



Mongolia

Country Reports on Human Rights Practices - [2007](#)

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Mongolia, with a population of approximately three million, is a multiparty, parliamentary democracy. Observers noted minor irregularities in the 2005 presidential elections. Parliament (the State Great Hural), with the agreement of the president, selects the prime minister, who is nominated by the majority party. In November parliament confirmed S. Bayar of the Mongolian People's Revolutionary Party (MPRP) as prime minister, and a new coalition government was formed. Civilian authorities generally maintained effective control of the security forces, but there reportedly were a few instances in which elements of the security forces acted independently of government authority.

The government generally respected the human rights of its citizens; however, the following human rights problems were noted: police abuse of prisoners and detainees; impunity; poor conditions in detention centers; arbitrary arrest, lengthy detention, and corruption within the judicial system; criminal defamation laws applied to journalists; continued refusal by some provinces to register Christian churches; sweeping secrecy laws and a lack of transparency; domestic violence against women; international trafficking of persons; and some domestic cases of child prostitution.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, abuse by security forces likely caused some deaths. In May 2006 the National Human Rights Commission (NHRC) reported that police abuse of suspects resulting in death was a persistent problem, and it cited numerous examples. There often was a lag time in reporting and investigating cases, and examples of new deaths in police custody during the year were not readily available.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices; however, police, especially in rural areas, occasionally beat prisoners and detainees, and the use of unnecessary force--particularly to obtain confessions--in the arrest process was common.

Nongovernmental organizations (NGOs) reported that cruel punishment was sometimes meted out to inmates by guards or police at police stations, prisons, and detention centers. The NGOs stated some inmates were burned with cigarettes, beaten with batons, or kicked in the shins with steel-toed boots. However, they stated that the overall level of excessive punishment declined during the year.

While the NHRC did not report on torture during the year, in 2006 it condemned persistent abuse of suspects, including some cases resulting in death. The NHRC asserted that among 1,338 detainees surveyed at eight pretrial detention centers in 2005, more than 70 percent of them had confessed under duress or actual force. Consistent credible evidence suggested that suspects were placed in cells with violent inmates whom investigators had instructed to coerce confessions.

In addition to a regular salary, police receive a bonus for closing cases; human rights organizations argued that this created an incentive for police to coerce quick confessions rather than fully investigate criminal activity.

During the year the NHRC reported that some military superiors commonly used force and humiliation against subordinates. It said a survey of soldiers found that in addition to punching and kicking subordinates, some superiors administered electric shocks using communication devices. The NHRC said that during a 10-month period in 2006, the Armed Forces Central Clinical Hospital admitted 12 soldiers for treatment, following severe beatings by superiors. The NHRC said soldiers were extremely reluctant to report such attacks.

Prison and Detention Center Conditions

Conditions in pretrial detention and prison facilities were generally poor. Insufficient food, heat, and medical care threatened the health and life of inmates. However, NGOs reported prison and detention center conditions generally improved during the year, particularly with regard to food quality and access to hot water. Nevertheless, access to prisons and detention centers by monitors from the diplomatic and human rights community was limited, and some monitors were "chaperoned" by public servants who forbade them to speak privately with inmates. Overcrowding continued to be a problem, especially at detention centers, where cells sometimes held eight persons in a space intended for two or three. According to NGOs, punishment for inmate misconduct or insubordination was swift and could include baton blows, kicks to the shins, or being burned with cigarettes. Guards often worked 24-hour shifts and reportedly drank heavily during their shifts.

Many inmates entered prison infected with tuberculosis (TB) or contracted it in prison. The government treated victims, either at prison, detention center clinics or the government's TB hospital. Generally, infected persons with active TB were isolated from the general prison population. Treatment was often problematic because many of the infected inmates had a drug-resistant strain of TB. NGOs stated the overall TB situation at prisons and detention centers improved slightly during the year. While the number of inmates who died from the disease declined significantly over the years, infection in prisons and detention facilities and poor treatment for the disease remained serious problems.

At military prisons, soldiers held in solitary confinement were sometimes denied potable water, fed as infrequently as once a day, and denied access to fresh air, according to the NHRC.

At least two domestic and six foreign NGOs, including Crossroads and Prison Fellowship Mongolia, worked to improve conditions in prisons and detention centers; some provided clothing, food, books, English-language instruction, and vocational training.

d. Arbitrary Arrest or Detention

The law provides that no person shall be searched, arrested, detained, or deprived of liberty except by specified procedures; however, arbitrary arrest and detention remained problems. General public awareness of basic rights and judicial procedures, including rights with regard to arrest and detention, was limited, especially in the countryside.

