

MONGOLIA 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Mongolia is a multiparty parliamentary democracy governed by a democratically elected government. The 2017 presidential elections and 2016 parliamentary election were considered free and fair, although some observers expressed concern during the presidential elections about allegations of vote-buying and candidates' involvement in corruption.

Civilian authorities maintained effective control over the security forces.

Human rights issues included corruption; trafficking in persons; violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and harsh labor conditions for some foreign contract workers, especially those from the Democratic People's Republic of Korea (DPRK).

Government efforts to punish officials who committed abuses or to remedy discrimination were inconsistent.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The law prohibits such practices. Nevertheless, the National Human Rights Commission (NHRC) and other nongovernmental organizations (NGOs) reported the use of unnecessary force and cruel, inhuman, or degrading treatment or punishment of some prisoners and detainees, particularly to obtain confessions, were problems.

Local police are responsible for investigating allegations of abuse and torture. The Independent Authority Against Corruption (IAAC) investigates officials accused of torture. According to the IAAC, as of September it received 43 complaints of alleged torture. Of these, 24 cases were opened, 18 were dismissed, and one case remained under investigation. The IAAC also received 54 complaints of the use of force against the health or body of an individual by a public official, police officer, or investigator. Of these, 30 cases were opened, 21 were dismissed, and two remained under investigation as of September. The Ministry of Justice and Home Affairs reported that prisoners and detainees submitted five complaints of abuse as of September.

The NHRC, NGOs, and defense attorneys reported that, in an attempt to coerce or intimidate detainees, authorities sometimes threatened detainees' families, transferred detainees repeatedly, or placed them in detention centers distant from their homes and families, making access to legal counsel and visits by family members difficult. Human rights NGOs reported obstacles to gathering evidence of torture or abuse. For example, although many prisons and detention facilities had cameras for monitoring prisoner interrogations, authorities often reported the equipment was inoperable at the time of reported abuses.

Under the criminal code, which came into effect in July 2017, all public officials are subject to prosecution for official abuse or torture. This code covers both physical and psychological abuse; however, the maximum punishment for torture is a prison sentence of five years. Although officials are liable for intentional infliction of severe bodily injury, prosecutions of this crime were rare. The law states prohibited acts do not constitute a crime when committed in accordance with an order by a superior in the course of duty. The law provides that the person who gave an illegal order is criminally liable for the harm caused, but prosecutions were rare. According to the NHRC, prosecutors, and judges, the law effectively provides immunity to officials allegedly engaged in coercing confessions at the behest of investigators or prosecutors. The NHRC also indicated authorities sometimes abandoned complaints of alleged psychological torture either for lack of evidence or because the degree of injury could not be determined. Moreover, witnesses were generally themselves detainees or prisoners and were under great pressure not to testify, including by threats against family or of additional charges with potentially longer sentences.

As of September the IAAC received four complaints of rape by police or correctional officials. All four cases remained under investigation.

Prison and Detention Center Conditions

According to the NHRC chief commissioner, conditions in most of the 23 prisons in the country had improved because most prisons had moved to new facilities; however, conditions remained poor and sometimes harsh in the five (of 26) pretrial detention centers that still operated in old facilities.

Physical Conditions: Authorities assigned male prisoners a security level based on the severity of their crimes and held them in a prison of the corresponding security level. There was only one prison for women, with separate facilities for different security levels, as well as a facility for female prisoners with infant children. Authorities held pretrial detainees in separate facilities from convicted prisoners.

The 23 prisons and 26 pretrial detention centers the General Executive Agency of Court Decisions (GEACD) administered were generally not overcrowded. Nonetheless, NGOs and government officials reported that in the five older pretrial detention centers in rural areas, insufficient medical care, clothing, bedding, food, potable water, heating, lighting, ventilation, sanitary facilities, and accommodations for persons with disabilities were often problems. Conditions in some police-operated alcohol detoxification centers were poor.

The GEACD reported no deaths in prisons and one death in pretrial detention facilities as of September. According to the GEACD, 39 prisoners contracted tuberculosis as of September. According to the GEACD, it provided funding for a new facility to treat prisoners with tuberculosis. Correctional officials routinely released terminally ill patients shortly before death, which NGOs alleged led to misleadingly low prisoner death statistics.

Administration: The Prosecutor General's Office monitors prison and detention center conditions. The Prosecutor General's Office and the NHRC conducted multiple scheduled, unplanned, and complaint-based inspections of prisons, pretrial detention centers, and police detention centers.

Independent Monitoring: The government allowed access by independent nongovernmental observers and the NHRC, but authorities sometimes limited the areas observers could visit.

d. Arbitrary Arrest or Detention

The law provides that no person shall be arrested, detained, or deprived of liberty except by specified procedures and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and government agencies generally observed these prohibitions. The General Intelligence Agency (GIA) sometimes detained suspects for questioning without charge, but the criminal code requires that a prosecutor supervise all detention.

