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Mongolia

Country Reports on Human Rights Practices - 2006

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Mongolia, with a population of approximately 2.6 million, is a multiparty, parliamentary democracy. The constitution establishes a hybrid presidential-parliamentary system of government. Observers noted minor irregularities in the 2005 presidential elections. Parliament (the State Great Hural), with the agreement of the president, selects the prime minister, who is nominated by the majority party. In January a new "unity" coalition government replaced the coalition government formed in September 2004, and parliament confirmed M. Enkhbold of the Mongolian People's Revolutionary Party (MPRP) as prime minister. While civilian authorities generally maintained effective control of the security forces, there were a few instances in which individuals in the security forces committed abuses.

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

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

The June 2005 death of a man beaten in a detention facility remained officially under investigation at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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

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

In its annual report, the NHRC condemned persistent abuse of suspects, including some cases resulting in death (see section 1.a.). Among 1,338 detainees the NHRC surveyed at eight pretrial detention centers in 2005, over 70 percent said they had confessed under duress or actual force. In many credible cases, suspects were placed in cells with violent inmates whom investigators had instructed to coerce confessions. In 2005 at the end of a fact-finding visit conducted at the invitation of the government, the UN special rapporteur on torture publicly expressed concern about the persistence of incidents of torture, particularly in police stations and pretrial detention facilities.

Prison and Detention Center Conditions

Conditions in pretrial detention and prison facilities were poor. Insufficient food, heat, and medical care threatened the health and life of inmates. The NHRC annual report declared that no detention facility met the country's own standards and found little or no progress since a 2004 inspection revealed severe deficiencies. Overcrowding continued to be a problem. The number of prisoners in the central detention facility in Ulaanbaatar was sometimes 50 percent over intended capacity, resulting in many detainees having less than nine square feet of space each. However, in late December officials reported 698 detainees at the facility, only slightly over capacity, probably reflecting releases after the June amnesty (see section 1.d.).

Prison staff members, including guards, social workers, and medical staff, received human rights training. The Ministry of Justice and Home

Affairs (MOJHA) Department for the Enforcement of Court Decisions monitored conditions in prisons and detention facilities, but new laws and procedures were not publicized widely.

Many inmates entered prison infected with tuberculosis or contracted it in prison. The government's tuberculosis hospital provided treatment for a large number of prisoners and generally isolated infected persons from the general prison population. While the number of inmates who died from the disease declined significantly over the years, infection in prisons and detention facilities and poor treatment for the disease remained serious concerns.

Outside of Ulaanbaatar, juveniles between the ages of 14 and 18 who were charged with crimes were sometimes kept in the same detention centers as adult prisoners.

Improvements in detention and prison conditions outside the capital were minimal. At least two domestic and six foreign nongovernmental organizations (NGOs) worked to improve conditions in prisons and detention centers by providing clothing, food, books, English-language instruction, and vocational training in computers and trades.

The government permitted prison visits by human rights monitors, foreign diplomats, and journalists.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

Security forces are under the jurisdiction of the Ministry of Defense (MOD), MOJHA, and the General Intelligence Agency (GIA). Military forces under the MOD are responsible for external security, and the MOD also handles civil defense, giving it a role in internal security. National police operate under the MOJHA, and during peacetime the national border security guard force is also under MOJHA control. The GIA, formerly the State Security Agency, is responsible for both internal security and foreign intelligence collection and operations. The GIA's civilian head has ministerial status and reports directly to the prime minister.

There was general agreement that corruption in law enforcement agencies was endemic, although the government did take some limited steps against the problem. The NHRC annual report concurred with the 2005 judgment of the UN special rapporteur on torture that police who abused detainees operated in a climate of impunity (see section 1.c.). Laws and mechanisms to investigate police abuses were also inadequate. There were some efforts by the government to improve training and professionalism of the police, but progress was slow.

