



## Mongolia

### Country Reports on Human Rights Practices - [2004](#)

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Mongolia continued its transition from a highly centralized, Communist-led state to a full-fledged, multiparty, parliamentary democracy, although these gains have not yet been consolidated. The 1992 Constitution established a hybrid presidential-parliamentary system of government. The demarcation of powers between the president and the prime minister has been the subject of several constitutional amendments and court challenges. The president, who is also the commander-in-chief, is elected directly by voters for a 4-year term; the next election was scheduled for May 2005. Parliament (State Great Hural), with the agreement of the president, selects the prime minister, who is nominated by the majority party. On June 27, a new Parliament was elected in national, direct elections, and on August 20, a Prime Minister took office. On October 17, the country held elections for local assemblies. The results divided 76 seats evenly between the incumbent Mongolian People's Revolutionary Party (MPRP) and the Motherland Democracy Coalition (MDC), a coalition of 3 parties. Three independent candidates and a candidate for the Republican Party (one seat) also were elected. The campaign and balloting process were considered marred by violations and irregularities. Re-counts were held in several districts; the court stayed a re-vote in one district and declared invalid a re-vote in another district. Despite widespread dissatisfaction with the conduct of the election, the MPRP and the MDC accepted the results and formed a coalition government. The judiciary is constitutionally independent; however, it was vulnerable to corruption and subject to outside influence.

Security forces are under the jurisdiction of the Ministry of Defense (MOD), the Ministry of Justice and Home Affairs (MOJHA), and the General Intelligence Agency (GIA). Military forces under the MOD are responsible for external security, but civil defense is subordinate to the MOD, giving the MOD a role in internal security. During peacetime, border security forces are under MOJHA control. National police operate under the MOJHA. The GIA, formerly the State Security Agency, is responsible for internal security and foreign intelligence collection and operations; its civilian head has ministerial status and reports directly to the Prime Minister. Downsizing of the military forces continued. The civilian authorities maintained effective control of the security forces. In September, the first noncareer-military Minister of Defense was named, replacing a predecessor who had retired from the military to accept the position. Some members of the security forces committed human rights abuses, including the abduction of a citizen in France.

After several years of stagnation, the economy grew an estimated 6 percent during the year. There also was a very large and growing amount of unreported economy activity. Unemployment and underemployment remained high. The country continued to privatize state-owned entities, and the private sector produced approximately 75 percent of the gross domestic product. The population was 2.4 million with a population growth rate of 1.4 percent, and per capita income was approximately \$480 per year. The country relied heavily on foreign economic assistance. The mainstays of the economy continued to be copper and other mining activity; livestock raising; and food, wool, and hide processing industries. A growing trade and small entrepreneurial sector in the cities provided basic consumer goods. Lack of transportation and other infrastructure, legal and regulatory deficiencies, corruption, bureaucratic obstacles, and the small domestic market discouraged foreign investment.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Members of the police at times beat prisoners and detainees. Pretrial detention conditions continued to be poor, although there were some marginal improvements during the year. There were no deaths reported in detention centers, but a number of prisoners died of disease in prison. Arbitrary arrest and lengthy detention were problems, as was corruption. Government enforcement of compliance with moral strictures and tax laws may have intimidated the media and resulted in self censorship by the press. The Minister of Justice and other officials used criminal libel suits to harass journalists and politicians who published views critical of the Government. Harassment by some officials of religious groups seeking registration persisted. Domestic violence against women was a serious problem; however, efforts to assist victims continued to increase during the year. Child abuse and child labor also were problems. Nongovernmental organizations (NGOs) reported that 7 female citizens were trafficked to Poland during the year; NGOs also reported 148 documented cases of child prostitution in 2003.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents. The 1998 killing of the Minister of Infrastructure, which was suspected of being politically motivated, remained under investigation at year's end. The inability to solve this case continued to be a major problem for the Government.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, while reports of such actions diminished, police (especially in rural areas) occasionally beat prisoners and detainees, and the use of unnecessary force in the arrest process was common. During the year, the Prison Administration completed installation of television monitoring systems in all 22 central prisons, which contributed to a significant decline in the number of prisoners and detainees beaten by guards. The Supreme Court ordered the reinvestigation of the case of five persons who allegedly were tortured in 2000 and 2001 while in pretrial detention. Questions were raised concerning evidence presented at the trial and the absence of legal counsel for the defendants during the early months of their detention. At year's end, the results of the investigation were pending.

