policies to ensure that all forms of ownership share economic resources equally and equitably to both men and women. The introduction of a gender-sensitive budget planning system is currently in its initial stage.

Although economic growth has affected the quality of life of the population in general, it has affected the population in a biased manner. Women are more likely to work in low-cost, low-value-added sectors, while men are more likely to work in high-income and high-wage sectors.

Access to bank accounts and loans is open to both men and women, without any gender-related restrictions. Although the gender ratio of the number of account holders and the number of borrowers is balanced, female borrowers face more difficulties in obtaining loan repayment guarantees, in terms of debt-to-income ratios and collateral.

Recommendations:

1. In cooperation with the NSO, classify indicators of the National Accounting System, including GDP calculated by the income method; using tables, classify social indicators of resource by gender; identify and analyze the distribution of wealth by gender; take necessary measures in accordance with findings and recommendations.
2. The number of general budget executors and direct budget executors specified in the Law on Public Sector Management and Finance must be classified by gender and inserted into the glass account database.
3. Classify by gender the number of borrowers, the number of bank customers and the loan amount in the bank's mortgage loan and other loan reports issued by the Central Bank of Mongolia, and to assess and evaluate gender accessibility of banking and financial services.
4. In line with the above recommendations, the Financial Regulatory Commission should classify the number of clients in the reports received from regulated entities by sex, and assess the gender accessibility of non-banking financial services.

Article 9.3. Gender discrimination is prohibited in relations between citizens and legal entities related to tangible and intangible property regulated by the Civil Code.

Progress has been made as a result of the implementation. The sex ratio in the state registration of real estate ownership, except for registrations of land ownership, is close to 50:50. This shows that at registration level and within the legal context regulating relations related to tangible property, there is no gender discrimination. However, there are numerous studies showing that men have relatively higher authority to rent and sell the immovable property compared to women.

Recommendations:

1. In cooperation with the Intellectual Property Office, classify information on copyright and other intellectual property rights holders by sex, evaluate and take necessary measures.
2. In cooperation with the Judicial General Council, conduct a study on gender discrimination in relations between citizens and legal entities related to tangible and intangible property regulated by the Civil Code, make relevant evaluations and take necessary measures.

Article 9.4. Gender discrimination is prohibited in the procurement of goods, works and services with state and local funds and in all types of services provided by the state.

Little progress made as a result of the implementation. The first step in making gender-sensitive procurement of goods, works and services with state and local funds and eliminating gender discrimination in government services is to introduce a gender-sensitive budgeting methodology. However, introduction of gender-sensitive budgeting methodologies to local, organizational and state budgets is only on its initial stage.

Classification by sex in number of people receiving service from state organizations has been inadequate, which indicates that the core foundations for the gender-sensitive budgeting has not been established.

Recommendations:

1. Intensify the introduction of gender-sensitive budgeting methodologies in local, organizational and state budgets.
2. Introduce the concept of gender equality in government policy planning, implementation, monitoring and evaluation, and create a legal and policy environment for gender-sensitive budgeting.
3. Carry out gender assessment in the Law on Procurement of Goods, Works and Services with State and Local Funds, especially in terms of indirect gender discrimination, and ensure necessary changes in the legislation.
4. The Ministry of Finance should organize research and experiments starting from the smallest unit of administration.
5. Study and create a legal environment giving preference to businesses with female owners according to international best practices.
6. For each government service, information related to total number of clients must be classified by sex, make an estimated cost per capita by sex, assess the gender accessibility of public services, and take necessary measures.

4. Findings and recommendations on the guarantee implementation of gender equality in civil service

Since adoption of the LPGE, the guarantee implementation of gender equality in civil service is assessed as **low**. No progress has been made on the 4 provisions of the LPGE related to the guarantee implementation of gender equality in civil service.

Article 10.1. The state shall implement a policy to ensure equal opportunities for men and women to be hired and be employed in civil service.

No progress has been made as a result of the implementation. The imbalance of the guarantee of gender equality due to the activities of political party, the participation of women in management level, lack of gender equality in all levels of election, lack of effort to ensure the implementation of law and gender inequality in civil service institution, makes it impossible to meet the minimum level of representation of each gender in appointing to the political positions such as the Government member and local governors at all levels.

There is an imbalance in the gender ratio within the highest level of public administration, such as the state secretaries of ministries, heads of the Government agencies and the governors of *aimags* and the capital. However, the gender ratio within the mid-level public administration, such as the heads of ministries and its departments, the heads of *soums* and districts is sufficient. Men are dominating in the budget allocation, administration and decision-making positions, while women are mainly working in the enforcement and mid-level positions. The central administrative bodies or the State administrative council has failed to fulfil its obligation to monitor the implementation of this provision in accordance with Article 21.1.4 of the LPGE.

The gender ratio of specialized public servants specified in Article 10.1.3 of the LPGE meets the quota stipulated in law. However, the gender ratio of senior civil servants in the special service organizations does not fulfil the gender ratio requirement.

The gender ratio of senior public servants does not meet the quota specified in law. Civil Service Council (“CSC”) is responsible for the implementation of policies and measures to ensure 40:60 ratio in case if there is clear gender dominance in accordance with the special programs and planning. However, the CSC has not taken any actions on this matter.

Recommendations:

1. Data collected by gender for each position of civil servants specified from Article 10.1.1 to Article 10.1.4 of the LPGE must be determined and reported.
2. CSC must comply with this provision by determining the gender ratio in senior civil servants and organizing the selection procedure of senior civil servants in accordance with this provision.

Article 10.2. Representation of either sex in the composition of advisory or joint governance bodies set up by public agencies or on the national level shall not be less than 40 percent.

No progress has been made as a result of the implementation. The organization responsible for collecting and consolidating data and statistical information to identify the implementation of this provision was not definite. Therefore, the findings on the implementation of this provision was based on the report from the Secretariat of the National Committee on Gender Equality (SNCGE). According to this report, the gender ratio does not meet the quota specified in law.

Recommendations:

1. The SNCGE, in cooperation with CSC and the Cabinet Secretariat, shall ensure collecting and assembling data and statistical information on gender equality in the advisory or joint governance body under the state organizations such as national committees, councils, commissions.
2. The SNCGE shall provide instructions and recommendations to the relevant state organizations on the issuance of such information. The gender sub-committees and gender specialists of the council shall provide such information in a comprehensive manner and inform the public in an accessible and open manner.
3. The SNCGE shall advise the relevant state organizations such as advisory or joint governance bodies such as national committees, councils, commissions on the implementation of the law and to provide guidance on ensuring gender equality.
4. Based on the experience of selecting and appointing members of the NHRCM, develop and implement common recommendations for determining, selecting and appointing the sex ratio of members of advisory or joint governance bodies such as national committees, councils and commissions.

Article 10.3. In a case of predominance of either sex among the staff of a state or state budget organization, the organization shall in its human resource policy incorporate and implement special policies and measures aimed at ensuring a balanced gender ratio of 40:60. This provision does not apply to a case referred to in Article 6.5.6. of this law.

No progress has been made as a result of the implementation. The gender ratio of civil servants does not meet the quota specified in law. Civil Service Council (“CSC”) is responsible for the implementation of policies and measures to ensure 40:60 ratio in case if there is clear gender dominance in accordance with the special programs and planning. However, the CSC has not taken any actions on this matter. As the number of female civil servants increased above the number of male civil servants, the percentage of male civil servants among the total civil servants have decreased by falling below the quota specified in law. According to this tendency, the percentage of female civil servants among the total civil servants will be increased.

Recommendations:

1. Monitor the gender ratio by determining gender ratio of civil servants at all levels, including agencies, local organizations and the positions.

2. Oblige the state organizations and civil servants to include and implement the policies and measures on ensuring the gender ratio balance of 40:60 to human resource strategy in the event of a clear dominance of either gender.

Article 10.4. The Article 11.1-11.9 shall equally apply to the state organizations and civil servants.

No progress has been made as a result of the implementation. As a result of the activities implemented by the SNCGE, sub-councils and committees, and the training conducted under the international projects and programs by the international organizations, the knowledge of civil servants on gender equality is higher than the private sector employees. The Charter on Civil Service and the internal labor regulations of state organizations include the obligations and responsibilities of the civil servants on ensuring gender equality. However, these documents do not specify the rights of the employees and the rights, obligations and responsibilities of employers. The CSC did not provide proper guidance and recommendations with regards to this matter.

Recommendations:

1. Note that the CSC is responsible for monitoring the implementation of Article 10.4 in accordance with Article 21.1.4 of the LPGE and it shall implement the law.
2. The CSC shall determine the gender ratio for each position, compare it with the quota specified in law, and provide with the instructions and recommendations to the related state organizations, civil servants and to the civil service sub-council in case if the gender ratio is unbalanced.
3. Implement the policies directed to the participation of a certain gender in human resource selection and appointment, and to take special measures in accordance with Article 7 of the LPGE in order to align the gender ratio stipulated in the instructions and recommendations above with the quota specified in law.
4. Include necessary amendments to the revised Law on Civil Service and regulations on selection and appointment of civil servants.
5. Include requirements such as the knowledge on Human rights and gender equality, and participation in e-certificate training from the SNCGE to the requirements for the senior state servant stipulated in the Procedure on Civil Service Selection.
6. Include Article 11.1-11.9, 19 and 20 of the LPGE to the “General Procedure on Monitoring and Evaluating the Implementation of Policy Documents and the Activities of State Organizations” approved by the Government Resolution No. 206 of 2020.

5. Findings and recommendations on the guarantee implementation of gender equality in employment and labor relations.

Since the enactment of the law, the outcomes of the implementation of guarantees of gender equality in employment and labor relations have been **below average**. Implementation of 8 out of 9 provisions to ensure gender equality in employment and labor relations was insufficient.

Article 11.1. Gender discrimination in employment and labor relations is prohibited, such as by giving preference either to men or women, imposing restrictions, and dismissing employees due to pregnancy, childcare or marital status, except in cases permitted by international treaties and laws of Mongolia.

No progress has been made as a result of the implementation. Although the need to revise the Labor Law was directly linked to ensuring gender equality in labor relations, the failure to discuss and approve a revised version of the Labor Law was a significant setback.

The number of labor disputes resolved by the courts has been escalating in recent years, with the majority of disputes resulting in unjustified dismissals. Complications exist in reviewing in detail labor disputes in court.

Employers' perceptions towards employment of women and persons with disabilities and implementation of the employment contract shows poor enforcement, which corresponds to assessments made by the employees. Majority of individual and collective labor disputes in enterprises were mainly related to wages and working hours. Employees consider that main causes of the disputes are unjustified dismissals, working conditions, occupational safety and sanitation, and women's employment.

Mongolia's social and economic development situation and gender disparities in the labor market affect men's and women's employment opportunities and career choices. Moreover, it creates gender discrimination in employment and labor relations, and indirect conditions for preference and restrictions on both men and women, excluding in cases permitted by international treaties and laws of Mongolia.

Recommendations:

1. Integrate the principles and concepts of the LPGE in the revised version of the Labor Law in line with current changes and trends in economic, business and social relations.
2. Within the framework of the reform of the Labor Law, it is recommended to ensure gender equality in the workplace, establish a system for reviewing and resolving complaints about gender equality, and include the roles of employers, employees, trade unions and government organizations in accordance with the LPGE.
3. Compile and analyze data on labor disputes submitted to civil courts by sex and content of the dispute. To assess every labor disputes linked to violation of gender equality.
4. Policymakers need to assess the current social and economic conditions that lead to gender inequality in employment and labor relations, family relations, public health, and education, and adapt necessary changes in legislation and public policy.
5. In addition, employment policies and legislation should increase the participation of women in the workforce, by including regulations ensuring a balanced approach to work, such as teleworking from home, etc.

Article 11.2. The parties shall include the professional interests and family responsibilities, provision of decent conditions for childbirth and parenting, and establishment of equal remuneration and additional wages for same work for both men and women in collective agreements.

No progress has been made as a result of the implementation. There is little tendency for enterprises to enter into collective agreements. Therefore, the measures set forth in Article 11.2 of the LPGE need to address these issues not only in the framework of collective agreements, but also in human resource policies, programs and action plans.

The CMTU has identified issues that need to be addressed in the collective agreement, but does not specifically mention on establishing equal conditions and opportunities for men and women. According to sample collective agreements of enterprises, a tendency of absence of specific measures ensuring equal conditions for both women and men is widespread. The 2019-2020 National Tripartite Committee on Labor and Social Consent does not specify the measures to ensure equal conditions for men and women set forth in Article 11.2 of the LPGE. Although the

national wage policy² states that the principle of equal pay for equal work will be followed, no progress has been made in this matter.

Over the past decade, the number of workers affected by industrial accidents and acute poisoning has declined, which shows a progress on this indicator. However, the proportion of men in total industrial accidents and acute poisoning remains high compared to women. The number of workers who are working overtime has been increased in recent years. Increase in number of workers taking longer working hours has various negative consequences, such as loss in men's and women's work-life balance, reduced time spent with family and children, and increased occupational diseases.

Recommendations:

1. To make arrangements to implement the measures specified in the law not only within the framework of collective agreements and collective bargaining agreements, but also within the context of labor contracts and internal labor regulations.
2. Make recommendations on including measures specified in the law in the collective agreement in collaboration with the CMTU and Mongolian Employer's Federation (MONEF).
3. Collect and analyze information on collective agreements of these organizations, provide necessary instructions and recommendations, such as to make the collective agreement transparent to the contracting parties, employees and the public, to publish it on the website of the enterprise by promoting good practices in signing and implementing collective agreements.
4. Use effectively the collective bargaining to ensure gender equality in labor relations at the national, sectorial and professional levels. E.g. the Tripartite Agreement on Labor and Social Consent should specifically address procedures to ensure equal conditions for men and women under Article 11.2 of the LPGE.
5. Implement the principle of equal pay for equal work (2.1.1.) as set out in the national wage policy³.
6. The state administrative body responsible for labor issues should conduct a gender assessment of working conditions in all sectors of the economy and focus on creating a legal environment to eliminate / reduce abnormal working conditions and ensure work-family balance.
7. With support from the International Labor Organization (ILO) and other international organizations, provide opportunities for both men and women to balance professional and family responsibilities based on results of gender assessment of working conditions in various sectors. Develop and provide recommendations, manuals and training programs for employers on how to protect their health, work in safe working environment, and establish equal pay and bonuses for the same work. Organize regular trainings for employers.