Arrest and Detention

Police may arrest persons suspected of a crime and hold them for up to 72 hours before a decision is made to prosecute or release them. Arrest without a warrant was fairly common. According to the NHRC, 919 out of 978 persons detained in the main pretrial detention center near Ulaanbaatar were arrested under the "pressing circumstances" exception to the requirement that a warrant should be obtained from a judge prior to arrest. Under the criminal code, a court order must be requested to continue holding a suspect after 24 hours. If a court order is not granted within 72 hours, the suspect must be released.

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 may be released on bail with approval of a prosecutor.

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, many detainees were not made aware of this right and did not assert it. There was a shortage of public-funded and pro bono attorneys for low-income defendants, particularly outside of Ulaanbaatar. The low quality of attorney training and the bureaucratic obstacles faced by attorneys and defendants were chronic problems.

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

A person forcibly abducted from France for questioning in connection with the 1998 killing of former infrastructure minister and Member of Parliament Sanjaasuren Zorig was released in February because of ill health, and he died in April. Before his release, he had been serving a jail sentence for a fraud conviction unrelated to the Zorig killing.

Amnesty

In June parliament passed an amnesty law in conjunction with the 800th anniversary of the establishment of a Mongolian state. Under the amnesty, authorities released about 700 prisoners in July and exempted others from prosecution or imposition of punishment. Prisoners released under the law included women 55 years and older, men 60 years and older, children, prisoners with disabilities, and some prisoners with children.

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.

The judiciary consists of district, provincial, and separate constitutional and supreme courts. 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. District courts primarily hear routine criminal and civil cases, while more serious cases, such as murder, rape, and grand larceny, are sent to the provincial courts. Provincial courts also serve as the appeals court for lower court decisions. The Constitutional Court, which is separate from criminal courts, has sole jurisdiction over constitutional questions. The General Council of Courts, an administrative body within the MOJHA, nominates candidates for vacancies on the courts; the president has the power to approve or refuse such nominations. The council also is charged with protecting the rights of judges and providing for the independence of the judiciary. The military judicial system was abolished in 1993; since then, all military cases have been handled in civilian courts.

Trial Procedures

According to law, all accused persons have the right to due process, legal defense, and a public trial by 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. There was a shortage of state-provided defense lawyers, and many defendants lacked adequate legal representation. There was a heavy reliance on confessions, many of which were coerced by police (see section 1.c.). Judges often relied on questionable confessions in convicting defendants.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Enforcement of court orders was a problem. Although victims of police abuse were able by law to sue for actual damages, the NHRC annual report noted that the many problems with the law made it useless in checking police abuse or compensating victims.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice. However, the head of the GIA, with the knowledge and consent of the prime minister, was allowed to direct the monitoring and recording of telephone conversations. The extent of such monitoring was unknown. Police wiretaps must be approved by the prosecutor's office and were authorized for two weeks at a time.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. However, government interference with licensing and indirect intimidation of the press, particularly broadcast media, remained a concern.

A variety of newspapers and other publications represented both major political party and independent viewpoints. Due to transportation difficulties, unreliable postal service, and fluctuations in the amount of newsprint available, not all publications were available in rural areas. The media law bans censorship of public information and any legislation that would limit the freedom to publish and broadcast. The government monitored all media for compliance with antiviolenence, antipornography, anti-alcohol, and tax laws.

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 lawsuits and tax audits. The law places the burden of proof on the defendant in libel and slander cases. An NGO study indicated that between 2001 and 2005 there were a total of 151 civil defamation suits and five criminal defamation cases filed against journalists by private individuals and officials. During the year there were two successful criminal defamation suits against journalists who had written articles suggesting the president had engaged in corrupt activities. The plaintiffs in both cases were other persons mentioned in the articles. A court imposed fines of \$2,600 (3 million tugrik) and \$1,700 (2.1 million tugrik), which were not collected after both journalists benefited from the amnesty law passed in June (see section 1.d.). Another journalist lost a civil defamation case filed by a bank after she wrote an article claiming that the president might own part of the bank. She was ordered to pay \$8,600 (10 million tugrik) in damages.

