



2008 Human Rights Report: Mongolia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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Mongolia, with a population of approximately three million, is a multiparty, parliamentary democracy. In the June parliamentary elections, the Mongolian People's Revolutionary Party (MPRP) increased its majority, and the minority Democratic Party (DP) also gained seats, while the smaller parties fared poorly under the newly instituted electoral system of multiseat constituencies. Independent observers considered the elections generally free and fair, with only minor irregularities. Civilian authorities generally maintained effective control of the security forces; however, in a few instances elements of the security forces acted without civilian oversight.

The government generally respected the human rights of its citizens; however, the following human rights problems were noted: alleged police involvement in the deaths and injuries of citizens during the July 1 postelection protest; police abuse of prisoners and detainees; impunity; poor conditions in detention centers; arbitrary arrest, lengthy detention, and corruption within the judicial system; continued refusal by some provinces to register Christian churches; secrecy laws and a lack of transparency in government affairs; domestic violence against women; international trafficking of persons; and child prostitution.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, abuse by security forces likely caused some deaths.

On July 1, police allegedly shot and killed five persons and injured hundreds of others during a protest initiated by opposition party members accusing the MPRP of voter registration fraud that later turned violent. Eleven police officers were arrested for their possible role in the killings. At year's end the suspects were in detention, and an investigation was pending.

On March 6, P. Ganbayar, a famous wrestler, died while in police custody. A police officer was convicted in connection with his death and sentenced to five years' imprisonment; press reports indicated that several other police were possibly involved in his death.

b. Disappearance

There were no reports of politically motivated disappearances.

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

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

Nongovernmental organizations (NGOs) claimed that guards or police sometimes meted out cruel punishment to inmates at police stations, prisons, and detention centers. The NGOs stated that some inmates were burned with cigarettes, beaten with batons, or kicked in the shins with steel-toed boots.

According to the National Human Rights Commission (NHRC), during the year the Special Investigations Unit (SIU) of the State Prosecutor General's Office (SPO) received 30 complaints from citizens against police officers suspected of torture, of which 27 were dismissed and three led to convictions. The NHRC stated that some incidents of torture occurred during investigations but not during imprisonment. The NHRC received five complaints against police and law enforcement officers concerning beatings, abuse, and confessions through torture. The five complaints were transferred to the SIU; none had resulted in arrests or charges by year's end. According to an NHRC survey of 569 inmates, 94 percent declared that they had not faced torture, discriminatory treatment, or abuse.

During the year the government ended the practice of paying bonuses to police for closing cases. Human rights organizations had argued that the bonuses created an incentive for police to use abusive methods to coerce quick confessions rather than fully investigate criminal activity.

In contrast with 2007, there were no reports that military superiors used force and humiliation against subordinates.

Prison and Detention Center Conditions

Conditions in pretrial detention and prison facilities generally were poor. Insufficient food, heat, and medical care threatened the health and life of inmates. However, NGOs reported that prison and detention center conditions improved during the year, particularly with regard to food quality and access to hot water. However, the food supply was often poor in the latter months of the year due to high inflation and a limited budget for prison administration. Overcrowding continued to be a problem, especially at detention centers, where cells sometimes held eight persons in a space intended for two or three. To address this problem, the government built new prison facilities at two sites, and another detention facility was under construction at year's end.

Many inmates entered prison infected with tuberculosis (TB) or contracted it in prison. The government treated victims at prison, detention center clinics, or the government's TB hospital. Generally, infected persons with active TB were isolated from the general prison population. NGOs stated the overall TB situation at prisons and detention centers improved slightly during the year.

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

The NHRC monitored conditions at several prisons and a detention center. Monitors from the diplomatic and human rights community had limited access, and some monitors were accompanied by public servants who forbade them to speak privately with inmates. Domestic and foreign NGOs worked to improve conditions in prisons and detention centers. Some provided clothing, food, books, English-language instruction, and vocational training.

d. Arbitrary Arrest or Detention

The law provides that no person shall be arrested, detained, or deprived of liberty except by specified procedures;

however, arbitrary arrest and detention occurred, in particular during the unrest that followed the June elections. General public awareness of basic rights and judicial procedures, including rights with regard to arrest and detention, was limited, especially in rural areas.