Article 11.3. Obligations of employers to ensure employment policy and labor relations free from gender discrimination and to ensure gender equality in the workplace.

No progress has been made as a result of the implementation. The employers' self-assessment of the implementation of employment policies, labor relations, non-discrimination, and gender equality in the workplace is measured at 2.5 points, which is “below average” (1 “very bad” to 5 “excellent”).

² Annex 1 to Resolution No.2 of the National Tripartite Committee on Labor and Social Consent of September 6, 2019

³ Annex 1 to Resolution No.2 of the National Tripartite Committee on Labor and Social Consent of September 6, 2019

Recommendations:

1. Implement advocacy for legal entities on the legal obligations and responsibilities of employers to ensure gender equality in the workplace and legal consequences.
2. Develop the model, methodology and consulting services of the Human Resource Compliance of legal entities. Create conditions for conducting business activities, including labor relations and organizational human resource activities in accordance with the requirements of national legislation and industry regulations.
3. Establish and develop national consulting capacity on fulfilment of legal requirements in the workplace and human resource compliance.
4. Organize information and advocacy activities for employers and human resource managers on the human resource compliance system and its methodology, and implement training and consulting services based on national capacity.
5. Prepare action plans, program templates, recommendations and manuals to ensure gender equality in legal entities. Support and advise legal entities in introducing and implementing recommendations.
6. Establish and promote models of human resource compliance among legal entities to ensure gender equality and prevent gender discrimination in the workplace.
7. Keep employment policy and labor relations free from gender discrimination and ensure gender equality in the workplace, to improve implementation and monitoring of these obligations of employers.
8. Provide detailed provisions in the Labor Law such as to pay equal wages to men and women employees engaged in the same work or work of equal value, to monitor and evaluate implementation of the law related to ensuring equal conditions, and eliminate the identified violations (11.3.4).
9. To organize advocacy and awareness activities for legal entities and organizations within the framework of ensuring the implementation of the provision that legal entities and organizations shall submit their gender balance reports to the *soum* and district Governor's Office by December 20 of each year.

Article 11.4. Measures to be taken by the employer to prevent sexual harassment in the workplace and to create an environment that does not tolerate sexual harassment.

No progress has been made as a result of the implementation. Employers rated fulfilment of their obligations to include sexual harassment prevention and complaint resolving standards in the workplace at an above-average level (3.44), while employees' assessed as below average (2.97).

Employers are fulfilling their obligation to implement training and retraining programs aimed at creating sexual harassment free working environment and obligation to publicly report the results was assessed as below average (2.98). Employees assessed similarly as below average (2.97). Both employers and employees acknowledge that implementation of these obligations is insufficient. No progress has been made on the implementation of this indicator.

Recommendations:

1. Organize trainings and consultations for employers on prevention of sexual harassment in the workplace and on creating an environment that does not tolerate sexual harassment.

2. Provide training, advising, templates, manuals, and recommendations on how to prevent sexual harassment in the workplace and how to incorporate complaint resolving standards into internal labor regulations.
3. Support employers and human resource managers by providing training, retraining manuals, and model programs to create an environment free of sexual harassment.

Article 11.5. Right of employee to ensure gender equality

No progress has been made as a result of the implementation. Employees' knowledge of gender discrimination and sexual harassment, their right to receive training, and their right to complain on gender discrimination and sexual harassment on their behalf or on behalf of other employees is assessed as average (2.97). In terms of these indicators, there is a lack of progress and a lack of awareness of the rights of employees, which requires a certain amount of effort to increase information, training and advocacy activities, to improve the knowledge and attitudes of employees.

Degree of knowledge of the employees concerning the right to inform the employer about the violation specified in Articles 7.2 and 7.4 of the Labor Law and to demand to take measures for the violation is assessed as above average. Relatively lower degree of knowledge of employees in the private sector is due to the lack of information, training and advocacy activities in these organizations, the inactivity of employers, and due to gender stereotypes. Employees do not know their rights, and even if they do, they are incapable to solve the problem.

Recommendations:

1. Organize awareness-raising campaigns on gender equality in collaboration with non-governmental organizations, trade unions and employers' associations.
2. Prepare and disseminate information and publicity materials on gender discrimination and sexual harassment for employers and human resources managers, which can be used in their activities.
3. Increase knowledge of employees related to the implementation of the right to complain and comment on gender discrimination and sexual harassment by informing employers, to demand compensation for damages and penalize violators.

Article 11.6. The role of the employee in ensuring gender equality

Progress has been made as a result of the implementation. Awareness of employees to abstain sexually harass other employees of the organization and clients, knowledge of the obligation to comply with norms for the prevention of gender discrimination and sexual discrimination is assessed as above average (3.69).

The findings of the assessment show that there is a stereotype among employees that the responsibility to avoid sexual harassment, gender discrimination and other norms to prevent sexual harassment is addressed solely to men.

Recommendation: In collaboration with training and human resources employees, raise awareness of the responsibilities of employees to ensure gender equality within the framework of the organization's internal rules and regulations.

Article 11.7. Pursuant to Article 130.2 of the Labor Law, the internal labor regulations shall reflect the rights, duties and responsibilities of employers and employees to ensure gender equality.

No progress has been made as a result of the implementation. Although most legal entities believe that internal labor regulations and measures do contain provisions ensuring gender equality. In fact, such regulations do not clearly define the rights, duties and responsibilities of employers and employees in terms of ensuring gender equality. The internal labor regulations are perceived by employers that they do contain provisions to ensure gender equality, i.e. merely prohibiting employees to sexually harass fellow employees and clients. Due to the lack of knowledge and understanding of the responsibilities of employers, the inclusion of a mere declaratory provision in the internal labor regulations should not be regarded as if gender equality provisions are comprehensively addressed.

Recommendations: Provide guidance to employers on how to integrate the rights, duties and responsibilities of employers and employees to ensure gender equality in internal labor regulations, and promote guidelines entailing model examples.

Article 11.8. A candidate who has not been selected in a proficiency examination or a recruitment process shall have the right to demand from an employer a written explanation with regard to the educational, professional, working experience and other qualifications of the successful candidate of the opposite sex.

No progress has been made as a result of the implementation. On the one hand, citizens are unaware of their right, and on the other hand, employers are unaware of their responsibilities and they do not reflect and implement them in internal regulations.

Recommendations:

1. Inform the public about the obligation of the employer to provide written explanations on education, profession, work experience, experience and other criteria of the candidate of opposite sex, who is employed after examination and selection process.
2. Organize publicity and raise-awareness activities to increase the knowledge and understanding of employers on this matter.

Article 11.9. The state administrative body responsible for employment shall provide support to employers in their activities to promote gender equality.

No progress has been made as a result of the implementation. The fact that the operational strategy of the state administrative body responsible for employment does not specify the functions of supporting employers, including the promotion of gender equality of employers, leads to the conclusion that the implementation of this provision is insufficient.

Recommendations:

1. The state central administrative body responsible for employment and the National Committee on Gender Equality shall jointly organize activities to support employers by providing recommendations on the implementation of the provisions of Article 11 of the LPGE.
2. By order of the Prime Minister of Mongolia, the state central administrative body responsible for employment shall be obliged to ensure the implementation of the state administrative body's obligations to support the activities to ensure gender equality of employers.

6. Findings and recommendations on the guarantee implementation of gender equality in culture and education sector

The guarantee implementation of gender equality in culture and education has been **moderate** since the adoption of the law. The progress has been made in 3 out of the 7 provisions related to

ensuring gender equality in culture and education. However, no progress has been made in 4 of the 7 provisions which caused the implementation to consider as moderate.

Article 12.1. Men and women shall have equal rights and opportunities to receive pre-school, primary, secondary, vocational and higher education, to participate in formal and non-formal trainings and to receive professional trainings and specialized, methodological advice and scholarships.

Progress has been made as a result of the implementation. Since the level of education has increased in recent years, the percentage of men in the total number of students has been declining. There are no specific actions planned to address this gender imbalance among the students. The report analyzed the access to education, equity and governance stated that “gender inequality in secondary education is extending to the higher education level”. There are no specific provision on gender equality in the laws related to the education.

Recommendations:

1. Increase the access to the incentives and grants promoting gender equality since the all levels of education is dominated by the female students.
2. There is no specific provision on gender equality in laws related to the education except the Law on Education. Therefore, these laws needed to be revised coherent with the LPGE and to focus on gender sensitive human resource policy in education sector.
3. Specialized organizations shall pay attention on the traditional gender stereotypes in career choices of parents, high school, university and college students and provide support in its information and advertisement activities.

Article 12.2. The workplace and learning environment of the directors and executives of the educational institution shall be free from gender discrimination and the gender training and enlightenment activities shall be implemented in accordance with plans and programs.

No progress has been made as a result of the implementation. 62.6 percent of employees in the higher education sector are women, and the role and responsibilities of women has a high contribution to the development of the sector. However, women are underrepresented in decision-making and academic councils, and women has prevailing percentage in the executive positions.

Although the legal framework for gender equality is established in higher education in Mongolia, the women are underrepresented in decision-making positions of educational institutions. There has been no assessment on the regulations of educational institution on the inclusion of the principle of non-discrimination and its implementation.

Educational institutions did not adopt and implement specific plans and programs related to gender education and enlightenment activities. The implementation process in this sector is insufficient.

Recommendations:

1. Include the principle of non-discrimination in the rules and regulations of educational institutions at all levels and ensure its implementation.
2. Establish and implement a gender training workshop and enlightenment action plan for the staff members and managers of educational institutions at all levels.
3. The “Code of Conduct for Secondary School and Kindergarten Teachers” include provisions on non-discrimination on the basis of sex. However, specific training workshops and enlightenment activities related to this matter shall be included.

Article 12.3. The report on the activities of educational institutions shall include the activities related to ensuring gender equality, its violations and measures taken to eliminate it, and the outcome shall

be one of the criteria for evaluating the performance of school and kindergarten directors and executives.

No progress has been made as a result of the implementation. The educational institutions do not publish report on conducted activities on its websites and the report is not open and transparent. The report on the conducted activities of general and higher educational institutions do not include the activities ensuring gender equality and the measures taken to eliminate it.

Although the governors at all levels approve performance plans of school and kindergarten directors and executives, there is lack of assessment on the inclusion of gender related matters and activities into the performance plans. The procedure for evaluating and certifying the teachers activities is implemented in all schools. However, there is no criteria for evaluating the performance of school and kindergarten directors and executives.

Recommendations:

1. Include the matters related to ensuring gender equality, its violations and measures taken to eliminate it in the action plans of educational institutions of all levels and in the reports on implementation. Monitor its implementation and conduct regular research work on this matter.
2. Establish criteria for evaluating the performance of school and kindergarten directors and executives and measure the level of its implementation.
3. Governors at all levels should include planned gender activities and gender related matters in school and kindergarten performance plans.

Article 12.4. Preschool, primary, secondary, vocational and higher education standards and curriculum shall include the content, methodology and assessment related to gender equality which are compulsory required to study for the students.

Progress has been made as a result of the implementation. The curriculum adhered at the primary school does not include the gender related content. However, the gender related content is included in the curriculum of the secondary and high school.

It shall be noted that the secondary schools teach technology subjects to the male and female students by dividing them into groups based on the gender stereotypes. .

There are no specific policies or regulations on the inclusion of gender equality related content to the higher education standards and curriculums. Therefore, it is efficient to establish the general framework on the gender competence of the citizens with higher education and include it in the optional and compulsory curriculums.

Recommendations:

1. Study the attitudes and behaviors in the role of gender in the families caused by the cultural and traditional tendencies which precludes the ensuring gender equality, the development of women by enjoying its rights in accordance with the idea stipulated in human rights conventions and in the Convention on the Elimination of All Forms of Discrimination against Women. Include norms and policies aimed at equalizing the value of men and women in all policies and activities related to the education, and support its implementation.
2. Introduce gender equality related content in preschool, primary and higher education standards and curriculum in accordance with the age and mental characteristics of students.

Article 12.5. Books, textbooks and teaching materials used in secondary schools and other educational institutions shall not include the content denying the idea of gender equality.

Progress has been made as a result of the implementation. Although since 2004 there has been a support from the UNESCO in the study of gender sensitivity in the textbooks and the

establishment of gender indicators in educational sector, the outcomes have not been used in educational policy planning and activities.

Gender analysis in school textbooks and university curriculums has been made. However, the inclusion of gender equality related content has not been analyzed in preschool teaching materials, textbooks in technical and vocational educational institutions and its curriculums.

Books, textbooks and teaching materials used in secondary schools have been analyzed for the content denying the idea of gender equality. However, there is lack of report on such analysis from other educational institutions. There is a predominance of male images in textbooks, descriptions and texts, and the outline of the role and psychological features of male and female characters are based on the gender stereotypes. This causes the difficulty for students to develop positive gender culture. There is lack of national policy on the establishment of standards in textbooks, books and teaching materials for all levels of education. Legal acts adopted by the schools do not include criteria and requirements on gender equality and the legal framework on prevention from the use of teaching materials that may adversely affect gender equality education is not established.

Recommendations:

1. Ensure the gender specialized research institutions are involved in the analysis on the content denying gender equality of books, textbooks and teaching materials used in secondary schools and other educational institutions.
2. Include gender related content to the textbook standards in accordance with the age, sex and psychology. Train and empower the authors and editors of textbooks in the field of gender equality.

Article 12.6. Adults shall be provided with equal opportunities and conditions to receive continued education and to participate in formal and non-formal trainings aimed at reducing the gap between the educational levels of men and women.

No progress has been made as a result of the implementation. “Promoting the principle on equal access to education for all children in Mongolia” in 2018 has been conducted by the Independent Research Institute commissioned by the Save the Children Mongolia and “Lifelong Education Necessities Survey” has been completed by the National Center for Lifelong Education in 2014. However, these surveys were only dedicated to study the specific targeted group. Except for these studies, the assessment on equal opportunities in higher education, vocational training and lifelong education has not been conducted.

According to the data on sex of people with special needs, school dropouts and people with disabilities who attended the Lifelong Education Center, 37.6 percent of the participants were women.