Role of the Police and Security Apparatus

The National Police Agency (NPA) and the General Authority for Border Protection, which operate under the Ministry of Justice and Home Affairs, are primarily responsible for internal security. The GIA, whose director reports to the prime minister, assists these two forces with internal security, in addition to foreign intelligence collection and operations.

The armed forces report to the Ministry of Defense and are responsible for national defense. The armed forces assist internal security forces in providing domestic emergency assistance and disaster relief.

Civilian authorities maintained control over both internal and external security forces, but mechanisms to investigate allegations of police abuses remained inadequate. There were reports police sometimes abused suspects.

Arrest Procedures and Treatment of Detainees

An evidence-based, prosecutor-approved warrant is generally required to arrest a suspect on criminal grounds. Within 24 hours of an arrest, a prosecutor must present a request stating the grounds and reasons for the arrest to a judge, who must decide within 48 hours whether to prolong the detention or release the suspect. The arresting authority must notify a suspect's family within six hours of an arrest. A "pressing circumstances" exception in the law allows police to arrest suspects without a warrant. Examples of exceptions include murder or grave bodily injury, serious property damage, hot pursuit of a fleeing suspect, and suspicion that destruction of evidence would occur. In such cases a prosecutor must approve the arrest within 24 hours, and a judge must approve the arrest within the normal 48-hour period. If 72 hours pass after an arrest and a judge has not made a decision, police must release the suspect. Upon release, authorities must inform the suspect of the reasons for the arrest and detention.

The NHRC received 54 complaints of illegal arrest, arbitrary detention, and extended imprisonment as of October. It reported that investigative agencies occasionally detained suspects without judicial authorization and sometimes secretly when conducting investigations, and police employed such practices despite the availability of other methods of restraint, including bail (with the approval of a prosecutor), another person's personal guarantee (a signed note in which the suspect pledges not to depart), and military surveillance. The personal guarantee system allows relatives to vouch for an accused family member. Unlike bail, the system does not involve pledged security in exchange for release. This system is available for all crimes, although authorities usually applied it to those accused of less serious offenses.

Despite these problems, authorities generally charged and informed detainees of the charges promptly and advised them of their right to counsel. Maximum pretrial detention with a court order is 18 months. Detainees generally had prompt access to family members, although repeated transfers or detention in remote locations undermined this right.

A detainee has the right to an attorney during pretrial detention and all subsequent stages of the legal process, including after sentencing. If a defendant does not engage an attorney, the government must appoint one if the defendant has a physical or mental disability that would hinder self-defense, is a minor, is not proficient in the Mongolian language, or has a conflict of interest with the defense counsel or other defendants. The law does not provide for the indigent status of a defendant. Detainees were generally aware of their right to legal counsel, but misperceptions limited their use of this right. For example, detainees were frequently unaware they could exercise this right from the start of the legal process and frequently did not assert it unless and until their cases reached trial.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but NGOs and private businesses reported that judicial corruption and third-party influence continued. Courts rarely entered not guilty verdicts or dismissed criminal charges over the objection of prosecutors, even when full trials had produced no substantial evidence of guilt. Courts often returned criminal cases to prosecutors when acquittal appeared more appropriate. Consequently, some serious criminal cases cycled for years between prosecutors and the courts without resolution.

Trial Procedures

The law provides for the right to a fair and public trial without undue delay, and an independent judiciary generally enforced this right. Defendants are presumed innocent and have the right to be informed of the charges against them. Courts provide free interpretation services as needed, including sign language interpretation, unless a court decides to recover procedural expenses from a defendant found guilty. The law also extends to all defendants the right to be present at their own trial in the court of first instance (but not during appeals); to communicate with an attorney of their choice (or one provided at public expense); to receive adequate time and facilities to prepare a defense; to confront witnesses; to present one's own witnesses and evidence; to not be compelled to testify or confess guilt; and to appeal. NGOs and observers reported that authorities sometimes did not observe these rights and that bribery of judges, prosecutors, and expert witnesses sometimes contributed to unwarranted convictions, dismissals, or reductions of sentences.

Procedural due process errors and inconsistencies often plagued trials. Although the number of government-provided defense lawyers was adequate, their quality and experience were inconsistent and many defendants lacked adequate legal representation. Judges often relied on confessions with little corroborating evidence. Furthermore, NGOs reported witness intimidation by government authorities and police, limited public access to trials (often due to lack of space), a lack of transparency in courts' decision-making processes, and a low level of awareness regarding new criminal and procedural laws.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Administrative and judicial remedies are available for alleged human rights violations. The government sometimes failed to enforce court orders pertaining to human rights.

Property Restitution

According to Amnesty International, seminomadic herders reported some private and government-owned mining interests interfered with their access to traditional

pasturelands. Some herders reported they were forced to relocate after their pastureland was sold and mining companies denied them access to water wells.