In general, pretrial detention and prison facilities were poor, providing insufficient food, heat, and medical care, thereby threatening the health and life of inmates. Overcrowding declined in prisons and detention centers. For example, the number of prisoners in the central detention facility in Ulaanbaatar, which in the past housed 800 to 1,000 inmates, was reduced to 461. During the year, 325 prison staff members, including 159 guards, 46 social workers, and 80 medical staff, received human rights training. The MOJHA's Department for the Enforcement of Court Decisions monitored conditions in prisons and detention facilities, but new laws and procedures were not publicized widely, especially in the countryside, and citizens were not always aware of their rights with respect to detention and arrest.

Many inmates entered prison infected with tuberculosis or contracted it in prison. The Government's tuberculosis hospital provided treatment for a large number of prisoners and better isolated infected persons from the general prison population. The number of inmates who died of the disease continued to decline significantly.

All female prisoners were held separately in one central prison in Ulaanbaatar. In detention centers throughout the country, women also were held separately from men. Convicted juveniles were housed separately from adults. At year's end, there were 105 children in a separate facility for juvenile prisoners in Ulaanbaatar; the facility was designated as a training center. Outside of Ulaanbaatar, juveniles between the ages of 14 and 18 who were charged with crimes were kept in the same detention centers as adults, unsegregated from the adult population.

Improvements in detention and prison conditions outside of the capital were minimal. However, families had better access to inmates, alleviating some of the difficulty in obtaining food and clothing. At least two domestic and six foreign NGOs worked to improve conditions in prisons and detention centers by distributing clothing, food, and books, and by providing English-language instruction and vocational training in computers and trades.

The Government permitted prison visits by human rights monitors, foreign diplomats, and journalists. Amnesty International, the U.N. Development Program's (UNDP) human rights monitor, diplomatic representatives, local journalists, and other observers have visited detention centers as well as prisons.

#### d. Arbitrary Arrest or Detention

The Constitution provides that no person shall be searched, arrested, detained, or deprived of liberty except by law, and these protections have been incorporated into the Criminal Code; however, arbitrary arrest and detention remained problems. General public awareness of basic rights and judicial procedures, including rights with regard to arrest and detention procedures, was limited. Police may arrest persons suspected of a crime and hold them for up to 72 hours before a decision is made to prosecute or release them. Under the Criminal Code, a court order must be requested to continue holding a suspect after 24 hours have elapsed. If the requested order is not granted within 72 hours, the suspect must be released. Prosecutors do not have authority to issue warrants. A detainee has the right to a defense attorney during this period and during all subsequent stages of the legal process. If a defendant cannot afford a private attorney, the Government must appoint an attorney. However, in practice, many detainees were not made aware of this right and did not assert it. There was a shortage of state attorneys, and the low quality of attorney training and the bureaucratic obstacles faced by attorneys and defendants were chronic problems. Detainees may be released on bail with the agreement of the prosecutor. The maximum pretrial detention (with a court order) is 24 months; an additional 6 months are allowed for particularly serious crimes such as murder. According to administrative regulation, if a person is wrongly charged with a crime, the Government must restore the person's rights and reputation and compensate him, but this regulation very rarely was followed in practice.

