

QUESTIONNAIRE AND RESPONSES

QUESTIONNAIRE #1

In what ways do women experience the impact of business-related human rights abuses differently and disproportionately? Please provide concrete examples in the context of both generic and sector – or region-specific experiences of women.

Women in Mongolia, experience the impact of business-related human right abuses in the common ways such as, discrimination against women at reproductive ages and women with infants (demand not to have a child in the near future, not to hire or delay to hire at the previous job or demand to work at low-paid job after maternal leave), early retirement for women and difference of average wage by gender.

The National Program on Gender Equality (NPGE, 2017) set vision to “Support equal participation in the sustainable socio-economic development processes and increase opportunities for women and men to equally benefit from development gains” and developed draft policy that integrates gender policy in to internal labor regulation clearly stating responsibility of employer to include prevention measures for labor exploitation, work place discrimination and creation of zero-tolerance environment for discrimination.

QUESTIONNAIRE #2

Please share any good practices on how to deal with increase marginalization or vulnerabilities faced by women due to intersectionality, feminization of work, informal economy, and conflicts.

In order to tackle increasing marginalization or vulnerabilities faced by women due to intersectionality feminization of work, informal economy and conflicts, raising awareness of both: public and decision makers is essential. The following activities are being implemented:

1. *Raise awareness and understanding of public on GBV/DV:*

- Continuous training of GBV/DV for civil servants and gender focal points, include GBV/DV agenda in the curriculum of universities for social workers and journalists;
- Capacity development by SASA and masculinity agenda that piloted and recognized in international level, promote involvement of men in GBV/DV prevention activities using internationally piloted and recognized method such as ProMundo;
- Raise public awareness on GBV by organizing events such as 16 days campaign against GBV/DV;
- Promote public initiatives and movement to zero-tolerance approach for GBV/DV; organize regional forum in every 2 years to evaluate and share experiences and contributions to combat and prevent GBV/DV and reward the best experience and improved service for GBV/DV victims;
- Establish One Stop Service Center (OSSC) and Shelter in local and develop human capacity.

2. *GBV/DV prevention through media:*

- Assessment of media policy on GBV/DV, train journalist and media workers on GBV/DV prevention, incorporate GBV/DV agenda in post-graduate training of Press Institute, train specialized journalists on GBV/DV;

- Produce broadcasting products: news, essay, TV/FM broadcast, documentary and serials, best production contest on GBV/DV prevention and combating and deliver message to public; promote participation of public figures (wrestlers, singers, sportsmen) in GBV/DV prevention and combating;
 - Conduct final assessment on zero-tolerance of violence and public understanding of GBV/DV;
 - Facilitate influencing and lobbying activities for developing and approving standards of operations (SOPs) of the Law on Combating Domestic Violence (LCDV) and related laws and regulations, calculate necessary budgets and allocate in state budget, improve inter-sectorial cooperation and capacity;
 - Improve capacity of law-enforcement, health, social protection and child-protection and family development agencies on GBV/DV prevention and combating.
3. *Support on implementation of UN declarations and conventions and UN member states' recommendations, namely, UN Declaration on Child Right and Convention on the Elimination of Discrimination Against Women and Universal Declaration of Human Right:*
- The cross-sectorial working group for CEDAW Committee recommendations on the eighth and ninth reports was re-established. The working group is led by Deputy Minister of Labor and Social Protection that enabled more inter-sectorial policy coherence and cooperation and included members from research institutions and NGOs. The General plan to implement the CEDAW Committee recommendations is also approved and inter-sectorial coordination is provided.

QUESTIONNAIRE #3

How to address sexual harassment and sexual or physical violence suffered by women in the business-related context, including at the workplace, in supply chains and in surrounding communities? Please share any good practices which have proved to be effective in dealing with sexual harassment and violence against women.

