

**LAW OF MONGOLIA
ON
ENFORCEMENT OF THE LAW ON PROMOTION OF GENDER EQUALITY**

February 2, 2011, Ulaanbaatar

Article 1.

Provision 10.1.1 of Article 10 of the law on promotion of gender equality shall come into force on January 1, 2013.

Article 2.

The Government shall adopt program and plans on step by step implementation by 2016 of the provisions 10.1.2 – 10.1.4 and 10.3 of Article 10 of the law on promotion of gender equality

Article 3.

This Law shall come into force on the day of adoption of the law on promotion of gender equality.

CHAIRMAN OF THE STATE GREAT HURAL

D. DEMBEREL



LAW OF MONGOLIA ON PROMOTION OF GENDER EQUALITY

Month Date 2009
Ulaanbaatar

CHAPTER ONE

GENERAL PROVISIONS

Article 1. Purpose of the law

1.1 The purpose of this law is to establish the legal basis for the creation of conditions to ensure gender equality in political, legal, economic, social, cultural and family relations, and to regulate relations related to their implementation.

Article 2. Legislation on gender equality

2.1. The legislation on gender equality shall comprise the Constitution of Mongolia, this law and other legal acts enacted in conformity with the former.

2.2. If an international treaty ratified by Mongolia provides otherwise than this law, the provision of that international treaty shall take precedence.

2.3. Laws and other legal provisions for the public shall not weaken or worsen the gender equality norms adopted in this law.

Article 3. Scope of application

3.1. This law applies equally to economic entities and organizations operating on the territory of Mongolia and to citizens of Mongolia, and, if an international treaty ratified by Mongolia does not provide otherwise, to all international and foreign organizations and foreign citizens and aliens operating or residing on the territory of Mongolia.

Article 4. Definitions used in this law

4.1. The terms used in this law shall be understood as follows:

4.1.1. “*gender*” as a perception of the roles, responsibilities and statuses which a man or a woman is expected to fulfill in political, economic, social, cultural and family spheres, that establishes itself and evolves in the course of history;

4.1.2. “*gender equality*” as an absence of discrimination on the basis of sex achieved through equal participation of men and women in political, economic, social, cultural and family relations and their equal opportunities to contribute to and access the benefits of economic, social and cultural development;

4.1.3. **“gender stereotypes”** as the differential concepts of the roles and rights of men and women in political, economic, social, cultural and family relations based on their sex, and treatment of men and women on the basis thereof;

4.1.4. **“gender discrimination”** as any action or inaction resulting in discrimination, exclusion or restriction based on sex or attributes of sex and marital status of men and women in political, economic, social, cultural, family and other spheres;

4.1.5. **direct gender discrimination** shall mean any action constituting or has the effect of constituting an unequal treatment of an individual based on his or her sex compared to another individual of the opposite sex in the same or similar conditions,

4.1.6. **indirect gender discrimination** shall mean the placing of a person of one sex in a disadvantaged situation compared to a person of the opposite sex in the same or similar circumstances as an effect of seemingly gender neutral standards and/or practices.

4.1.7. **“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.

4.1.8. **“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;

4.1.9. **“gender quota”** as the absolute minimum measure of the representation of men and women in decision-making positions;

Article 5. Principles and policy of gender equality

5.1. Gender equality shall be based on the following principles:

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.

5.1.2. **Principle of non-discrimination:** men and women shall be guaranteed enjoyment of human rights and freedoms without any discrimination or restriction on the basis of the differences in terms of their age, sex, vocation or rank, views, marital status or education.

5.1.3. **Principle of government responsibility:** The State shall fulfill all the commitments related to promoting the equality of men and women in Mongolia provided for in the Constitution of Mongolia, international treaties and other legislation and be accountable for the results achieved.

5.1.4. **Principle of gender mainstreaming:** Development policies shall be made gender sensitive through incorporation of gender concepts in laws, government policies, programs and projects.

5.1.5. **Principle of gender sensitive data and information:** The State shall ensure the availability and accessibility of sex disaggregated statistical data and other information.

5.2. The state policy on gender equality shall be aimed at ensuring conditions for equal rights, opportunities, and treatment of men and women and, furthermore, at preventing and eliminating gender discrimination.

