



*The LAT analyses national legal frameworks across 30 legal indicators to provide prompt, targeted and effective policy support to Member Countries to achieve gender-equitable land tenure. The list of indicators below reflect to what extent a country has incorporated the indicator in their national legal framework. The results are shown in different colour ranges on a scale from 0 (absence of the indicator in the legal framework) to 4 (the indicator appears in multiple legal instruments).*

*Le LAT analyse les cadres juridiques nationaux à travers 30 indicateurs dans le but de formuler des recommandations rapides, ciblées et efficaces aux pays membres, pour des régimes fonciers équitables entre les sexes. La liste d'indicateurs reflète le stade d'un pays à l'égard de l'indicateur et son incorporation dans le cadre politique et juridique national. Les résultats sont présentés dans différentes couleurs et sur une échelle de 0 (absence de l'indicateur dans le cadre juridique) à 4 (l'indicateur a été intégré dans plusieurs instruments juridiques).*

*La herramienta LAT analiza el marco legal de los países a través de 30 indicadores legales con el fin de dar asesoría rápida, focalizada y oportuna a los Países Miembros de la FAO. El objetivo de este ejercicio es el de avanzar la tenencia equitativa de la tierra en cuanto al género. La lista de indicadores muestra la etapa en la que se encuentra el país en cuanto a la integración de este indicador en el marco legal nacional. Los resultados se muestran en diferentes colores y en una escala que va de 0 (ausencia del indicador en el marco legal) a 4 (el indicador está integrado en diversos instrumentos jurídicos).*

Mongolia			
Key element 1: Ratification of human rights instruments		Yes/No	Basis
1	The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is ratified.	Yes	N/A
2	The African Charter on Human and Peoples' Rights (ACHPR) is ratified.	N/A	N/A
3	The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) is ratified.	N/A	N/A



Key element 2: Elimination of gender-based discrimination in the Constitution		Stage	Basis
4	The Constitution prohibits gender-based discrimination.	3	The Constitution, 1992, Article 14(2)
5	The Constitution recognises customary law but states that gender-based discrimination in customary law is superseded by the principle of non-discrimination in the Constitution.	N/A	N/A
6	The Constitution recognises religious law but states that gender-based discrimination in religious law is superseded by the principle of non-discrimination in the Constitution.	N/A	N/A
7	The Constitution promotes the adoption of special measures for the advancement of women.	0	No provision could be located
Key element 3: Recognition of women's legal capacity		Stage	Basis
8	Men and women have the ability to conclude contracts under the same basic conditions, rights and obligations.	3	Civil Code, 2002, Articles 25.1 and 26.2
Key element 4: Gender equality of rights with respect to nationality		Stage	Basis
9	Men and women are able to apply for identity documents under the same conditions.	3	Law of Mongolia on Citizenship, 1995, Article 26(2)



10	A female national can confer citizenship to her non-national spouse under the same conditions as a male national.	No provision could be located	No provision could be located
11	Women can confer citizenship to their children under the same conditions as men.	3	Law of Mongolia on Citizenship, 1995, Article 7
<b>Key element 5: Gender equality in property rights</b>		<b>Stage</b>	<b>Basis</b>
12	The law recognises gender equality in the right to own or control property regardless of the type of marriage.	4	The Constitution, 1992, Articles 16(2) and 16(11) *** Family Law, 1999 Articles 3.1.3, 10.1 and 10.2 *** Civil Code, 2002 Article 128.1 *** Law of Mongolia on Promotion of Gender Equality, 2009, Article 14.5
13	The law recognises full or partial community of property as the default marital property regime.	3	Civil Code, 2002 Article 126.1
14	Spousal consent is mandatory for any transaction involving matrimonial property.	3	Civil Code, 2002 Articles 128.1, 128.2 and 128.3



15	The law establishes a presumption of joint ownership of property in consensual unions.	0	No provision could be located
16	The legal framework includes special measures to guarantee women's equal rights to land ownership and control.	0	No provision could be located
<b>Key element 6: Gender equality in inheritance</b>		<b>Stage</b>	<b>Basis</b>
17	The surviving spouse is granted user rights to the matrimonial house for life.	0	No provision could be located
18	Under the law of succession, the surviving spouse is entitled to a minimum share of matrimonial property.	3	Civil Code, 2002, Articles 520.1, 520.1.1, 522.3
19	The law allows partners living in consensual union to inherit from each other.	0	No provision could be located
20	Brothers and sisters have an equal right to inherit.	3	Civil Code, 2002, Articles 520.1 and 520.1.1
21	Brothers and sisters receive an equal share of inheritance.	3	Civil Code, 2002, Articles 129.1, 129.1.4, 129.2
22	A right to compensation of other siblings giving up their claims on the family property exists.	0	No provision could be located



Key element 7: Gender-equitable implementation, dispute mechanisms and access to justice		Stage	Basis
23	Decentralisation of land administration services is effected through customary land institutions.	N/A	N/A
24	Decentralisation of land administration services is effected through formal land institutions.	3	Law of Mongolia on Registration of Immovable Property, 1997, Articles 7 and 9
25	The law guarantees equality before the law.	4	The Constitution, 1992, Article 14(1) *** Civil Procedure Code, 2002, Article 4
26	The law guarantees equal access to judicial systems and statutory or customary dispute resolution mechanisms to resolve disputes over tenure rights.	4	The Constitution, 1992, Article 14(1) and 16(14) *** Civil Procedure Code, 2002, Article 3
27	The law makes provision for legal support in civil procedures.	0	Article 16(14) of the Constitution of 1992 recognises a right to legal assistance but the Legal Aid Programme of 2007 and the Law on the Legal Aid for Indigent Defendants of 2013 only apply to criminal proceedings



28	A human rights commission or gender-specific institution is in place.	3	Law of the National Human Rights Commission of Mongolia, 2000
<b>Key element 8: Women's participation in national and local institutions enforcing land legislation</b>		<b>Stage</b>	<b>Basis</b>
29	The law sets quotas for the appointment of women in land management and administration committees.	0	No provision could be located
30	The law sets quotas for the appointment of women in land dispute resolution committees.	0	No provision could be located