Recommendations:

1. The curriculum and syllabus in accordance with the Lifelong Education Center must be with the same content in each center working in this field. Conduct gender analysis, evaluation, update on these materials and increase the accessibility of the textbooks and manuals with the aligned curriculum and syllabus with Lifelong Education Center
2. Conduct assessment on equal opportunities in universities, vocational training and lifelong education centers, and determine the number of lifelong learners by its sex.

Article 12.7. Educational institutions of all levels except specified in Article 6.5.1 and 6.5.6 of this law shall be prohibited to establish different conditions and requirements for admission and to

refuse the acceptance based on sex, restrict or refuse to provide training and other services or discriminate in other means.

No progress has been made as a result of the implementation. There has been no assessment on the inclusion and implementation of gender equality provisions in preschool, secondary schools and vocational training enrollment procedures, operating procedures and other relevant regulations. There has been no assessment on the inclusion of gender related provisions and its implementation in the registration, operating procedures and other relevant regulations of universities.

Recommendations:

1. Include gender equality related provisions and content in the curriculum of vocational training specified in Article 4 of the Procedure for Registration and the Requirements for the Training Activities of Vocational Training Institutions.
2. According to Article 8.2 of the Procedure for Registration and the Requirements for Training Activities of Vocational Training Institutions, the state central administrative body responsible for vocational education and training shall conduct a report on vocational training activities by gender on semi-annual and annual basis.

7. FINDINGS AND RECOMMENDATIONS ON THE GUARANTEE IMPLEMENTATION OF GENDER EQUALITY IN THE HEALTH SECTOR

Since enactment of the law, the outcomes of gender equality guarantee implementation in the health sector have been **below average**. Although the implementation of 5 out of 6 articles to ensure gender equality in the health sector has been insufficient, progress has been made for a single provision.

Article 13.1. The State shall implement measures to create services designed for the specific health needs of women and men.

No progress has been made as a result of the implementation. There are 4 national policies and 9 programs are taking place in Mongolia to increase life expectancy and reduce the factors affecting it. However, there are no specific policies and activities to close the life expectancy gap between men and women. As of 2019, the average life expectancy of men is 66.4, which is 9.6 years lower than that of women. The difference in life expectancy between Mongolian men and women is 2.2 times higher than the world average. As of 2016, Mongolia ranks 12th among countries with the highest gender gap in life expectancy.

There are numerous reasons for the widening gap in life expectancy between men and women and the increase in the proportion of men in total morbidity. However, the goal of implementing the measures set forth in Article 13.1 for the establishment of services for specific health needs of men and women requires considerable attention and intensive support from the government in the context of public health policy and activities. As a result of recent year's work, male urology cabinets have been established in four *aimag* and district general hospitals. However, there are only six andrologists and more than 40 urologists nationwide, where more than 30 of whom work in Ulaanbaatar. The implementation of the "Action Plan to Reduce the Gender Gap in Life Expectancy" approved by the Prime Minister's Decree No. 99 of 2020 shall have a significant importance.

Recommendations:

1. The budget required for the implementation of the “Short-term Action Plan to Reduce the Gender Gap in Life Expectancy (2020-2023)” approved by the Annex of the Prime Minister's Decree No. 99 of 2020 shall be reflected in the sectoral and local budgets. In necessary cases, take special measures such as providing discounts, incentives and grants provided by law.
2. National programs being implemented from 2019 to 2022 in the health sector, such as “National Program on Maternal and Child Reproductive Health (2017-2021)”, “National Program on Prevention and Control of Communicable Diseases (2017-2021)”, “National Program on Prevention of Noncommunicable Diseases (2017 -2021)”, “The Second National Mental Health Program (2010-2019) ”, “National Injury Prevention Program (2018-2022)” are coming to an end. The implementation of these national programs will be evaluated to realize whether progress has been made in reducing gender gap in life expectancy and to assess services provided for their specific health needs. Incorporate gender issues in the development of future national programs based on implementation assessments.
3. Ensure the implementation of Article 3.1.10 of the National Program on Gender Equality — “Men's health care units and cabinets will be established in all *aimag* and district health centers and provide necessary human resources, machinery and equipment”.
4. All health policies, programs and plans should take into account the specific needs of men and women, including children and youth, the elderly, people with disabilities and the rural population, in terms of gender equality. Develop and approve the necessary procedures, instructions and methodologies, necessary for ensuring the implementation.
5. Collect information and conduct research on the specific health needs of men and women with cooperation of public health organizations and research institutions. Organize outreach and advocacy activities with the participation of civil society organizations and donor organizations to spread knowledge, attitudes and practices for men to pay care and attention to their health.

Article 13.2. An appropriate funding required for treatment and prevention of diseases identified as prevalent cause of mortality of women and men shall be allocated in the state budget.

No progress has been made as a result of the implementation. Over the past decade, the sex ratio in the mortality rate has been stable at 40:60 for men and women, which signifies that the mortality rate for men remained high. Although mortality from non-cancer causes has declined over the past decade for the top five causes of death, the gap between male and female mortality still remains high. Mortality from injuries, poisoning, and other external causes is 4.3 times higher in men than in women, which has not changed in the last decade.

According to the number of people registered for outpatient examinations, men are 1.5 times less than women. The lower life expectancy of men and the prevalence of mortality due to the predominant cause of death remain higher than that of women, which may be related to the lower number of men's outpatient and preventive examinations. However, detailed research and information are required. Per capita health expenditures have increased 2.8 times over the past decade. However, the percentage of these costs for preventive examinations needs to be reflected by gender.

Recommendations:

1. Carry out a detailed study of the causes and conditions of the disease, which is the leading cause of death among men and women and accordingly and take necessary measures .
2. Follow-up national programs, in particular the National Program for the Prevention of Noncommunicable Diseases, the National Program for Mental Health and the National Injury Prevention Program, to reduce the number of injuries, poisonings and deaths from external

and other specific diseases that are the leading causes of death in men. Involve law enforcement agencies, traffic regulators, state administrative bodies responsible for road transport, local administrations, state administrative bodies responsible for labor prevention, trade unions, employers' associations and civil society organizations in the prevention activities.

3. Based on the specific health needs of men and women, and the circumstances of the diseases that are the leading causes of death, determine the type of preventive examinations for men and women, and finance the necessary expenses from the state budget and health insurance fund.
4. Define whether the level of health expenditure per capita is sufficient for the level of morbidity of the population and to combat and prevent diseases that are the main cause of death. Determine the level of expenditure compared to the required amount and formulate the compulsory policy directions. Consider the percentage of total health expenditures to be financed by citizens, from the state budget and from the health insurance.
5. Assess per capita health expenditures by gender, including the percentage of total expenditures spent on disease prevention.
6. Although the principle of co-insurance applies, the number of insured by the Health Insurance Fund (HIF) must be classified by sex, and the amount of health insurance premiums per insured must be determined by sex. Make an assessment on the annual health care payments of the insured and consider the financing the necessary preventive examinations and treatment by the HIF.

Article 13.3. Violation by use of force or pressure or otherwise of a person's right to prevent and protect oneself from unwanted pregnancy or sexually transmitted infections shall be prohibited.

Progress has been made as a result of the implementation. The fact that married and cohabiting women are able to abstain from unwanted sexual intercourse, the decreasing proportion of pregnancies ending in abortion, and the declining tendency to have premature births indicate progress in the prevention and protection of unwanted pregnancies.

The number of sexually transmitted diseases has been increasing in recent years. Tendency of women to use condoms during casual sex and sexual intercourse with multiple sex partners has been decreasing compared to previous studies (between 2013-2018). Such outcome is due to declining public awareness, habit and attitude.

Recommendations:

1. The government should increase training and information with quality, accessible and comprehensive reproductive services.
2. Approve the amount of funds to be spent from the state budget on contraceptives in the planned amount and spend them effectively.⁴

Article 13.4. Obstructing involvement of men and women in examination/tests, training and educational activities on reproductive health and other health related issues shall be prohibited.

Little progress has been made as a result of the implementation. The proportion of men and women aged 15-24 with comprehensive knowledge on HIV prevention has been decreased

⁴ According to the "National Program on Maternal, Child and Reproductive Health" approved by the Government Resolution No. 78 of 2017, the amount of funds to be spent from the state budget for contraception in 2020 is stated to reach 400 million MNT. But only 150 million MNT was spent in 2018.

according to a survey on social indicators between 2013-2018, which is assessed as a setback. In general, the stereotype taking reproductive health as a women's issue is still prevailing.

The proportion of men aged 15-49 who responded to Sexually Transmitted Infection testing decreased for the past 12 months period, while the proportion of women increased according to a survey on social indicators between 2013 and 2018. In the 12 months prior to the study, the percentage of STIs or symptoms increased, while test coverage for men has decreased. For women, the rate of STIs or symptoms increased by 2.0 times, while the STIs testing increased by only 3.2 points, which is evaluated as a step backwards.

Recommendations:

1. Next national reproductive program should address the issue of reproductive health not only among mothers and women, and include goals and measures to provide equal and accessible reproductive health care to men and women based on their age-specific needs.
2. Continue activities carried out within the framework of national programs and projects of international organizations to increase the knowledge and understanding and change attitude of the public and youths on reproductive health, family planning, STI and HIV prevention and change attitudes.
3. Increase participation of employers and civil society organizations, and organize community-based health awareness campaigns.

Article 13.5. Any form of discrimination against women and men in health care services, insisting, demanding and forcing to abortion shall be prohibited.

Little progress has been made as a result of the implementation. Due to social stereotypes, attitudes, and the availability of health services, infrastructure, and human resources for the specific health needs of men and women, there is an insufficiency of preventive examinations, diagnoses, and early detection of diseases in men's health. As a result, there is systemic discrimination in the provision of preventive health care services.

As of 2019, there were 15,485 abortions, which is 198.0 abortions per 1,000 live births. Although the target was reached for 2020, the level increased from the 2010 baseline. There has been little progress on this indicator.

Recommendations:

1. Analyze the number of outpatient examinations, including the number of preventive examinations by gender, and make relevant policy decisions.
2. Plan and implement special activities to promote healthy lifestyles among men, involving association of civil society organizations, the private sector, and the general public, and support their initiatives.
3. Approve the amount of funds to be spent from the state budget on contraceptives in the planned amount and spend them effectively.

Article 13.6. The right to safe motherhood and childcare of persons with low income, or living in remote areas or from ethnic minorities shall be protected, and the state shall carry out measures to improve access and quality of services necessary to ensuring these rights.

Little progress has been made as a result of the implementation. The government is planning and implementing measures to ensure the right of the citizens to have children, to take care of their children, to improve the quality and access to necessary care and services, to increase access to early prenatal care, and to reduce maternal and infant mortality. However, there are challenges in

providing maternal and child health services to low-income and remote communities, vulnerable urban areas, and herder households and assistant herders in rural areas. In urban and rural areas, the difference in early prenatal care is 0.7 points. Although the overall rate of early prenatal care has increased, some *aimags*, particularly Zavkhan, Bayan-Ulgii, Orkhon, Arkhangai, Tuv, and Umnugovi, have seen relatively little progress in enforcing the right to give birth. Asymmetric infrastructure development continues to make it difficult to provide reproductive health information, counseling and services to people in remote areas. Vulnerable populations in the suburbs, including a large number of migrants living in the city center, do not have full access to reproductive health services.

In the western region of Mongolia, births, maternal, fetal and neonatal mortality rates are high, low level of usage of contraceptives, early prenatal care and specialist care are poor, and birth intervals are short.

Herders account for one-third of pregnancies and births. About 50 percent of the mothers who died were herders, and about 40 percent were mothers living in *bags* and *soum* centers. About 40 percent of the mothers died in *soum* and *bag* hospitals. This indicates that the quality and availability of maternity care at the *soum* and *bag* levels is extremely poor.

Recommendations:

1. Provide financial and non-financial incentives and support to obstetricians and medical staff to work in remote areas within the framework of the National Social Security Program for Health Workers.
2. Establish a participatory community-based organization that provides reproductive health services to low-income and remote communities and ethnic minorities, similarly to child protection and the fight against domestic violence in remote communities.
3. Investigate the possibility of developing more community-based prenatal and childbirth care for pregnant women.
4. Increase outreach activities to mothers and women, as well as family members, i.e. husbands.
5. Register migrants, low-income vulnerable people and households, to provide them with health services and deliver education and raise-awareness activities on reproductive health education and organize support from the state budget, involving civil society organizations with support from international donors.

8. Findings and recommendations on the guarantee implementation of gender equality in family relations

The guarantee implementation of gender equality in family relations has been **moderate** since the adoption of the law. Although the progress has been made in 3 of the 6 provisions related to ensuring gender equality in family relations, there has been little progress in 3 provisions which caused the implementation to consider as moderate.

Article 14.1. It is prohibited for a spouse or a cohabiting person to restrict or impede the right of a spouse or cohabiting partner to work or to participate in other forms of social life in free manner.

Little progress has been made as a result of the implementation. The Law on Combating Domestic Violence was adopted in 2004 and amended in 2016. An important step in the law is the recognition of emotional violence and the inclusion of not legally registered cohabiting partners and other family relations.

The police authority have limited capacity to receive, verify and resolve cases of emotional violence. As for the joint teams, temporary shelters and one stop services, it has limited capacity

to provide information on this type of violence to the citizens and victims. On the other hand, the spouses and cohabiting partners do not know that the domestic violence include the actions restricting and impeding the right of spouses and cohabiting partners to work and this action causes numerous negative impacts. This reason causes the spouses and cohabiting partners to not enjoy its rights and they are unable to claim action from relevant public officials.

It is vital to establish the possibility to live with appropriate income while combating with the psychological and financial violence infringing the right to work of a family member. According to the Poverty Survey, young families are the largest part of the poor due to the birth of a child. Moreover, the US Center for Strategic and International Studies applied the World Bank methodology to calculate the income of the social rata of 38 Asian countries. It is significant to note that 0.66 percent of total population are the extreme poor which has an daily income below USD 2 and 66.93 percent of total population is considered as low income population (<https://chinapower.csis.org/china-middle-class/>). It is important to include this matter to the development policy as 68 percent of the population is considered poor.