Officials as well as private citizens unhappy with news reports subjected journalists to physical intimidation and other threats. In some instances, representatives from print and electronic media covering protests alleged that police briefly detained them or scuffled with them to prevent coverage. Journalists objected to police efforts in May to forestall television news photographers from covering a police action to clear demonstrators from Ulaanbaatar's central square, and to police action during the arrest in late October of a prominent civil movement demonstrator on assault charges. As a result of all these problems, some media practiced self-censorship. However, other independent media outlets at times were strongly critical of the government.

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

While there were several broadcast and cable television stations in Ulaanbaatar, Mongol TV remained the major source of television programming in rural areas. However, four additional VHF stations and several cable television providers made inroads and provided alternatives. During the year additional television stations began to broadcast in rural areas.

The national council created by a 2005 law that shifted Mongol Radio and TV to "public" status began work during the year but was plagued by public splits and allegations that a majority of members were partisans of the MPRP, rather than truly independent. Under the new law, the main financial sources for the stations are license fees, state subsidies, and sponsorship.

Due to local government control over the licensing process, local entities reported difficulties in acquiring licenses for local radio stations. However, one independent radio station broadcast widely, and there were increasing numbers of small local FM stations.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

A variety of demonstrations took place on Sukhbaatar Square and at the nearby building housing parliament and the offices of the president and prime minister. Most of those staging the demonstrations had not filed applications for permits. Demonstrators frequently erected tents on the square and stayed for days. Police generally allowed such demonstrations to proceed unhindered but in some cases forcibly removed the protesters after demonstrators ignored police warnings to disperse. No serious injuries were reported as a result of these police actions.

Freedom of Association

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

c. Freedom of Religion

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

Religious groups were required to register with the MOJHA. Local assemblies have the authority to approve applications at the local level, while the MOJHA's role is to issue the registration once local approval is obtained. Registration and re-registration were burdensome for all religious groups and could take years. The length and documentation requirements of the process discouraged some organizations from applying. Ulaanbaatar authorities approved 15 churches during the year; one approved in May had first applied in 2003. No churches were known to have been refused registration in Ulaanbaatar. Authorities in Tov aimag (province), near Ulaanbaatar, routinely denied registration to churches, and no churches were registered in that province.

The Kazakh Muslim minority, whose population of approximately 100,000 was primarily concentrated in the western part of the country, generally enjoyed freedom of religion. However, the government monitored the Kazakh community closely for any activity that could be construed as "Kazakh political separatism" or "terrorism."

Under the law, the government may supervise and limit the number of clergy and places of worship for organized religions. The government used the registration process as a mechanism to limit the number of places for religious worship; however, there were no reports that it limited the number of clergy during the year.

The law does not prohibit proselytizing, but it 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.

Societal Abuses and Discrimination

There were no reports of anti-Semitic acts during the year. There was no identified Mongolian Jewish population, and the number of resident

Jews was very small.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice.

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

Protection of Refugees

The country is not a party to the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol. The law does not provide asylum or refugee status, and the government has not established a system for providing protection to refugees. In practice, the government provided protection against refoulement, the return of persons to a country where they feared persecution, but it did not routinely grant refugee or asylum status.

Several hundred North Koreans reportedly entered the country from China, and the government allowed them to be resettled elsewhere. The government's concerns about the potential for large numbers of migrants to arrive from neighboring countries increased opposition to accession to the 1951 UN convention.

The government continued talks with representatives of the UN High Commissioner for Refugees on refugee and asylum issues.

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

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

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

Elections and Political Participation

In the 2005 presidential election won by N. Enkhbayar, observers found a variety of minor irregularities in the election process, but no major problems were cited. In a September parliamentary by-election, observers found some minor problems but no major irregularities. The campaign and balloting processes for the June 2004 parliamentary elections were marred by violations and inconsistencies. Two seats were disputed and resolved in court in 2005.