In August 2003, GIA officers abducted a citizen from France and returned him for questioning in connection with the 1998 assassination of former Minister of Infrastructure Zorig. The officers acted without the knowledge, consent, or cooperation of the French Government or law enforcement authorities, or of the authorities of Belgium and Germany, which they transited when they brought the person back. The Government claimed that the person was returned pursuant to a court order to serve the

remaining time on a fraud conviction. The court order appeared to have been issued after the abduction took place. At year's end, the person was in prison serving the remainder of his 11 year sentence for fraud.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, corruption and outside influence were problems.

The judiciary consists of local courts, provincial courts, and the Supreme Court. The 11-member Supreme Court is the court of final appeal, hearing appeals from lower courts and cases involving alleged misconduct by high-level officials. Local courts primarily hear routine criminal and civil cases; provincial courts hear more serious cases, such as murder, rape, and grand larceny, and also serve as the appeals court for lower court decisions. The Constitutional Court, separate from the criminal court system, has sole jurisdiction over constitutional questions. The General Council of Courts, an administrative body within the MOJHA, nominates candidates for vacancies on the courts; the President has the power to approve or refuse such nominations. The council also is charged with protecting the rights of judges and providing for the independence of the judiciary.

According to law, all accused persons have the right to due process, legal defense, and a public trial. Closed proceedings are permitted in cases involving state secrets, rape cases involving minors, and other cases as provided by law. The Constitution provides that defendants are innocent until proven guilty; however, in practice, this provision was rarely observed in the courts. Defendants may question witnesses and appeal decisions.

There were no reports of political prisoners. Each September, the Government publicly pays respect to the memory of victims of the political repression from 1922 through the 1960s. Since 1991, of approximately 36,000 persons who were repressed, 28,606 have been absolved of accusations leveled against them. The Government has provided approximately 550 apartments and "gers" (a traditional nomadic dwelling) to surviving victims or the victims' spouses. In addition, the State Rehabilitation Commission has provided compensation to other family members of victims in the form of cash grants of \$500 and \$1,000 (500,000 and 1 million tugrik). Since 1991, 16,077 persons have received more than \$14.6 million (14.8 billion tugrik) in compensation. The program, originally scheduled to end in 2000, was extended to February 2006.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. The head of the GIA, with the knowledge and consent of the Prime Minister, may direct the monitoring and recording of telephone conversations. The extent of such monitoring was unknown. Police wiretaps must be approved by the Prosecutor's Office and are authorized for 2 weeks at a time.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not respect academic freedom.

A variety of newspapers and other publications represented major political party viewpoints as well as independent views. The media law bans censorship of public information and future legislation that would limit the freedom to publish and broadcast. This law also bars state ownership or financing of the media or media organizations. Nonetheless, the state continued to own the vast majority of radio and television stations and frequency licenses. The law took effect without agreement on regulations and procedures for the privatization of assets, and its implementation has been difficult and controversial. Lack of transparency and of a truly independent licensing authority has inhibited the ability of domestic and foreign broadcast companies to compete fairly with politically connected business interests and senior party officials for broadcast frequencies.

The Government monitored all media for compliance with antiviolenence, antipornography, antialcohol, and tax laws. In April, a journalist was ordered to be detained for 3 months in solitary confinement after being charged with libeling a Member of Parliament. A court ordered her release after 23 days in detention. Credible reports indicated that police briefly detained 30 journalists for questioning following a political commentator's dissemination of a column critical of the Minister of Justice. While there was no direct government censorship, the press alleged indirect censorship in the form of government harassment such as frequent libel lawsuits and tax audits. The law places the burden of proof on the defendant in libel and slander cases. As a result, some media practiced self-censorship. Nonetheless, independent media outlets at times were strongly critical of the Government. The Minister of Justice and other officials used criminal libel suits to harass political opponents and journalists who expressed or published views critical of the Government. Due to transportation difficulties, uneven postal service, and fluctuations in the amount of newsprint available, access to a full range of publications was restricted in outlying regions.