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

The law prohibits such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, and the government generally respected this right, although it imposed some content restrictions, licensing could be problematic, and there was reported harassment of journalists. These problems contributed to occasional self-censorship.

Press and Media Freedom: Globe International, a local NGO specializing in freedom of the press and media, reported continued pressure from police, politicians, and large business entities on local media and press outlets.

The ownership and political affiliations of the media often were not disclosed to the public, and a Globe International survey found that 23.3 percent of journalists reported they did not cover some stories due to their media outlet's financial and personal relationships with political officials and business elites. The Mongolian Center for Investigative Journalism also reported that journalists sometimes practiced self-censorship for the same reasons.

Violence and Harassment: Some journalists reported they faced violence, harassment, or intimidation by police. For example, according to the Federation of Mongolian Journalists, a police officer punched a television reporter in July.

Censorship or Content Restrictions: Communications Regulatory Commission (CRC) regulations on digital content and television and radio service impose content restrictions in broad terms, for example on pornography or extreme violence. The government appoints members of the CRC, which grants television and radio broadcast licenses without public consultation. This process, together with a lack of transparency during the license-tendering process, inhibited fair access to broadcast frequencies and benefited those with political connections.

Libel/Slander Laws: Press representatives faced libel complaints by government authorities and private persons or organizations. The courts prosecuted the majority of libel and slander cases as petty offenses punishable by fines ranging from two million to 20 million tugriks (\$770 to \$7,700).

The law provides an exception during election campaign season, when fines of 450,000 to 5.4 million tugriks (\$175 to \$2,100) or imprisonment from one month to one year apply for spreading false information that defames political parties, coalitions, or candidates running for office. The law imposes additional restrictions against media during campaign periods; penalties include suspending a media organization's license for six months for defamation and dissemination of false information.

Globe International expressed concern about some legislators who continually publicly espoused making libel and slander criminal offenses. In January, Speaker M. Enkhbold sued a journalist for defamation, claiming the journalist spread false information about him in an article published during the 2017 presidential campaign. Speaker Enkhbold did not appeal the first instance court's dismissal of the case.

The law provides media an option to seek redress against a person who, by threats of violence, attempted bribery, or other means of intimidation, seeks to compel a media outlet (or other entity) to withhold critical information about that person. In such cases the media outlet may seek a criminal complaint or file a civil complaint against the threatening person. If convicted, that person is subject to a fine of from 450,000 to 2.7 million tugriks (\$175 to \$1,050), revocation of the right to travel from one to six months, one to six months' imprisonment, or both.

Internet Freedom

By law individuals and groups may engage in the peaceful expression of views on the internet. The government restricted internet content deemed pornographic or presenting extreme violence. It maintained a list of blocked websites and added sites to the list for alleged violations of relevant laws and regulations, including those relating to intellectual property. At the end of September, the government had blocked 596 websites.

A CRC regulation places broad restrictions on obscenities and inappropriate content without defining objectionable content explicitly. The regulation requires

websites with heavy traffic to use filtering software that makes publicly visible the internet protocol addresses of those commenting or sharing content.

There were reports police interviewed individuals following complaints they made derogatory online posts and comments. Such cases were routinely resolved outside the formal court process. For example, the parties might agree on the removal of the content, the issuance of an apology, or payment of a fine.

Internet access was widely available to the country's urban population and was increasingly more available in rural areas. According to the International Telecommunication Union, 24 percent of the population had access to the internet in 2017.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government generally cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to UNHCR-recognized refugees, asylum seekers, and other persons of concern.

In-Country Movement: An order aimed at curbing air and environmental pollution and traffic jams, effective until January 1, 2020, suspends migration from the countryside to Ulaanbaatar. The law exempts persons traveling to Ulaanbaatar for medical treatment or for work for longer than six months.

Foreign Travel: Under the criminal code, at the request of the Prosecutor General's Office, courts can ban the departure of persons who are plotting criminal activity. The law requires that those subject to an exit ban receive timely notification. Authorities did not allow persons under exit bans to leave until the disputes leading to the bans were resolved administratively or by court decision, and bans may remain in place for years. According to reports 500 persons, including several foreign residents, remained banned from leaving the country.

Protection of Refugees

Access to Asylum: The constitution provides for granting asylum, and the government provided limited protections to foreign residents in the country while UNHCR adjudicated their refugee claims. The law establishes deportation criteria and permits the Agency for Foreign Citizens and Naturalization (the country's immigration agency) to deport asylum seekers who it deems do not qualify.

Employment: The law does not afford a specific legal status to refugees and asylum seekers; by default, therefore, authorities usually treated them as irregular migrants and did not issued them work permits.