Recommendations:

1. Conduct research on determination and assessment of socio-economic factors that has adverse impact to the right to work of family members and make necessary amendments to the policies and legislations.
2. Include the types of cohabiting partners and related regulations to the revised draft of Family Law.
3. The number of crimes and violations related to physical and sexual violence dominated since the adoption of the law. However, there has been no other forms of violence recorded in the registration of state organization. Therefore, this should be considered with high importance and the police shall strengthen the capacity to receive information on the psychological violence violations, indicate and resolve it.
4. Increase the capacity of joint teams, temporary shelters and one stop services to provide the citizens with relevant knowledge and information on psychological violence and improve the assistance to victims of this type of violence.
5. There is a lack of knowledge on the laws regulated psychological violence and the citizens think that merely physical and sexual violence are resolved by the relevant officials. Therefore, this should be considered with high importance and the trainings and workshops on combating the psychological violence specified in the Law on Combating Domestic Violence shall be organized.
6. Article 14.1 of the LPGE and the rights and obligations of the spouses specified in Family Law shall be considered in activities related to the protection of family members rights conducted by the social welfare and public administrative organizations stipulated in Article 5.2 of Family Law and by the court in resolving family disputes in accordance with Article 5.1 of Family Law.
7. The state administrative body responsible for labor shall conduct gender related assessment of working conditions in all sectors of the economy and to establish the legal environment on eliminating/reducing unusual working conditions and ensuring work and family balance.
8. Include regulations related to participation of women in labor and provide with employment promotion policies.
9. Establish and implement a comprehensive policy covering all sectors from macro level to the micro level which include the possibility for both parents to work and support development of its children and family independently.
10. Establish the methodology to determine the social class of population significantly affecting gender equality and family development matters from socio-economic perspective. This shall

be included to the programs and plans as a criteria and requirement for the creation of middle class as a purpose of long term development policy “Vision 2050”.

11. The employers within its social responsibility, shall implement and demonstrate proposals and initiatives on conducting gender related assessment of working conditions, eliminating/reducing unusual working conditions and ensuring work and family balance. This shall be supported by the government through policy making.
12. Civil society organizations shall conduct training and workshops to the public, especially for the employers in the areas specified in the recommendation 11.
13. The court shall take into account the gender equality related provisions of the Labor Law in resolving the labor disputes. Moreover, it shall consider Article 14.1 of the LPGE in resolving the family disputes.
14. Implement special measures to support women’s employment specified in Article 7.1 of the LPGE if the women’s employment and participation in the labor force is low due to the socio-economic factors.

It is necessary to amend part of the provision stated “restriction and impediment on the enjoyment of right to work shall be prohibited” to “restriction and impediment on the enjoyment of right to work and right to have a professional work shall be prohibited” as a part of the law improvement.

Article 14.2. Violations of human rights, including right to marry, right to enter into or amend the marriage contract, right to divorce voluntary, right to raise children and right to participate in family relations is prohibited.

Progress has been made as a result of the implementation. As the population has grown the number of marriages has increased. However, the number of divorces has been increasing at the same time. In relative terms, the number of divorces per 1,000 marriages has decreased over the last 10 years. One of the progresses made is that the family and its stability, the health of the family members are starting to be considered as valuable.

Divorce has an adverse impact on children’s upbringing and it causes numerous negative consequences in society. Although Article 14.2 of the LPGE prohibits the violation of rights of men and women to raise children, mothers and women have a greater responsibility to raise their children.

Article 14.2 of the LPGE prohibits the violation of rights of men and women to raise children, to participate in family relations during the determination of child custody. The results of the assessment indicates that it is vital to include provisions to the Family Law on ensuring the possibility to enjoy the rights and fulfil responsibilities on raising the children, to resolve the child custody and other related matters in accordance with Article 14.2 of the LPGE.

Recommendations:

1. Policy makers shall make an effort to ensure the implementation of policies adopted by the Government on population development such as establishment of a favorable environment for families and improvement of the life quality.
2. The state administrative body responsible for education shall evaluate content and current situation of family education in all levels of educational institutions, and consider improvement of the content, quality and stability of education.
3. Civil society organizations shall implement family education training and workshop activities including informal trainings and workshops.
4. The civil court of first instance shall re-consider the practice where one of the spouse’s relationship outside of marriage is considered as a basis of marriage dissolution decision. It

shall take measures to not impede the possibility for the families not to divorce and to re-establish the judge's beliefs on non-denial of this possibility.

5. The state administrative body responsible for education and family shall provide the youth with formal family education, raise awareness of parental responsibilities, provide with the family education since younger age in order to prevent from family conflicts, provide special training for young citizens before marriage and establish family counseling services.
6. Policy makers shall ensure gender equality, family and child protection in economic, employment, migration and labor exporting policies.
7. The civil court of first instance shall re-consider the practical consequences of resolving the child custody beneficial for the mothers in accordance with the provision of Declaration of Rights of the Children stated "a child may not be separated from his or her mother expect in exceptional circumstances". This shall be considered from the interests of the parties, the rights of father, the capacity of the mother to raise children and to include necessary amendments in the legislation.

Article 14.3. The husband and wives shall have equal rights and responsibilities in making joint decisions on the number of children and the time between the births and on the prevention from unwanted pregnancies.

Progress has been made as a result of the implementation. Only one in five married/cohabiting women of childbearing age makes decisions related to reproductive health and contraception with their spouse/cohabiting partners. This causes the insufficient level of implementation of the provision stating the husband and wives have equal rights and responsibilities in making joint decisions on the time between the births and on the prevention from unwanted pregnancies.

The births of underaged girls have declined as a result of formal training, projects and programs implemented by international organizations and information and promotion activities conducted by civil society organizations.

Recommendations:

1. The Government policy to support childbirth has increased the birth rate. However, the policy makers shall consider the lack of social infrastructure services accompanying the birth rate limits the equal rights to decide the number of births.
2. Establish the attitude for families, women and men to jointly address the number of children, the time between births. Provide with the quality, accessible and comprehensive family planning services from the state and increase the training and information on this matter at the same time.
3. The Government shall approve adequate budget for family planning and contraceptives.
4. The Ministry of Health shall conduct regular trainings and workshops to strengthen the capacity of parties, and increase the accessibility of Family Center services in urban areas.

Although Article 14.3 states that the husband and wife shall have equal rights and responsibilities in making joint decisions on the number of births, the time between births and on the prevention of unwanted pregnancies, the same must be legislated for cohabiting partners and for men and women living as partners but who have not reached the age of marriage according to the Family Law.

Article 14.4. The parents have responsibility to educate its children a sense of social responsibility, equal participation in the upbringing of their children, gender quality, non-discrimination on the basis of gender through its exemplary and family upbringing.

Little progress has been made as a result of the implementation. The Government of Mongolia has made significant legal reforms to ensure the family stability, increase its values as a core pillar of social development, respect of child rights, and strengthen the child protection system in recent years. As a result, the Parliament has enacted the revised Law on Combating Domestic Violence, Law on Rights of the Child, and the Law on Child Protection in 2016-2019.

However, citizens lack of knowledge on the nature, causes and stages of domestic violence and rights of children. Recognizing the domestic violence exacerbates the issue related to the violence. There is a lack of understanding on the prevention from domestic violence.

Recommendations:

1. Coordinating Council for Crime Prevention shall provide guidance and methodologies for the implementation of voluntary behavioral training activities in *aimags* and the capital city.
2. Aimag and capital city governors and chair of the citizen representatives shall monitor and support the voluntary behavioral training activities.
3. Nongovernmental organizations shall participate actively in improving the training methodologies and in organizing the information and promotion activities to expand the scope of voluntary behavioral training activity.
4. Incorporate the issue into the curriculum of all levels of educational institutions in order to engrain the principles and attitudes of gender equality in early age children.
5. State and civil society organizations shall implement jointly positive child upbringing trainings and promotions and child protection activities in the families.
6. Organizations responsible for children and families shall implement trainings and promotion activities for parents.
7. Educational institutions at all levels shall implement parent-oriented trainings and information activities, involve them in the activities of kindergarten, schools and educational institutions on equal basis.
8. Legal entities: Employers shall consider the work and life balance of the employees and provide with the possibilities to spend more time with their children.
9. Organization responsible for children and families: implement training activities for parents on spending more time with their children and on providing with the family and exemplary education.
10. Ensure the implementation of the rights and responsibilities and strengthen capacity of parties in child protection in the family and other relations specified in the Law on Child Protection.
11. Increase the role of nongovernmental and civil society organizations in child protection activities.
12. The Ministry of Justice and Judicial Enforcement Agency shall establish the necessary regulations on the payment of child alimony.

Article 14.5. The right of a family member to participate in the determination of its shares in a joint owned property, in disposal of the property, to earn an income and to provide other family needs shall not be restricted on the basis of sex.

Progress has been made as a result of the implementation. There were no gender requirements for the registration of joint owned immovable properties of the family. Gender equality was guaranteed at the registration level. The study concludes that the husband, male members of the family has a dominant right in the management and the sale of the property. According to the Family Law, the property of the family is divided into equal shares in case of the divorce. However, it is common for the mother to have the most of the property shares due to the child custody.

Recommendations:

1. Strengthen the capacity of the police to receive, indicate and resolve crimes and violations related to economic violence.
2. Increase the capacity of joint teams, temporary shelter services and one stop services centers in providing citizens with knowledge and information on economic violence crimes and violations and in providing services to the victims of this type of violence.
3. Establish research and data on economic and emotional violence affecting men.

Article 14.6. The value of unpaid domestic work as household after the marriage, care for children and the elderly shall be considered as a contribution to the creation of social wealth and the household finance.

Little progress has been made as a result of the implementation. Under the Law on Social Welfare, there are cash benefits and discounts for citizens caring for children, elderly and the people with disabilities. Moreover, unpaid work is valued by considering the period of the childcare leave as a contribution period, increasing the paid contributions by the number of children born and raised, calculating the period of entitlement to an old-age pension, and providing maternity benefits under the Law on Pensions and Benefits from the Social Insurance Fund.

There are no other measures has been taken to assess unpaid domestic work.

Recommendations:

1. Introduce a methodology for assessing the unpaid domestic work and organize promotion and informative activities on making the citizens understand that the unpaid domestic work is a contribution to the creation of social wealth and the household economy.
2. State shall provide with non-monetary services for the citizens caring children, elderly and the sick in addition to the monetary benefits. For example, to organize regular meetings and trainings to meet the psychological and social needs of mothers caring their children at khoroo level.
3. Encourage private sector entities to establish childcare services for mothers and fathers as part of its social responsibility and promote good practice.
4. The Government shall consider unpaid domestic work as caring children and elderly as a contribution to the creation of social wealth and conduct the economic assessment of the benefits provided.

9. Findings and recommendations on the implementation of the management and organization of activities promoting gender equality

The following conclusions made on the implementation of the management and organization of activities promoting gender equality specified in Chapter 3 of the LPGE.

Article 15. Mandate of the Parliament of Mongolia with regard to promoting gender equality

Article 15.1.1. Ensure that state policies and legislations are defined in a gender equality and rights-based manner

The progress was insufficient. During the implementation of the LPGE, between 2011 and 2020 16 (22.9%) out of 70 policy documents approved by the Parliament to address the issue of gender equality. However, it should be noted that such policy documents include mere declaratory provisions such as “ensure gender equality” and “prohibit gender discrimination”. 50 (67.6%) of the

74 laws on gender equality adopted by the Parliament during this period included provisions on ensuring gender equality. It is noteworthy that the principles of gender equality and gender non-discrimination are included in the laws related to the human rights and freedom. However, issues on state responsibility, gender sensitive policy and principle of access to gender information were not included.

There are no guidelines or procedures for defining policy documents and legislation to ensure gender equality based on human rights.

Recommendations:

1. Determine gender relevance of the policy documents and include necessary content, provisions and regulations based on the findings in drafting further policy documents.
2. Include gender equality guarantee in the legislations governing politics, economics, government, employment, culture, education, health and family relations in line with the LPGE.
3. The Government and the Parliament shall discuss, approve and implement the methodology used by the NCGE to define policy documents and legislations to ensure gender equality based on human rights.

Article 15.1.2. improve the legal framework to ensure equal rights and equal opportunities for men and women in compliance with the principles and norms of gender equality established by this law and international treaties of Mongolia.

Little progress has been made as a result of the implementation. It is required to assess whether the provisions of draft laws are ensuring gender equality according to the Law on Legislation (revised version) and the “Methodology for Assessing the Effectiveness of Draft Legislation” approved by Annex 3 of Government Resolution No.59 of 2016. However, due to the lack of guidelines on the evaluation and assessment, the implementation of this requirement is diverse.

The Parliament of Mongolia has adopted the Law on Development Policy, Planning and Management on Mat 7, 2020. The Law on Development Policy, Planning and Management does not contain any direct provisions on the development policy and planning documents to ensure gender equality based on human rights and the principles of gender sensitive policies.

Recommendations:

1. The NCGE shall develop and implement guidelines and recommendations on the assessment of the draft law provisions ensuring gender equality in cooperation with the Secretariat of the Parliament and the Ministry of Justice.
2. The SNCGE, in cooperation with National Development Agency, shall include gender sensitive policy principles in the procedures and integrated methodological documents related to the implementation of the Law on Development Policy, Planning and Management.
3. Involve the representatives of law initiators, the Government, ministries, the Secretariat of the Parliament, and Office of the President in the drafting of above mentioned guidelines, procedures and methodological documents and improve its knowledge and capability on the implementation of guidelines and procedures.

Article 15.1.3. Approve funds sufficient for the achievement of objectives and results on gender equality in the economic, social, legal and other state policies specified in this law, other relevant laws and international treaties of Mongolia.

Little progress has been made as a result of the implementation. 96.4 percent of the funding for gender issues since the adoption of the LPGE in 2011-2019 has been provided by international

development assistance programs. The implementation of this provision cannot be considered only in terms of funding for the implementation of the national gender equality program. Funding for national programs from 2011 to 2016 has not been included in the annual state budget since the adoption of the LPGE. In 2017 the funding for the national program was included in the state budget in accordance with Article 10.5 of the Law on Development Policy, Planning and Management adopted by the Parliament in 2015 “Funding for the national programs shall be included in the state budget and in the state investment program”. An important step forward in the implementation of this provision is the establishment of the SNCGE and the inclusion of the required funding in the state budget.

Article 15.1.4. The following report shall be discussed and assessed every two years.

