



Mongolia

Country Reports on Human Rights Practices - [2003](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 25, 2004

Mongolia continued its transition from a highly centralized, Communist-led state to a full-fledged, multiparty, parliamentary democracy, although these gains have not yet been consolidated. The majority party in Parliament (the State Grand Hural) nominates the Prime Minister with the agreement of the President and submits the candidate to the Parliament for approval. In 2000, the Mongolian People's Revolutionary Party (MPRP), which held power from 1921 to 1996, won a sweeping victory in the parliamentary elections, leaving only 4 of 76 seats to opposition members. In 2001, the MPRP's presidential candidate was elected to his second and constitutionally limited final term. The transition to the new Government occurred in accordance with constitutional procedures, and international observers characterized the elections as free and fair. There were 14 political parties, 4 of which held seats in the Parliament. The judiciary is constitutionally independent, but low salaries made it vulnerable to corruption. The judiciary was subject to outside influence.

Security forces are divided among the Ministry of Defense (MOD), the Ministry of Justice and Home Affairs (MOJHA), and the General Intelligence Agency (GIA). Military forces under the MOD are responsible for external security, but border security forces are under MOJHA control during peacetime. Civil defense is subordinate to the MOD, giving the MOD a role in internal security. National police, with primary responsibility for law enforcement, operate under the MOJHA. The GIA, formerly the State Security Agency, is responsible for internal security; its civilian head has ministerial status and reports directly to the Prime Minister. Twenty-two crimes fall under the GIA's purview. Reduced government spending continued to force downsizing of the military forces, and all security forces operated on a minimal budget. The security forces were under civilian control. The Minister of Defense was a civilian (who retired from the military to accept the position). Some members of the security forces committed human rights abuses.

After several years of stagnation, the economy grew at an estimated 5 percent during the year. There was also a very large and growing shadow economy not reflected in official statistics. Unemployment and underemployment remained high. The country continued to privatize state-owned entities, and the private sector produced approximately 75 percent of the gross domestic product. The country's population was 2.4 million with a population growth rate of 1.4 percent, and per capita income was approximately \$450 per year. The country relied heavily on foreign economic assistance. The mainstays of the economy continued to be copper production, other mining activity, livestock raising, and food, wool, and hide processing industries. A growing trade and small entrepreneurial sector in the cities provided basic consumer goods. Lack of transportation and other infrastructure, legal and regulatory deficiencies, petty corruption, bureaucratic obstacles, and a small domestic market discouraged foreign investment.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Members of the police at times beat prisoners and detainees. Pretrial detention conditions continued to be poor, although there were some marginal improvements during the year. There were no deaths reported in detention centers during the year, but a number of prisoners died while in prison. Arbitrary arrest and lengthy detention were problems, as was corruption. Government attempts to enforce compliance with moral strictures and tax laws may have been an attempt to intimidate the media and may have resulted in self-censorship by the press. Harassment by some officials of religious groups seeking registration persisted. Domestic violence against women was a serious problem; however, efforts to assist victims continued to increase during the year. Child abuse and child labor also were problems. There were some instances of forced labor, and some women seeking work overseas may have become victims of trafficking schemes.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivations of life committed by the Government or its agents. The 1998 killing of the Minister of Infrastructure, which was suspected of being politically motivated, remained under investigation at year's end. The inability to solve this case continued to be a major problem for the Government. In November 2002, the Parliament announced a reward of \$500,000 (500 million tugriks) for tangible information about the killers.

During the year, 34 prisoners died in custody, largely due to disease (see Section 1.c.).

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits such practices; however, while reports of such actions diminished, the police in rural areas occasionally beat prisoners and detainees, and the use of unnecessary force in the arrest process was common. In 2002, the Prison Administration equipped 11 out of 17 central prisons with television camera monitoring systems, which contributed to a significant decline in the number of prisoners and detainees beaten by guards. The Supreme Court ordered the case of five persons, who were allegedly tortured in 2000 and 2001 while in pretrial detention, reinvestigated in view of questions raised concerning evidence presented at the trial by the prosecution and the absence of legal counsel for the defendants during the early months of their detention. At year's end, the results of the investigation were pending.