Access to Basic Services: Because the law does not provide for refugee status, asylum seekers generally did not have access to government-provided basic services such as health care and education. Refugees and asylum seekers could access private medical facilities with UNHCR support.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The most recent national elections were the 2017 presidential elections and the 2016 parliamentary election. In a 2017 report, an Organization for Security and Cooperation in Europe (OSCE) limited election observation mission assessed the presidential elections as orderly and efficient. The mission, however, noted allegations of vote buying and candidates' involvement in corruption during the presidential elections. The OSCE noted there was legal uncertainty surrounding the first-ever presidential runoff in 2017 because the

electoral legal framework contained few runoff provisions. While the General Election Commission issued clarifying regulations in a timely manner, there was widespread perception that parties blurred the line between governing and campaigning between the two rounds of voting.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not always implement the law effectively, and corruption continued at all levels. Some officials engaged in corrupt practices with impunity. The government implemented the second year of a three-year action plan, the National Program Combatting Corruption, adopted in 2016. The criminal code contains strict liability provisions for corruption and corruption-related offenses for public servants and government officials. For example, the code dictates that those sentenced for corruption may not work in public service.

The criminal code offers immunity from punishment to any persons who reported they bribed an official at the official's request. In addition, an amendment criminalizes the misuse of an official position to offer or give preference to close associates or family members when awarding contracts. Nonetheless, private enterprises reported instances in which government employees pressured them to pay bribes to act on applications, obtain permits, and complete registrations.

Members of parliament are immune from prosecution during their tenure in all cases unless they are caught at the scene of a crime with damaging evidence against them.

Factors contributing to corruption included conflicts of interest, lack of transparency, lack of access to information, an inadequate civil service system, and weak government control of key institutions.

The IAAC is the principal agency responsible for investigating corruption, assisted at times by the NPA's Organized Crime Division. Although questions about the IAAC's political impartiality persisted, the public viewed the agency as effective. It utilized a standard operating procedure to guide the correct handling of investigations of corruption allegations. It permitted only electronic tender submissions and maintained a black list of companies that violated rules on

government procurement. The IAAC conducted training for 6,000 public officials. It also sponsored several public awareness campaigns on television, in social media, and in press conferences that highlighted its work.

The IAAC gained investigatory responsibility for crimes committed by police and military personnel. Consequently, its workload increased fourfold over 2017; however, there were no plans to increase IAAC staffing. The IAAC also established a citizen's oversight committee that consisted of 153 members from the public at the local level who monitor whether elected officials follow the anticorruption law.

Corruption: Corruption at all levels of government remained widespread. The politicization of anticorruption efforts presented an obstacle to effectively addressing corruption. Mongolian People's Revolutionary Party's presidential candidate S. Ganbaatar was fined 1.44 million tugriks (\$550) for violating the election law by accepting a donation of 50 million Korean won (\$44,500) during the 2017 presidential election campaign.

A court convicted former minister of construction and urban development Z. Bayanselenge of abuse of power, ordered him to pay a fine of 19.2 million tugriks (\$7,400), and banned him from holding state office for three years.

Financial Disclosure: The law requires civil servants to report holdings and outside sources of income for themselves, their spouses, parents, children, and live-in siblings. It also aims to prevent conflicts of interest between official duties and the private interests of those in public service roles, and to regulate and monitor conflicts of interest to specify that officials act in the public interest. The law requires candidates for public office to submit financial statements and questionnaires on personal business interests to be eligible to run.

Public officials must electronically file a private interest declaration with the IAAC within 30 days of appointment or election and annually thereafter during their terms of public service. The law provides that such declarations be accessible to the public and prescribes a range of administrative sanctions and disciplinary actions. Violators may receive formal warnings, face salary reductions, or be dismissed from their positions. The IAAC is required to review the asset declarations of public servants, including police officers and members of the military. According to the IAAC, all public officials filed the required documentation in a timely manner. The IAAC made public for the first time the financial disclosure short forms for approximately 40,000 of the country's 170,000

public officials. The IAAC received a 2.5 percent increase in complaints related to alleged conflicts of interest.

Officials with authority to spend government funds are required to report expenditures and audit results on their ministry and agency websites. All transactions above one million tugriks (\$385) are subject to reporting. Plans for budgets, loans, or bonds must be registered with the Ministry of Finance for monitoring and tracking, even after the originating officials have left their positions.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

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

Government Human Rights Bodies: The NHRC is responsible for monitoring human rights abuses, initiating and reviewing policy changes, and coordinating with human rights NGOs. The NHRC consists of three senior commissioners nominated by the president, the Supreme Court, and parliament respectively for six-year terms, and parliament funds it. Officials reported government funding for the NHRC remained inadequate, and inspection, training, and public awareness activities were entirely dependent on external funding sources. The NHRC consistently supported politically contentious human rights issues, such as the rights of LGBTI individuals, persons with disabilities, and ethnic minorities.