Article 6. Prohibition of Gender discrimination

6.1. Gender discrimination shall be prohibited in political, economic, social, cultural and family spheres.

6.2. Gender based violence and sexual harassment shall be seen as constituting gender discrimination.

6.3. The policies and procedures for the prevention and elimination of gender based violence and for the protection of the rights of victims and witnesses shall be established by law.

6.4. Gender discrimination shall be defined as direct and indirect as stated in Articles 4.1.5. and 4.1.6.

6.5. The following activities shall not be considered gender discrimination:

6.5.1. provision of health, educational and other services designed to cater for the specific needs of one particular sex;

6.5.2. separate placement of people by sex at workplace facilities, student dormitories, hospitals, special care and health resort, penitentiary, detention and alcohol rehabilitation facilities;

6.5.3. selection of a person of one sex over another in renting out a private accommodation or for renting a shared accommodation;

6.5.4. establishing a non-governmental organization with a membership open for people of one particular sex;

6.5.5. organization of arts or sports and other competitions designed for people of one particular sex;

6.5.6. recruitment of a person of particular sex in conformity with the provision 101.4 of the Mongolian law on Labour or based on a specific nature of some work places such as in preschool education institutions.

Article 7. Special measures to ensure equality of men and women

7.1. The state policy referred to in Article 5.2 of this law may involve special measures aimed at protecting maternity or establishing equality of men and women in social or family relations. These special measures shall not be considered as gender discrimination.

7.2. Special measures referred to Article 7.1 of this law shall be implemented for the purposes of:

7.2.1. approving and implementing laws, policies, programs and projects aimed at protecting maternity rights and interests;

7.2.2. determining the number of seats or implementing other such quotas aimed at equalizing the representation of men or women at political and decision-making levels;

7.2.3. special measures to eliminate gender imbalances in certain sectors or setting up discounts, incentives or benefits to improve imbalanced gender representation in a trade or occupation;

7.2.4. establishing different admission conditions and requirements for education applicants of specific sex pursuant to the provision 6.5.6. of this law.

7.3. With the exception of measures referred to in Article 7.2.1, special measures shall be discontinued when the objectives of equality of opportunity and treatment are achieved.

CHAPTER TWO

GUARANTEES OF GENDER EQUALITY IN STATE STRUCTURE, ECONOMIC, SOCIAL AND CULTURAL SPHERES

Article 8. Guarantees of equal rights in political sphere

8.1. Any act of exclusion, restriction and discrimination against equal rights and equal opportunities of a man and a woman to join and participate in activities of a political party, labor union and other organizations of his or her choice shall be prohibited.

8.2. Campaign financing support in any election allocated to a male and a female candidate by a political party shall be the same amount.

8.3. Representation of any one sex in any central and local body of a political party shall not be lower than 25 percent.

8.6. A political party shall every two years submit a report on the implementation of Articles 8.2, and 8.3 of this law to the National Committee on Gender Equality referred to in Article 18.1 of this law.

Article 9. Guarantees of equal rights in economic sphere

9.1. All citizens regardless of their sex shall have equal rights to establish and register an economic entity and to engage in economic and professional activities.

9.2. Management of central and local government agencies, bodies of local self-government, economic entities and organizations of all forms of ownership shall have a duty to ensure for men and women an equal access on equal terms to land and other immovable and movable property, budget allocations, financial assets, credit, other economic wealth and resources.

9.3. Gender discrimination shall be prohibited in relations arising between persons and legal entities involving material and non-material wealth that are regulated by the Civil Law of Mongolia.

9.4. Gender discrimination shall be prohibited in the public procurement of goods, works and services and in the provision of all types of public services.

Article 10. Guarantees of equal rights in civil service

10.1. The State shall ensure conditions and opportunities for actual implementation of equal rights of men and women to be hired and be employed in civil service through the following policy:

10.1.1. Representation of any one sex among politically appointed civil servants shall not be less than 15 percent on national, aimag and the capital city levels, 20 percent on district, 25 percent on soum and 30 percent on khoroo levels;

10.1.2. Representation of any one sex in decision-making positions in public administration shall not be less than 15 percent among state secretaries and heads of agencies, 20 percent among managers in other central agencies, 30 percent among heads of department in ministries and agencies, 40 percent among heads of secretariats, departments and divisions on aimag, city, soum, duureg and khoroo levels;

10.1.3. Representation of any one sex among public servants in special public agencies shall not be less than 40 percent, except in the army, border and domestic military, police, intelligence, court decision enforcement, anti-corruption and emergency agencies;

10.1.4. In case of pre-dominance of one sex in the management of a public service agency, the agency shall develop policies and take measures aimed at ensuring a balanced gender ratio of 40:60 based on special programs and/or action plans. This provision does not apply to a case referred to in article 6.5.6. of this law.