The Law on Promotion for Gender Equality (LPGE) states that, 'sexual harassment' as an unwelcome sexual advance made in verbal, physical and/or other forms, intimidation, threat and/or other forms of coercion that makes sexual intercourse an unavoidable option for the victim or that creates an unbearable hostile environment and/or causes damage in terms of the person's employment, professional, economic, psychological and/or any other form of well-being. Moreover, 'gender-based violence' as any action or inaction prompted by the victim's gender that inflicts or has the potential to inflict a physical, sexual, emotional, and economic damage to a victim.

The LCDV states that 'domestic violence' as an action and inaction that caused psychological, financial, sexual and physical damage to spouse, other family member, partner, custodian, person in their care and protection, and a person living in that family; a divorced, adopted child, a born, adopted parent, and sibling, divorced, or the spouse or family involved with the family relationship, or who has been involved in a family relationship.

The Parliament adopted the LCDV in 2016 and criminalized domestic violence in the legislation and intensify crime prevention activities, establishing and funding the OSSC from the national and local budgets with a goal of providing assistance and services to victims of violence, and ensuring the OSSCs' sustainable and continuous functioning. Moreover, the Joint Team services are regulated to be rendered free of charge. Nationwide 9 OSSCs and 16 temporary shelters provide needed services to victims of domestic violence.

Whilst improving legislation of combating domestic violence and service for victims, efforts are paid to tackle abuse of rights in labor relations, for instance, the LPGE states the rights, duties and responsibilities of an employer to prevent discrimination and sexual harassment in a workplace and the redress of such complaints shall be incorporated in the internal labor regulations.

Draft of Revised Labor Code reflected broadened and enriched vision to promote work place and environment for labor relations that is free from all forms of discrimination and respectful of the law and legalized employers' responsibility and duties on prevention of work place sexual harassment.

Law on Violations also stated that "Employer/individual is fined by MNT equivalent of three hundred units and business entity or organization is fined by MNT equivalent of thousand units in the absence of regulations for discriminations and harassment at work place in internal regulations".

Whilst developing legislation for GBV/DV prevention, raising awareness of public and academic trainings is essential. Therefore, "The Gender discrimination and Gender based violence", "Domestic Violence"; and "The method on prevention of workplace harassment", "Gender training handbook", training module for "Shelter management" and "Victim Blaming" have been developed and piloted.

Furthermore, to change gender stereotypes, public activities and events such as "16 days' campaign on combating GBV", "A loving father", "White Ribbon", "HeForShe" have been organized.

QUESTIONNAIRE #4

Which State laws and policies or social, cultural and religious norms continue to impede women's integration into economic activities and public life generally?

The Constitution and other laws In Mongolia are equally applicable to women and men. However, in practice, equality is insufficient; for instance, women are often discriminated in a workplace due to re-productivity, in terms of business partnership women are also misunderstood and underestimated as a weak individual not a potential and independent partner due to lack of asset ownership and decision making and financial power. These barriers limit access to economic benefit and maneuver for women.

QUESTIONNAIRE #5

Are there any good practices of integrating a gender perspective into State' economic sphere (e.g., state-owned enterprises, public procurement agencies, trade missions, export credit agencies, privatization of public services, public-private partnerships, and trade and investment agreements)?

The National Statistical Office (NSO) of Mongolia, ADB and United Nations Statistical Division (UNSD) have partnered on the Regional Capacity Development Technical Assistance: Statistical Capacity Development for Social Inclusion and Gender Equality in support of the global Evidence and Data for Gender Equality (EDGE) initiative. In particular, NSO conducted a pilot household survey on Measuring Asset Ownership and Entrepreneurship from a Gender Perspective in Mongolia, 2018. The survey collected individual-level data on financial assets,

dwelling, liabilities and valuables. The analysis of the asset ownership from a gender perspective is reflected in policies of women empowerment.

Moreover, NPGE activity plan included to conduct gender analysis on land tenure and immovable property ownership among citizens and draft relevant recommendations to be reflected in the policy and implementation processes.