There was some collaboration between the government and civil society in discussing human rights problems. NGOs and international organizations noted, however, that government officials were less open to including NGOs in the legal drafting process, preparation of official reports on social and human rights problems, and contracting with the government to implement social services.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The criminal code outlaws sexual intercourse through physical violence, or threat of violence, and provides for sentences of one

to 20 years' imprisonment or life imprisonment, depending on the circumstances. The criminal code criminalizes spousal rape. Domestic violence is also a crime, for which perpetrators can be punished administratively or criminally, including in the latter case a maximum two years' imprisonment. The government maintained a nationwide database of domestic violence perpetrators, and those who commit a second domestic violence offense are automatically charged under criminal law.

The nongovernmental National Center against Violence (NCAV) and the NPA both reported during the year that police response to domestic violence complaints improved. Moreover, better training of justice-sector actors and the enactment of 31 new regulations designed to improve the implementation of domestic violence law contributed to an increase in convictions for domestic violence during the year. Although the law provides alternative measures of protection for victims of domestic abuse, including restraining orders, procedural and other barriers made these difficult to obtain and enforce.

Despite improvements, domestic violence remained a serious and widespread problem. The NPA reported increased reporting of domestic violence by third parties. Combating domestic violence is included in the accredited training curriculum of the police academy and in all police officer position descriptions.

The NCAV expanded its activities designed to support victims, including training for medical personnel who delivered services to deaf victims of domestic violence.

According to the NPA, there were nine shelters and 10 one-stop service centers for domestic violence survivors run by a variety of NGOs, local government agencies, and hospitals. The one-stop service centers, located primarily at hospitals, provided emergency shelter for a maximum of 72 hours. The relatively small number of shelters located in rural areas presented a challenge for domestic violence victims in those areas. The NCAV, which operated three shelters in the country, including two in rural areas, did not receive government funding during the first nine months of the year despite a law that requires such funding.

Sexual Harassment: The criminal code does not include sexual harassment as a crime. NGOs said there was a lack of awareness and consensus within society of what constituted inappropriate behavior, making it difficult to gauge the extent of the problem.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides the same legal status and rights to women and men, including equal pay for equal work and equal access to education. These rights were generally observed, although women faced discrimination in employment.

The law sets mandatory minimum quotas for women in the government and political parties. It also outlaws discrimination based on sex, appearance, or age, although some NGOs noted authorities did not enforce this provision.

In most cases the divorced wife retained custody of any children; divorced husbands often failed to pay child support and did so without penalty. Women's activists said that because family businesses and properties usually were registered under the husband's name, ownership continued to be transferred automatically to the former husband in divorce cases.

No separate government agency oversees women's rights, but the National Committee on Gender Equality, chaired by the prime minister and implemented by the Ministry of Labor and Social Protection, coordinates policy and women's interests among ministries, NGOs, and gender councils at the provincial and local levels. The government's National Program on Gender Equality 2017-21 and its related action plan seek the economic empowerment of women and equal participation in political and public life.

Children

Birth Registration: Citizenship derives from one's parents, and as of October births were immediately registered and a registration number issued through an online system jointly developed by the Ministry of Health, the National Statistics Office, and the State Registration Agency. In the past births generally were registered within one to three weeks, although residents of rural areas sometimes registered their children somewhat later. Failure to register could result in the denial of public services.

Child Abuse: The criminal code includes a specific chapter on crimes against children, including forced begging, abandonment, inducing addiction, engaging children in criminal activity or pornography, and the trafficking and abuse of children.

Child abuse was a significant problem and consisted principally of domestic violence and sexual abuse. The government's Family, Child, and Youth Development Authority (FCYDA) and the NCAV noted that reporting of child abuse increased following enactment of obligatory reporting laws. The FCYDA also noted its continued operation of a hotline to report child abuse and the opening of an emergency service center, including a shelter, for child victims of abuse.

Child abandonment was also a problem. Some children were orphaned or ran away from home because of poverty-related neglect or parental abuse. Police officials stated they sent children of abusive parents to shelters, but some observers indicated many youths were returned to abusive parents. According to the FCYDA, as of November there were 1,045 children living in 31 care centers, including orphanages.

Each province and all of Ulaanbaatar's district police offices had a specialized police officer appointed to investigate crimes against, or committed by, juveniles. The FCYDA and Ministry of Justice and Home Affairs maintained 609 local task forces to prevent child abuse.

Early and Forced Marriage: The legal minimum age for marriage is 18 years, with court-approved exceptions for minors age 16 to 18 who obtain the consent of parents or guardians. There were no reports of underage or forced marriages.

Sexual Exploitation of Children: Although illegal, the commercial sexual exploitation of children younger than age 18 years was a problem. According to NGOs there were instances in which teenage girls were kidnapped, coerced, or deceived and forced to work in prostitution. The minimum age for consensual sex is 16. Violators of the statutory rape law (defined as sexual intercourse with a person younger than age 16 not involving physical violence or the threat of violence) are subject to a maximum penalty of five years in prison. Those who engaged children in prostitution or sexual exploitation are subject to a maximum penalty of 20 years in prison, or life imprisonment if aggravating circumstances were present.