There were 20 registered political parties, including two new parties registered during the year; seven parties were represented in parliament.

Major changes enacted in late 2005 will affect the next parliamentary elections, slated for 2008. Under the changes, members of parliament will be elected from multi-member constituencies instead of individual constituencies. Each province and district of Ulaanbaatar will be a constituency, and voters will cast separate votes for two to four members of parliament who will represent the constituency. The new law also provides that citizens living abroad will be able to vote, although arrangements for accomplishing this had not yet been worked out.

There were no legal impediments to the participation of women or minorities in government and politics. There were five women in the 76-member parliament. No women were included in the cabinet or the Supreme Court. Women and women's organizations were vocal in local and national politics and actively sought greater female representation in government policymaking. The new parliamentary election law stipulates that at least 30 percent of candidates nominated in future general elections must be women.

There were three ethnic Kazakhs serving in parliament.

Government Corruption and Transparency

Corruption was perceived to be a growing problem at both lower and upper levels of government. The NGO Transparency International reported a perception of rampant corruption in the country. Corruption was particularly severe in the police, the judiciary, customs, and other elements of government. In July parliament passed an anticorruption law that included provisions for a new anticorruption agency. The law went into force on November 1, and in late December, parliament approved the president's nominee to head the new agency. As well as providing additional investigatory capacity for corruption crimes, the new agency will oversee the filing of asset and income disclosure forms by all civil servants. This information on senior officials is to be published annually beginning in 2008.

Government and parliamentary decision making was not sufficiently transparent, and public legislative hearings were rare. The far-reaching

State Secrets Law inhibited freedom of information, government transparency, and accountability. There were public calls to amend the law and implement the equivalent of a freedom of information act.

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 National Commission on Human Rights consists of three senior civil servants nominated by the president, the Supreme Court, and parliament for terms of six years. The NCHR is responsible for monitoring human rights abuses, initiating and reviewing policy changes, and coordinating with human rights NGOs. The NCHR reports directly to parliament. In its annual reports, the NCHR repeatedly criticized the government for abuses of the power of arrest and detention, poor conditions in detention and prison facilities, lengthy detentions without trial, and failure to implement laws related to human rights. The reports also faulted parliament and the courts for failing to protect human rights fully. In May a plenary session of parliament discussed the NCHR's report for the first time. In June parliament directed the government to take measures to prevent human rights violations in criminal proceedings, including drafting amendments to the Civil Code and the Criminal Procedure Code to conform to the International Convention against Torture, and to eradicate violations of human rights reported by the NHRC. Parliament also budgeted money to build a new pretrial detention facility in Ulaanbaatar.

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

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. In 2005 a comprehensive law specifically dealing with domestic violence came into effect. As of August all 37 cases prosecuted under the law resulted in convictions. The law requires police to accept and file complaints, visit the site of the incidents, interrogate the offenders and witnesses, explain the law, impose administrative criminal penalties, bring victims to refuge, and transfer custody of the relatives if necessary. It outlines the role of social welfare organizations and NGOs and also provides for the following sanctions on offenders: expulsion from home or separate accommodations, prohibitions on the use of jointly owned property, prohibitions on meeting victims and on access to minors, compulsory training aimed at behavior modification, and compulsory treatment for alcoholism.

There were no reliable statistics regarding the extent of domestic abuse, but qualified observers believed that it affected as much as one-third of the female population. Virtually all of those who committed violent crimes in the home were men, and women typically were the victims. In recent years domestic abuse has become more violent, including increases in the number of murders. After many years of government and societal denial, there was increasing public and media discussion of domestic violence, including spousal and child abuse. However, the perception remained that domestic abuse was either a family issue or not a problem. In recent years economic and societal changes 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 family abuse cases 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. Women were hesitant to ask authorities to prosecute cases of domestic abuse because of likely long-term detention of spouses and the resulting loss of household income.