Role of the Police and Security Apparatus

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

There was general agreement that corruption in law enforcement agencies was endemic. The Anti-Corruption Agency, established in 2007, reportedly investigated some police officers but did not make public the results of any such investigations. There were no major changes to prevent police from abusing detainees or punish those who did so. However, the government made efforts to improve the training and professionalism of the security forces.

Laws and mechanisms to investigate police abuses remained inadequate. The SIU investigates allegations of misconduct by law enforcement personnel, prosecutors, and members of the judiciary. During the year the SIU received 519 complaints against law enforcement officials, opened cases on 170 of these complaints, refused to open a case on 255 complaints, and transferred 71 complaints to other agencies. The subjects of 64 percent of the complaints were police officers, 14 percent were investigators, 8 percent were GIA officers, and 3 percent were judges. According to the SIU, police frequently blocked or impeded the work of its investigators, particularly when the targets of investigation were high-ranking police officials.

Arrest and Detention

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

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

Detainees generally were informed promptly of the charges against them. The maximum pretrial detention with a court order is 24 months; an additional six months are allowed for particularly serious crimes such as murder. Detainees are allowed prompt access to family members. Detainees may be released on bail with the approval of a prosecutor.

A detainee has the right to a defense attorney during pretrial detention and all subsequent stages of the legal process. If a defendant cannot afford a private attorney, the government must appoint an attorney. Despite this legal provision, many detainees were unaware of their right to a government-appointed attorney and did not assert it. There was a shortage of public-funded and pro bono attorneys for low-income defendants, particularly outside Ulaanbaatar. To address the shortage, the government, working with the UN Development Program, placed an attorney in each of the provincial capitals and the districts of Ulaanbaatar to provide free legal advice.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice; however, corruption and outside influence were problems. Bribery could contribute to getting a case dismissed or a recommended sentence reduced, and blackmail and identity fraud were also a source of corruption. During the year two misconduct cases were opened against judges; at year's end the SIU was investigating one case and had transferred the second to another agency.

The judiciary consists of district and provincial courts as well as the Supreme Court and Constitutional Court. District courts primarily hear routine criminal and civil cases, while more serious cases, such as murder, rape, and grand larceny, are sent to the provincial courts. Provincial courts also serve as the appeals court for lower court decisions. The 17-member Supreme Court is the court of final appeal, hearing appeals from lower courts and cases involving alleged misconduct by high-level officials. The Constitutional Court, which is separate from criminal courts, has sole jurisdiction over constitutional questions.

The General Council of Courts, an administrative body within the MOJHA, nominates candidates for vacancies on the courts; the president has the power to approve or refuse such nominations. The council also is charged with protecting the rights of judges and providing for the independence of the judiciary.

Trial Procedures

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

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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

The law prohibits such actions, and the government generally respected these prohibitions in practice. However, in 2007 the head of the GIA, with the knowledge and consent of the prime minister, directed the monitoring and recording of telephone conversations. The extent of such monitoring was unknown. Police wiretaps must be approved by the SPO and can be conducted for up to two weeks at a time.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. Government interference with licensing and indirect intimidation of the press, particularly broadcast media, was evident.

During the July 1-4 state of emergency, only state-run public television and radio were allowed to broadcast. All private television and radio stations resumed normal operations thereafter, except those with headquarters that had sustained damage during the riot.

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

Violence against journalists occurred during the July 1 events. According to the NGO Globe International, six journalists were assaulted, although it was not clear if the attackers were rioters, police, or both. Globe indicated that no official investigation of these attacks was conducted.

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

Observers stated that many newspapers were affiliated with political parties or owned (fully or partly) by individuals affiliated with political parties, and that this affiliation strongly influenced the published reports. The observers also noted that underpaid reporters frequently demanded payment to cover or fabricate a story.

Broadcast media were similarly not free of political interference. A lack of transparency during the tendering process and lack of a fully independent licensing authority inhibited fair competition for broadcast frequency licenses and benefited those with political connections. At the provincial level, local government control of the licensing process similarly inhibited the development of independent television stations.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to the Information and Communication Technology Agency, there were 35 Internet service providers in the country, and all provinces had Internet connectivity. Internet access continued to expand during the year to remote areas as a result of government and private-sector efforts.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

During the July 1-4 state of emergency, no public assembly was allowed. Afterwards, several small groups

protested unrelated matters without incident.

c. Freedom of Religion

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

All NGOs, including religious groups, were required to register with the MOJHA. Local assemblies approve applications at the local level, and then MOJHA issues the registration once local approval is obtained. Registration and reregistration were burdensome for religious groups and could take years. The length and documentation requirements of the process reportedly discouraged some organizations from applying. Some provincial authorities reportedly used the registration process to limit the number of places for religious worship; however, this practice was not universal.