In recent years, reforms have changed significantly the way that accused persons and prisoners are treated. In 2001, a human rights training center for prison management and some police guards was implemented. During the year, 180 prison guards received training at the center. The Ministry's Department for the Enforcement of Court Decisions also monitored conditions, but new laws and procedures were not publicized widely, especially in the countryside, and citizens were not always aware of their rights with respect to detention and arrest. In general, pretrial detention and prison facilities were poor, providing insufficient food, heat, and medical care, thereby threatening the health and life of inmates. Overcrowding declined in prisons but remained common in detention centers.

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

The Prison Administration assumed responsibility for detention centers in September 2002. Although conditions remained poor, the Prison Administration continued to address overcrowding; provided improved food, including warm meals twice, rather than just once, per day, and clothing and hygienic items.

Although the number of inmates remained fairly constant, the seriousness of crimes allegedly committed by those detained increased.

Under the continuing reform process, prison inmates in the capital were divided into smaller groups managed by trained personnel and provided health and hygiene instructions. There is a separate facility for juvenile prisoners in Ulaanbaatar, which is designated a training center. At year's end, there were 127 children in the facility. Outside of Ulaanbaatar, juveniles between the ages of 14 and 18 who were charged with crimes were kept in the same detention centers as adults, unsegregated from the adult population. Improvements in detention and prison conditions outside of the capital were minimal or nonexistent due to lack of funding. However, families gained better access to inmates, alleviating some of the hardship in obtaining food and clothing. At least two domestic and six foreign nongovernmental organizations (NGOs) worked to improve conditions in prisons and detention centers, distributing clothing, food, books, and textbooks, and providing English-language instruction and training in computers and trades. All female prisoners were held separately in one central prison in Ulaanbaatar. At year's end, the prisoner population of that facility was 247. In detention centers inside and outside the capital, women are held separately from men.

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

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that no person shall be searched, arrested, detained, or deprived of liberty except by law, and these protections have been incorporated into the Criminal Code; however, arbitrary arrest and detention remained problems. General public awareness of basic rights and judicial procedures, including their rights in regard to arrest and detention procedures, was limited. Police may arrest those suspected of a crime and hold them for up to 72 hours before a decision is made to prosecute or release. Under the revised Criminal Code, which came into effect in September 2002, a court order must be requested to continue holding a suspect after 24 hours have elapsed. If the requested order is not granted within 72 hours, the suspect must be released. In addition, prosecutors no longer have authority to issue warrants. A detainee has the right to a defense attorney during this period and during all subsequent stages of the legal process. If a defendant cannot afford a private attorney, the Government must appoint an attorney. However, in practice, many detainees were not made aware of and therefore did not assert this right. There was a shortage of state attorneys, and the low quality of attorney training and the bureaucratic obstacles faced by attorneys and defendants were chronic problems. Detainees may be released on bail with the agreement of the prosecutor. The maximum pretrial detention (with a court order) is 24 months; an additional 6 months are allowed for particularly serious crimes such as murder. According to administrative regulation, if a person is wrongly charged with a crime, the

Government must restore the person's rights and reputation and compensate him, but this regulation very rarely was followed in practice.

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

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the courts were generally independent in practice, although corruption was a problem.

The judiciary consists of local courts, provincial courts, and the Supreme Court. The 11-member Supreme Court is the court of final appeal, hearing appeals from lower courts and cases involving alleged misconduct by high-level officials. Local courts primarily hear routine criminal and civil cases; provincial courts hear more serious cases, such as murder, rape, and grand larceny, and also serve as the appeals court for lower court decisions. The Constitutional Court, separate from the criminal court system, has sole jurisdiction over constitutional questions. The General Council of Courts, an administrative body within the Ministry of Justice and Home Affairs, nominates candidates for vacancies on both the Supreme and lower 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. A human rights course is mandatory for all law students.

According to law, all accused persons have the right to due process, legal defense, and a public trial, although closed proceedings are permitted in cases involving state secrets, rape cases involving minors, and other cases provided by law. Defendants do not enjoy a presumption of innocence. Defendants may question witnesses and appeal decisions.