While the print media was relatively open and free, the electronic media--television and radio--continued to be monopolized by government and business entities or individuals associated with the former MPRP government. Despite the law prohibiting the Government from owning mass media, the MPRP while in government continued to monopolize Mongol TV and Radio, the only

stations capable of broadcasting nationwide. In October, the new "Consensus Government" stated that it would convert Mongol TV and Radio into a public broadcasting entity.

An estimated 70 percent of households had television sets, and there were seven television stations, including a local station controlled by the Ulaanbaatar mayor's office. During the year, two of the private television stations and the station controlled by the Ulaanbaatar mayor's office were granted licenses to broadcast nationwide. Ulaanbaatar residents received broadcasts from other countries in Asia, Europe, and North America by commercial satellite and cable television systems.

State-owned radio was the major source of news in the countryside. Local entities reported difficulties in acquiring licenses for local radio stations. For example, the MPRP-appointed governor of Gobi-Altai Province refused to approve applications for radio licenses from local entities associated with opposition political parties. The MPRP-appointed governor of Dornod Province refused to issue a broadcast license to the Democratic Party. However, one independent radio station broadcast widely, and there were an increasing number of small local FM stations. The Voice of America and the British Broadcasting Company broadcast in English only, over FM radio frequencies leased from private media interests. The media presented both opposition and government views.

Access to the Internet was available, and the Government did not interfere with its use.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the law limits proselytizing, and some groups that sought to register faced bureaucratic harassment.

The Constitution explicitly recognizes the separation of church and state. However, although there is no official state religion, traditionalists believe that Buddhism is the "natural religion" of the country. The Government contributed to the restoration of several Buddhist sites that are important religious, historical, and cultural centers; it did not otherwise subsidize Buddhism.

Religious groups are required to register with the MOJHA. However, the registration process was decentralized with several layers of bureaucracy, and officials sometimes demanded bribes in exchange for authorization. Local assemblies have the authority to approve applications at the local level. In general, it appeared that difficulties in registering primarily were the consequence of actions by local officials and attempts to extort financial assistance for projects not publicly funded. During the year, 10 new Christian churches registered in Ulaanbaatar. Some of these churches had been active and seeking registration since 1994.

Under the law, the Government may supervise and limit the number of places of worship and clergy for organized religions; however, there were no reports that the Government did so during the year.

The law does not prohibit proselytizing, but it forbids the use of incentives, pressure, or "deceptive methods" to introduce religion. In addition, a Ministry of Education directive bans mixing foreign language or other training with religious instruction. The edict was enforced, particularly in the capital area.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. However, due to continued harsh winter weather and drought conditions, an increased number of persons sought shelter in the capital, and the authorities continued to use bureaucratic obstacles, such as increasing fees for residency applications, to prevent new arrivals from qualifying for residency and social benefits in the capital.

The Constitution prohibits forced exile, and the Government did not use it.

The country is not a party to the 1951 U.N. Convention Regarding the Status of Refugees or its 1967 Protocol, and it has no laws for granting refugee status. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution, but it did not routinely grant refugee or asylum status. The Government continued talks with U.N. High Commissioner for Refugees (UNHCR) representatives on refugee and asylum issues.

Small groups of North Koreans continued to enter the country from China. The Government's concerns about potentially growing numbers of North Korean migrants increased opposition to accession to the 1951 Convention.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. However, in recent years, authorities have denied entry to some persons claiming refugee status, having determined that these persons were "economic immigrants" and not refugees.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage; however, the campaign and balloting process in the June national election were widely considered marred by violations and irregularities. The Constitution limits the President to two 4-year terms. Presidential, parliamentary, and local elections are held separately, also for 4-year terms.

On June 27, in a national election widely regarded as flawed, 76 percent of the eligible voters cast votes for the 76-seat national Parliament. Nine parties (three in coalition) contested the election. The results split 72 seats evenly between the former ruling MPRP and the MDC, a coalition composed of the Democratic Party, Mongolian Democratic New Socialist Party, and the Civic Will Party. Three independents and a Republican Party candidate also were elected.