Role of the Police and Security Apparatus

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). The MOD oversees national defense and assists in providing domestic emergency assistance and disaster relief, in support of internal security forces. National police operate under the MOJHA, as does the Border Force. The GIA, formerly the State Security Agency, is responsible for both internal security and foreign intelligence collection and operations. The GIA's civilian head reports directly to the prime minister. The State General Prosecutor's Office supervises undercover activities of the police and the intelligence agencies.

There was general agreement that corruption in law enforcement agencies was endemic. Some police officers were reportedly investigated by the Anti-Corruption Agency, which was established during the year. There were no major changes to prevent or punish police who abused detainees. The government, however, took efforts to improve training and professionalism of the security forces, including a workshop on the use of nonlethal weapons for crowd control.

Laws and mechanisms to investigate police abuses remained inadequate. A Special Investigative Unit (SIU) under the State General Prosecutor's Office investigates allegations of misconduct by law enforcement personnel, prosecutors, and members of the judiciary. Each year the SIU received between 600 and 700 complaints against law enforcement and conducted 300 to 350 investigations. In approximately 40 percent of these cases, criminal charges were brought against the accused. In another 40 percent of cases, complaints were dismissed, often because the parties reached a private settlement. The final 20 percent remained pending further action. According to the SIU, police frequently blocked or impeded the work of its investigators, particularly when the targets of investigation were high-ranking police officials.

Arrest and Detention

A judge-issued warrant is required prior to the arrest of a suspect; however, arrest without a warrant was believed to be fairly common. A "pressing circumstances" exception allows police to arrest suspects without obtaining a warrant, and this

was widely used.

Under the criminal code, police must request a court order to continue holding a suspect after 24 hours. If permission is obtained, police may hold suspects for up to 72 hours before a decision is made to prosecute or release them. If a court order is not granted within 72 hours, the suspect must be released.

Detainees generally were informed promptly of the charges against them. The maximum pretrial detention with a court order is 24 months; an additional six months are allowed for particularly serious crimes such as murder. Detainees are allowed prompt access to family members, and during the year penal authorities increased the amount of food relatives could bring to detained family members. Detainees may be released on bail with the approval of a prosecutor.

A detainee has the right to a defense attorney during pretrial detention and all subsequent stages of the legal process. If a defendant cannot afford a private attorney, the government must appoint an attorney. From January 1 through September 22, the government appointed attorneys in 799 cases nationwide, according to the Mongolian Attorneys Association. Despite this legal provision, many detainees were unaware of their right to a government-appointed attorney and did not assert it. There was a shortage of public-funded and pro bono attorneys for low-income defendants, particularly outside of Ulaanbaatar.

According to an administrative regulation, if a person is wrongly charged with a crime, the government must restore the person's rights and reputation and provide compensation; however, this regulation was rarely followed in practice.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice; however, corruption and outside influence were problems. Bribery could contribute to getting a case dismissed or a recommended sentence reduced, and blackmail and identity fraud were also a source of corruption. During the first nine months of the year, the investigative branch of the State General Prosecutor's Office investigated six judges for misconduct. One was convicted in July on corruption charges and received a five-year sentence. The verdict was overturned in September by a higher court but appealed to the Supreme Court, which in October found the judge guilty and handed her to a two-year suspended sentence.

The judiciary consists of district, provincial, and separate constitutional courts and a supreme court. The 17-member Supreme Court is the court of final appeal, hearing appeals from lower courts and cases involving alleged misconduct by high-level officials. District courts primarily hear routine criminal and civil cases, while more serious cases, such as murder, rape, and grand larceny, are sent to the provincial courts. Provincial courts also serve as the appeals court for lower court decisions. The Constitutional Court, which is separate from criminal courts, 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. The military judicial system was abolished in 1993; since then all military cases have been handled in civilian courts.

Trial Procedures

The law provides for the right to a fair public trial by a judge. Juries are not used. Closed proceedings are permitted in cases involving state secrets, rape cases involving minors, and other cases as provided by law. Defendants may question witnesses, present evidence, and appeal decisions. The law provides that defendants are innocent until proven guilty.

Despite these provisions, trial procedures were often plagued by legal inconsistencies. There was a shortage of state-provided defense lawyers, and many defendants lacked adequate legal representation. Confessions, many of which were coerced by police, were often relied upon in convicting defendants.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees. However, after the August 31 conviction of Ninjiin Demberel for slander against two senior government officials, human rights NGOs accused the authorities of jailing a citizen simply for exercising his right to free speech.