Progress made as a result of the implementation is insufficient. The state organizations have been inactive, irresponsible in preparing and submitting biennial reports specified in the law to the Parliament on the implementation of the LPGE. This action caused the deregulation of the state responsibility principle for ensuring gender equality and the principle of gender sensitive policy. The inability of legislators, policy makers to raise issues, discuss and evaluate at the parliamentary level has led to the insufficiency of the implementation of this law.

Recommendation: The Standing Committee shall discuss the relevant report and presentations in accordance with Article 114.2 of the Law on Session Procedures of the Parliament of Mongolia adopted by the Parliament in 2020. According to this, it is important to discuss relevant reports specified in the LPGE and consider the implementation of the law, state responsibility principle for ensuring gender equality and the principle of gender sensitive policy.

Article 15.1.5. Other functions as stipulated by laws.

No progress has been made as a result of the implementation. According to Article 25.1.8 of the Constitution of Mongolia, the Parliament shall retain its exclusive authority to monitor the implementation of laws and other decisions adopted by the Parliament. Insufficient implementation of Article 15.1.4 of the LPGE means that the Parliament is unable to fully exercise its duty to monitor the implementation of the LPGE.

Article 16. Mandate of the Government with regard to promoting gender equality

Article 16.1.1. incorporate gender equality promotion activities in the economic and social development guidelines and sector development policies and programs, introduce gender sensitive budgeting system, approve and implement gender equality programs and special measures prescribed in Article 7 of this law and have sufficient financing approved for their implementation.

No progress has been made as a result of the implementation. Although international projects and programs have developed guidelines and recommendations for including the concept of gender equality into policies and programs, and organized training and workshops for civil servants, common procedures and guidelines have not been drafted, implemented and evaluated. Due to this reason, the measures to ensure gender equality are not reflected in national economic and social development guidelines, sector development policies and programs. For example, it has not been able to adequately implement its mandate to approve the necessary financial resources and to reflect specific goals and measures to ensure gender equality except for the main directions of economic and social development of Mongolia in 2019. 36 (57.1%) out of the 63 policies and programs considered as necessary to include measures to ensure gender equality have included provisions, goals, objectives and measures related to ensuring gender equality. These policies and programs in its policy implementation principles have often included the principle of equality and non-discrimination. This causes the deregulation of the state responsibility principle and the principle of gender sensitive policy of the LPGE.

The goal of introducing gender sensitive budgeting system is included in the 2013-2016 medium term strategy for implementing the LPGE and in the 2017-2021 national program. The development of action plans and related methodologies started in 2019 within the framework of the international organization project. However, no actual results have been achieved.

Due to the lack of the capability to introduce general policies on gender sensitive budgeting system and human resource in gender equality policies and programs, the mandate to implement gender equality programs, measures specified in Article 7 of the LPGE, to approve sufficient budget to implement these measures have been insufficient.

In addition, in the last 10 years of the implementation of the law, the structure of the NCGE and its secretariat has been changed and re-institutionalized several times. This change has adversely affected to implementation of this provision.

Recommendations:

1. Review all policies, programs and action plans to ensure gender equality, develop guidelines and procedures to include necessary provisions and measures, and implement it in all state organizations and monitor its implementation.
2. Evaluate the Governments nonfulfillment of its mandate to introduce gender sensitive budgeting system and ensure immediate implementation of such plan.

Article 16.1.2. Create conditions for compilation of sex disaggregated statistics, to have gender equality assessments carried out, to disseminate the findings to customers and the public;

Progress has been made as a result of the implementation. The National Statistics Office (NSO) and international organizations have been proactive in creating sex disaggregated statistics, analyzing gender equality and creating the conditions for dissemination of the findings to customers and the public. The NSO is working at a level that can serve as a good international practice. On the other hand, state organizations are insufficient working in creation of sex disaggregated administrative statistics, the assessment on ensuring gender equality and the creation of dissemination of the findings to customers and the public. Therefore, it shall analyze and take relevant measures on this matter. Lack of access to gender information makes it impossible to plan, implement and evaluate public policies based on gender information, and undermines the state responsibility principle and principle of gender sensitive policy.

Recommendations:

1. Cooperate with the NSO in creation, analysis and compilation of sex disaggregated statistics of the receivers of state organization services and other sex disaggregated administrative statistics.
2. Establish and include sex based criteria, sex disaggregated information and the specific regulation on the assessment of gender sensitive policy planning in the “General Procedures for Monitoring and Evaluating the Implementation of Policy Documents and the Activities of Administrative Organizations” adopted by the Government Resolution No.206 of 2020.

Article 16.1.3. Take measures to create human and financial resources to formulate and implement gender sensitive development policies.

Progress has been made as a result of the implementation. The structure and organization of the SNCGE was changed and the jurisdiction over the SNCGE was transferred from the Prime Minister’s jurisdiction to the Minister of Population Development and Social Welfare and the Minister of Labor and Social Welfare (the titles were used in the past). This had a significant negative impact on the duties to provide gender equality related activities with management, on

the structure, number and capacity of human resources. The Government Resolution No. 285 of 2018 increased the number of employees in the SNCGE to 8, and the Government Resolution No. 80 of 2020 increased the number to 14. This is an important step in human resource development.

Although gender specialists have been regularly employed in sub-committees and councils, the co-operation of work has had a negative impact on the performance. There is a need to make these employees a staff member and to intensify the work of sub-committees and increase its accountability.

It should also be noted that due to changes in the structure and organization of the SNCGE and transfer of information related to the organization's operations, funding and human resources to different organizations and employees, it is impossible to find, compile and evaluate this information.

The funding for gender equality activities has largely depended on funding from projects and programs of international organizations.

In recent years, for example since 2018, there has been progress for the SNCGE in building human and financial resources for gender equality. Gender equality system should further focus on building human and financial resources at the national level.

Recommendations:

1. Gender specialists in the sub-committees and councils shall be employed as a staff members and intensify the activities of sub-committees and councils, and increase its accountability.
2. Investiate the possibility of establishing units in the related ministries and resolve it with possible version.
3. Transition shall me made from funding for strengthening gender equality system to funding for the development and implementation of gender sensitive policies.

Article 16.1.4. Carry out awareness raising activities aimed at cultivating gender equality culture among the population and preventing from propaganda of gender discrimination.

Progress has been made as a result of the implementation. As a result of a certain enlightenment activities to cultivate gender equality culture, the public has obtained sufficient knowledge on gender equality. However, significant efforts are needed to address false gender stereotypes, promotion of the law, and raise awareness of the rights and responsibilities of citizens to ensure gender equality. Lack of regulation on measures to prevent the public from gender discriminative information and propaganda exacerbates stereotypes among the public.

Recommendations:

1. Eliminate gender stereotypes, raise awareness of citizen's rights and responsibilities to ensure gender equality, promote the law, and organize information promotion activities regularly.
2. The SNCGE shall integrate information on training and information promotion activities within the scope of its functions and carried out the sub-committee, councils, and other governmental and non-governmental organizations and international organizations, and identify groups and content topics and organize it effectively.
3. Monitor and evaluate the current state of information, propaganda aimed at discriminating and determine regulations to protect the public from this type of information and propaganda.

Article 16.1.5. Adopt and implement civil service standards that prevent from gender discrimination in activities and workplaces of public administration.

Little progress has been made as a result of the implementation.. No changes have been made in the Code of Conduct for Civil Servants related to the implementation of the law since the adoption of the LPGE during 2011-2019. This indicates that the state responsibility principle in ensuring gender equality has not been implemented. Government Resolution No.33 of 2019 approved the “Code of Conduct for public administrative and public support service servants” and Resolution No.299 included the content of the LPGE in the training program and content of Civil servants.

Recommendation: Adopt and implement civil service standards in accordance with the goal of keeping government activities and workplaces free of gender discrimination.

Article 16.1.6. Adopt guidelines, procedures and recommendations within its function to promote gender equality.

Little progress has been made as a result of the implementation. The Government did not adopt guidelines, procedures and recommendations on ensuring gender equality within its mandate during the implementation of the LPGE. The SNCGE developed relevant guidelines, procedures and recommendations and submitted to the sub-committees and councils. It needs to be approved and implemented by the Government to be applied as a common procedure for state organizations.

Recommendation: the Government shall approve the guidelines, procedures and recommendations drafted by the SNCGE and ensure that the state organizations adopt and implement these documents as a common procedure to be followed.

Article 16.1.7. Report to the Parliament on the implementation and results of gender equality policies and activities.

No progress has been made as a result of the implementation.. The Government’s failure to report to the Parliament on the implementation and results of gender equality policies and activities during the implementation of the law has undermined the state responsibility principle and principle of gender sensitive policies. The inability to raise issues, discuss and conclude the implementation with legislators, policy makers or the Parliament causes poor implementation of the law.

Recommendation: The NCGE shall get acquainted with and discuss the report on activities. Prepare a report on ensuring gender equality policies and activities and discuss it with the Parliament.

Article 16.2. The Government shall take a responsibility to provide management in including the assessment of unpaid household labor and household production into the extended system of national accounts.

Little progress has been made as a result of the implementation. Although the Time Use Survey has been used to collect data in accordance with international methodologies to assess unpaid domestic labor as a contribution to the creation of social wealth and the household economy, the use of the survey results is insufficient. It is necessary to create further an assessment methodology based on this information and evaluate it. The Ministry of Labor and Social Welfare, the NCGE and the NSO need to cooperate in the ensuring gender equality on the basis of the household domestic labor assessment, adopt and implement the policy on the promotion of employment.

Recommendations:

1. Study the recommendations of the United Nations and other relevant organizations and the experience of other countries in implementing the Sustainable Development Goal Target 5.4.

2. Review the recommendations of the United Nations Statistics Division and other international organizations on the usage of the time management survey results in policy making and study the experience of other countries.
3. Study the OECD methodology and recommendations for assessing unpaid domestic labor and calculating gross household output, and the experience of statistics office in other countries which have made progress.
4. Collect additional information needed to assess unpaid domestic labor using market replacement cost method, such as the hourly wage of a babysitter.
5. Develop a methodology for assessing unpaid domestic labor based on research and information, and discuss and approve it with the participation of relevant parties.

Article 17. Responsibilities of the Prime Minister on promoting gender equality

Article 17.1. Promotion of gender equality shall be within the jurisdiction of the Prime Minister.

Article 17.2. Prime Minister shall lead the National Committee on Gender Equality and supervise the operation of the Committee.

Progress has been made as a result of the implementation. Although the Prime Minister's mandate include to ensure gender equality, the SNCGE was under Ministry of Population Development and Social Welfare during 2014-2018. This has negatively affected the Prime Minister's mandate on supervising the activities related to gender equality. The situation in the past suggests that the SNCGE shall be led by the Prime Minister.

Article 18. Mandate of the National Committee on Gender Equality

Article 18.3.1. to coordinate and organize activities on the formulation, implementation and monitoring of gender equality policies, programs and special measures.

Progress has been made as a result of the implementation. The NCGE's mandate became definite, focused on cross-sectoral coordination on the implementation of the law, defined national gender policies, improved legal environment and monitoring its implementation since the approval of the LPGE in 2011. Moreover, the implementation of this provision **has made a progress** due to the adoption of Government's medium-term strategy for 2013-2016 and the National Program in 2017.

The NCGE took the initiative to take special measures specified in Articles 7.2.2 and 7.2.3 of the law. Sub-committee, the capital city, districts and the SNCGE need further to include in the reports. Prior to the adoption of the LPGE, the gender situation was reported under the UN Convention on the Elimination of All Forms of Discrimination against Women. National programs have been approved and a system for developing, implementing policies and projects has been established in connection with adoption of the law.

Recommendations:

1. Collect, evaluate and coordinate policy and program reports and evaluation information related to gender equality special measures specified in Article 7.2.1 of the LPGE.
2. Develop guidelines and manuals on the planning and implementation of the special measures specified in Article 7.2 of the LPGE, and conduct training and provide the sub-committees, councils and other state organizations with the guidelines.

Article 18.3.2. To establish economic and legal guarantees necessary for the implementation of gender equality policy and to provide methodological guidance in its development.

Progress has been made as a result of the implementation. The NCGE has worked to provide legal and economic guarantees for the implementation of gender sensitive policies, projects and

programs since 2011 and the incorporation of the NCGE. As a result of the NCGE's methodological guidance, the progress has been made in the establishment of economic guarantees for the implementation of sectoral policies, projects and programs.

Recommendations:

1. The Government shall discuss and approve the methodology, guidelines and manuals developed by the NCGE and make these documents to be enforced by all state organizations.
2. Develop and implement gender sensitive budgeting, gender sensitive policy development methodologies, and organize the activities on introducing it to the state organizations.

Article 18.3.3. Review and to issue recommendations on the implementation and results of legislation, policies, programs and recommendations by international organizations pertaining to the promotion of gender equality.

Progress has been made as a result of the implementation. During the revision of the reports including the situation of human rights and freedom in Mongolia since the adoption of the LPGE (since 2011), the 13th and 16th reports (2017) include "State of affairs of relevant state organizations on the implementation of the Law on Promotion of Gender Equality", the 18th report (2019) include "State of affairs of relevant state organizations on the implementation of the Law on Promotion of Gender Equality" and 19th report (2020) include the implementation of the LPGE. Moreover, the NCGE submitted the comments on the questions included in the report on the implementation of the UN Convention on Elimination of All Forms of Discrimination against Women. Furthermore, the NCGE followed the recommendations and results of international organizations and provided comments and suggestions on the policies, programs and sub-programs of the National Program, sub-committees and councils. Therefore, implementation of this provision evaluated as **sufficient**.

Recommendations:

1. Create a database of laws, regulations, policies and programs related to gender equality, recommendations from international organizations, and reports on its implementation.
2. Receive reports on the activities of all state organizations and its policy documents within the framework of implementing the "General Procedure for Monitoring and Evaluating the Implementation of Policy Documents and Activities of Public Administration" adopted by the Government Resolution No.2016 in 2020, assess and ensure consistency of legislations and policies.

Article 18.3.4. To organize the formulation, implementation and oversight of policies, programs, projects and measures aiming at the strengthening of the national institutional capacity necessary for promotion of gender equality in state organizations and society in general.

Progress has been made as a result of the implementation. Policy measures taken to strengthen national institutional capacity necessary for promotion of gender equality in state organizations and society, training for the teachers, developing training modules, incorporate it to the university curriculum, organizing regional forums, publishing and distributing books and manuals caused the **successful progress** in the implementation of this provision.

