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2010 Human Rights Report: Mongolia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

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Mongolia, with a population of three million, is a multiparty, parliamentary democracy. The most recent presidential election, held in May 2009 and considered largely free and fair, was won by former prime minister Tsakhia Elbegdorj of the Democratic Party. Prime Minister Sukhbaatar Batbold and his majority Mongolian People's Revolutionary Party (MPRP) continued to dominate the parliament but governed under a unity government with the Democratic Party. Security forces reported to civilian authorities.

While the law provides for protection of basic human rights, the following human rights problems were noted: police abuse of prisoners and detainees; uneven enforcement of the law and official impunity; poor conditions in detention centers; arbitrary arrest, lengthy pretrial detention, and corruption within the judicial system; government interference in the media; continued refusal by some provincial governments to register Christian churches; secrecy laws and a lack of transparency in government affairs; inadequate measures to counter domestic violence against women; and trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

In February, after investigating the circumstances of the 2008 protest resulting in the deaths of five persons, the State Prosecutor General's Office (SPO) dropped all charges against the 10 police officers suspected of firing upon civilians and the four senior police officials suspected of giving the order to open fire. However, in November the SPO reopened the case.

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, sources reported that 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 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 SPO's Special Investigative Unit (SIU) received 210 complaints from citizens, including 10 complaints against police and prison officers suspected of torture, of which three were dismissed, five led to convictions, and two were sent to the SPO. The NHRC stated that some incidents of alleged 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; one had resulted in compensation and arrests or charges by year's end.

Amnesty International reported that hazing was common within the military, primarily including beatings by higher-ranking personnel of their subordinates.

Prison and Detention Center Conditions

According to Amnesty International, conditions in prisons were poor but improved during the year. The low quality of medical care available to prisoners remained a concern. The General Executive Agency of Court Decision (GEACD) reported that there were 7,265 prisoners, of whom 452 were women and 75 were juveniles. UN officials reported that children and adults often were not separated in police detention facilities. The GEACD reported 20 deaths during the year in prisons and prison clinics under its control. The National Police and GEACD reported two deaths in detention facilities. Amnesty International declared that this number was understated due to the practice of correctional officials releasing terminally ill patients from their ward shortly before their impending death.

Amnesty International reported that conditions at holding cells in police stations and pretrial detention facilities remained poor. Sources reported incidents of detainee abuse and forced confessions and cited the conflict of interest inherent in the National Police's continued oversight of administrative predetention facilities, due to their concurrent responsibility to interrogate detainees. Overcrowding and low-quality medical care threatened the health of detainees. There were approximately 900 detainees in the sole pretrial criminal detention facility serving Ulaanbaatar in Gants-khudag, a dark building with poor ventilation and a capacity according to the GEACD of 640. At times cells held eight persons in spaces intended for two or three. Detainees were granted only one hour of time outside their cell per week.

Within the Denjin Myanga administrative detention facility in Ulaanbaatar, sources reported that detainees found guilty of administrative offenses lived in squalid conditions due to overcrowding and poor ventilation. Although the section holding them was built to hold 120, there often were more than 200 detainees. Officials reported that conditions were worst in the winter, when arrests increase and the severe cold weather precludes outside activities.

Inebriated individuals were detained in overcrowded police-operated detoxification centers for up to 24 hours. Officials reported that they lacked the resources to provide adequate water, food, hygienic standards, adequate bedding, ventilation, and bathing facilities. Detainees were stripped to their underclothing and kept in stone-floored, overcrowded cells with only a blanket to keep warm for the duration of their detention. Children were detained alongside adults, and

detainees were kept together regardless of whether their crime was violent or not. Diseases were common among inmates and guards alike.

Many inmates entered prison and detention centers infected with tuberculosis or contracted it in prison. The government quarantined and treated victims at its tuberculosis hospital.

NGOs and the government offered vocational, educational, outdoor, and religious activities. NGOs provided clothing, food, books, English-language instruction, and vocational training in prisons and detention centers.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. The law allows prisoners and detainees to submit complaints to judicial authorities without censorship and request investigations, but Amnesty International stated that in many cases this process was significantly flawed and failed to address legitimate complaints. The Prosecutor's Office and State Special Inspection Agency monitored prison and detention center conditions. In November the results of monitoring by the Capital City Prosecutor's Office and Capital City Special Inspection Office were released publicly. Their report disclosed problems of hygiene, including failure to clean rooms and bedding, failure of cafeteria staff to abide by standards, contamination of the drinking water with bacteria, and inadequacies in the dimensions and conditions of the cells.

The NHRC monitored conditions at several prisons and detention centers. Monitors from the diplomatic and human rights community were granted unaccompanied meetings with prisoners during the year. The GEACD reported that ombudsmen are not able to serve on behalf of prisoners and detainees.

At year's end the GEACD reported that the government had invested 19.9 billion tugrik (\$16 million) in prison renovation since 2006, resulting in improvements in 35 facilities.

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

Mechanisms to investigate police abuses remained inadequate, since investigatory units lacked the resources to pursue all allegations. The SIU investigates allegations of misconduct by law enforcement personnel, prosecutors, and members of the judiciary. 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. During the year the SIU received 721 complaints against law enforcement officials, opened cases on 132 of these complaints, refused to open cases on 283 complaints, and transferred 297 complaints to other agencies. At year's end nine cases were under investigation. The SIU investigated a total of 329 persons: 155 police officers, 135 civilians, 29 investigators, five intelligence agency officers, three judges, and two prosecutors.

There were no major government actions, including training, to reform the security forces.