Civil Judicial Procedures and Remedies

Corruption and outside influence were problems in the civil judicial system, and enforcement of court orders was also a problem. Although victims of police abuse were able by law to sue for actual damages, few were able to actually claim compensation.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice; however, the head of the GIA, with the knowledge and consent of the prime minister, was allowed to 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 were authorized for two weeks at a time.

In September and October, a number of Ulaanbaatar-based foreign missionaries, mostly from other Asian countries, reported being detained by police and subjected to lengthy questioning. The detentions apparently were aimed at identifying foreigners who remained in the country after their visas had expired.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. However, government interference with licensing and indirect intimidation of the press, particularly broadcast media, was a problem. Access to information was limited by a far-reaching State Secrets Law, which limited freedom of information and government transparency.

A variety of newspapers and other publications represented both major political parties and independent viewpoints. The MOJHA licensed newspapers, television and radio broadcasters, and magazines. The media law bans censorship of public information and any legislation that would limit the freedom to publish and broadcast; however, perceived self-censorship was believed to be a growing problem during the year. The government monitored all media for compliance with antiviolence, antipornography, antialcohol, and tax laws.

During the year violence against journalists occurred, and the government failed to prosecute the attackers. According to the NGO Globe International, three journalists were physically attacked during the year. According to press reports, on June 24, the manager of an Ulaanbaatar restaurant attacked a newspaper photojournalist who was taking photos of the restaurant. The manager kicked the journalist in the head and broke his camera. The journalist then attempted to report the attack at the Sukhbaatar District Police Station, but he was rebuffed on two occasions.

Police and other government officials sometimes impeded the work of journalists. On February 25, police physically prevented a newspaper journalist, G. Erdenetuya, from photographing the wreckage of a helicopter crash that claimed more than a dozen lives.

While there was no direct government censorship, the press alleged indirect censorship in the form of government and political party harassment, such as frequent libel complaints and tax audits. The law places the burden of proof on the defendant in libel and slander cases. Both libel and "insult" were criminal charges.

In August former government spokesperson Ninjiin Demberel was convicted of insulting President Enkhbayar and a member of Parliament, Ch. Ulaan, and received a four-month sentence. In an interview, Demberel had accused Ulaan of being "merely a puppet" with "no opinions of his own."

In April and May, prosecutors filed criminal charges against a reporter, B. Tsognemekh, and his editor, B. Ganbold, both of the popular *Zuuny Medee* newspaper. The reporter wrote articles in late 2006 and early 2007 that suggested that Ch. Ulaan was guilty of corruption and abuse of power. At year's end the reporter faced a potential sentence of up to three months on an insult charge and up to six months on a libel charge.

Media watchdogs stated many newspapers were affiliated with political parties or owned (or partly owned) by individuals affiliated with political parties, and that this affiliation strongly influenced the published reports. The watchdogs also complained that underpaid reporters frequently demanded payment to cover or fabricate a story. Broadcast media were similarly not free of political interference. A lack of transparency during the tender process and lack of a truly independent licensing authority inhibited fair competition for broadcast frequency licenses and benefited those with political connections. At the provincial level, local government control of the licensing process similarly inhibited the development of independent television stations.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The government estimated that 280,000 citizens were Internet users via their own connections and many more used Internet or cyber cafes. Internet access expanded during the year to remote areas as a result of government and private sector efforts.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

All NGOs, including religious groups, were required to register with the MOJHA. Local assemblies approve applications at the local level, and then MOJHA issues the registration once local approval is obtained. Registration and reregistration were burdensome for religious groups and could take years. The length and documentation requirements of the process reportedly discouraged some organizations from applying. Some provincial authorities reportedly used the registration process to limit the number of places for religious worship; however, this practice was not universal. In Ulaanbaatar, at least nine places of worship were constructed during the year, including a larger church in the Songinokhairkhan District. According to NGOs, the government's approval of places of worship was not a straightforward process; although no religious organization was prevented from acquiring land on which to build a house of worship, in many cases the land was first acquired by an individual and then transferred to the organization following construction of the house of worship. Some places of worship avoided being authorized as such because of bureaucratic difficulties and instead characterized themselves as a fitness center or a cultural center. No churches were known to have been refused registration in Ulaanbaatar. However, in Tov Province, near Ulaanbaatar, authorities continued routinely to deny registration to churches. No churches were registered in that province during the year. A number of churches in Tov Province brought complaints to the NHRC in May, and the NHRC raised the issue with Tov authorities, noting NHRC concern that the constitution was being violated. By year's end the Tov authorities had not made any public response.