QUESTIONNAIRE #6

How could policy coherence be improved between different government ministries or departments dealing with women issues and business-related matters?

Mongolia adopted the LPGE in 2011. The National Committee on Gender Equality (NCGE) is established under the Prime Minister of Mongolia holding responsibilities to develop legal environment, inter-sectorial policy coherence of gender equality and measures. The Committee consist equal number of representatives from government and NGOs', having units (sub-committees) in central and local administrative organizations that enables to organize implementation of the LPGE and the NPGE.

Mongolia has approved the NPGE in 2017. According to the NPGE, all local area to develop its own sub-program on gender equality, 9 aimags (local administrative units) and 7 sectors have developed and approved local gender programs.

Moreover, the external monitoring and evaluation, followed by improved policy development has been implemented gradually. For instance, the NGOs have been selected to conduct monitoring and evaluation for gender sub-program in Bayankhongor and Zavkhan aimags.

The re-establishing of cross-sectorial working group for CEDAW Committee recommendations on the eighth and ninth reports has been another practical experience that strengthened policy coherence is improved between different government ministries or departments dealing with women issues. The working group is led by Deputy Minister of Labor and Social Protection that improves cross-sectorial policy coherence and promoted various parties' involvement by adding members from research institutions and NGOs. The General plan to implement the CEDAW Committee recommendations was approved and sectors are provided with directions to implement recommendations.

QUESTIONNAIRE #7

What is the extent to which businesses currently apply a gender lens in conducting human rights due diligence, including social or environmental impact assessment?

The National Human Rights Commission of Mongolia (NHRC), within its jurisdiction stipulated by the Law on the Human Rights Commission, provides independent oversight of the enforcement of the gender equality related provisions of the Constitution, other laws and international treaties Mongolia is a signatory and receives and resolves complaints on violation of these legislation.

NHRC submits reports on human rights to the Parliament of Mongolia and implementation report of the LPGE and related complaints' are included in the report.

Mongolia, in order to implement the LPGE and NPGE and also contribute to the World vision, introducing gender perspective to development policies of all levels: national, sectorial and local.

In 2017, laws and policies in Mongolia and their impacts on gender are assessed from gender-perspective and analysis is reflected to development and implementation of legislation and policies of sectors.

QUESTIONNAIRE #8

Are there any good practices of business enterprises adopting a gender perspective in making human rights policy commitments, addressing the gender wage gap and under-representation of women in boards and senior positions, or involving affected women in meaningful consultations and recommendations and remediation processes?

Equal rights in employment and labor relations and in civil services are guaranteed in the LPGE and NPGE. In order to implement these guarantees, not only to cooperate with civil organizations but also developing partnership with private enterprises and related organizations. For instance, policy for gender-inclusive workplace is being developed jointly with Mongolian Confederation of Trade Union (MCTU).

Developing this policy will help address gender issues and challenges in ensuring gender equality in a workplace and with solutions and action plans. As a result, employers will be leveraged with gender-responsive approach in ensuring equal rights in a work place, increasing proportion of women in advisories and senior positions, and reducing wage gap by gender.

However, some enterprises and organizations have already set gender sub-committee and organized training for gender equality. For instance, “Erdenes Tavan Tolgoi” Company has established Gender sub-committee including representatives from all unit of the company. The major enterprises such as “Gobi” and “Energy Resource” have also developed and implemented “The plan for promotion of gender equality in business operations”.

QUESTIONNAIRE #9

What is the role of businesses in dealing with domestic laws, policies and societal practices which are discriminatory to women?

In order to promote enterprises and business entities in ensuring equal rights of women and men in labor relations and employment, the collaborations with MCTU has been developed and meetings and discussions were organized on including gender equality in requirements for the best performance entities.