According to NGOs the government's approval of places of worship was not a straightforward process. No religious organization was prevented from acquiring land on which to build a house of worship, but to circumvent bureaucratic problems, in many cases land was first acquired by an individual and then transferred to the organization following construction of the house of worship. Some places of worship avoided being authorized as such because of bureaucratic difficulties and instead characterized themselves as a fitness center or a cultural center. Eleven places of worship registered for the first time during the year--six Christian and five Buddhist. No places of worship were known to have been refused registration in Ulaanbaatar.

In Tov Province, near Ulaanbaatar, authorities continued routinely to deny registration to churches. At year's end Tov authorities had not made any public response, and no churches were registered there during the year.

In contrast with 2007, there were no reports that the government monitored the Kazakh community for extremist or separatist activity.

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

Societal Abuses and Discrimination

Societal attitudes were generally tolerant, and there was little overt or egregious discrimination based on religion.

The number of resident Jews was very small, and there were no reports of anti-Semitic acts during the year.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

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

Protection of Refugees

Although the country is not a party to the 1951 UN Convention relating to the Status of Refugees and its laws do not provide the granting of asylum or refugee status, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. In 2007 the government developed a system for providing protection to refugees, referring to them as "humanitarian cases" rather than refugees. During the year 335 such "cases" entered from China.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage. The law limits the president to two four-year terms. Parliamentary and local elections are held separately, also for four-year terms.

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

Elections and Political Participation

Independent observers described the June parliamentary elections and the October local elections as generally free and fair. However, in several provinces and city districts, the outcome of the June election was disputed in court. One district in Ulaanbaatar had not resolved its dispute by the end of the year, leaving one of its parliamentary seats vacant. The June parliamentary elections increased the MPRP's majority. The minority DP also gained seats, while the smaller parties fared poorly under the newly instituted electoral system of multiseat constituencies. Local elections occurred in October with only minor reports of irregularities and no disorder. Three of the nine districts within Ulaanbaatar did not obtain the minimum required voter turnout and were required to vote again on November 30.

The potential for bias within the General Election Commission (GEC) was a concern, particularly for smaller political parties. Six of the nine commissioners belonged to the same party prior to becoming commissioners and cancelling their memberships, as required. In response to criticism of his handling of the parliamentary election results, GEC leader Battulga submitted a resolution to parliament to have the GEC resign en masse; however, parliament refused to consider the resignations, and the GEC members retained their positions through the end of the year.

Political parties could operate without restriction or outside interference. There were 17 political parties registered with the Supreme Court. No party disbanded or lost its registration during the year.

There were no legal impediments to the participation of women or minorities in government and politics, but their numbers remained small. There were three women in the 76-member parliament. Two of the 15 cabinet ministers were women, as were seven of the 17 Supreme Court justices. Women and women's organizations were vocal in local and national politics and actively sought greater female representation in government policymaking.

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

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. Corruption was perceived to be

a serious and continuing problem at all levels of government, particularly within the police, judiciary, and customs service. Varying degrees of corruption at most levels of government resulted in a blurring of the lines between the public and private sectors. Conflicts of interest were frequent. The problem was compounded by ineffective governmental oversight bodies and media that frequently failed to expose corruption.

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

The Anti-Corruption Agency (ACA) was responsible for investigating corruption cases. The ACA declared that nearly all of the country's most senior officials had complied with the requirement to declare their assets and income (and those of relatives, including spouses, parents, children, and live-in siblings). The ACA is also required to review the asset declarations of public servants, including police officers and members of the military, and this was carried out in practice.

Government and parliamentary decision making was not transparent, and public legislative hearings were rare. Meetings of the standing committees of parliament were not open to the press or the public. General sessions of parliament were generally open to the public, although not in all cases. The far-reaching State Secrets Law inhibited freedom of information and government transparency while also undermining accountability. The law also hinders citizen participation in policy discussions and government oversight.

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

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

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

The 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 civil servants nominated by the president, the Supreme Court, and parliament for terms of six years; it reports directly to parliament. In its reports the NHRC repeatedly criticized the government for abuses of the power of arrest and detention, poor conditions in detention and prison facilities, lengthy detentions without trial, and failure to implement laws related to human rights.