The country's Muslim minority--ethnic Kazakhs concentrated in the western part of the country--generally enjoyed freedom of religion. However, the government monitored the Kazakh community closely for any activity that could be construed as extremist or separatist.

The law does not prohibit proselytizing, but it forbids the use of incentives, pressure, or "deceptive methods" to introduce religion. Some Muslim citizens complained during the year that foreign (Christian) missionaries were using material goods to attract poorer Muslims to church activities in violation of the law

Societal Abuses and Discrimination

Societal attitudes were generally tolerant, and there was little overt or egregious discrimination based on ethnicity, national origin, gender, or sexual preference. An exception, however, was that Chinese citizens were widely treated with suspicion and sometimes with contempt. There were no reports of anti-Semitic acts during the year. There was no identified Mongolian Jewish population, and the number of resident Jews was very small.

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The law prohibits forced exile, and the government did not use it.

Protection of Refugees

Although the country is not a party to the 1951 UN Convention relating to the Status of Refugee, and its laws do not provide the granting of asylum or refugee status, the government provided protection against refoulement, the return of persons to a country where there is a reason to believe they feared persecution. During the year the government developed a system for providing protection to refugees, referring to them as "humanitarian cases" rather than refugees. More than 400 entered the country from China during the year, and the government allowed them to be resettled elsewhere. The government's refusal to accede to the 1951 convention was fueled by continued concern about the potential for large numbers of migrants to arrive from neighboring countries.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

Stateless Persons

Two stateless persons resided in the country during the year. Both potential countries of origin denied they were citizens of their country.

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

The law provides citizens 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. The law limits the president to two four-year terms; parliamentary and local elections are held separately, also for four-year terms.

The law provides that the majority party in parliament, in consultation with the president, shall appoint the prime minister. The demarcation of powers between the president and the prime minister has been the subject of several constitutional amendments and court challenges. Members of parliament may serve as cabinet ministers. There is no requirement that the prime minister or other ministers be a member of parliament.

Elections and Political Participation

No presidential or parliamentary elections were held during the year. Only minor irregularities were observed in the 2005 presidential election of N. Enkhbayar. In a September 2006 parliamentary by-election, observers found some minor problems but no major irregularities. The campaign and balloting processes for the June 2004 parliamentary elections were marred by violations and inconsistencies. Two seats were disputed and resolved in court in 2005.

The potential for bias within the General Election Commission was a concern, particularly for smaller political parties. Although the nine commissioners were not allowed to be current party members, all had belonged to parties previous to their appointments. Seven of the nine had belonged to the same party.

By year's end there were 17 political parties that had registered with the Supreme Court. No party disbanded or lost its registration during the year. Two new parties registered during the year: the Civil Movement Party and the Development Program Party. Three parties took part in the coalition government that was formed in December: the formerly communist Mongolian People's Revolutionary Party, the Civil Will Party, and the New National Party.

There were no legal impediments to the participation of women or minorities in government and politics. There were five women in the 76-member parliament. Three of the 16 cabinet ministers were women, as were seven of the 17 Supreme Court justices. Women and women's organizations were vocal in local and national politics and actively sought greater female representation in government policymaking.

There were three ethnic Kazakhs serving in parliament. There were no members of minorities serving in the cabinet or the Supreme Court.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. Corruption was perceived to be a serious and continuing problem at all levels of government, particularly within the police, judiciary, and customs service. Varying degrees of corruption at most levels of government resulted in a blurring of the lines between the public and private sectors. Conflicts of interest were rife. The problem was compounded by weak governmental oversight bodies and media that frequently failed to expose corruption.

The criminal code proscribes the acceptance of bribes by officials and provides for fines or imprisonment of up to five years. It also outlaws offering bribes to government officials. However, corruption-related arrests, let alone convictions, were exceedingly rare.

A new Anti-Corruption Agency (ACA) was launched in January, and in September it received authority to investigate corruption cases. In late September the ACA stated that nearly all of the country's 252 most senior officials had complied with a new requirement to declare their assets and income (and those of relatives, including spouses, parents, children and live-in siblings). The ACA is also required to review the asset declarations of public servants, including police officers and members of the military, and this was being carried out in practice. The ACA was reluctant to publicize its activities, but reportedly investigated a number of individuals and government entities, including the National Emergency Management Agency (NEMA), the customs and tax authorities, the Ulaanbaatar Mayor's Office, and the Traffic Police. On

December 18, ACA investigators reportedly arrested a senior NEMA official on suspicion of corruption.