Recommendations:

1. Develop policies, programs, projects and measures aimed at strengthening national institutional capacity to ensure gender equality within state organizations and society within the framework of the strategic plan of the NCGE and the strategic plan of its staff. Implement it with the funding from national programs and international projects.
2. Effectively plan policies, programs, projects and activities based on this report and the reports of sub-committees and councils.

Article 18.3.5. To organize the preparation of the reports specified in Article 15.1.4.a of this law.

No progress has been made as a result of the implementation. The NCGE has regularly presented its annual activity report to the NCGE meeting. It has compiled reports from branches, councils and the capital city, districts and submitted to the Cabinet Secretariat since 2018. There has been no case of government report being prepared as a report on the implementation and results of activities ensuring gender equality specified in Article 15.1.4.a of the LPGE, discussed by the Government and then presented to the Parliament. A report on the implementation and results of gender equality activities should be prepared every two years.

Recommendations: Prepare a Government report on the implementation and results of gender equality activities in accordance with the law. Present this report to the Government and organize it for discussion by the Parliament every two years.

Article 18.3.6. to review and comment on drafts of the report specified in Articles 15.1.4.c and 15.1.4.d.

Little progress has been made as a result of the implementation. The NCGE has not reviewed and commented on the draft report of the Civil Service Council on the status of gender equality in the civil service, the progress and results of measures taken to prevent from gender discrimination and sexual harassment. However, a report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women was prepared and recommendations on the implementation of the Convention were implemented.

Recommendations:

1. Cooperate with the CSC in preparing a report on the progress and results of measures taken on the status of gender equality in civil service and the prevention of gender discrimination and sexual harassment, and to ensure the implementation of the law.
2. Regularly collect information, reports and research related to the preparation of regular report of Mongolia on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and promptly issue next report within the timeline.

Article 18.3.7. to review and comment on draft of the report specified in Article 18.3.15 of this law.

Progress has been made as a result of the implementation. The NCGE has prepared and submitted to the Government relevant reports on the implementation of the LPGE, the Law on Procedures for Enforcement of the LPGE, and the projects and programs of the state within its legal responsibilities.

Recommendation: Prepare a report on the implementation of laws and policies related to gender equality by the NCGE, discuss it with the Government and organize a decision making process in cooperation with the Cabinet Secretariat.

Article 18.3.8. to coordinate establishment of gender database and an integrated information network, and to organize dissemination gender data and information.

Progress has been made as a result of the implementation. The evaluation team agrees that the lack of a gender based database and information on this and the lack of capacity for policy at the local level planning impede the implementation of this provision. In other words, it is necessary to create further national information database even though the creation of a gender database, the establishment of integrated information network and dissemination of information to users are

being implemented step by step. It should be noted that reports from local self-government bodies, sub-committees and councils indicate that gender equality surveys are incomplete.

Recommendations:

1. It is necessary to further build a national database and network.
2. Receive a complete gender equality surveys from local self-government, sub-committees and councils, and to provide regular guidance and recommendations.

Article 18.3.9. To ensure participation of public and private sector and citizens in the promotion, strengthening and protection of gender equality.

Progress has been made as a result of the implementation. The progress has been made in ensuring public and private sector, citizen participation in promoting, strengthening and protecting gender equality. However, the NCGE shall further implement programs and plans to ensure the participation of private organizations and citizens.

Recommendations:

1. Develop, implement and monitor the implementation of legislation, state policies and other decisions aimed at ensuring gender equality in accordance with Article 22 of the LPGE to ensure the participation of state organizations and citizens in ensuring, strengthening and protecting gender equality. Involve it in the protection of violated rights with policies and plans.
2. Identify and implement policies, activities to provide informative, financial, methodological and other support in ensuring the participation of public and private organizations, citizens in ensuring, strengthening and protecting gender equality.
3. Develop general guidelines for delegating specific functions of state organizations on ensuring gender equality to the non-governmental organizations, and disseminate them to sub-committees, councils and other state organizations.

Article 18.3.10. cooperate with organizations of media, the public and private sectors in organizing activities to familiarize and promote gender equality legislation and policies to legal entities and the public and to report on outcomes of such activities.

Progress has been made as a result of the implementation. Trainings, discussions and multi-stakeholder activities were regularly conducted to promote and inform the public on gender equality policies and legislation. It is necessary further to consider the activities of introducing the LPGE to the public, legal entities and organizations. The ‘rewarding system’ specified in Article 18.3.12 of the law shall be established in implementing such activity.

Recommendations:

1. Priority shall be given to introduce and promote the Articles 11.1-11.4, 11.7-11.8 of the LPGE to private legal entities.
2. Implement the recommendations drafted on the basis of the evaluation of the implementation of Article 11 of the LPGE.
3. Develop public relations policy (PR) for public policy and legislation on gender equality promotion based on a survey of public opinion, knowledge, experiences. Provide guidance to non-governmental organizations and media.
4. Provide non-governmental organizations and media with articles, information content, templates and statistics to be used for regular reporting on the results of gender equality activities.

Article 18.3.12. To nominate for awards legal entities, organizations and individuals that achieved outstanding results on gender equality.

Progress has been made as a result of the implementation. Legal entities, organizations and citizens who have achieved results in ensuring gender equality have been rewarded. The progress in the implementation of this provision has been made in 2018 and 2019 by focusing on the implementation. The NCGE, Mongolian's Employers Federation (MONEF), and Mongolian National Chamber of Commerce and Industry (MNCCI) shall further establish certain criteria and systems for measures taken and reward the leadership and initiative in ensuring gender equality.

Recommendations:

1. Organize activities to promote international good practices in the field of social responsibility and social marketing to ensure gender equality and cease the gender discrimination among private legal entities.
2. Implement activities such as national social responsibility of enterprises and organizations in gender equality, selection and promotion of the best social marketing projects and activities.

Article 18.3.13. To have the structure, composition and statute of the National Committee on Gender Equality and its Secretariat approved.

Progress has been made as a result of the implementation. The NCGE has fulfilled its obligations under this provision. Even though the Government is increasing the staff number of the SNCGE, it is necessary to identify the appropriate structure and size of the staff through the analysis on the expert groups, external organizations, international standards and current situation and submit it to the Government. The Secretariat of the NCGE was incorporated into the Ministry of Labor and Social Welfare which violated Article 17 of the LPGE. The NCGE is establishing and organizing the implementation of the law in the country, thus the NCGE and its staff shall be stable, and the implementation and understanding of the law shall be considered as necessary.

Recommendation: Provide possibility to include representatives of the private legal entities in the NCGE.

Article 18.3.14. To conduct research and analysis on the implementation of the Law on Promotion of Gender Equality.

Progress has been made as a result of the implementation. The NCGE has been conducting research and analysis on the implementation of the LPGE since 2016. The progress has been made in research and analysis on measuring the implementation and consequences of the 2013-2016 medium-term strategic plan, the analysis of the gender situation in Mongolia since 2005 and the implementation of local sub-programs, and its results. The "Evaluation of the Implementation of the LPGE" research can be considered as a good practice.

Recommendation: Conduct further in-depth research and research on the resolution of the issues based on the results of the implementation impact assessment of the LPGE.

Article 18.3.16. To develop cooperation with international organizations and foreign countries in ensuring gender equality.

Progress has been made as a result of the implementation. The NCGE has been cooperating extensively with international organizations and foreign countries in ensuring gender equality since 2005. It should be noted that the activities and funding of donor organizations had a significant impact on ensuring gender equality. The Government of Mongolia and the NCGE shall further make efforts to intensify cooperation with foreign countries.

Recommendation: Study the possibility to join international organizations and networks in the field of gender equality, cooperate with similar foreign country state organizations, and develop cooperation in this field and exchange knowledge, information and experience.

Article 18.4. The National Committee on Gender Equality shall have sub-committees at local administrations and sub-councils in the state central administrative bodies.

Progress has been made as a result of the implementation. The NCGE has 31 sub-committees in 21 *aimags* and in 9 districts of the capital city, sub-councils in 14 state central administrative bodies (ministries), 14 gender specialists in the state central administrative bodies and 31 gender specialists in rural areas.

Recommendations:

1. Resolve the issue of having sub-councils within the jurisdiction of government agencies, the Prime Minister, the Deputy Prime Minister, the head of the Cabinet of Ministers, and the organizations under the Parliament within the legal framework.
2. Employ full-time specialists in the sub-councils and committees.

Article 19. Mandate of central and local administrative bodies with regard to ensuring gender equality

Article 19.1.1. To introduce a methodology to incorporate gender considerations in local and sectoral policies, general strategies, programs and projects; to conduct gender analysis on the drafts of these documents and review and comment on their reports.

Progress has been made as a result of the implementation. Study conducted within the framework of an international project until 2016 on the introduction of gender sensitivity in sectoral and local development policies, general strategies, programs and projects and conclusion on the gender analysis on the drafts of these documents, discussion of reports and drawing conclusions on this matter. However, beside of this, no progress has been made as a result of the implementation.

The development and approval of sub-programs to ensure gender equality in sectors, *aimags*, the capital city and districts has been intensified since the launch of the “Sector and Local Development Gender Sensitivity Policy Planning and Activities /2016-2018/” project of the SNCGE in cooperation with ADB. As a result, 4 sectoral gender policies and 2 local sub-programs were adopted. Gender policies in 11 sectors and sub-programs to ensure gender equality in 21 *aimags*, the capital city and 4 districts have been adopted as of December 2020.

Sectoral gender policies and local gender sub-programs are the first steps to make all policies and planning gender sensitive and introducing the gender methodology. Although making sectoral and local policies gender sensitive and the introduction of gender methodologies have been implemented, it has not yet included in sectoral and local policies.

Recommendations:

1. Evaluate the implementation of policies and programs in relation to the completion of sectoral policies and local sub-programs, especially the development of methodologies and the capacity of human resources in the field of gender sensitive planning. Conduct gender assessment on sectoral and local development policies during the implementation of policies and sub-programs, on the inclusion of gender concepts, and on the achievements, lessons and inadequacies.
2. Receive information on the implementation of these policies and sub-programs in reports from sub-councils and committees, and to provide with necessary guidelines, recommendations and instructions.

Article 19.1.2. to compile local or sectoral sex disaggregated statistics and to assess the state of gender equality and policy impacts.

Little progress has been made as a result of the implementation. There is a lack of sex disaggregated information at the ministries, agencies and local administrative organizations. This can be viewed from the following:

- Administrative statistics in the Integrated Statistical database (<https://1212.mn/>) are not published by sex;
- Insufficient sources of information and research on the indicators stated within this work to assess the impact of the implementation of the LPGE; the available statistics and research are not published by sex;
- The National Program for the Development of the Statistical Sector of Mongolia for 2017-2020 re-established the goal of making administrative statistics more gender sensitive;
- The sectoral profile published on the websites of the ministries has a few sex disaggregated information, and few available information is not classified by sub-sector or occupation, thus it cannot be analyzed.

In this context, it is notable that the education and health sectors provide adequate statistics on the number of employees and sex of customers. Moreover, gender sub-committee and statistics office in Selenge *aimag* conducted the Gender statistics based on local specific needs, disseminated it to the public and used in developing the policies and programs.

Recommendations:

1. Ministries and agencies shall provide gender statistics of at least the number of employees in the state organizations and total number of employees and customers in the sector.
2. Ministries and agencies shall follow the practice of education and health sector that has sufficient information of gender classified statistics of customers and employees.
3. Develop recommendations and guidelines including a list of sectoral and local gender statistics, methodologies. Implement these documents in state and local administrations and receive information on the implementation. Evaluate the information and provide with necessary methodological recommendations.

Article 19.1.3. to submit to the Government gender equality analysis report and recommendations of the draft sectoral policies, plans and programs.

Little progress has been made as a result of the implementation. Implementation of this provision to submit to the Government the gender equality analysis report and recommendations of the draft sectoral policies, plans and programs has been inadequate.

Recommendations:

1. The SNCGE shall develop procedures and methodologies for analyzing sectoral policies, plans, programs and projects to ensure gender equality, and to have them approved and implemented by Government resolution.
2. The Cabinet Secretariat shall monitor the implementation of this regulation and require the gender equality analysis report during the submission to the Government and discussion of the draft documents such as sectoral policies, plans, programs and projects.
3. Compile and submit to the SNCGE a report on the policy documents discussed by the Government in the given year. Send to the SNCGE gender equality analysis report and report on the recommendations conducted on these policy documents.

Article 19.1.4. to establish advisory gender councils and committees and to approve its composition and statutes.

Progress has been made as a result of the implementation. As stated in the SNCGE report, there are 14 sub-councils and 31 sub-committees as of 2020.

Recommendations:

1. Consider the establishment of sub-council in related agencies and organizations, the sub-committee shall establish sub-committee in the *aimag* and *soum*, districts and *khoroо* by the gender sub-council within the scope of the SNCGE functions. Provide with the recommendations on the adoption of structure and working procedure.
2. Although Article 19 of the LPGE defines the functions of the state central administrative bodies and local administrative bodies, the structure shall be established in the Cabinet Secretariat, state organizations or agencies, other organizations reporting to the Parliament in ensuring integrated management of gender equality activities and ensuring the coherence of the state organizations.

Article 19.1.5. To delegate some of the state organizations functions on gender equality to civil society and non-governmental organizations on a contract basis and to have the needed financing planned and approved in the annual budgets.

Little progress has been made as a result of the implementation. The inclusion and implementation of the delegation of state and local administrative bodies functions on gender equality to NGOs in their budgets is inadequate.

Recommendation: The SNCGE ,within the Law on Budget and other relevant law, shall develop the guidelines and recommendations for civil society and non-governmental organizations on performance of certain functions of state organizations related to ensuring gender equality on a contract basis, and on inclusion of the required expenses in the annual budget. This guidelines and recommendations shall be sent to related organizations, budget directors and managers.

Article 19.1.6. to conduct gender training and awareness raising programs within the sector and locale.

Progress has been made as a result of the implementation. The implementation of this provision has progressed since the adoption of the law where each of the organizations responsible has focused on training, enlightenment and influencing activities to change stereotypes of gender in public and civil servants and decision makers. However, there is still a high need at the sector level for more targeted programs and contents in line with the features and objectives of the sector.