NGOs reported that online child pornography was relatively common. Although police took steps to improve their capacity to investigate such crimes and initiated the "unfriend movement" to increase protection of children online, technical expertise remained limited. Of 192 reported cases of child sexual abuse, police formally opened only 22 criminal cases for further investigation. The maximum

penalty for engaging children in pornography under the criminal code is eight years' imprisonment.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

The Jewish population was very small, and there were no reports of anti-Semitic acts. Neo-Nazi groups active in the country tended to target other Asian nationalities and not Jews.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, defining these as restrictions due to permanent impairment of the body or intellectual, mental, or sensory capacities. Prohibitions against discrimination in employment against persons with disabilities are limited.

The president has an adviser on disability issues, and the prime minister chairs the Council for Implementing the Rights of Persons with Disabilities, which aims to enforce disabilities-related law; facilitate equal participation; and improve social, educational, health, and labor services for persons with disabilities.

In August the government established the Agency for Development of Persons with Disability under the Ministry of Labor and Social Protection, with a mandate to improve living conditions, employment opportunities, and accessibility to infrastructure and education for persons with disabilities.

There is no explicit prohibition of discrimination in education, but the law charges the government with creating conditions to provide students with disabilities an education. Students with disabilities are by law allowed to attend mainstream

schools. Nevertheless, children with disabilities faced significant barriers to education. The nongovernmental Association of Parents with Differently-abled Children maintained that government efforts to offer inclusive education for children with disabilities were insufficient due in part to government instability and consequent staffing shortfalls. This NGO and FCYDA also stated schools often lacked trained staff and the infrastructure to accommodate children with disabilities. Although the majority of children with disabilities began public schooling, the dropout rate increased as the children aged. Children with disabilities in rural areas were more likely to drop out of school because most separate schools for students with disabilities were in Ulaanbaatar.

The Mongolian National Association of Wheelchair Users expressed concern the medical system effectively limited the reproductive and sexual rights of women and girls with disabilities. The NGO also noted a case in which a woman with disabilities who was already the mother of two children underwent sterilization at her doctor's urging.

Although the law mandates standards for physical access to new public buildings and a representative of persons with disabilities serves on the state commission for inspecting standards of new buildings, most new buildings were not constructed in compliance with the law. Public transport remained largely inaccessible to persons with disabilities. Emergency services were often inaccessible to blind and deaf persons because service providers lacked trained personnel and appropriate technologies. Moreover, domestic violence shelters were not accessible to persons with disabilities.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The criminal code prohibits discrimination based on sexual orientation, gender identity, nationality, language, race, age, gender, social status, professional position, religion, education, or medical status. Violators are subject to a maximum penalty of five years' imprisonment. As of September no cases were known to have been prosecuted under the law.

NGOs continued to report that LGBTI individuals faced violence and discrimination both in public and at home based on their sexual orientation or gender identity. There were reports LGBTI persons faced greater discrimination and fear in rural areas than in Ulaanbaatar due to less public awareness and limited online media accessibility in rural areas. The nongovernmental LGBT Center

received a number of reports of violence against LGBTI persons, most involving young LGBTI persons who either came out to their families or their families discovered they were LGBTI.

The LGBT Center noted that despite increased police awareness of abuses faced by the LGBTI community and capacity to respond to problems affecting LGBTI persons, there were still reported cases involving police harassment of LGBTI victims of alleged crimes. Authorities frequently dismissed charges when a crime victim was an LGBTI person.

There were reports of discrimination against LGBTI persons in employment.

HIV and AIDS Social Stigma

Although there was no official discrimination against those with HIV/AIDS, some societal discrimination existed. The public generally continued to associate HIV/AIDS with same-sex sexual activity, burdening victims with social stigma and potential employment discrimination.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form or join independent unions and professional organizations of their choosing without previous authorization or excessive requirements. The law provides for the rights of all workers except those employed in essential services to participate in union activities without discrimination, conduct strikes, and bargain collectively. The law requires reinstatement of workers fired for union activity.

The law bars persons employed in essential services--defined as occupations critical for national defense and safety, including police, utilities, and transportation services--from striking, and it prohibits third parties from organizing strikes. The law prohibits strikes unrelated to matters regulated by a collective agreement.

Laws providing for the rights of collective bargaining and freedom of association generally were enforced. Penalties, largely fines, for violations of freedom of association and collective bargaining provisions were not sufficient to deter violations. The tripartite Labor Dispute Settlement Committee resolved the

majority of disputes between individual workers and management. The Confederation of Mongolian Trade Unions (CMTU) reported the court process was so lengthy many workers abandoned their cases due to time and expense.