Government and parliamentary decision making was not transparent, and public legislative hearings were rare. The far-reaching State Secrets Law inhibited freedom of information and government transparency, while also undermining accountability. The law also hinders citizen participation in policy discussions and government oversight. During the year a parliamentary working group was formed to study amendments to the State Secrets law. Meanwhile, there were public calls to amend the law and implement the equivalent of a freedom of information act. Parliament was to address the issue of a draft freedom of information law during its fall session, but by year's end no concrete action had been taken. Judicial transparency improved during the year, thanks in part to a new Web site at which citizens could access information on court decisions.

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 assistance from the UN Development Program, a local representative in each provincial assembly monitored human rights conditions, among other duties.

The NCHR consists of three senior civil servants nominated by the president, the Supreme Court, and parliament, for terms of six years. The NCHR is responsible for monitoring human rights abuses, initiating and reviewing policy changes, and coordinating with human rights NGOs. The NCHR reports directly to parliament. In its reports, the NCHR repeatedly 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 related to human rights.

The government allowed midlevel civil servants to receive human rights training through seminars, conferences, and lectures.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law 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.

Women

Rape and domestic abuse are illegal, and offenders can be prosecuted after formal charges have been filed; however, there is no law specifically prohibiting spousal rape, and rape remained a problem. During the first seven months of the year, there were 244 cases of rape reported to authorities; in all of 2006, there were 314. Many rapes, however, were not reported. NGOs stated that police procedures were stressful to victims and tended to discourage reporting of the crime. Social stigma also lowered the number of reported cases.

According to NGOs, police referred for prosecution only a minority of rape cases, largely on the basis that there was insufficient evidence for prosecution. Post-rape medical examinations were available, and results were occasionally used as evidence; however, such exams were not always available in remote areas. NGOs stated negative attitudes among some police resulted in some cases not being referred to prosecutors. The Criminal Code outlaws sexual intercourse through physical violence (or threat of violence) and provides for sentences of up to five years. In the event that the victim was injured or tortured, or was a minor, the penalty could reach five to 10 years. Such a crime committed by a recidivist, or inflicting death, or victimizing a child under 14 years of age, could result in imprisonment for 15 to 25 years, or application of the death penalty.

Domestic violence against women was a serious problem, particularly among low-income rural families; according to NGOs, alcohol played a factor in perhaps two-thirds of incidents. The law requires police to accept and file complaints, visit the site of incidents, interrogate offenders and witnesses, impose administrative criminal penalties, and bring victims to refuge. It also provides for sanctions for offenders, including expulsion from home, prohibitions on the use of joint property, prohibitions on meeting victims and on access to minors, and compulsory training aimed at behavior modification. However, this level of service was rarely provided by the police, who lacked sufficient funding and, according to women's NGOs, often were reluctant to intervene in what has long been viewed as an internal family matter.

There were no reliable statistics regarding the extent of domestic abuse; however, an NGO focused on this problem, the National Center Against Violence (NCAV), reported that during the year, 11 persons were convicted for this offense. The NCAV said that during the year it received 368 requests for temporary shelter and provided psychological counseling to

436 victims. The NCAV operated five shelters for victims and had 15 branches across the country.

There was increasing public and media discussion of domestic violence, including spousal and child abuse. However, victims were culturally informed not to step forward, in order to avoid "airing their family's dirty laundry." A vast majority of the perpetrators were men.

Divorced women secured alimony payments under the family law, which details rights and responsibilities regarding alimony and parents' rights. The ex-husband and ex-wife evenly split property and assets acquired during their marriage. However, women's activists said that because businesses were usually registered under the husband's name, ownership was increasingly transferred automatically to the ex-husband.

Prostitution is illegal, as is public solicitation for prostitution and organizing prostitution. Women's activists claimed that in Ulaanbaatar alone there were hundreds of brothels posing as saunas, massage parlors, and hotels. Some were occasionally raided by police. Some women worked abroad in the sex trade; an unknown number of them were trafficked.

There are no laws against sexual harassment. According to NGOs, there was a lack of awareness within the society on what constituted inappropriate behavior, making it difficult to gauge the actual extent of the problem. A 2004 NHRC survey found that one out of every two employed women under the age of 35 identified herself as a victim of workplace sexual harassment.

