Mongolia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

July-December, 2010 International Religious Freedom Report

Report

September 13, 2011

The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections. However, the law limits proselytizing.

The government generally respected religious freedom in law but in practice enforced legal and policy protections of religious freedom selectively. There was no change in the status of respect for religious freedom by the government during the reporting period. Some religious groups faced bureaucratic harassment from local governments or were denied registration.

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice, including pressure on persons who converted to Christianity.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights.

Section I. Religious Demography

The country has an area of 604,247 square miles and a population of 2.8 million. Buddhism is closely linked with the country's cultural traditions. Local scholars claim that more than 90 percent of citizens subscribe to some form of Buddhism, although practice varies widely. Lamaist Buddhism of the Tibetan variety is the traditional and dominant religion.

Ethnic Kazakhs, most of whom are Muslim, are the largest ethnic minority. They constitute approximately 5 percent of the population nationwide and 80 percent of the population of the western province of Bayan-Olgiy. The Mongolian Muslim Association estimates that there are 120,000 Kazakh Muslims, and 30,000 Khoton Muslims, largely in the province of Uvs. Muslims operate more than 40 mosques and seven Islamic student centers, and there are an estimated 3,000 students of

Islam. An Islamic cultural center and mosque was under construction in the capital of Ulaanbaatar. The mosques and Islamic centers receive financial assistance from religious organizations in Kazakhstan, Turkey, and the Gulf States.

There is a small but growing number of Christians. Christian groups estimate more than 4 percent of the population practices Christianity, of which an estimated 90 percent are Protestant and 9 percent are members of The Church of Jesus Christ of Latter-day Saints (Mormons). Roman Catholics and members of the Russian Orthodox Church together account for the remaining 1 percent. Some citizens practiced shamanism, often in tandem with another religion, but there were no reliable statistics on their number.

At the end of the reporting period, there were 517 registered places of worship, 253 of which were Buddhist, 223 Christian, and 41 Muslim, shamanistic, Bahai, and uncategorized. During the year the State General Registration Office registered 54 new places of worship, 37 churches, 15 Buddhist temples, and two shaman temples. According to the Evangelical Alliance nongovernmental organization (NGO), there are approximately 500 evangelical churches operating in Mongolia. Of the 330 churches that belong to the Evangelical Alliance, 132 are not registered. The Evangelical Alliance reported that most churches not registered are in the countryside.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Please refer to Appendix C in the Country Reports on Human Rights Practices for the status of the government's acceptance of international legal standards **http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm**.

The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections. However, the law limits proselytizing. Some religious groups seeking registration also faced burdensome bureaucratic requirements and significant delays. The constitution explicitly recognizes the separation of church and state.

Although there is no state religion, the Law on Religion and State asserts that the government shall grant proper respect to Buddhism as the predominant religion of the country for the sake of national unity and the maintenance of cultural and historic traditions. The government contributed financially to the restoration of several Buddhist sites that were important religious, historical, and cultural centers. The government did not otherwise subsidize Buddhism or any other religious groups.

Religious groups and NGOs must register with local and provincial authorities as well as the General Authority of State Registration (General Authority) to function legally. Because registrations were only valid for 12 months, religious institutions must renew their registrations annually with up to six different government institutions across local and national levels.

The Ulaanbaatar City Representative Hural registered 18 religious organizations and extended the permits granted to 22 preexisting religious organizations in Ulaanbaatar between July 1 and December 31.

Registrations and renewals allowed the government to vet applications, as well as to supervise and limit the number of places of worship and clergy. Some organizations also reported that the government used the process to extract favors from the religious organizations in exchange for continued legal status.

A religious group must provide the following documentation to the General Authority when applying to register: a letter requesting registration; a letter from the city council or other local authority granting approval to conduct religious services; a brief description of the organization; its charter, documentation of its founding, a list of leaders and financial information; documented ownership of a building; brief biographic information on the person wishing to conduct religious services; and

the expected number of worshippers. The General Authority possesses the ultimate authority to approve an organization's application, but approval was often made difficult by local officials who refused to cooperate with the applicants. In practice local legislative bodies adjudicated the applications and administered a separate local registration process. Officials in Ulaanbaatar reportedly employed an arbitrary and extemporaneous means of registering churches and were cited by multiple religious groups as justifying their approach by stating that relevant laws were outdated. The Ulaanbaatar City Council also refused to recognize branch churches as being affiliated with one religion; instead it required each individual church to register as a separate entity. This caused particular problems for Seventh-day Adventists, Mormons, and Catholics, who each sought to operate multiple churches within Ulaanbaatar.