10.2. Representation of any one sex in the composition of advisory or joint governance bodies such as committees, councils or commissions set up by public agencies or on the national level (hereinafter referred to as “the committee”) shall not be less than 40 percent.

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

10.4. Articles 11.1-11.9 of this law shall equally apply to public agencies and public officials.

Article 11. Guarantees of equal rights in employment and labor relations

11.1. Gender discrimination in employment and labor relations shall be prohibited. Unless otherwise provided by an international treaty ratified by Mongolia and other relevant laws, it is also prohibited to treat preferentially, to restrict or to dismiss an employee based on his/her sex, pregnancy, child care-taking roles, or family status.

11.2. Collective bargains and agreements shall incorporate provisions on the creation of conditions and opportunities for a man and a woman to combine their professional and family responsibilities, to bear and care for a child, to take care of his/her health, to enjoy labor safety, equal pay and bonus for equal work and to enjoy equal working conditions.

11.3. An employer shall have the following responsibilities to prevent gender discrimination in employment policies and labor relations and to ensure gender equality at a workplace:

11.3.1. implement on the basis of a plan and/or a program activities aimed at promoting gender equality and report to employees on their implementation and results;

11.3.2. refrain from explicitly specifying or implying a preference for any one sex in a job vacancy notice/advertisement, except in conditions under the Article 6.5 and Article 7 of this law;

11.3.3. recruit a person of the under-represented sex in order to ensure gender balance in a given organization or its unit;

11.3.4. carry out monitoring and evaluation of legal provisions on equal pay for equal work and equal working conditions and take actions to eliminate identified breaches;

11.3.5. undertake the promotion, professional training and re-training, skills development and pay increases for male and female employees based on the human recourse roster;

11.3.6. promptly inform all employees of job vacancies and professional training and re-training opportunities;

11.3.7. if an unsuccessful participant in a proficiency examination or recruitment process so requests, provide a written explanation of the ground of selection of a candidate of the opposite sex in a given process;

11.3.8. ensure that in a case of a once a time lay-off of more than one third of the workforce as a result of a structural change, the gender ratio of the dismissed group be directly proportional to that in the entire workforce irrespective of the length of service;

11.3.9. provide professional training opportunities for an employee returning from an absence from work due to childbirth and childcare in order to ensure their competitiveness in the labor market;

11.3.10. economic entities and organizations shall submit their reports on the sex ratio in the organization to the Governor's Offices of their respective *soums* or *duuregs* by the 20th of December of each year.

11.4. In order to prevent and keep the workplace free of sexual harassment and to maintain zero tolerance of such harassment, an employer shall take the following measures:

11.4.1. incorporate in organization's internal procedures specific norms for prevention of sexual harassment in a workplace and the redress of such complaints;

11.4.2. design and conduct a program on training and retraining geared toward creating a working environment free from sexual harassment, and report on its impact in a transparent manner.

11.5. An employee shall have the following rights in promoting gender equality;

11.5.1. receive information and education and be trained on gender discrimination and sexual harassment;

11.5.2. file a complaint and testify on one's own behalf or on behalf of a victim in a case of gender discrimination or sexual harassment;

11.5.3. inform the employer and/or the management of the acts in breach of Articles 7.2 and 7.4 of the Labor Law of Mongolia and to demand accountability for the perpetrator(s) and redress of the damage.

11.6. An employee shall have the following duties in promoting gender equality;

11.6.1. refrain from sexually harassing a fellow employee, client and/or a customer;

11.6.2. duly observe norms effected for the purpose of preventing gender discrimination and sexual harassment.

11.7. The rights, duties and responsibilities of an employer and an employee set out in this Article shall be incorporated in the internal employment procedures as provided for in Article 130.2 of the Labor Law of Mongolia.

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.

11.9. The state agency in charge of labor and employment affairs shall provide support to employers in their activities to promote gender equality.