The CMTU stated that some employees faced obstacles, including the threat of salary deductions, to forming, joining, or participating in unions. Some employers prohibited workers from participating in union activities during work hours. The CMTU also stated workers terminated for union activity were not always reinstated. The CMTU further reported some employers took steps to weaken existing unions. For example, some companies used the portion of employees' salaries deducted for union dues for other purposes and did not forward the monies to the unions. The CMTU also reported some employers refused to conclude collective bargaining agreements.

There were several strikes during the year over the salary of public servants. For example, a teacher's strike that lasted nine days concluded after the government increased all public servants' salaries, with the exception of judges and prosecutors, between 8 and 30 percent depending on salary grade.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced or compulsory labor, except as part of a legally imposed sentence. The criminal code provides for a fine or imprisonment for forced labor offenses, but penalties were not sufficient to deter violations. NGOs and government officials noted the low number of inspectors and a lack of public awareness limited effective enforcement of the law.

There were isolated reports of forced labor, including forced child labor. There were reports workers from the DPRK and China were vulnerable to forced labor in construction, production, agriculture, forestry, fishing, hunting, wholesale and retail trade, automobile maintenance, and mining industries. Press reports suggested, and government officials confirmed, that a large proportion of wages due to laborers from the DPRK went directly to the DPRK government, and workers' freedom of movement was limited by requirements they travel in the company of a DPRK supervisor (see section 7.e.).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children younger than age 14 years from working. By law at age 14 children may work a maximum of 30 hours per week, with parental and government permission, to acquire vocational training and work experience. At age 15 children may conclude an employment contract with permission from parents or guardians. According to a Ministry of Labor and Social Protection order, children younger than age 18 may not work in hazardous occupations such as mining and construction; engage in arduous work; serve as child jockeys during the winter (children may be jockeys beginning at seven years during other seasons); participate in cultural, circus, or folk art performances at night; work in businesses that sell alcoholic beverages; or engage in roadside vending.

Authorities reported employers often did not follow the law, requiring minors to work in excess of 40 hours per week and paying them less than the minimum wage.

The criminal code's child protection provisions cover hazardous child labor, which is punishable by a maximum one year in prison. Persons who involved children in "vagrancy and beggary" are subject to a maximum five years' imprisonment. The government did not effectively enforce the law; there were no government prosecutions or convictions of forced child labor during the year.

There was no government funding for programs to prevent child labor and support employment of adult family members.

Child labor, including cases of forced child labor, was suspected in many sectors, including the hotels and restaurants, in manufacturing, petty trade, scavenging and forced begging, event or street contortionism (a local art form), and the illicit sex trade (see section 6, Children). In the year to November, the FCYDA and the General Agency for Specialized Inspection (GASI) conducted child labor inspections, including at artisanal mining sites, public markets, service centers, dumpsites, construction and transportation sites, and on farms. Following the inspections, FCYDA and GASI reported there were 495 children working in the informal sector (20 in artisanal mining, 82 at public markets, 12 at dumpsites, 14 at construction and transportation sites, and 367 in farming). Of these 495 children, 83 were girls, 236 had dropped out of school, and 27 were engaged in hazardous labor, including 15 in sorting and packing fluorspar.

International organizations continued to express concern about child jockeys in horseracing. Children commonly learned to ride horses at age four or five years,

and young children traditionally served as jockeys during the annual Naadam festival, where races ranged from two to 20 miles. According to GASI, 28,889 child jockeys (of whom 20 were younger than the required minimum of seven years) raced during the year. Although the government in 2016 prohibited child jockeys from working from November 1 to May 1, in 2017 it amended this prohibition to apply only to “winter.” The NHRC, NGOs, and human rights activists criticized this change because the provision is vague and allows child horse jockeys to work as early as January. Despite the “winter” ban, during just one horse race early in the year, 24 children fell from horses and five children lost consciousness. In January the government decreed 12 as the minimum age for child jockeys in “spring” races (races that occur after the annual Lunar New Year and before June 1). Also in January, eight of 21 provincial governors banned child jockeys from racing from November 1 to May 1.

Regulations also require adequate headgear and chest protection, but despite greater government and public attention to safety, enforcement was inconsistent. For example, GASI reported that of the 28,889 child jockeys, 336 lacked helmets, 513 did not have sufficient equipment, and 1,174 did not have insurance coverage. Observers reported sufficient compliance with safety regulations at national races (but less compliance at community and regional events). The FCYDA and GASI maintained a database to register all jockeys participating in officially sanctioned national and local races. The FCYDA collected biometric information to better track jockeys and prevent children younger than seven years from working as jockeys.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment and occupation based on nationality, language, race, age, gender, sexual orientation, sex or marital status, social origin or status, wealth, religion, ideology, education, or medical status. It also prohibits employers from refusing to employ a person with disabilities but provides broad exceptions, applying “unless the condition of such person prevents him from performing a specified activity or would otherwise be contrary to established working conditions at the workplace.” The law prohibits employers from refusing employment to or dismissing an individual diagnosed with HIV/AIDS, unless the condition makes it difficult to perform job duties. The law

also prohibits women from working in occupations that require heavy labor or exposure to chemicals that could affect infant and maternal health.