The government granted religious visas for individuals who intended to stay in the country more than 90 days, but the application process was lengthy and restricted to officially registered religious organizations. In cases where visa requests are sent from registered religious organizations, the Immigration Agency is legally required to make a decision within seven working days. The Immigration Agency reported that 72 foreigners from 15 countries received religious visas during the reporting period.

All private religious schools received state funding for their secular curricula. The government is prohibited by law from giving state funds to religious schools for religious education. This policy was equally applied to all religious groups.

The law forbids the spread of religious views by "force, pressure, material incentives, deception, or means which harm health or morals or are psychologically damaging." Foreigners who enter on work visas are not allowed to undertake religious activities during their work hours. The Immigration Agency reported deporting three foreigners during the reporting period for allegedly violating this statute. Organizations involved in providing child care, welfare, or child protection services may not promote religion or religious customs counter to the child's "national traditional religion." The law also prohibits the use of gifts for religious recruitment.

Religious organizations are required to pay property taxes and social security. NGOs, including religious organizations, are not required to pay income tax, but some religious organizations outside the capital were apparently unaware of this provision and paid income taxes. Christian churches reported a high frequency of financial audits. All nondiplomatic individuals and organizations, including religious organizations, are required to pay customs duties and value added tax on nonfinancial goods from abroad, including food, clothing, and medical donations.

By law all foreign organizations must hire a certain number of nationals for every foreign employee. The mandatory percentage of national employees varies from 60 percent to 95 percent, depending on the industry. The law applies to both religious and secular organizations. Certain religious organizations had difficulty obtaining visas because they did not meet their quota of national employees.

The government does not observe any religious holidays as national holidays.

Restrictions on Religious Freedom

The government generally respected religious freedom in law but in practice enforced legal and policy protections of religious freedom selectively. There was no change in the status of respect for religious freedom by the government during the reporting period.

Both the preliminary registration and annual renewal process were burdensome for religious groups. However, unregistered religious institutions were often able to function in practice. The application process, which can range from two weeks to several years, may deter religious organizations that wish to register. Some Christian groups alleged that local officials indicated that there are "too many" churches or that there should at least be parity in the registration of new Buddhist temples and new Christian churches.

In September one South Korean woman who resided in Mongolia for more than 19 years was deported due to her attendance at local church activities in Ulaanbaatar. The Immigration Agency based its action on its determination that her religious practices violated the terms of her work visa and barred her from entering the country for five years. This action was taken despite the president having presented her with a State of Mongolia Friendship Medal in May in view of her charity work. The Immigration Agency reportedly covertly photographed her during church services as evidence that she was in violation of her visa despite questionable grounds for such clandestine surveillance. Her lawyer claimed that officials forged documents to justify her deportation and stated he was appealing the case to the Independent Agency Against Corruption for alleged abuse of power by immigration officials.

The Muslim community in Ulaanbaatar continued to report difficulties in attaining registration and land acquisition for proposed mosques in the provinces of Darkhan-Uul and Khovd. They reported no problems, however, with the ongoing construction of the Islamic cultural center and mosque in Ulaanbaatar.

A church broadly frequented by members of the local ethnic Chinese community was unable to obtain registration in Ulaanbaatar during the reporting period.

Authorities in Tuv Province, near Ulaanbaatar, continued to deny registration to Christian churches during the reporting period. There were no churches registered in the province. Nonetheless, according to a Tuv religious leader, there were more than 30 unregistered evangelical churches operating. The Seventh-day Adventists reported being forced to shut their church in the province due to harassment by local authorities. Multiple religious leaders stated that the chief of the Tuv Provincial Legislature had explicitly stated his opposition to registering any churches. One church that was denied registration during the reporting period sued provincial authorities in 2009. The Supreme Court found that the Tuv Province legislature's denial of registration to the church was illegal. Nevertheless, the provincial legislature continued to defy the Supreme Court decision. The legislative speaker wrote to the church explaining that registration was not granted due to the church's alleged enticement and proselytizing of citizenry and the involvement of foreigners. The church rejected both claims and filed another lawsuit demanding registration. The legislature's legal basis for citing foreign involvement was unclear and not yet defined.