The campaign and balloting processes were marred by violations and inconsistencies. President Bagabandi, the major political forces, and domestic as well as foreign observers complained of numerous irregularities and violations committed by political parties, individual candidates, and members of the appointed district election committees. Domestic NGOs and observers documented widespread illegal use of state property and civil service workers, primarily by the MPRP, for campaign activities. Approximately 10 percent of the population moved from one district or precinct to another during the final 2 weeks of the campaign to exploit so-called "transfer voter" provisions in the law. These provisions resulted in many disputes and, in at least one precinct, had the effect of disenfranchising resident voters. Observers also reported abuses related to control of mobile ballot boxes, police intimidation, fraudulent ballots, multiple voting, ejection of political party and foreign observers from polling stations, and ballot-box stuffing. Both the MPRP and the MDC called for re counts in many districts. The MPRP formally challenged and requested re-votes in two districts. The MDC took the cases to the new administrative court, which stayed the re-vote in one district and ruled invalid the re-vote in another district. At year's end, candidates continued to pursue their challenges through appeals in the courts.

Protracted inter- and intra-party negotiations produced a "Grand Coalition" or "Consensus" Government, in which the MPRP and MDC divided parliamentary standing committee and cabinet positions. The Speaker of the Parliament (and second in the chain of command after the President) and the Prime Minister (third in the chain of command) were from different parties, as were the ministers and vice ministers of the 13 ministries. Several new parliamentary standing committees and ministries, as well as a new deputy prime minister position, were created to accommodate the need for balance between the political forces. In addition, the parties agreed to exchange the positions of Speaker and Prime Minister after 2 years, when the MDC would nominate the Speaker and the MPRP would nominate the Prime Minister.

The Constitution provides that the Prime Minister, in consultation with the President, shall submit executive branch proposals to Parliament. Members of Parliament may serve as cabinet ministers.

There were 18 registered political parties; 5 were represented in Parliament.

Corruption was perceived to be a growing problem. Government and parliamentary decisionmaking was not sufficiently transparent, and open public legislative hearings were rare. The State Secrets Law inhibits freedom of information and government transparency and accountability. There were public calls not only to amend the law but also to implement the equivalent of a "freedom of information act."

There were no legal impediments to the participation of women or minorities in government and politics. There were 5 female members in the 76-member Parliament, including a vice speaker. There was one female minister and one female vice-minister. Women and women's organizations were vocal in local and national politics and actively sought greater female representation in government policymaking.

There were three members of the ethnic Kazakh minority group serving in Parliament.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

With UNDP assistance, a local representative in each provincial assembly monitored human rights conditions, among other duties.

The National Commission on Human Rights (NCHR) consists of three senior civil servants nominated by the President, the

Supreme Court, and the Parliament for terms of 6 years. The NCHR was responsible for monitoring human rights abuses, initiating and reviewing policy changes, and coordinating with human rights NGOs. The NCHR reported directly to Parliament. In its 2003 report, as in its 2001 and 2002 reports, the NCHR criticized the Government for abuses of the power of arrest and detention, poor conditions in detention and prison facilities, lengthy detentions without trial, and failure to implement laws. The reports also faulted Parliament and the courts for failure to protect human rights fully.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution states that "no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin, or status," and that "men and women shall be equal in political, economic, social, cultural fields, and family." The Government generally enforced these provisions in practice. There was no official discrimination against those with HIV/AIDS; however, some social discrimination existed.

#### Women

Domestic violence against women was a serious problem. Rape and domestic abuse are illegal, and offenders can be prosecuted after formal charges have been filed. There is no law specifically prohibiting spousal rape. Rape, including spousal rape, also was a problem. During the year, the number of reported cases increased nearly 5 percent.