The Family Law details rights and responsibilities regarding alimony and parents' rights, and it is intended to bring about timely dispute settlement and ameliorate the causes of some domestic violence. The National Center against Violence operated branches in two districts of Ulaanbaatar and eight provinces. There were four shelters for victims of domestic abuse, largely funded by foreign charitable organizations.

There is no law specifically prohibiting spousal rape. Rape, including spousal rape, remained a problem. During the year there were 314 cases of rape reported to authorities, down slightly from 320 cases in 2005; however, many rapes were not reported. NGOs stated that police procedures were stressful to traumatized rape victims and tended to discourage reporting of the crime. According to NGOs, police referred for prosecution a minority of cases, largely on the basis that there was insufficient evidence for prosecution.

Prostitution is legal. However, public solicitation for prostitution and organizing prostitution remained illegal. There were reports that some women worked in the sex trade elsewhere in Asia and other countries; an unknown number of them were trafficked (see section 5, Trafficking).

There are no laws against sexual harassment. According to NGOs, there was a lack of awareness on what constitutes inappropriate behavior, making it difficult to gauge the actual extent of the problem.

The law 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 wage earners for their families. The law prohibits women from working in certain occupations that require heavy labor or exposure to chemicals that could affect infant and maternal health, and the government effectively enforced these provisions. Many women occupied midlevel positions in

government and business, and many were involved in the creation and management of new trading and manufacturing businesses.

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

Children

Increased societal stress on the family structure had adverse effects on many children. Although the government was unable to keep pace with the educational, health, and social needs of this rapidly growing segment of the population, in principle it remained committed to children's rights and welfare. The government provided children with free and compulsory public education through the age of 16; however, family economic needs and state budgetary troubles made it difficult for some children to attend school. In practice, female children 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.

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 began to address the problem.

By year's end the national police documented 156 cases of suspected underage prostitution. In addition, there were some known or suspected cases of international trafficking of girls under age 18 (see section 5, Trafficking). In June Chinese police returned a 17-year-old boy who reported that he had been taken across the border and forced to steal.

Although society has a long tradition of raising children in a communal manner, societal and familial changes orphaned many children. The government was more willing than in the past to admit the extent of the problem, but it lacked the resources to improve the welfare of children who became victims. NGOs continued to assist orphaned and abandoned children. Experts estimated that there were approximately 1,300 homeless children, of whom about 70 lived on the street; the remainder lived in shelters. 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 problems. There were two government-funded but privately owned and administered shelters, one for children up to age three and the other for children ages three to 16. Foreign charities operated more than 40 other shelters.

Trafficking in Persons

The law specifically prohibits trafficking in women and children; however, there was evidence that some females, including girls under 18, working in prostitution in other countries, were victims of trafficking rings. The country was both a source and transit point for trafficking. Most victims were trafficked to the People's Republic of China or Macau, to which citizens are able to travel without visas. However, cases in destinations such as South Korea, Japan, Malaysia, Israel, Turkey, Switzerland, and Hungary were alleged or confirmed.

During the year police investigated 12 cases of trafficking abroad involving 25 victims. While they did not refer most cases to prosecutors because of insufficient evidence or other problems, police did refer four cases for prosecution. At the end of the year, three of these cases remained under consideration by prosecutors, and one had been dropped due to lack of evidence. In January a court convicted a woman and sentenced her to more than 10 years in prison for trafficking to Macau; this was the first conviction won under the antitrafficking offense included in 2002 revisions to the criminal code.

Although most officials and NGOs found it difficult to estimate the extent of trafficking, increasing attention was focused on the problem. According to a study during the year, those most vulnerable to trafficking were between 19 and 35 years of age, with the highest risk associated with low-income and unemployed females. Many victims were lured abroad by offers to study or work, while others wittingly went abroad as sex workers but found themselves in coercive situations. Preventive steps to combat trafficking, such as increased law enforcement measures, were very limited. As a result, 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.