Article 12. Guarantees of equal rights in the sphere of education and culture

12.1. Men and women shall have equal rights and equal opportunities to obtain pre-school, primary, secondary, vocational, and higher education, to be enrolled in a professional training and re-training, and to receive a scholarship, and technical counseling.

12.2. Principals and directors of educational institutions shall ensure that the working and learning environment is free from gender discrimination, and shall adopt and carry out plans and programs on gender awareness and education.

12.3. Results of programs and activities on gender equality, identified breaches and measures to redress these breaches shall be included in annual reports of an education institution. Results of a program or activities to promote gender equality shall be an indicator in measuring the performance of principals and directors of schools and kindergartens.

12.4. Education standards and curriculum for pre-school, primary, secondary, vocational and higher educational institutions shall incorporate mandatory for a student gender content, methodology and evaluation.

12.5. Textbooks, learning materials and aides used in general education schools and other educational institutions shall be free of content that denies the concept of gender equality.

12.6. Adult men and women shall be provided with equal opportunities and conditions to receive alternative educational and non-formal training that aim to decrease differences in the level of education between genders, and to access continuous educational services.

12.7. Except in case under the Article 6.5.1 and 6.5.6. of this law, educational institutions of all levels must not set discriminatory terms of admission or refuse enrolment, restrict or refuse provision of training and other services to a person on the grounds of his or her sex or engage in gender discrimination in any other form.

Article 13. Guarantees of equal rights in the sphere of health care

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

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.

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.

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.

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

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

Article 14. Guarantees of equal rights in family relations

14.1. Spouses or unregistered partners that live together shall not restrict or otherwise obstruct a free choice of a wife, husband or partner with regard to his/her professional career and/or any other form of participation in social life.

14.2. Violation of human rights and freedoms of a man or a woman to marry, to conclude or modify marriage contract and to voluntarily divorce, to raise children and to participate in family relations shall be prohibited.

14.3. A husband and a wife shall have equal rights and responsibilities to decide on the number of children to deliver, spacing of childbirth and protection from unwanted pregnancy.

14.4. Parents through their own example and family education shall give to children a proper understanding of parenthood and equal participation of men and women in the upbringing of children, appropriate perception and practices of gender equality and non-discrimination based on sex.

14.5. Gender based restriction of the right of a family member to participate in the determination of his or her share in the family property, to manage and dispose that share and to engage in income generating and other activities to cater for the needs of the family shall be prohibited.

14.6. The value of unpaid labor for household work, family business, childcare or care for elderly devoted by a spouse since marriage shall be considered as his or her contribution to social wealth and family economy.

CHAPTER THREE

MANAGEMENT AND ORGANIZATION OF ACTIVITIES TO PROMOTE GENDER EQUALITY

Article 15. Mandate of the State Great Hural with regard to promoting gender equality

15.1. The State Great Hural shall have the following mandate with regard to promoting gender equality:

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

15.1.2. improve the legal framework to ensure equal rights and equal opportunities for men and women by strengthening the national legislation in compliance with the principles and norms of gender equality established by this law, other relevant laws and international treaties of Mongolia;

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

15.1.4. discuss and issue assessments every two years on the following reports:

15.1.4.a) by the Government on the implementation and results of its gender equality promotion activities;

15.1.4.b) by the Human Rights Commission on the implementation of the gender equality legislation and resolution of gender discrimination complaints;

15.1.4.c) by the Civil Service Council on the state of gender equality in the civil service, and the progress and results of the implementation of measures to prevent gender discrimination including sexual harassment;

15.1.4.d) country report on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women.

15.1.5. other functions as stipulated by laws.

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

16.1. The government shall have the following mandate with regard to promoting gender equality:

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;

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;

16.1.3. take measures to create human and financial resources to formulate and implement gender sensitive development policies;

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

16.1.5. adopt and implement civil service standards that prevent from gender discrimination in activities and workplaces in public administration;

16.1.6. adopt directives, procedures and recommendations within its function to promote gender equality;

16.1.7. report to the State Great Hural on the implementation and results of the gender equality policies and activities.

16.2. The Government shall take up a responsibility to provide management in incorporation of unpaid household labor and household production into the extended System of National Accounts.