In May, Parliament passed a law against domestic violence to become effective January 1, 2005. The law states that "Domestic violence shall mean any intentional act or failure to act by a person ... with respect to another person that infringes upon the latter's human rights, freedom, or any act that causes threat or contains a threat to cause harm." The law covers family members and also cohabitants not registered as married in the state registry, as well as persons who are in the custody of a family due to adoption, being nursed, or over whom a family member has guardian status. The law empowers central and local authorities to implement national policy to combat and prevent domestic violence, fund such activities from the national budget, and enlist the support and cooperation of NGOs in their efforts. The law requires police to accept and file complaints, visit the site of incidents, interrogate the offender and witnesses, explain the law, impose administrative criminal penalties, bring victims to refuge, and transfer custody of relatives if necessary. Police may also detain an offender temporarily, send drunken offenders to "sobering houses," and inform social workers and advise relevant authorities on restrictions to place on an offender. The law outlines the role of social welfare organizations and NGOs and confidentiality provisions for victims. The law provides for the following sanctions on offenders: expulsion from home or separate accommodations, prohibitions on the use of jointly owned property, prohibitions on meeting victims, prohibitions on access to minors, compulsory training aimed at behavior modification, and compulsory treatment for alcoholism.

There were no reliable statistics regarding the extent of domestic abuse, but qualified observers believed that it affected as much as one-third of the female population. Approximately 98.5 percent of those who committed violent crimes in the home were men, and women typically were the victims. In recent years, domestic abuse appeared to become more violent; different statistical sources stated that between 10 and 24 percent of murders occurred in the home. During the year, murders of women were 18 percent of all murder cases. After many years of government and societal denial, there was increasing public and media discussion of domestic violence, including spousal and child abuse. However, the perception remained that domestic abuse was either a family issue or not a problem. In recent years, economic and societal changes have created new stresses on families, including loss of jobs, inflation, and lowered spending on social and educational programs. Some statistics showed that more than 60 percent of family abuse cases were related to alcohol abuse. The high rate of alcohol abuse contributed to increased instances of family abuse and abandonment and added to the number of single-parent families, most of which were headed by women. Women were hesitant to prosecute cases of domestic abuse because of likely long-term detention of spouses and the resulting loss of household income.

Prostitution is illegal. The national police documented 148 cases of underage prostitution in 2003.

There were reports that some female and teenage citizens worked in the sex trade in Asia and Eastern Europe; an unknown number of them may have been trafficked (see Section 5, Trafficking).

There are no laws against sexual harassment.

The Family Law details rights and responsibilities regarding alimony and parents' rights, and it is intended to bring about timely dispute settlement and ameliorate the causes of some domestic violence. The National Center Against Violence operated branches in two districts of Ulaanbataar and eight provinces. One shelter for victims of domestic abuse existed in the country, largely funded by foreign charitable organizations.

The law stipulates the obligations regarding divorce, custody, and alimony for the parent caring for children. It provides for more speedy resolution of divorce cases when the relevant agencies have determined that domestic violence is involved.

The Constitution provides men and women with equal rights in all areas. By law, women are to receive equal pay for equal work and have equal access to education. Women represented approximately half of the work force, and a significant number were the primary wage earners for their families. The law prohibits women from working in certain occupations that require heavy labor or exposure to chemicals that could affect infant and maternal health, and the Government effectively enforced these

provisions. Many women occupied midlevel positions in government and the professions, and many were involved in the creation and management of new trading and manufacturing businesses.

There was no separate government agency to oversee women's rights; however, there was a national council to coordinate policy and women's interests among ministries and NGOs, and the Ministry of Social Welfare and Labor had a Division for Women and Youth Issues. There were approximately 40 women's rights groups that concerned themselves with issues such as maternal and child health, domestic violence, and equal opportunity.