Protections for victims and witnesses were extremely limited, which discouraged them from coming forward. Furthermore, social stigma inhibited victims from telling their stories. The government had limited resources and divergent priorities and provided no direct assistance for trafficking victims. NGOs offered support when possible, and the government relied on NGOs to increase awareness and initiate prevention programs. During the year authorities began to implement the national action plan against trafficking and sexual exploitation of women and children, which included enhanced efforts by Mongolian diplomatic missions to combat the problem and assist victims.

Persons with Disabilities

The labor law prohibits discrimination in employment and education against persons with disabilities. The law also requires the government to provide benefits according to the nature and severity of the disability, which it did. The Law on Social Protection of the Disabled gives provincial governors and the Ulaanbaatar governor the responsibility to work with provincial councils and the Ulaanbaatar city council to develop and implement measures to protect persons with disabilities. However, NGOs claimed that the government did little to implement such measures, and in practice most persons with disabilities could not find jobs. The law requires companies employing more than 50 persons to hire at least three persons with disabilities.

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 were several specialized schools for youth with disabilities, but these students also were free to attend regular schools. There is no law mandating access to buildings for persons with disabilities, which made it difficult for these persons to participate fully in public life. Persons with disabilities demonstrated for higher government subsidies. Government pensions for persons with disabilities were approximately \$23 (26,500 tugrik) per month. Some 30 NGOs participated in activities assisting approximately 40,000 persons with disabilities.

Other Societal Abuses and 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 over the years to 220,000, which represented less than one-quarter of the workforce. Workers who were self-employed or who worked at small firms generally did not belong to unions. No arbitrary restrictions limited who could be a union official, and officers were elected by secret ballot.

b. The Right to Organize and Bargain Collectively

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

The law provides for the right to strike, and workers exercised this right in practice. If an employer fails to comply with a recommendation, employees may exercise their right to strike. The law protects worker rights to participate in trade union activities without discrimination. However, the government does not allow intervention in collective bargaining by third parties and prohibits third parties from organizing a strike. The International Labor Organization Committee of Experts described this as a "serious restriction on the free functioning of trade unions" and requested the government to change it.

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

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law specifically prohibits forced or compulsory labor, and the government generally enforced this provision. Although most prisoners were required to work as part of their sentences, they received monetary compensation to send to their families or use to buy food, books, and sanitary items. Prisoners in maximum security or serving custodial prison sentences of less than six months were excluded from compulsory labor.

Beginning in 2004, North Korean laborers were employed under contracts between the North Korean Ministry of Light Industry and private companies, with government approval, primarily in the construction and service industries. Approximately 200 North Korean workers brought in through official channels worked in the country during the year. The contract terms generally required that the laborers return to North Korea at the end of the contract. The Ministry of Social Welfare and Labor did not monitor the working or living conditions of these workers. Allegedly some North Korean workers were not free to leave their employment or complain if work conditions were unacceptable. These workers, who reportedly were monitored closely by "minders" from their government, did not routinely receive direct and full salary payments. In addition, 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. 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.

In addition, due to economic pressures, many children, especially teenage boys in the countryside, dropped out of school before age 18 (see section 5). Children most often herded family livestock, but reports of children working in factories or coal mines continued.

The government prohibits forced and compulsory labor by children and effectively enforced this prohibition.

e. Acceptable Conditions of Work

The legal minimum wage established for the year was approximately \$46 (53,000 tugrik) per month. 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.

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 generally were enforced in practice.

There were increasing numbers of Chinese workers in low-wage construction jobs, who often lived under spare conditions, but generally enjoyed the same protections as citizens. However, due to various pressures and restrictions, a small number of North Korean workers in the construction and service industries may not have been able to speak out about working conditions (see section 6.c.).

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. 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.