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

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law states that "no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin, or status," and that "men and women shall be equal in political, economic, social, cultural fields, and family." The government generally enforced these provisions in practice.

Women

Rape and domestic abuse are illegal; however, there is no law specifically prohibiting spousal rape, and rape

remained a problem. During the year there were 189 such cases reported to the research center of the Supreme Court. However, NGOs alleged that many rapes were not reported and claimed that police procedures were stressful to victims and tended to discourage reporting of the crime. Social stigma also lowered the number of cases reported.

According to NGOs police referred for prosecution only a minority of rape cases, largely claiming that there was insufficient evidence. Post-rape medical examinations were available, and results were occasionally used as evidence; however, such exams were not always available in remote areas. NGOs stated that negative attitudes among some police resulted in some cases not being referred to prosecutors.

The criminal code outlaws sexual intercourse through physical violence (or threat of violence) and provides for sentences of up to five years. If the victim is injured or tortured, or is a minor, the penalty can reach five to 10 years. Such a crime inflicting death, victimizing a child under 14 years of age, or committed by a recidivist may result in imprisonment for 15 to 25 years or application of the death penalty. Gang rape is punishable by death.

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

There were no reliable statistics regarding the extent of domestic abuse; however, the National Center Against Violence (NCAV) reported that 32 persons were convicted of this offense during the year. The NCAV stated that it received 405 requests for temporary shelter at its five locations and provided psychological counseling to 278 victims and legal counseling to 524 victims in Ulaanbaatar.

There was increasing public and media discussion of domestic violence, including spousal and child abuse. However, victims were reluctant to come forward, in order to avoid "airing their family's dirty laundry." A vast majority of the perpetrators were men.

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

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

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

The law provides men and women with equal rights in all areas, including equal pay for equal work and equal access to education. In most cases these rights were enjoyed in practice. Women's activists stated that in at least

two areas--information technology and mining--women were paid less than men for the same work.

Women represented approximately half of the workforce, and a significant number were the primary wage earners for their families. The law prohibits women from working in certain occupations that require heavy labor or exposure to chemicals that could affect infant and maternal health, and the government effectively enforced these provisions. Many women occupied midlevel positions in government and business, and many were involved in the creation and management of new trading and manufacturing businesses.

There was no separate government agency to oversee women's rights; however, there was the National Gender Center under the Prime Minister's Office, a national council to coordinate policy and women's interests among ministries and NGOs, and a division for women and youth issues within the Ministry of Social Welfare and Labor. There were approximately 40 women's rights groups concerned with issues such as maternal and child health, domestic violence, and equal opportunity.

Children

The government remained committed to children's rights and welfare, although lacked the capacity to keep pace with the educational, health, and social needs of this rapidly growing segment of the population. The government provided children with compulsory, free, and universal public education through the age of 18; however, family economic needs and state budgetary troubles made it difficult for some children to attend school.

Child abuse took two main forms: violence and sexual abuse. According to the governmental National Center for Children (NCC), both problems were most likely to occur within families.

Commercial sexual exploitation of children--involving those under 18 years of age--was a problem. According to the Gender Equality Center there were instances of teenage girls kidnapped in Ulaanbaatar and forced to work as prostitutes. Police raids freed some victims; however, NGOs claimed other police officers worked with procurers and brothel keepers.

Although society has a long tradition of raising children in a communal manner, societal and familial changes orphaned many children. Child abandonment was a problem; other children were orphaned or ran away from home as a result of abuse, much of it involving alcohol.

According to the NCC, there were 48 international and domestic organizations working on children's issues. These organizations typically operated two or three shelters. There were two government-funded but privately owned and administered shelters, one for children up to age three and the other for children ages three to 16. Approximately 1,500 children lived in these shelters countrywide, while 60 children were estimated to be living on the street.

Trafficking in Persons

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

According to a 2006 NGO study, women between 19 and 35 years of age were most vulnerable to trafficking, particularly those with low incomes or unemployed. Most victims worked abroad in commercial sexual exploitation, often in China, to which citizens can travel without visas. However, cases in destinations such as South Korea, Japan, Malaysia, Turkey, and Switzerland were alleged or confirmed. Local NGOs cited an increase in internal sex

trafficking, including cases in which girls ages 15 to 17 were abducted, transported to a hotel, and forced into prostitution. The Gender Equality Center operated a trafficking hot line that received 1,500 calls during the year and provided information and counseling to 700 persons. The center and other NGOs also helped Mongolians who had ended up in debt-bondage situations abroad. There were also reports of involuntary servitude by Mongolian women who entered into foreign marriages, largely with South Korean men.