There were no reports of political prisoners. Each September, the Government publicly pays respect to the memory of victims of the political repression from 1922 through the 1960s. Since 1991, of approximately 36,000 people who were repressed, 28,560 have been absolved of accusations leveled against them. The Government has provided approximately 500 apartments and gers (a traditional nomadic dwelling of the Mongols) to surviving victims or the victims' spouses. In addition, the State Rehabilitation Commission has provided compensation to other family members of victims in the form of cash grants of \$500 and \$1,000 (500,000 and 1 million tugrik). The program was halted temporarily due to a budget shortfall in 2001 but resumed in 2002. Since 1991, approximately 16,000 persons have received more than \$14 million (14 billion tugrik) in compensation. The program, originally scheduled to end in 2000, was extended to February 2006.

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

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech, press, and expression, and the Government generally respected these rights in practice. However, cultural shows and other performances sponsored by candidates and their supporters were prohibited during the election campaign period except at its start and end.

An increasing variety of newspapers and other publications represented major political party viewpoints as well as independent views. The 1999 media law bans censorship of public information and future legislation that would limit the freedom to publish and broadcast. This law also bars state ownership or financing of the media or media organizations. Nonetheless, the vast majority of radio and television stations and frequency licenses remained state-owned. The law took effect without agreement on regulations and procedures for the privatization of assets, and its implementation has been difficult and controversial. Lack of access to information and of transparency in government continued to inhibit political dialog in the media and led to media complaints.

The Government monitored all media for compliance with anti-violence, anti-pornography, anti-alcohol, and tax laws. In July 2002, an Ulaanbaatar Court found the editor-in-chief of Word newspaper guilty of libel and sentenced her to 1 year in prison. She was released in January, after completing a reduced sentence of 6 months. Journalists accused the Government of overzealous prosecution of the case and believed the trial was an assault on freedom of the press. While there was no direct government censorship, the press alleged indirect censorship in the form of government harassment such as frequent libel lawsuits and tax audits. The law places the burden of proof on the defendants in libel and slander cases. As a result, some media practiced self-censorship, although independent media outlets were at times strongly critical of the Government. All newspapers bought newsprint directly from private suppliers, and neither party-affiliated nor independent news media reported difficulty securing an adequate supply. Due to transportation difficulties, uneven postal service, and fluctuations in the amount of newsprint available, access to a full range of publications was restricted in outlying regions.

There were several television stations, including a government-financed and -owned television station with countrywide broadcasting capability, seven private television stations (which do not broadcast nationwide), and a local television station controlled by the Ulaanbaatar mayor's office. An estimated 70 percent of households had television. Ulaanbaatar residents received broadcasts from other countries in Asia, Europe, and North America, including China, Russia, Japan, the United Kingdom, France, Germany, and the United States, by commercial satellite and cable television systems.

State-owned radio was important as the major source of news in the countryside; however, one independent radio station broadcast widely and there were an increasing number of small local FM stations. The Voice of America and the British Broadcasting Company broadcast in English only, over FM radio frequencies leased from private media interests. The media presented both opposition and government views.

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

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

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

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

Religious groups must register with the Ministry of Justice and Home Affairs. However, the registration process is decentralized with several layers of bureaucracy, in which officials sometimes demanded financial benefits in exchange for authorization. Local assemblies have the authority to approve applications at the local level. In general, it appeared that difficulties in registering were primarily the consequence of bureaucratic action by local officials and attempts to extort financial assistance for projects not publicly funded. Of the 260 temples, churches, and mosques founded since 1990, approximately 239 were registered, including 151 Buddhist, 74 Protestant, 2 Catholic, 5 Baha'i, 4 Muslim, and 3 other denominations. Contacts with coreligionists outside the country were allowed. During the year, the Catholic Church named its first Bishop in the country.