#### Children

Increased stress on the family structure and throughout society has had adverse effects on many children, and the Government has been unable to keep pace with the educational, health, and social needs of this most rapidly growing segment of its population, although it is committed to children's rights and welfare in principle. The Government provided children with free and, by law, compulsory public education through the age of 16; however, family economic needs and state budgetary difficulties made it difficult for some children to attend school. In practice, female children over the age of 15 had better opportunities to complete their education than male children, because teenage males often were required to work at home, and schools generally were located far from homes (see Section 6.d.). In addition, there continued to be a severe shortage of teachers and teaching materials at all educational levels.

Although the society has a long tradition of communal raising of children, societal and familial changes have orphaned many children. The Government was more willing than in the past to admit the extent of the problem, but it lacked the resources to improve the welfare of children who have become victims. NGOs continued to assist orphaned and abandoned children. The Government did not publish statistics on street children; however, the 2002 census identified approximately 1,300 homeless youths between 7 and 18 years of age. Of those, 840 lived in shelters provided by 21 children's centers sponsored by international NGOs. Groups working in the field disagreed on the number of street children, but they estimated that there were as many as 3,000. Female street children, who accounted for one third of all street children, sometimes faced sexual abuse. The Government established the National Committee for Children to address this and other child welfare problems. The Government supported two government-funded but privately owned and administered shelters, one for children from birth to age 3 and the other for children from 3 to 16 years of age. While these facilities received some government funding, it was inadequate, and foreign aid helped sustain the orphanages.

There was growing awareness that child abuse, often associated with parental alcoholism, was a problem. In conjunction with efforts to counter violence against women, NGOs have begun to address the problem.

#### Trafficking in Persons

The law specifically prohibits trafficking in women and children; however, there was evidence that female and teenage citizens working in the sex trade in Asia and Eastern Europe may have been the victims of trafficking rings. The country was both a source and transit point for trafficking.

In 2003, the national police documented 148 cases of underage prostitution. Also in 2003, police investigated 7 cases involving 19 suspects accused of trafficking 60 women to Hong Kong, Macau, and South Korea. During the year, NGOs reported that seven women were trafficked to Poland from the country. Authorities detained and subsequently denied entry to two foreign nationals (one British and one South Korean) for alleged trafficking of women.

Although most officials and NGOs found it difficult to estimate the extent of the trafficking, increasing attention was focused on the problem. In May, the former Ministry of Infrastructure, which had oversight responsibility for the tourist industry, worked with UNICEF and tourist companies to develop a voluntary code of conduct to protect minors from sexual exploitation in the travel and tourist industry.

The primary targets of trafficking schemes were middle-class girls and young women, ranging in age from 14 to approximately 28, who were lured abroad by offers to study or work. It was not difficult to traffic persons across the country's borders. Some NGO experts believed that members of the police sometimes were involved in trafficking young women and helping facilitate their movement across borders.

#### Persons with Disabilities

The labor law prohibits discrimination in employment and education against persons with disabilities, and it requires the Government to provide benefits according to the nature and severity of the disability, which the Government did. The Law on Social Protection of the Disabled charges provincial governors and the Ulaanbaatar governor with the responsibility to work with provincial councils and the Ulaanbaatar city council to develop and implement measures to protect persons with disabilities. However, NGOs claimed that the Government did little to implement such measures, and in practice, most persons with disabilities could not find jobs. The law requires companies employing more than 50 persons to hire at least 3 persons with disabilities, and the Government provided tax benefits to enterprises that hired persons with disabilities, whom some firms hired exclusively. Persons injured in industrial accidents have the right to reemployment when ready to resume work, and the Government offered free retraining at a central technical school. There were several specialized schools for youths with

disabilities, but these students also were free to attend regular schools. There is no law mandating access to buildings for persons with disabilities, which made it difficult for these persons to participate fully in public life. Persons with disabilities have demonstrated for higher government subsidies. Government pensions for persons with disabilities were approximately \$40 (40,000 tugrik) per month. Approximately 30 NGOs participated in activities assisting the approximately 40,000 persons with disabilities in the country.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution entitles all workers to form or join unions and professional organizations of their choosing, and the Government respected this right in practice. Union officials estimated that union membership remained constant at approximately 400,000, which represented less than half of the workforce. Workers who were self-employed or worked at small firms generally did not belong to unions. No arbitrary restrictions limited who could be a union official, and officers were elected by secret ballot.