Enterprises and business entities are provided with environment that enables them to eliminate right abuses in a work place and labor relations, implement measures to ensure gender equality and incorporate specific norms for gender equality in organization’s internal labor regulations, and within a social responsibility of a company: initiate measures and call society against any policy and legislation that discriminate women, propose concrete actions and plan and develop cooperation with international organizations.

QUESTIONNAIRE #10

How could media and advertising industries fight against gender stereotyping and disempowerment to women?

Mongolia adopted the Law on Freedom of press in 1998. As stated in this law “press and media are responsible for their publishing and broadcasting. There shall be no censure on content of media and broadcasting” and media is provided fully with freedom of press.

The LPGE also states the responsibility and duty of media and public in ensuring gender equality and set vision in the NPGE as follows: develop gender education among public to organize training and campaigns on gender stereotypes and establish cooperation with similar international organizations.

The Secretariat of the NCGE, Mongolia implemented various activities to achieve this visions, for instance, “The Strategy of information and communication to improve public understanding of gender equality” is developed and piloted promoting gender-sensitive policy for local development targeting civil services and member of vulnerable groups of society.

The strategy includes campaign and training to develop capacity disseminating of gender equality policy and measures, covering 60 media staff and delivered information to over 1000 people on gender stereotypes.

Moreover, "My participation in gender-sensitive journalism" and "Gender Equality My Lives" with "gender and development" approach is organized among 50 photographers. 100 interviews, news programs, programs, issues related articles and photographs competed and broadcasted in the media.

QUESTIONNAIRE #11

What additional or specific barriers do women (women human rights defenders) face accessing effective remedies for business-related human rights abuses?

In Mongolia, The Law on Non-Governmental Organizations (1997) regulates relations of establishing and running of non-governmental organizations and freedom of association that set by the Constitution and other international agreements.

The public and private partnership development still requires efforts such as promotion for NGOs and civic organizations’ activities and movements in local. In order to promote this initiative, variety of measures such as building capacity of NGO’s and evaluation and monitoring on local sub-program on gender equality by NGO’s etc. are implemented.

Number of issues exist despite challenges and barriers for women human rights defenders are not studied yet: insufficient financial opportunities limits the involvement of human rights defenders, due to lack of financial source the experienced human resource is lost and hired by other bodies.

QUESTIONNAIRE #12

How could all types of remedial mechanisms, processes and outcomes be made more gender-sensitive?

The collaboration with the Mongolian National Chamber of Commerce and Industry (MNCCI) and other initiatives and federations have been developed in order to ensure

women's right and understanding of women and men different needs in all levels, change approaches of men in business entities.

In order to achieving this, "The Guidance on developing gender equality plan for entities" is developed and piloted at some major enterprises and companies such as "Gobi" and "Energy Resource" and plan is developed promoting gender equality in a company.

In spreading and promoting more involvement of enterprises to develop and implement activity plan for gender equality, the Secretariat for NCGE is collaborating with MCTU, MNCCI and Mongolian Employers' Federation (MONEF). In the future, promoting enterprises' involvement, developing and implementing of gender equality plan is to be included in the requirements for the 100 best performance enterprises. Some incentives could be implemented such as tax exemptions for these qualified enterprises.

QUESTIONNAIRE #13

How to overcome power imbalances and discriminatory practices that might undermine the effectiveness of remedies obtained by women?

- Implement special measures for instance, quote as stated in the NPGE, intensify implementation of sub-program on gender equality in local, promote and reward enterprises, business entities and individuals succeeded in ensuring gender equality
- Improve mechanism and sanctions for right abuses whereas the current institution is weak only to recommend
- Promote budgeting of any policy and measures for gender equality.

QUESTIONNAIRE #14

Please provide any additional comments, suggestions or information which you think may be relevant for the Working Group's forthcoming report on the gender lens to the UNGPs.

Response:

Introducing gender concepts to policy and activities of top companies that pay relatively high taxes and promote the experience and best practices by policy from the government is needed.

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