The law provides men and women with equal rights in all areas, including equal pay for equal work and equal access to education. In most cases, these rights were enjoyed in practice. Women's activists stated that in at least two areas--information technology and mining--women were paid less than men for the same work.

Women represented approximately half of the workforce, 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 business, 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 concerned with issues such as maternal and child health, domestic violence, and equal opportunity.

Children

The government remained committed to children's rights and welfare, although it was unable to keep pace with the educational, health, and social needs of this rapidly growing segment of the population. The government provided children with free and compulsory public education through the age of 16; however, family economic needs and state budgetary troubles made it difficult for some children to attend school. In practice female children above age 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. In addition there continued to be a severe shortage of teachers and teaching materials at all educational levels.

Children generally had access to medical care, although in remote areas, clinics and hospitals were not always accessible. Each province had at least one government-run clinic, and each clinic had a children's section. By law citizens under the age of 18 have a right to free medical service at state clinics and hospitals. However, children's access to medical care declined during the year, due to a drop in the number of working pediatricians.

Child abuse took two main forms: violence and sexual abuse. According to the governmental National Center for Children (NCC), both problems were most likely to occur within families. The NCC stated five persons were convicted of child sexual abuse during the year and three others were under investigation at year's end. In one case, a father was sentenced to death for sexually abusing his nine-year-old daughter, the NCC reported.

Child prostitution--involving those under 18--was a problem. According to the NGO Gender Equality Center, in the last four months of the year, at least three girls between the ages of 15 and 17 were kidnapped in Ulaanbaatar and forced to work as prostitutes. Police raids freed some victims; however, NGOs claimed other police officers worked with procurers and brothel keepers.

Although society has a long tradition of raising children in a communal manner, societal and familial changes orphaned many children. Child abandonment was a problem; other children were orphaned or ran away from home as a result of abuse, much of it involving alcohol. According to the NGO Globe International, Ulaanbaatar alone was home to 55 orphanages, most of them small. Approximately 1,800 children were estimated to be living without parental figures.

Experts estimated in 2005 that there were approximately 1,300 homeless children, of whom about 70 lived on the street; the remainder lived in shelters that were often run by NGOs receiving foreign funding. Street children sometimes faced sexual abuse.

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 became victims. The National Committee for Children sought to address this and other child welfare problems. There were two government-funded but privately owned and administered shelters, one for children up to age three and the other for children ages three to 16. Foreign charities operated more than 40 other shelters.

Trafficking in Persons

The law specifically prohibits the "sale or purchase of humans" and provides for imprisonment of up to three years, or in egregious cases, up to 15 years; however, it does not cover the recruitment, transportation, or harboring of trafficking victims, and the country remained a source of internal and transnational trafficking. In some cases trafficking was carried out not only for sexual exploitation but also for labor exploitation.

According to a 2006 NGO study, women between 19 and 35 years of age were most vulnerable to trafficking, particularly those with low incomes or unemployed. Most victims worked abroad in commercial sexual exploitation, often in China, to which citizens can travel without visas. However, cases in destinations such as South Korea, Japan, Malaysia, Turkey, and Switzerland were alleged or confirmed. Local NGOs cited an increase in internal sex trafficking, including at least three cases in which girls aged 15 to 17 were abducted, transported to a hotel and forced into prostitution. One NGO, the Gender Equality Center (GEC), operated a trafficking hot line which received 118 calls during the year. The GEC and other NGOs also helped Mongolians who had ended up in debt-bondage situations abroad. There were also reports of involuntary servitude by Mongolian women who entered into foreign marriages, largely with Korean men.

Some men were also trafficked to Kazakhstan for labor.

The Criminal Code provides for three years' imprisonment, fines, or forced labor for a person convicted of the "sale or purchase of humans." The sentence can reach five to 10 years if the crime was committed against a minor, or against two or more persons, or was for the purpose of forced prostitution. If the same crime was committed by an organized criminal organization or inflicted "grave harm," it can be punishable with a prison term of 10 to 15 years. During the year no one was convicted of trafficking in persons. The police opened nine trafficking cases involving 31 victims and 16 perpetrators, and referred seven cases to the attorney general for prosecution. The attorney general presented them to the District Court for trial. Three cases resulted in convictions under the law on forced prostitution.