The government enforced the law in a limited manner, and discrimination occurred in employment and occupation based on sex and disability, as well as on sexual orientation, gender identity, and HIV status.

The law charges employers with taking steps to prevent sexual harassment in the workplace, including by establishing internal rules about sexual harassment and the redress of complaints, but provides no penalties. The NHRC reported poor knowledge of the law's sexual harassment provisions among both employers and employees.

The NHRC found employers were less likely to hire, promote, or provide professional development opportunities to women. There were also reports some employers refused to hire overweight persons, falsely claiming they could not perform essential job functions.

Although the law requires workplaces with more than 25 employees to employ a minimum of 4 percent of persons with disabilities or pay a fine, NGOs reported a reluctance to hire them persisted, and many companies preferred to pay the fine. They also noted the government itself failed to meet the quota. Members of the disability community noted that, even when hired, the lack of accessible public transport made it difficult for persons with disabilities to hold a job (see section 6, Persons with Disabilities).

The labor ministry's Department for the Development of Persons with Disabilities is responsible for developing and implementing employment policies and projects for persons with disabilities. Government organizations and NGOs reported employers' attitude toward employing persons with disabilities had not improved and many employers still preferred to pay fines to the Employment Fund rather than employ persons with disabilities. For example, observers suspected discrimination against persons with disabilities in a case where a school principal asked a janitor with disabilities to submit her letter of resignation before she reached retirement age.

NGOs, the NHRC, and members of the LGBTI community reported that companies rarely hired LGBTI persons who were open about their sexual orientation or gender identity, and LGBTI persons who revealed their status in the workplace frequently faced discrimination, including the possibility of dismissal.

Illegally dismissed LGBTI persons rarely sought court injunctions to avoid disclosing their status and increasing the risk of discrimination.

Foreign migrant workers did not receive the same level of protection against labor law violations as the general population.

e. Acceptable Conditions of Work

The minimum wage was 240,000 tugriks (\$92) per month and applied to both public- and private-sector workers. According to the CMTU, the minimum wage did not provide an adequate standard of living.

Laws on labor, cooperatives, and enterprises set occupational health and safety standards, which apply equally to local and foreign workers. GASI noted many standards were outdated.

Labor inspectors assigned to GASI's regional and local offices are responsible for enforcement of all labor regulations and have the authority to compel immediate compliance. Enforcement of minimum wage, working hours, and occupational safety and health laws and regulations was limited due to the small number of labor inspectors. According to GASI neither the penalty nor the number of inspectors was sufficient to enforce compliance. GASI reported its inspectors, faced with large investigative workloads, needed better training on investigative techniques and evidence collection. Inspectors generally did not conduct inspections in the informal sector.

GASI acknowledged that fines imposed on companies for not complying with labor standards or for concealing accidents were insufficient to induce management to resolve problems. The CMTU also reported government agencies and enterprises often failed to comply with regulations requiring them to allocate budget resources to workplace safety. Moreover, safety experts responsible for labor safety and health were often inexperienced or had not received training.

The law on pensions allows for participation by small family businesses and workers in the informal economy (such as herders) in pension and social benefit programs. These categories of workers were able to access health care, education, social entitlements, and an optional form of social security.

Many workers received less than the minimum wage, particularly at smaller companies in rural areas. The CMTU also expressed concern workers in the

construction sector, in which work is constrained to a few months because of the extreme winters, were sometimes pressured to work long hours, increasing the risk of accidents and injuries.

Many foreign workers, the majority of whom were Chinese mining and construction workers, reportedly worked in conditions that did not meet government regulations. GASI reported it inspected workplace health and safety conditions for foreign workers but did not have the authority to monitor wages or inspect living conditions.

The status of an estimated 600 workers from the DPRK was largely unknown; secrecy surrounded their contractual agreements, labor rights, and compensation. NGOs reported the government assumed little jurisdiction over DPRK workers' contracts, relying on agreements with the DPRK government and the actions of intermediary companies. These workers were employed in many sectors, especially during the summer, reportedly in harsh working and living conditions. Observers and government officials stated that DPRK laborers likely failed to receive the minimum wage, often worked in substandard conditions, and had much of their wages paid directly to the DPRK government.

Reliance on outmoded machinery, poor maintenance, and management errors led to frequent industrial accidents, particularly in the construction, mining, and energy sectors. According to the NHRC, lack of proper labor protection and safety procedures in the construction sector made it particularly susceptible to accidents. The CMTU stated that workers had limited awareness of their legal right to refuse to work in unsafe conditions.

GASI provided safety training to companies and private enterprises. According to GASI, the training resulted in a decrease in industrial accidents in accident-prone sectors such as light industry, food, health, and education.