Recommendation: Develop and implement in cooperation with sectoral and local specialists training programs and content in line with the sectoral and local features, development policies, goals and objectives.

Article 19.1.7. to organize the measure specified in Article 11.4 of this law in a manner that fits the feature and needs of the sector or locale.

Progress has been made as a result of the implementation. State central administrative body and local administrative bodies have failed to fulfill its obligations to organize activities until 2018 in prevention from sexual harassment in the workplace, and creation of an environment that does not tolerate sexual harassment in accordance with Article 11.4 of the LPGE. State and local organizations must take the lead in organizing such event among sectoral and local employers. However, the state and local administrative bodies responsible for organizing such event at the sectoral and local level have not included in its internal labor regulations measures to prevent sexual harassment in the workplace and to resolve complaints related to this.

It is necessary to intensify certain activities conducted by the state and local administrative bodies started from 2019.

Recommendations:

1. Provide knowledge and information on this issue to all state and local administrative bodies, and to provide them with recommendations and directions to ensure the implementation of the law.
2. Conduct assessment on the internal labor regulations and its implementation in accordance with the “Code of Ethics for Public Administration and Service Employees” adopted by the Government Resolution No.33 of 2019. This internal labor regulations shall be further applied to the branches and subordinate organizations within the sub-council’s activities of state administrative and local administrative organizations.
3. Organize the introduction of the legislation on responsibilities specified in Article 5.19, paragraph 2 of the Law on Violations and Article 11 of the LPGE to legal entities and organizations of the sector, and to monitor the implementation of the law.

Article 19.1.8. *Soum* and district governors shall submit annual reports on gender equality in staff members of state central administrative body and local administrative body to aimag and capital city by the 10th of January of next year, and the aimag and the capital city governors shall submit the report to the National Committee on Gender Equality by the 10th of February of next year.

Progress has been made as a result of the implementation. According to the SNCGE report, sub-councils and committees have submitted the report on gender equality to the SNCGE since 2016. There were many shortcomings in the reports submitted by the sub-councils and committees, such as inconsistencies, incomplete submissions and non-consolidation. The implementation of this provision has progressed since 2018 when the SNCGE cooperated with NSO in adopting information template and guidelines. However, there are following inconsistencies between the implementation of Article 19.1.8 of the LPGE and the actual implementation:

- According to the law, the district governor shall submit the report on gender equality in the state central administrative body and local administrative body employees within 10th of January of next year. However, the district governor is not able to submit such report. This report is submitted directly to the SNCGE.
- Although the district governor shall submit the report to the capital city governor and the capital city shall submit it to the SNCGE. However, currently the district governor is submitting the report directly to the SNCGE. We are of the view that this flow will be properly regulated if the report form template is approved and information is collected.
- According to the law, sub-committees of *aimag* collects information differently from *soum* governors or from each *soum*.

It is viewed that this situation will be changed by collecting information according to the form template. There is no need to collect the reports provided here if the CSC can increase the accessibility of civil service records ad reports and make gender classified information of all civil servants available.

Recommendations:

1. Clarify guidelines for the work of sub-councils and committees on the analysis of the information data and measures to take with the availability of gender equality reports of the employees in ministries and local administrative bodies.

2. Clarify utilization of gender equality report for employees at the *soum*, district, *aimag* and capital city levels and clarify necessary adjustments in it.
3. Ensure the timeline for obtaining reports and information specified in the LPGE and the timeline set out in the report form approved by the NSO are consistent.

Article 19.2. State central administrative body and local administrative body may delegate the gender research and analyses, the activities of developing legislation, policy, general plan, program and project to be performed by non-governmental organization specialized in gender equality.

Little progress has been made as a result of the implementation. The NCGE is composed of representatives of national NGOs operating in the field, it has collected the database of NGOs operating in this field, and these NGOs have been participated in various activities and discussions. This was significant step to get the NGOs involved in the policy development and in conducting analysis and research. However, there is a lack of capacity on the part of state central and local administrative bodies to initiate and implement such activities with the funding from ministries and local budgets. Most of these activities were initiated, funded and implemented by international projects.

Recommendations:

1. Increase the number of activities initiated and financed by the state central and local administrative bodies.
2. The SNCGE shall update the database of NGOs operating in this field, collect the information on the activities implemented by the NGOs and include it to the database, promote their activities and results, and establish the relationship between the NGOs and state central and local administrative bodies.

Article 20. Mandate of local self-governance bodies in promotion of gender equality

Article 20.1.1. to incorporate state gender policies and laws in local economic and social development policies and to monitor its implementation.

Progress has been made as a result of the implementation. There was no progress made in incorporating state gender policies and laws in the local economic and social development policies until 2016. Since then, *aimag*, capital city and district sub-programs have been approved by the Citizens Representative Khural (“CRH”). 7 *aimag* CRHs and 2 district CRHs planned to enforce measures on the implementation of state gender policies and laws in the local economic and social development policies.

Recommendation: Plan regular trainings to provide information to secretariat, leaders and chairmen of the CRH established after the local elections.

Article 20.1.2. to allocate funds from local budgets for activities on promoting gender equality within their respective territories.

Little progress has been made as a result of the implementation. The inclusion of activity expenditure related to gender equality in yearly local budgets is increasing. However, the inclusion of activity expenditure is on insufficient level and it is used for trainings and educational purposes.

Recommendations:

1. Organize regular trainings on gender sensitive budgeting methodologies for the CRH representatives at all levels.

2. The CRH shall adopt the local policies and programs in accordance with national policies and programs, and utilize required human resources and budgets for its implementation.

Article 20.1.3. to support activities and to develop cooperation with all organizations, legal entities and citizens in promoting gender equality.

Little progress has been made as a result of the implementation. Although the *aimag*, capital city and district CRHs have been increasing its support and cooperation with organizations, legal entities and citizens in promotion of gender equality in recent years, the figures specified in this report overlap with those of sub-committees or the Governors report as a whole.

Recommendation: The local self-governing body or the CRH shall consider further to support the activities of organizations, legal entities and citizens in ensuring gender equality through policies and reward its work.

Article 20.1.4. aimag and capital city Citizens Representative Khural shall submit annual reports on the implementation of the state gender equality policy to National Committee on Gender Equality by 20th of February of following year.

Little progress has been made as a result of the implementation. It is necessary to evaluate inadequacy of local self-governing bodies or the CRHs and their offices in submission of reports on the implementation of state gender equality policy and to provide information and guidance to newly established CRHs on their legal obligations in 2020, and to focus on improving report quality. Even though Article 20.1.4 of the LPGE states that the reports of *aimag* and capital city CRHs shall be submitted to the NCGE, the NCGE collects the reports from district CRHs. Therefore, it shall be harmonized with the law.

The content of the reports submitted by *aimag*, capital city and district sub-committees or the Governor's Office is the same as the report submitted by the CRH to the SNCGE. According to the LPGE, *aimag* and capital city governors are required to present the report on the implementation of gender equality laws to *aimag* and the capital city CRHs, and after the discussion, the CRH submits it to the NCGE.

Recommendations:

1. Provide information and guidance to the newly established CRHs in 2020 on its legal obligations, and focus on improving the quality of reports.
2. Provide guidelines and instructions on submitting reports by *aimag*, capital city and district CRH in accordance with content of the report on the implementation of state gender policy and to ensure its implementation.

Article 20.2. aimag, capital city, soum and district Citizens Representative Khural shall review reports submitted by respective level governors on the implementation and results of gender equality and human rights legislations and to inform the public on the reviewed results.

Progress has been made as a result of the implementation. Although the number of localities discussed the reports of *aimag*, capital city and district governors by the CRH has increased, but it is not sufficient. There is no information on whether the *soum* governors report was discussed by the *soum* CRH in accordance with the law and this has not been monitored. Moreover, governors report discussed by the CRH is not consistent with the Article 20.2 of the LPGE. It is not possible to analyze on how the governors report is being informed to the public.

Recommendations:

1. Monitor whether the *soum* CRH discussed and analyses the report of *soum* governor.
2. Provide with the recommendations and instructions on the compliance of the governors report to be discussed by the CRH with the Article 20.2 of the LPGE.
3. Analyze the informing procedure of the governors report to the public.
4. Further improve the law and change the part of the provision "...discuss and inform the public" to "discuss, issue conclusions and give instructions to the governor".

Article 21. Mandate of the Civil Service Council with regard to promoting gender equality

Article 21.1.1. to set up a structure that compiles sex disaggregated statistics of civil service and provide with this information the Parliament, the President, the Cabinet and other interested parties.

No progress has been made as a result of the implementation. The CSC has been inadequate in implementing the provision on the establishment of a sex disaggregated statistics structure of civil servants and providing related parties with this information. Although efforts are being made to establish this structure, it is not possible for users to obtain and use this information in needed categories, accuracy, indicators and timeframes. Even though it is assumed that the information was provided in accordance with the LPGE, it is impossible to conduct full assessment due to the fact that these information are not classified in accordance with the law.

Recommendations:

1. The CSC shall provide users with necessary classification, accuracy, indicators and timeframes from the Integrated Statistical Database of Civil Servants and Mobility.
2. Implement the Procedure for maintaining the integrated state census of civil servants and obtaining information adopted by Annex of the Government Resolution No.74 of 2019 and Article 16 of the Law on Civil Services.

Article 21.1.2. to introduce norms and standards aimed at maintaining the civil service free from gender discrimination and to provide branches and councils specified in Article 18.4 of this law with professional and methodological guidance.

Little progress has been made as a result of the implementation. The CSC has not taken measures to introduce standards or provide professional and methodological guidance to the branches and councils specified in Article 18.4 of this law, despite the establishment of norms aimed at maintaining the civil service free from gender discrimination. The CSC started working actively in this direction since 2019. For example, the CSC was involved in a working group to develop "Methodological Guidelines for the Prevention and Protection of Sexual Harassment in the Workplace and Resolving Related Complaints within the Organizations Internal Labor Procedures" adopted by the NCGE for the management, staff and employees of state organizations.

Recommendations:

1. Develop standards and guidelines for maintaining the civil service free from gender discrimination and for its implementation based on the "Code of Conduct for State Administrative and Service Employees" adopted by the Government Resolution No. 33 of 2019.
2. "Methodological Guidelines for the Prevention and Protection of Sexual Harassment in the Workplace and Resolving Related Complaints within the Organizations Internal Labor Procedures" adopted for the management, staff and employees of state organizations shall be submitted to all state organizations, civil service sub-councils and ethics councils, and monitor its implementation.
3. Provide gender sub-councils and committees with methodological guidance on the implementation of standards, guidelines and recommendation in cooperation with the NCGE.

Article 21.1.3. to oversee complaint resolution on gender discrimination within civil service.

No progress has been made as a result of the implementation. Complaints submitted to the CSC and its sub-councils within the CSC obligations to oversee the complaint resolution on gender discrimination within civil service are not specifically considered and evaluated as complaints of gender discrimination.

Article 6.1 of “Code of Conduct for State Administrative and Service Servants” adopted by the Government Resolution No.33 of 2019 states that the “Civil Servants Ethics Council with the authority to make the ultimate decision on the violations of the code of conducts of civil servants shall conduct its activities under the state administrative and service organizations” and Article 6.2 states that “The procedural rule of the Council shall be approved by the official who authorized to appoint the Council”. These provisions are considered as a legal basis for the CSC to include specific regulation on issues of gender discrimination in civil service in its drafting general procedures, guidelines, recommendations and manuals for the Civil Service Ethics Councils. The complaints on gender discrimination in civil service should consist of both complaints on gender discrimination against civil servants and citizens.

Recommendations:

1. Specify the regulations on resolving complaints of gender discrimination in civil service in drafting general procedures, guidelines, recommendations and manuals for the Civil Service Ethics Council.
2. Define the types of complaints to be considered as gender discrimination complaints in the civil service, provide guidance to sub-councils and ethics councils. Obtain detailed reports, evaluate it and take necessary measures.
3. Consider the complaints on gender discrimination in the civil service as the complaints of gender discrimination against civil servants and citizens.

Article 21.1.4. to monitor implementation of Articles 10.1, 10.3, 10.4, 11.3.2 of this law.

Little progress has been made as a result of the implementation. The CSC has inadequately implemented its obligations to monitor the implementation of Articles 10.1, 10.3, 10.4 and 11.3.2 of the LPGE. The CSC needs further to specifically consider the implementation of the law.

The provision related to the implementation of Articles 10.1 and 10.3 of the LPGE is not included in the revised Law on Civil Service, in the “Procedure for Promotion to Civil Service” adopted by the CSC Resolution No.16 of 2019, in the “Procedure for selection of direct budget governors of state service organizations” adopted by the CSC Resolution No.25, in the “Procedure on Reserve of Civil Service” adopted by the CSC Resolution No.17, and in the “Procedure on Sub-Councils of the Civil Service Council” adopted by the CSC Resolution No.59. This limits the ability of state organizations and designated staff to work on ensuring gender equality in recruitment and selection process of civil servants.

The revised version of Law on Civil Service was adopted by the Parliament in 7 December 2017 and the law came into force in 1 January 2019. There is lack of regulations on implementing duties specified in Article 10 and 21 of the LPGE, except Article 39.1.2 of this law states that the core civil servants are prohibited to discriminate citizens in the form specified in Articles 4.1.5 and 4.1.6 of the LPGE (as amended by the previous law). This led to the inadequate implementation of the CSC obligations to ensure gender equality in the civil service and to monitor its implementation.

Recommendations:



1. The CSC shall determine sex ratio for each category of position, compare it with the quota specified in the law, and provide instructions to the relevant state organizations, official and civil service sub-councils on the necessary measures and guidelines to take in case where the interconnection of these categories and quotas are failed.
2. Include more representatives of a certain gender in the recruitment and selection process to bring the gender ratio to the quota specified in the law, and to take special measures specified in Article 7 of the LPGE.
3. Include the provisions and necessary amendments related to the implementation of Articles 10.1 and 10.3 of the LPGE in the relevant procedures for recruitment and selection of human resources in the civil service.
4. Include criteria of knowledge of human rights and gender equality, as well as e-certification training developed by the SNCGE in the Civil service selection procedure.
5. Include specific provision on implementation assessment and evaluation of obligations specified in Articles 11.1-11.9 and 19, 20 of the LPGE in the “General Procedure for Monitoring and Evaluating the Implementation of Policy Documents and the Activities of Public Administration” adopted by Annex of the Government Resolution No. 206 of the Government.