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

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

The Dalai Lama, a Tibetan Buddhist leader greatly respected by Mongolian Buddhists, visited the country in November 2002, after a series of previous attempts to arrange such a visit failed. The Government actively worked with a number of countries in the region to ensure that the visit of this important religious leader could occur.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

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

The Constitution provides for freedom of movement within the country as well as the right to travel abroad and return without restriction, and the Government generally respected these rights in practice. However, due to continued harsh winter weather and drought conditions, an increased number of persons sought shelter in the capital, and the authorities continued to raise bureaucratic obstacles, such as increasing fees for residency applications, to prevent new arrivals from qualifying for residency and social benefits in the capital. Ulaanbaatar was the only city that required registration fees for those moving into the city from other areas. During the year, the Chingeltei District Court declared these fees illegal, and the city stopped collecting them on October 1.

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

for Refugees (UNHCR) representatives on refugee and asylum issues.

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

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The Constitution limits the President to two 4-year terms. Presidential, parliamentary, and local elections were held separately.

In 2000, parliamentary elections brought the MPRP back into power. In 2001, the MPRP's presidential candidate was elected to a second term. International observers deemed the presidential election generally free and fair; some irregularities in the 2000 parliamentary elections generated improved election practices and procedures in the 2001 presidential election. New rules were introduced requiring two to three observers to be present with election commission representatives when votes are collected by mobile box (a ballot box circulated among rural households); however, no state funds were provided for the observers to accompany the election commission representatives, and corruption remained a problem in some remote areas. Ballot papers were printed and distributed under the strict control of political party observers. Cultural shows and other performances sponsored by candidates and their supporters were prohibited during the election campaign period except at its start and end. The Constitution provides that the Prime Minister, in consultation with the President, shall submit proposals of the executive branch to the Parliament, and Members of Parliament may serve in the Government (as Cabinet Ministers).

There were 14 registered political parties; 4 were represented in the Parliament.

There were no legal impediments to the participation of women or minorities in government and politics. There were 9 female members in the 76-member Parliament. There were no female ministers, but there was one female vice-minister. Women and women's organizations were vocal in local and national politics and actively sought greater representation by women in government policymaking.

There were three members of the ethnic Kazakh minority group serving in the 76-member Parliament

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

A number of national 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.

Under the direction of the UNDP, a local representative in each provincial assembly, among other duties, monitored human rights conditions.

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

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

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

Women

Domestic violence against women was a serious problem. Rape and domestic abuse are illegal, and offenders can be prosecuted after formal charges have been filed. There is no law specifically prohibiting spousal rape.

There were no reliable statistics regarding the extent of domestic abuse but qualified observers believed that it was common,

affecting as much as one-third of the female population. Approximately 98.5 percent of those who committed violent crimes in the home were male, and women were disproportionately the victims of these crimes. Further, in recent years, domestic abuse appeared to become more violent; different statistical sources stated that between 10 and 24 percent of murders occurred in the home. In 1998, murders of women were 8 percent of all murder cases; in 2001, the number had doubled to 17 percent. After many years of government and societal denial, there was increasing public and media discussion of domestic violence, including spousal and child abuse. However, a common perception was that domestic abuse was either a family issue or not a problem at all. The large economic and societal changes underway have created new stresses on families, including loss of jobs, inflation, and lowered spending on social and educational programs. Some statistics showed that more than 60 percent of the cases of family abuse were related to alcohol abuse. The high rate of alcohol abuse contributed to increased instances of family abuse and abandonment and added to the number of single-parent families, most of which were headed by women. Although women's groups advocated new statutes to cope with domestic violence, there was no known police or government intervention in cases involving violence against women beyond prosecution under existing criminal laws after formal charges were filed. Women were hesitant to prosecute because of likely long-term detention of spouses in detention centers and the resulting loss of household income.

Rape, including spousal rape, was a problem. During the year, the number of reported cases increased nearly 5 percent.

Prostitution is illegal, and it was not a problem.

There were reports that some women and teenagers worked in the sex trade in Asia and Eastern Europe; an unknown number of them may have been trafficked (see Section 6.f.).

There are no laws against sexual harassment.