The government acknowledged the trafficking problem and took steps to prevent the crime, identify and prosecute traffickers, and assist victims. During the year the International Organization for Migration (IOM) and other NGOs provided trafficking-related training to immigration officials, police investigators, prosecutors, railway police, GIA officials, and officials of the Ministries of Foreign Affairs and Social Welfare/Labor, among others. In addition foreign law enforcement experts trained local police on techniques for investigating trafficking and developing cases. The government also sent a study team to Macau, where a number of Mongolian women were believed to be involved in the sex trade, and negotiated the opening of a consulate there.

NGO representatives reported that protections for victims and witnesses were extremely limited. Social stigma also inhibited victims from telling their stories. The government had limited resources, divergent priorities, and provided no specific direct assistance for trafficking victims. NGOs offered support when possible, and the government relied on NGOs to increase awareness and initiate prevention programs. During the year authorities began to implement the national action plan against trafficking and sexual exploitation of women and children, including enhanced efforts by Mongolian diplomatic missions to combat the problem and assist victims.

Persons with Disabilities

The labor law prohibits discrimination in employment and education against persons with disabilities. The Law on Social Protection of the Disabled gives provincial governors and the Ulaanbaatar governor the responsibility to implement measures to protect the rights of persons with disabilities. However, NGOs claimed that the government did little to execute such measures, and in practice most persons with disabilities faced significant barriers to employment, education, and participation in public life.

On August 3, parliament approved amendments to eight laws in ways that expanded or bolstered the rights of persons with disabilities. One change required companies with 25 or more employees to reserve at least 4 percent of positions for persons with disabilities. Previously, the statute applied to companies with 50 or more employees. Another amendment required companies with workers with disabilities to make their workplace disabled-friendly or face a fine. Another change required bus companies with 20 or more buses to make at least half of those vehicles wheelchair-accessible. Other changes voided taxes and tariffs on equipment for persons with disabilities, such as wheelchairs.

According to the National Statistics Office, only 26 percent of persons with disabilities were employed. The government provided tax benefits to enterprises that hired persons with disabilities, whom some firms hired exclusively. Persons injured in industrial accidents had the right to reemployment when ready to resume work, and the government offered free retraining at a central technical school.

There is no general law mandating access to buildings for persons with disabilities, which made it difficult for these persons to participate fully in public life. There were no government buildings accessible to persons with disabilities. The NHRC reported that 60 percent of children with disabilities had never visited a cultural institution due to lack of accessibility, inadequate transportation, or other barriers. Public transportation was also largely inaccessible to persons with disabilities, as no transportation company provided accommodations for individuals with mobility impairments.

There were several specialized schools for youth with disabilities, but these students also were free to attend regular schools. In practice children with disabilities had limited access to education. The Mongolian National Federation of Disabled Persons' Organizations (MNFDPPO) estimated that of the country's 35,000 children with disabilities, 61 percent failed to complete secondary education. Schools for the disabled could only accommodate 2,200 children.

The law also requires the government to provide benefits according to the nature and severity of the disability. Although the government generally provided such benefits, the amount of financial assistance was extremely low, and it did not reach all persons with disabilities. After significant lobbying by members of the disabled community, the government approved in August an increase in pensions for qualifying persons with disabilities. According to the MNFDPO, approximately 20,000 persons with disabilities were unable to draw an allowance from the government.

Persons with disabilities could not fully participate in the political process. Little accommodation was made for persons with disabilities at polling stations, and there were no disabled representatives in parliament. Persons with disabilities also had difficulty remaining informed on public affairs due to a lack of accessible broadcast media.

In addition to government efforts, 44 NGOs participated in activities assisting persons with disabilities.

National/Racial/Ethnic Minorities

A handful of nationalist and xenophobic groups threatened to kill Chinese residents, attack or burn down their businesses, and cut the hair of any Mongolian woman in a relationship with a Chinese man. During the year there were at least a dozen credible reports of violence against Chinese residents. The government, as an institution, took steps to protect the rights of Chinese residents; but privately, many government officials also harbored suspicions against Chinese residents.

The constitution states that "All persons lawfully residing within Mongolia are equal before the law and the courts." However, some foreign businesspersons resident in the country complained that government tax and licensing authorities subjected them to much greater scrutiny than domestic competitors. Other foreign entrepreneurs complained privately that they were disproportionately targeted for shakedowns by corrupt government officials, including police.

Other Societal Abuses and Discrimination

Homosexuality is not specifically proscribed by law. However, Amnesty International and the International Lesbian and Gay Association criticized a section of the penal code that refers to "immoral gratification of sexual desires," arguing that it could be used against homosexuals. Homosexuals reported harassment by police, but remained divided over the overall level of societal discrimination.