The criminal code provides for three years' imprisonment, fines, or forced labor for a person convicted of the sale or purchase of humans. The sentence can reach 10 years if the crime is committed against a minor or against two or more persons, or if it is for the purpose of forced prostitution. If the same crime is committed by an organized criminal organization or inflicted "grave harm," it can be punishable with a prison term of 10 to 15 years. During the year police opened nine trafficking cases, one of which resulted in a conviction and one a dismissal; the others remained open.

The government took steps to prevent trafficking, identify and prosecute offenders, and assist victims. During the year the International Organization for Migration (IOM) and other NGOs provided trafficking-related training to immigration officials, police investigators, prosecutors, railway police, GIA officials, and officials of the Ministries of Foreign Affairs and Social Welfare and Labor, among others. In addition foreign law enforcement experts trained local police on techniques for investigating trafficking and developing cases. During the year 58 trafficking victims located abroad were repatriated. According to government officials, 41 of these victims were repatriated due to cooperation between the Criminal Police Office, State Investigation Office, police office in Zamiin-Uud County on the Chinese border, and Gender Equity Center.

During the year the country became a party to the Palermo Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, and joined the IOM. In February parliament passed amendments to the criminal code that expanded the range of acts considered as trafficking and increased penalties. Enforcement also improved; the attorney general created the Office for the Prosecution of Trafficking and Corruption to handle the increase in victims requesting assistance. Prosecutors increasingly chose to file trafficking charges under the robust Article 113 of the criminal code rather than under Article 124, Organized Prostitution, which carries lighter sentences.

NGO representatives reported that protections for victims and witnesses were extremely limited. Social stigma inhibited victims from telling their stories. However, during the year the Gender Equity Center opened the first shelter in the country for the protection of trafficking victims.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

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

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

There is no general law mandating access to buildings for persons with disabilities, and no government buildings were accessible to such persons. Public transportation was also largely inaccessible to persons with impaired mobility. In 2007 the NHRC reported that 60 percent of children with disabilities had never visited a cultural institution due to lack of accessibility, inadequate transportation, or other barriers.

There were several specialized schools for youth with disabilities, but these students could also attend regular schools. However, in practice children with disabilities had limited access to education. The Mongolian National Federation of Disabled Persons' Organizations (MNFDPPO) estimated that of the country's 42,000 children with disabilities, nearly two-thirds failed to complete secondary education. Schools for the disabled could accommodate only 2,200 children.

The law requires the government to provide benefits according to the nature and severity of the disability. Although the government generally provided such benefits, the amount of financial assistance was low, and it did not reach all persons with disabilities. According to the MNFDPO, approximately 42,000 persons received an allowance from the government's Social Welfare Fund, and 46,000 persons received allowances from the Social Insurance Fund. The remaining 20,000 persons with disabilities were unable to draw an allowance from the government.

Persons with disabilities could not fully participate in the political process. Little accommodation was made for persons with disabilities at polling stations, and there were no such representatives in parliament. According to an MNFDPO survey, 80 percent of all eligible voters with disabilities voted by guessing, since they were not able to obtain adequate information about candidates or their parties' platforms. Persons with sight and hearing disabilities also had difficulty remaining informed about public affairs due to a lack of accessible broadcast media.

During the year the MNFDPO worked with the government to encourage vocational education centers to work with disabled children so that they could eventually be capable of running small businesses. There was one such business incubator under MNFDPO located in Ulaanbaatar.

National/Racial/Ethnic Minorities

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

A small number of nationalist and xenophobic groups threatened Chinese residents' personal safety and businesses, as well as the safety of any Mongolian women who associated with Chinese men. During the year there were several credible reports of violence against Chinese residents. The government took steps to protect the rights of Chinese residents. The frequency of such attacks fell during the year compared with 2007.

Chinese construction workers, when away from their work sites, were sometimes subjected to hostility and suspicion from host-country citizens. However, during the year the inflammatory media reporting that increased the scrutiny of Chinese workers in the past was less evident. The Chinese government's decision not to require visas of Mongolians in the period preceding the Olympics also generated favorable press reports and good will.