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

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

The Constitution provides men and women with equal rights in all areas. By law, women are to receive equal pay for equal work and have equal access to education. Women represented approximately half of the work force, and a significant number were the primary 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. The Government enforced these provisions. Many women occupied midlevel positions in government and the professions, and many were involved in the creation and management of new trading and manufacturing businesses.

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

Children

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

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

other for children from 3 to 16 years of age. While government facilities received government funding, finances were inadequate, and the Government used foreign aid to help sustain the orphanages.

There was growing awareness that child abuse, often associated with parental alcoholism, was a problem. In conjunction with efforts to counter violence against women, NGOs have begun to address the issue. The Ministry of Social Welfare and Labor added a Department for Women and Youth Issues.

Persons with Disabilities

The Labor Law prohibits discrimination against persons with disabilities in employment and education, and requires the Government to provide benefits according to the nature and severity of the disability, which it did. There was no official discrimination against persons with disabilities in employment and education. However, in practice, most could not find jobs. The Labor Law requires companies employing more than 50 persons to hire at least 3 persons with disabilities. Those who have been injured in industrial accidents have the right to reemployment when ready to resume work, and the Government offered free retraining at a central technical school. There are several specialized schools for youths with disabilities, but these students also were free to attend regular schools. The Government also provided tax benefits to enterprises that hired persons with disabilities, whom some firms hired exclusively. There is no law mandating access for the persons with disabilities; thus, it was difficult for the persons with disabilities to participate fully in public life. However, in 2001, the Government allocated a small sum to build wheelchair access ramps to public buildings. Groups of persons with disabilities have demonstrated for higher government subsidies. Government pensions for persons with disabilities were approximately \$40 (40,000 tugrik) per month. Approximately 30 NGOs participated in activities assisting the approximately 40,000 persons with disabilities in the country.

Section 6 Worker Rights

a. The Right of Association

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

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

The Mongolian Trade Unions Confederation had ties with international labor organizations and confederations in other countries.

b. The Right to Organize and Bargain Collectively

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

Union members have the right to strike; however, those 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. During the year, there were approximately 8 strikes involving over 1,000 workers.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law specifically prohibits forced or bonded labor, including forced and bonded labor by children; however, enforcement was irregular. Some members of the military forces in rural areas were required to help with the fall harvest. In many cases, prisoners worked to support the detention facility or prison in which they were held, and detained alcohol abusers and petty criminals sometimes were required, as part of their sentences, to perform menial tasks such as street sweeping. Detainees were compensated financially for their work; prisoners were not but received credit toward time off of their sentences.

d. Status of Child Labor Practices and Minimum Age for Employment

The law in general prohibits children under the age of 16 from working, although those who are 14 or 15 years of age may work up to 30 hours per week with parental consent. Those under 18 years of age may not work at night, engage in arduous work, or

work in hazardous occupations such as mining and construction. Enforcement of these prohibitions, as well as all other labor regulations, was the responsibility of state labor inspectors assigned to regional and local offices. These inspectors have the authority to compel immediate compliance with labor legislation, but enforcement was limited due to the small number of labor inspectors and the growing number of independent enterprises.

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

Also, due to increasing economic pressures, fewer children, especially teenage boys in the countryside, were staying in school until age 18 (see Section 5). These children most often herded family animals, but reports of such children working in factories or coalmines increased.

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

The International Labor Organization has a national office for the International Program on the Elimination of Child Labor in the country.

e. Acceptable Conditions of Work

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

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

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

f. Trafficking in Persons

The law specifically prohibits trafficking in women and children; however, there was evidence that Mongolian women and teenagers working in the sex trade in Asia and Eastern Europe may have been the victims of trafficking rings. The country was both a source and transit point for trafficking. Although most officials and NGOs found it difficult to estimate the extent of the trafficking, increasing attention was focused on the issue.

The primary targets of trafficking schemes were middle class girls and young women, ranging in age from 14 to approximately 28 years of age. These girls and women were lured abroad by offers to study or work. It was not difficult to traffic persons across the country's borders. Some NGO experts believed that members of the police sometimes were involved in trafficking young women and helping facilitate their movement across borders. During the year, an NGO and the Ministry of Justice provided training and education on trafficking to police officials.