A Protestant church in the city of Erdenet with 100 members reported repeated problems with reregistration over the past several years with local officials. Church leaders reported five other registered and 22 unregistered churches facing similar registration problems in Erdenet as well. They stated that city officials frequently denied them permits to meet in public places. The church received a six-month extension in December 2009, ending in June. The local pastor alleged that the failure of local authorities to issue extensions of at least a year at a time is in contravention of the law. The pastor expressed his fear that with his registration not yet renewed, local authorities intended to obtain the land of the church, located in the center of the city of Erdenet.

Unregistered religious institutions were often able to function in practice. Some institutions reported harassment by authorities and were unable to sponsor foreign clergy for visas. Unregistered churches allegedly experienced harassment by frequent visits from local tax officers, police, and other agencies. One organization reported an instance of tax authorities demanding that a church pay taxes on the social services it provided to citizens, citing the services as a type of taxable benefit. The Seventh-day Adventists reported that tax officials fined them for the failure of their vendors to pay taxes. Registered churches also reported harassment by local authorities who demanded, at times without clear legal justification, that they present official documentation and rosters of church members, and, in some cases, pay bribes. Since businesses and other nonreligious organizations also reported similar treatment, it was not clear if such action was due to the religious affiliation of the given organizations.

Problems with registration and operation varied significantly across the country, largely as a product of the policies of local government officials. Registration requirements changed frequently and without public announcement; religious organizations reported this routinely caused confusion.

A Ministry of Education directive banned religious instruction in public schools. The government may revoke the request of a religious group for an extension of registration if the group violates the ban, or the ministry may recommend that employers fire teachers who teach religion in the classroom. The General Authority reported no violations during the reporting period.

The law forbids those who entered on work visas from undertaking religious activities during their work hours. Those under these visas sometimes proselytized during their free time, after working hours. Officials in the Immigration Agency in turn reportedly called and threatened organizations sponsoring visas for Mormon missionaries, complaining about their extracurricular religious activities. As a result, more than one sponsoring organization withdrew offers of visa sponsorship. Immigration officials reportedly forced foreign Mormon missionaries to stop wearing nametags and proselytizing in public and in private homes as a condition for continuing to admit their missionaries.

During the reporting period, the Immigration Agency did not report expelling any foreign religious workers. In February 2009 Ulaanbaatar police detained a local lawyer who represented religious workers facing deportation for four hours. No charges were issued but, according to the lawyer, he was fined, given an administrative penalty, and warned not to represent foreign religious workers in the future. Immigration officials also tried unsuccessfully to revoke his law license and asked his employer to fire him. The lawyer appealed the police fine, and the Supreme Court ruled in his favor. Nevertheless, the police continued to disregard the Supreme Court's judgment.

The nonprofit religious orphanage run by a U.S. citizen remained closed, and the case was dropped. The administrator was deported from the country for violating the terms of his visa.

There were no reports of abuses, including religious prisoners or detainees, in the country.

Section III. Status of Societal Actions Affecting Enjoyment of Religious Freedom

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice during the reporting period. On a number of occasions, Christian groups reported that foreign Christians in Ulaanbaatar were victims of assault or other crimes, although it was not clear whether the crimes were religiously motivated, directed at them for xenophobic reasons, or simply an every-day crime.

Some officials criticized instances of Christian charity work as the alleged use of material incentives to attract potential converts to their religion. Other officials meanwhile reportedly extracted promises of charity as conditions for registering or reregistering churches.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. During the reporting period, U.S. embassy officials discussed religious freedom with government officials at the local, provincial, and national levels. This dialogue served to articulate a number of U.S. government concerns, particularly registration difficulties Christian groups and others experienced. Embassy officials encouraged the National Human Rights Commission to enhance its efforts to protect religious freedom. The embassy maintained contact with local representatives of the UN High Commissioner for Human Rights and the UN Development Program to discuss religious freedom. Embassy officials also met frequently with religious leaders across the country.

Back to Top