Article 17. Responsibilities of the Prime Minister with regard to promoting gender equality

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

17.2. Prime Minister shall head the National Committee on gender and supervise the operation of the Committee.

Article 18. Mandate of the National Committee on Gender with regard to promoting gender equality

18.1. The National Committee on gender is a public body composed of non-staff members and is responsible to ensure equal participation of the public and the government in and sustainability of the implementation of gender equality policies. The National Committee on gender shall have a Secretariat.

18.2. The Cabinet shall approve the composition of the National Committee on Gender based on the suggestion by the Prime Minister.

18.3. The National Committee on Gender shall have the following functions:

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

18.3.2. to define economic and legal measures necessary for the implementation of the gender equality policy and to provide professional and technical guidance and advise in carrying out of these measures;

18.3.3. to 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;

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 public agencies and society in general;

18.3.5. to organize the preparation of the reports referred to in Article 15.1.4.a) of this law;

18.3.6. to review and comment on drafts of the report referred to in Articles 15.1.4.c) and 15.1.4.d) of this law;

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

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

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

18.3.10. in cooperation with organizations of media, the public and private sector to organize activities that familiarize and propagate the gender equality legislation and policies to business organizations and the public and to report on outcomes of such activities;

18.3.11. to review and to make recommendations on reports by its local branches;

18.3.12. to nominate for awards economic entities, organizations and individuals that achieved outstanding results on gender equality;

18.3.13. to have the structure, composition and statute of the National Committee on Gender and its Secretariat approved;

18.3.14. to organize evaluation and assessment of implementation of the law on gender equality;

18.3.15. to prepare and submit to the Government reports on the implementation and results of the gender equality policies, legislation and programs;

18.3.16. to develop cooperation with international organizations and foreign countries in the sphere of gender equality;

18.4. The National Committee on Gender shall have branches at local administrations and ministries.

18.5. The National Committee on gender shall report to the Government.

Article 19. Mandate of central and local government agencies with regard to ensuring gender equality

19.1. Central and local government agencies shall perform the following duties aimed at ensuring gender equality:

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 of drafts of these documents and review and comment on their reports;

19.1.2. to compile local or sector-wide sex-disaggregated statistics and to assess the state of gender equality and policy impacts;

19.1.3. to submit to the Cabinet the gender sensitivity assessment reports and recommendations of the draft sectoral policies, plans, and programs;

19.1.4. to establish advisory gender councils or committees and to approve their composition and statutes;

19.1.5. to outsource some of the public agency's functions on gender equality to civil society organizations on a contract basis and to have the needed financing planned and approved in the annual budgets;

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

19.1.7. to organize the measures provided for in 11.4 above in a manner that fits the context and needs of the sector or locale;

19.1.8. soums and districts to submit annual reports on gender equality in staffing of central and local government agencies to aimag and capital city by the 10th of January, and the latter to submit the report to the National Committee on Gender by the 10th February of each year;

19.1.9. The central government authority shall submit an annual report on the implementation and results of gender equality activities to the National Committee on gender by the 10th February of each year.

19.2. A central or local public agency may outsource the gender research and analyses necessary for the development of a legislation, policy, general plan, program and project to a non-governmental organization specialized in gender equality area.

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

20.1. Local self-governance bodies of all levels shall have the following mandate with regard to gender equality:

20.1.1. to incorporate state gender policies and regulations in local economic and social development policies and to monitor their implementation;

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

20.1.3. to support the activities and to develop cooperation with all organizations, economic entities and citizens on promoting gender equality;

20.1.4. to have *aimag* and capital city Citizens Representative Hurals submit by 20th February of each year to the National Gender Equality Committee the annual reports on the implementation of the state gender equality policy.

20.2. The *aimag*, capital city, *soum* and *duureg* Citizens Representative Hurals shall review the reports by respective level governors on the implementation and results of gender equality and human rights legislation and to inform the public on the review results.

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

21.1. Civil Service Council within its mandate shall perform the following duties with regard to promoting gender equality;

21.1.1. to set up a structure that compiles sex disaggregated statistics for civil service and to provide the State Great Hural, the President, the Cabinet and other interested parties with this data and information;

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

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

21.1.4. to monitor enforcement of Articles 10.1, 10.3, 10.4, and 11.3.2 of this law.

21.2. To have the State Great Hural review the report referred to in Article 15.1.4.c) of this law and to organize implementation of the recommendations.