Other Societal Abuses and Discrimination

Homosexuality is not specifically proscribed by law. However, Amnesty International and the International Lesbian and Gay Association criticized a section of the penal code that refers to "immoral gratification of sexual desires,"

arguing that it could be used against homosexuals. Homosexuals reported harassment by police but remained divided over the overall level of societal discrimination.

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

Section 6 Worker Rights

a. The Right of Association

The law entitles all workers to form or join unions and professional organizations of their choosing, and the government respected this right in practice. However, some legal provisions restrict these rights for groups such as foreign workers, public servants, and workers without employment contracts.

Union officials estimated that union membership declined from 220,000 in 2007 to 209,000 during the year, representing approximately one-quarter of the workforce. Approximately 400,000 workers were self-employed; such persons or those who worked at small firms generally did not belong to unions. No arbitrary restrictions limited who could be a union official, and officers were elected by secret ballot.

The law provides for the right to strike, but the Confederation of Mongolian Trade Unions reported there were no strikes during the year. However, the confederation organized nationwide demonstrations in April and September to call for government action against inflation, a higher minimum wage, and improvements to the social insurance system.

If an employer fails to comply with a recommendation by a majority of workers, with union involvement or without, employees may exercise their right to strike. The government prohibits third parties from organizing a strike.

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

b. The Right to Organize and Bargain Collectively

The law regulates relations among employers, employees, trade unions, and the government. The government's role is limited to ensuring that contracts meet legal requirements concerning hours and conditions of work. Wages and other conditions of employment are set between employers, whether state or private, and employees, with trade union input in some cases. The Labor Dispute Settlement Commission resolves disputes involving an individual; disputes involving groups were referred to intermediaries and arbitrators for reconciliation.

The law protects the right of workers to participate in trade union activities without discrimination. However, the government does not allow intervention in collective bargaining by third parties.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law specifically prohibits forced or compulsory labor, including by children; however, there were isolated reports that such practices occurred.

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

An unknown number of North Korean laborers were employed in the country, and there was concern that some North Korean workers were not free to leave their employment or complain about unacceptable work conditions. Possible pressure on family members in North Korea raised additional concerns that the labor of these workers was not fully voluntary.

d. Prohibition of Child Labor and Minimum Age for Employment

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

Children worked informally in petty trade, scavenging in dumpsites, in unauthorized small-scale mining, and herding animals. Widespread alcoholism and parental abandonment made it necessary for many children to have an income to support themselves. An NCC report placed the number of children in the labor force as high as 65,000, although up to 90 percent of these children were involved in traditional animal husbandry, while only 1 percent was estimated to be involved in mining.

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

In addition to the Naadam festival, human rights groups expressed concern over the rise and proliferation of commercial horse racing involving child jockeys. Such races often occurred during the winter, when temperatures average minus 13 degrees Fahrenheit.

e. Acceptable Conditions of Work

The legal minimum wage rose in January from 90,000 tugrik (approximately \$76) per month to nearly 108,000 tugrik (\$94). This minimum wage, which applied to both public and private sector workers and was enforced by the Labor Ministry, did not provide a decent standard of living for a worker and family. Some workers received less than the minimum wage, particularly at smaller companies in rural areas.

The standard legal workweek is 40 hours, and there is a minimum rest period of 48 hours between workweeks. For persons 14 and 15 years of age, the workweek is 30 hours; for those 16 and 17 years of age, it is 36 hours. By law overtime work is compensated at either double the standard hourly rate or by giving time off equal to the number of hours of overtime worked. Pregnant women and nursing mothers are prohibited from working overtime by law. These laws generally were enforced in practice.

There is no law mandating sick leave for workers. According to the government, employers set their own rules in this regard.

Laws on labor, cooperatives, and enterprises set occupational health and safety standards; however, enforcement of the standards was inadequate. The near-total reliance on outmoded machinery and problems with maintenance and management led to frequent industrial accidents, particularly in the mining, power, and construction sectors. According to the National Confederation of Mongolian Trade Unions, 50 to 60 workers died each year in work-

related accidents. Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities enforced this right.

Foreign workers, a majority of whom were Chinese construction workers, generally enjoyed the same protections as citizens, despite often working in low-wage jobs and living under Spartan conditions. However, the Ministry of Social Welfare and Labor did not monitor the working or living conditions of an unknown number of North Korean laborers, who were employed primarily in the construction and service industries.