Article 22. Participation of state organizations

Article 22.1.1. to participate in formulation, implementation and monitoring of the state policies, legislations and other decisions on gender equality and to protect the violated rights of the citizens.

Progress has been made as a result of the implementation. The legal framework and system for the participation of NGOs in the formulation, implementation and monitoring of the state policies, legislations and other decisions on gender equality is established. On one hand, the NCGE has been adequately working on the participation of the NGOs and on the other hand, the central and local NGOs have been actively cooperating on this matter. This level of cooperation needs to be maintained. It should be noted that the international consultants and national experts in Mongolia have concluded that the civil society organizations have enormous contribution in the adoption and implementation of legislations on gender equality and due to this contribution, the issue of gender equality in Mongolia has been brought to the state's attention. Over the past decade, civil society organizations have played a key role in ensuring gender equality with the funding from international projects and programs. Therefore, the participation and cooperation of civil society organizations needs to be further expanded.

NGOs are actively working in receiving complaints on human rights violations, informing to the relevant authorities to take measures on the elimination of these violations, transferring it for resolution, conducting monitoring, evaluation and analysis, conducting training, workshop and enlightenment activities aimed at preventing human rights violations. Moreover, the NGOs are working in providing assistance, advise and recommendations on state legislation, policies and decisions.

The involvement of civil society organizations in ensuring gender equality needs to be assessed in detail in accordance with the Arnstein (1969) Ladder of Citizen Participation model and it shall be brought to the highest level of participation which is the level of Citizen's Control.

Recommendation: Consider further legislating and ensuring its rights and obligations, and legal guarantees.

Article 22.1.2. to obtain gender related information and financial, methodological and other support from the state organizations.

Little progress has been made as a result of the implementation. There was a lack of information, financial and methodological support on ensuring gender equality from state organizations to NGOs until the implementation of medium term strategy for the implementation of the LPGE in 2017. During this period, the NGOs have been implementing projects and activities to ensure gender equality with the funding from international organizations. The establishment of the NCGE and its National Expert Group with the participation of NGO representatives had significant impact on the role of the NGOs.

Adoption and implementation of the National Program on Gender Equality, implementation of the ADB project "Gender Sensitive Policy Planning and Activities for Sector and Local Development", and the establishment of a separate SNCGE was an important step in providing the NGOs with information, financial support from the NCGE and sub-councils. The NCGE and its office are mainly working to provide methodological support for the NGOs. Therefore, it is necessary further to clarify the regulation on providing financial support to NGOs by the NCGE and sub-councils and committees, and to focus on strengthening the capacity of sub-councils and committees to provide information and methodological support.

Other state organizations do not provide information, financial and methodological support to NGOs in ensuring gender equality. There is lack of integrated information and research on this matter.

Recommendations:

1. Clarify the regulations on providing financial support to NGOs by the NCGE, sub-councils and committees, and focus on strengthening the capacity of branches and committees to provide information and methodological support.
2. Establish integrated information and research on the information, financial and methodological support on ensuring gender equality to NGOs by the other state organizations.

Article 22.1.3. to express their position on the state of gender equality.

Progress has been made as a result of the implementation. The main channels for the NGOs to express their views on gender equality to the state organizations are the NCGE, the SNCGE, sub-councils and committees.

Recommendation: The NCGE shall ensure the inclusion of gender equality issues in the relevant legislations, national and sectoral policies and programs, the receiving and reporting complaints and information on direct and indirect gender discrimination and gender equality in all social and economic sphere. It shall provide the sub-councils and committees, and CSC, the NHRC and other related parties with guidelines and recommendations.

Article 22.2. The non-governmental organizations may perform specific obligations of state organizations on ensuring gender equality on a contractual basis according to Article 19 of the Law on Government.

Little progress has been made as a result of the implementation. Although the NCGE and the SNCGE focus on the delegation of its obligations to the NGOs on a contractual basis, this cannot be done in stable and efficient manner due to a lack of budget. Although the NGOs play key role in combating domestic violence, child protection, gender equality and human rights protection, the lack of comprehensive study on the type of activities conducted by the NGOs on a contractual basis and the amount of the granted funding by the state and local budgets limits the ability to evaluate the implementation of the provision, improve coherency, and the possibility to utilize the state budget effectively.

Recommendations:

1. Create a comprehensive study and information on the type of activities conducted by the NGOs on a contractual basis and the amount of the granted funding by the state and local budgets. Evaluate the implementation of the provision, improve coherency, and create the possibility to execute the state budget effectively.
2. Include specific regulations on the assessments and evaluation on the responsibilities specified in Article 19 of the Law on Government in the “General Procedure for Monitoring and Evaluating the Implementation of Policy Documents and the Activities of Public Administration” adopted by the annex of the Government Resolution No.2016 of 2020.

10. Findings and recommendations on the guarantee Implementation of gender equality for resolving complaints on the violations of the law on promotion of gender equality, imposing the penalties, and monitoring the implementation of the legislation

The evaluation team has made the following conclusions on the implementation of the resolution of complaints on the violations of Chapters 4,5,6 of the LPGE, imposing the penalties, and monitoring the implementation of the legislation.

Article 23. Filing of complaints on the violation of gender equality

Article 23.1. Any act of violation of provisions except Article 14 of this law shall form a basis to lodge a complaint with the National Human Rights Commission of Mongolia.

Little progress has been made as a result of the implementation. The number of complaints on gender equality violations forms small percentage which equals to 1.2 percentage of the total number of complaints received by the National Human Rights Commission (“NHRC”). Although Article 23.1 of the LPGE states that any act of violations except Article 14 of this law shall form a basis to lodge a complaint with the NHRC, the NHRC reports that 23 of the 36 complaints filed in 2015-2019 are related to gender equality in family relations. However, there were no complaints related to gender inequality in economic or health sectors, one complaint each on gender inequality filed in the political and state organizations, and four complaints on gender inequality in educational and cultural sectors.

The specific studies and evaluation shall be made on whether the complaints related to the violations of the right to fair possession of movable and immovable property, the right to work, the right to social welfare, the right to health care, the right to medical care, the right to education, the right to intellectual property and the right to vote include or related to the gender inequality and discrimination. It is necessary to be considered and evaluated as a gender equality violations, and to plan and implement measures to prevent such violations.

Recommendations:

1. Increase awareness on the provisions including prohibited actions and provide with the knowledge during the promotion activities on the LPGE on the filing the complaint to the NHRC in case of violations.
2. Provide the public with the information on the procedures for resolving the civil cases in the court in accordance with the Family Law in case of gender equality violations in family relations.
3. The detailed assessment on gender inequality and discrimination shall be made on the complaints received by the NHRC, and it shall be considered as gender equality violations. Plan and implement measures to prevent such violations.

Article 23.2. A trade union and nongovernmental organization shall have the right to lodge a complaint in case of perceived violation on gender equality, equal rights, equal opportunities and treatment of men and women stipulated in this law by legal entity, organization or an official.

Little progress has been made as a result of the implementation. Although the rights are guaranteed in the LPGE, trade unions and nongovernmental organizations have not filed any complaints on gender inequality. Therefore, it is necessary to enact the Law on Human Rights Defenders, and to activate trade unions and nongovernmental organizations in monitoring of gender equality and in possibility to file a complaint to the NHRC.

Recommendation: Adopt the Law on Human Rights Defenders, and activate trade unions and nongovernmental organizations in the monitoring of gender equality and in possibility to file a complaint to the NHRC.

Article 23.3. If an employee of a state organization, private legal entity or organization commits gender discrimination in a workplace, the employer simultaneously shall be held liable for this action.

Progress has been made as a result of the implementation. If an employee commits gender discrimination, the NHRC member shall send demand, recommendation to the employer in order to eliminate the violation. This provision is implemented by including the responsibility of the employer in the Law on Violations where it is held liable. If the employer did not fulfil its obligations regarding to the monitoring the implementation of the demand and recommendation, and if it did not include the relevant regulation on the prevention from workplace sexual harassment and on the resolution of the complaints into the internal employment regulations.

Article 24. Resolution of complaints on gender equality violation

Article 24.1. The National Human Rights Commission of Mongolia, within its authority stipulated by the Law on the Human Rights Commission, shall provide independent monitoring on the implementation of gender equality related provisions of the Constitution, other laws and international treaties of Mongolia and shall receive and resolve complaints on the violation of these legislations.

Progress has been made as a result of the implementation. The NHRC mainly focused on training and promotion activities on gender equality concepts and on the LPGE since the adoption of the LPGE in 2011. The NHRC has been conducted activities such as monitoring and evaluating gender equality in certain sectors, including the monitoring reports on the human rights situations in Mongolia, receiving and resolving the complaints on the violations of the laws related to gender equality. However, it has been implemented merely on a routine basis, not within the scope of the functions specified in the LPGE. This case has been changed since 2018 and the NHRC started to specifically monitor the implementation of the LPGE.

Article 24.2. If the complaint related to gender equality violation is submitted on the grounds of employment or collective agreements, the parties to the agreements shall have the case resolved in the individual or collective labor dispute resolution process.

Progress cannot be assessed. There is lack of studies and information on this matter. If the legal entities, organizations entering into an employment or collective agreements include relevant provisions on ensuring gender equality, there will be the possibility for the parties to resolve its case in the individual or collective labor dispute resolution process.

Article 24.3. Disputes specified in Article 14 of this law shall be resolved in accordance with the procedure stipulated in the Civil Procedure Law of Mongolia.

Little progress has been made as a result of the implementation. Considering the relevant provisions of the Civil Procedure Law of Mongolia, information on family disputes in Civil Courts, and recommendations issued by the Civil law disputes chamber of the Supreme Court, it is uncertain whether the court resolves the cases submitted in accordance with Article 14 of the LPGE and whether it considered Article 14 of the LPGE in resolving family and divorce cases.

Recommendation: Conduct a detailed study on the consideration of the LPGE in the resolution of family related disputes and include it in the Supreme Court recommendation.

Article 24.4. Personal information revealed in the course of the court procedure on the sexual harassment shall be considered as confidential and is subject to protection under the Law on Personal Confidentiality.

Little progress has been made as a result of the implementation. The responsible organizations as the NHRC, are required to protect the confidentiality of personal information during the resolution of sexual harassment complaints as specified in the law.

Recommendation: It is unreasonable for the legal entities to consider that the inclusion of the prohibition of sexual harassment in the workplace to the internal employment regulations will prevent the sexual harassment in the workplace causes the implementation of the provision on resolution of complaint. This shall be reconsidered, and information and promotion activities aimed at employers to consider information related to the individuals revealed in the process of the complaint resolution as personal confidential information must be organized and to reflect the protection of this information in accordance with the Law on Personal Confidentiality.

Article 25. Tort liability

Article 25.1. If an employee breaches this law and causes harm to others while performing the duties stipulated in the employment agreement or official position, the employer shall be liable in accordance with Article 498.1 and 498. 2 of the Civil Law.

Progress has been made as a result of the implementation. This clause is consistent with the Civil Law and other relevant laws, and it is practical in resolving the claims.

Recommendation: This provision shall be used in the promotion and information activities on the implementation of employer's obligations in gender equality in the employment relations as stipulated in Article 11 of the LPGE.

Article 25.2. The employer may be excepted from the liability under Article 25.1 of this law, if he or she proves to have undertaken measures provided in Article 11 of this law.

Progress cannot be assessed. Although there are no cases excepting the employer from liability in accordance with this provision, it shall be used in the promotion and information activities of the employer's obligations on prevention from sexual harassment in the workplace and creation of the environment that does not tolerate sexual harassment.

Article 26. Penalties for breach of Law on Promotion of Gender Equality

Article 26.1. The person who is in breach of this law shall be liable under the Law on Civil Service and other related laws.

Progress cannot be assessed. Although the relevant provisions on ensuring gender equality are included in the Law on Civil Service and other related laws, there is no information on the liability for violations of the LPGE. Moreover, even though the Law on Violations and the Criminal Law include the liability for breach of the LPGE, there is no information on taken measures under these laws.

Recommendation: Include in the relevant laws the provisions that address resolution of severe forms of gender discrimination in accordance with the Criminal Law and resolution of other forms of gender discrimination in accordance with the Law on Violations.

Article 26.2. If a person obstructs the Human rights commissioner to implement its duties by failing to provide the Human Rights Commission with relevant information and documents in relation to the resolution of the complaint to the Human Rights Commission, it shall be liable under relevant law.

Progress cannot be assessed. Although Article 26.2 of the LPGE include the liability of a person obstructing the Human rights commissioner to implement its duties, the Law on Human Rights Commission of Mongolia and the Law on Violations did not include such provision.

Recommendation: Include the provision above to the Law on Human Rights Commission of Mongolia and to the Law on Violations.

Article 26.3. A person who committed an act of direct discrimination based on the sex in family relations may be ordered to attend a mandatory behavioral training stipulated in the Law on Combating Domestic Violence.

Progress cannot be assessed. An act of direct discrimination based on the sex in family relations stipulated in the Law on Combating Domestic Violence is considered as a breach of this law and be liable in accordance with the Criminal Law and Law on Violations.

Article 27. Monitoring on the implementation of the Law on Promotion of Gender Equality

Article 27.1. The monitoring on the implementation of the Law on Promotion of Gender Equality shall be exercised by the Parliament of Mongolia, the Government, *aimag*, capital, *soum* and district Governors within the scope of their respective mandates.

Progress has been made as a result of the implementation. The monitoring on the implementation of the LPGE is insufficient at the Parliament level, while it is monitored through the NCGE, the SNCGE and sub-councils at the Government level. The governor of the *aimag*, capital city and district monitor the implementation of the LPGE as stated in the report received by the NCGE from the *aimag* (21 *aimags*), capital city, district (9 districts) sub-committees.

Recommendation: Intensify the activities of *soum* sub-committees and improve the control of *soum* governors over their activities.

Article 27.2. The public monitoring on the implementation of guarantee of gender equality, equal rights and opportunities of men and women shall be exercised by trade union, civil society organizations, other organizations as well as citizens.

Progress has been made as a result of the implementation. The civil society organizations and citizens have been actively monitoring the implementation of laws, policies and other decisions on ensuring gender equality by drafting, enforcing, monitoring its implementation and protecting the violated rights.