In 2003, the leadership of the Association of Free Trades Unions merged with the Mongolian Trade Unions Confederation, in effect leaving only one trade union confederation in the country.

### b. The Right to Organize and Bargain Collectively

The law regulates relations between employers, employees, trade unions, and the Government. The Government's role is limited to ensuring that contracts meet legal requirements concerning hours and conditions of work. Wages and other conditions of employment are set between employers, whether state or private, and employees, with trade union input in some cases. The Labor Dispute Settlement Commission resolves disputes involving an individual; disputes involving groups are referred to intermediaries and arbitrators for reconciliation. The law provides for the right to strike, and workers exercised this right in practice. If an employer fails to comply with a recommendation, employees may exercise their right to strike. The law protects workers' right to participate in trade union activities without discrimination.

Persons employed in essential services, which the Government defines as occupations critical for national defense and safety, including police, utility, and transportation workers, do not have the right to strike.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

The law specifically prohibits forced or compulsory labor, including by children; however, enforcement was irregular.

### d. Prohibition of Child Labor and Minimum Age for Employment

The law in general prohibits children under the age of 16 from working, although those who are 14 or 15 years of age may work up to 30 hours per week with parental consent. Those under 18 may not work at night, engage in arduous work, or work in hazardous occupations such as mining and construction. Enforcement of these prohibitions, as well as all other labor regulations, was the responsibility of state labor inspectors assigned to regional and local offices. These inspectors have the authority to compel immediate compliance with labor legislation, but enforcement was limited, due to the small number of labor inspectors and the growing number of independent enterprises.

Children worked informally in petty trade, scavenging in dumpsites, scavenging coal from abandoned mines, and herding animals. Increasing alcoholism and parental abandonment made it necessary for many children to have an income to support themselves, their siblings, and sometimes their parents. Estimates placed the number of children in the labor force as high as 58,000.

In addition, due to economic pressures, fewer children, especially teenage boys in the countryside, stayed in school until age 18 (see Section 5). Children most often herded family livestock, but reports of children working in factories or coalmines continued.

The Government prohibits forced and compulsory labor by children and generally attempted to enforce this prohibition. However, forced labor by children occurred.

### e. Acceptable Conditions of Work

The legal minimum wage established for the year was under \$30 (30,000 tugrik) per month. This minimum wage, which applied to both public and private sector workers and was enforced by the Ministry of Social Welfare and Labor, was insufficient to provide a decent standard of living for a worker and family. Virtually all civil servants earned more than this amount, and many in private businesses earned considerably more. Some employees received housing benefits.



The standard legal workweek is 40 hours, and there is a minimum rest period of 48 hours between workweeks. By law, overtime work is compensated at either double the standard hourly rate or by giving time off equal to the number of hours of overtime worked. Pregnant women and nursing mothers are prohibited by law from working overtime. For those 16 and 17 years of age, the workweek is 36 hours, and overtime work is not allowed. These laws generally were enforced in practice.

Laws on labor, cooperatives, and enterprises set occupational health and safety standards. However, the near-total reliance on outmoded machinery and problems with maintenance and management led to frequent industrial accidents, particularly in the mining, power, and construction sectors. Enforcement of occupational health and safety standards was inadequate. The labor monitoring unit employed only 73 inspectors to inspect a growing number of enterprises throughout the country. According to the law, workers have the right to remove themselves from dangerous work situations and still retain their jobs. There were a small number of foreign workers in the country who generally enjoyed the same protections as citizens.