Article 22. Participation of organizations of the public in promoting gender equality

22.1. Participation of organizations of the public in ensuring gender equality shall be as follows:

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 citizens;

22.1.2. to obtain gender related information and financial, technical and other support from the government;

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

22.2. Pursuant to the article 19 of the Law on Government, nongovernmental organizations may perform, on a contract basis, specific duties of governmental agencies with regard to ensuring gender equality.

CHAPTER FOUR

RESOLUTION OF COMPLAINTS ON VIOLATION OF GENDER EQUALITY LEGISLATION

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

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.

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

23.3. If an employee of a public agency, economic entity or organization commits an act of gender discrimination in a workplace, the employer shall also be held liable.

Article 24. Review and resolution of complaints on gender equality violation

24.1. The National Human Rights Commission of Mongolia, within its jurisdiction stipulated by the Law on the Human Rights Commission, shall provide independent oversight of the enforcement of the gender equality related provisions of the Constitution, other laws and international treaties Mongolia is a signatory and shall receive and resolve complaints on violation of these legislation.

24.2. If the ground a of complaint is established as related to a labor contract or collective agreement or negotiation, the parties to an agreements shall have the case resolved under individual or collective labor dispute resolution process.

24.3. Disputes pertaining to the Article 14 of this law shall be resolved under the procedure stipulated in the Civil Procedure Code of Mongolia.

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

CHAPTER FIVE

PENALTIES FOR BREACH OF LAW

Article 25. Vicarious liability

25.1. If an employee breaches this law while performing the duties stipulated in the labour agreement or the terms of agreement of the position, and the breach involves damage to others, the employer shall be responsible under Articles 498.1 and 498.2 of the Civil Law of Mongolia for reimbursement of the damage incurred.

25.2. The employer may be exempted from liability under Article 25.1 of this law if he or she proves to have undertaken measures provided in Article 11.4 of this law.

Article 26. Penalties for breach of legislation on gender equality

26.1. Unless a breach of the gender equality legislation constitutes a criminal offence, a judge shall impose the following administrative penalties:

26.1.1. For committing an act of direct discrimination on a basis of attributes of a sex in political, legal, economic, social, cultural, and family relations, a person shall be fined by ₮40000-50000, a public official shall be fined by ₮60000-100000, a media organization shall be fined by ₮200000-250000;

26.1.2. For restriction or discrimination on the basis of attributes of a sex of the right of a person to join and to participate in activities of a political party or other public organization, an official shall be fined by ₮80000-100000;

26.1.3. For setting discriminatory terms of admission based on attributes of a sex, or refusing enrolment on such grounds, an educational institution shall be fined by ₮150000-250000;

26.1.4. For discrimination of men and women in health care services, an official shall be fined by ₮60000-80000;

26.1.5. For demanding, insisting, forcing a woman to abort a pregnancy, an individual shall be fined by ₮50000, an official shall be fined by ₮100000;

26.1.6. For persecuting a person on the ground that he or she reported, lodged a complaint or sued in court an incidence of gender discrimination, furnished information or documents in the course of investigation, participated in any capacity in court proceedings, or protected one's own self or others from violation of rights or legal interests, an official shall be fined by ₮70000-90000, an economic entity or organization shall be fined by ₮160000-200000.

26.1.7. For a breach of Article 8.1. of this law, a political party shall be fined by ₮200000-250000.

26.2. If, in the absence of valid reasons, a person obstructs the work of Human rights commissioner by refusing to furnish information and documentation required for inquiry into a complaint lodged with the Human Rights Commission, the faulty party shall be penalized under Article 26.1.2 of the Law on Human Rights Commission.

26.3. A person who committed an act of direct discrimination based on attributes of a sex in family relations may be ordered to attend a mandatory behavior change training stipulated by Law against Domestic Violence.

CHAPTER SIX OTHER PROVISIONS

Article 27. Oversight and monitoring of the implementation of legislation on gender equality

27.1. The State oversight and monitoring of the legislation on gender equality shall be exercised by the State Great Hural, the Cabinet, *aimag*, capital, *soum* and *duureg* Governors within scope of their respective mandates.

27.2. The public oversight of the enforcement of guarantees of equal rights, equal opportunities and equal treatment of men and women shall be exercised by trade unions, nongovernmental organizations, other organizations of the public as well as individual citizens.

CHAIRMAN OF THE STATE GREAT HURAL

D. DEMBEREL