There was no official discrimination against those with HIV/AIDS; however, some societal discrimination existed.

Section 6 Worker Rights

a. The Right of Association

The law entitles all workers to form or join unions and professional organizations of their choosing, and the government respected this right in practice. However, some legal provisions restrict these rights for groups such as foreign workers, public servants, and workers without employment contracts. The country's largest labor group, the National Confederation of Mongolian Trade Unions, alleged in September that at some garment factories run by joint ventures, management illegally prevented workers from setting up a union.

Union officials estimated that union membership declined over the years to 220,000, out of a total workforce of roughly 860,000. Approximately 400,000 of these workers were self-employed. Workers who were self-employed or who 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.

b. The Right to Organize and Bargain Collectively

The law regulates relations among 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 were 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 by a majority of workers, with union involvement or without, employees may exercise their right to strike. The law protects worker rights to participate in trade union activities without discrimination. However, the government does not allow intervention in collective bargaining by third parties and prohibits third parties from organizing a strike. The International Labor Organization Committee of Experts described this as a "serious restriction on the free functioning of trade unions" and requested the government to change it.

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 children; however, there were isolated reports that such practices occurred.

The NHRC stated that military officials reportedly subjected subordinates to forced labor, requiring them to perform tasks such as cutting firewood, digging ditches, or working at construction sites owned by the superiors' friends or relatives.

An unknown number of North Korean laborers were employed in the country, primarily in the construction and service industries. The Ministry of Social Welfare and Labor did not monitor the working or living conditions of these workers, and there was concern that some North Korean workers were not free to leave their employment or complain about unacceptable work conditions. These workers were reportedly monitored closely by "minders" from their government and did not routinely receive direct and full salary payments. Possible pressure on family members in North Korea raised additional concerns that the labor of these workers was not fully voluntary.

d. Prohibition of Child Labor and Minimum Age for Employment

The law 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 age 18 may not work at night, engage in arduous work, or work in hazardous occupations such as mining and construction. Labor inspectors assigned to regional and local offices were responsible for enforcement of these prohibitions, as well as all other labor regulations. 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, in unauthorized small-scale mining, and herding animals. Widespread alcoholism and parental abandonment made it necessary for many children to have an income to support themselves. Unconfirmed estimates placed the number of children in the labor force as high as 58,000.

In addition, due to economic pressures, many children, especially teenage boys in the countryside, dropped out of school before age 18. Children most often herded family livestock, but reports of children working in factories or coal mines continued.

International organizations continued to voice concern over child jockeys in horse racing. According to the NHRC reports, more than 30,000 child jockeys compete in horse races each year. Mongolian children commonly learn to ride horses at age four or five, and young children traditionally serve as jockeys during the national Naadam festival, where horse races range from two to nearly 20 miles.

In addition to the Naadam festival, rights groups have expressed concern over the rise and proliferation of commercial horse racing involving child jockeys. Such races often occurred during the winter when temperatures average minus 13 degrees Fahrenheit. The UN called on the government to prohibit the employment of children under 16 as jockeys; however, the government did not take any such action by year's end.

e. Acceptable Conditions of Work

The legal minimum wage rose in October from \$58 (69,000 tugrik) per month to nearly \$76 (90,000 tugrik). This minimum wage, which applied to both public and private sector workers and was enforced by the labor ministry, did not provide a decent standard of living for a worker and family. Some workers received less than the minimum wage, particularly at smaller companies in rural areas.

The standard legal workweek is 40 hours, and there is a minimum rest period of 48 hours between workweeks. For those 14 and 15 years of age, the workweek is 30 hours; and for those 16 and 17 years of age, the workweek is 36 hours. 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 from working overtime by law. These laws generally were enforced in practice.

There is no law mandating sick leave for workers. Each employer sets its own rules in this regard, according to the Government.

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. According to the National Confederation of Mongolian Trade Unions, 50 to 60 Mongolian workers die each year in work-related accidents. Enforcement of occupational health and safety standards was inadequate. At year's end parliament was expected to consider a draft law on occupational safety.

Foreign workers, a majority of whom were Chinese construction workers, generally enjoyed the same protections as citizens, despite often working in low-wage jobs and living under spare conditions. However, away from the construction sites, the Chinese workers were sometimes subjected to hostility and suspicion from host-country citizens. Scrutiny of Chinese workers was increased during the year by inflammatory media reporting. A small number of North Korean workers may not have been able to speak out about working conditions, due to various pressures and restrictions.