There were multiple reports from members of minority groups that ultranationalist groups enjoyed impunity, due to police complacency and unwillingness to apprehend the offenders. Ultranationalists targeted lesbian, gay, bisexual, and transgender (LGBT) persons, Chinese, and Koreans with threats, violence, and the extraction of protection money.

Arrest Procedures and Treatment While in Detention

A judge-issued warrant is required prior to the arrest of a suspect. A "pressing circumstances" exception allows police to arrest suspects without obtaining a warrant. The UN reported that two-thirds of those accused with criminal offenses in Ulaanbaatar were arrested without court authorization.

By law police must request a court order to continue holding suspects 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, police must release suspects.

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. Nonetheless, some detainees refused to use state-funded attorneys for fear that such attorneys would not fairly represent them. Furthermore, many defense attorneys' law licenses remained suspended for providing services to the victims of police violence from the July 2008 riots.

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 increasingly problematic, particularly at the level of the Supreme Court. Bribery could contribute to the dismissal of a case or reduction of a recommended sentence.

There were three cases involving judges pending at year's end.

Trial Procedures

The law provides for the right to a fair public trial by a judge, but this was undermined by frequent cases of bribery and a large number of cases per judge. The law provides that defendants are innocent until proven guilty, and this was respected in practice. 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 extends these rights to all citizens.

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. Judges often relied on confessions, many of which were coerced by police, in convicting defendants.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Administrative and judicial remedies are available for alleged wrongs. Corruption, outside influence, and enforcement of court orders were problems in the civil judicial system. Although by law victims of police abuse can sue for damages, in practice few were able to claim compensation.

In February 2009 Ulaanbaatar police detained for four hours a lawyer who represented religious workers facing deportation. No charges were issued, but the lawyer said that police fined him. The lawyer appealed the fine, and in March 2009 the Supreme Court ruled in his favor. However, the plaintiff stated that police disregarded the Supreme Court's judgment and refused to repay him.

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

The criminal code and constitution prohibit such actions; however, there were reports of government surveillance, wiretapping, and e-mail account intrusions against journalists and NGOs critical of the government.

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. Nevertheless, government interference with licensing and indirect intimidation of the press, particularly broadcast media, was evident.

A variety of newspapers and other publications represented both major political parties and independent viewpoints. The Ministry of Justice and Home Affairs 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. A December 2009 poll of journalists by Globe International, a domestic media rights NGO, found that half of them reported self-censoring their work because of threats or the fear of prosecution or job loss. The government monitored all media for compliance with antiviolenace, antipornography, antialcohol, and tax laws.

In September 2009 the Media Office of the General Policy Authority sent a "cooperation agreement" valid for one year to all Ulaanbaatar-based television stations. In exchange for providing "safety for television stations that signed the agreement and for their journalists working at flashpoints," the police required "balanced" and "true and objective information" and forbade the dissemination of "incorrect information and propaganda that encourages mass disorder during public demonstrations" or "information compromising public or organizational privacy and state secrecy." The agreement also required that "when reporting, media outlets shall regularly contact central headquarters for information on the current situation." In addition it stated that "if a public demonstration becomes mass disorder, the media shall cooperate with the police and broadcast propaganda to defuse and resolve the situation." All but two television stations reportedly signed the agreement, leaving in question whether the police would extend protection to those that did not. There were no reports the two stations that did not sign the agreement experienced public safety problems.

In December 2009 the investigative newspaper *Niigmiin Toli* was fined for defamation by the Ulaanbaatar Metropolitan Court following a letter it published from an anonymous citizen in the province of Bayan-Olgii criticizing local Governor Khaval and his staff. On August 27, following the newspaper's rejection of the court order to apologize and pay a fine of two million tugrik (\$1,610) to the "defamed" officials, the GEACD raided the office and seized a computer with a database of confidential sources. Although authorities reportedly claimed that the property was seized in lieu of the fine, the editor in

chief stated that, unlike newer computers in the office, the value of the antiquated computer was less than the amount of the fine, leading the newspaper to allege the specific computer was seized by authorities to uncover confidential sources.

Press representatives 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. Globe International reported that in advance of the protests of late March and early April, the nominally independent Communications Regulatory Commission demanded that one television station not cover the demonstrations. Due to the commission's role in licensing, observers interpreted this as tantamount to a threat, and by extension, censorship.

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

Broadcast media similarly were 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. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail; however, there were reports that the government monitored some e-mail accounts. According to the Information and Communication Technology Agency, there were 56 Internet service providers with 106,000 subscribers 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. According to a 2009 survey by the technology agency, 73 percent of Ulaanbaatar residents had used the Internet at least once. According to the same agency, 6 percent of families in Ulaanbaatar had Internet connections in their homes.

A representative of the LGBT Centre alleged government monitoring of their personal e-mail accounts, stating that recent activity logs frequently listed unknown Internet protocol addresses within the country.

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.

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 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 generally cooperated with the Office of the UN

High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

Foreign residents must obtain exit visas to leave the country. Public and private entities increasingly used the visa requirement to pressure foreign investors to settle commercial disputes, effectively detaining them until they settled or underwent a full investigatory process, which could be lengthy. However, even after a dispute is settled, a claim can be refiled in the same venue, if local police and prosecutors are willing, or in a different venue.

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

Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol relating to the Status of Refugees. However, the constitution provides for the right to asylum, and in practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Citizenship is inherited from parents. Refugees are considered illegal migrants and as such do not have access to basic services such as health care and education, nor are they allowed to work. The UNHCR reported that "stateless persons are unable to enjoy their most fundamental rights such as the right education, health care, and an adequate standard of living." According to statistics provided by the Ministry of Justice and Home Affairs and the Immigration Agency, in December there were 29 individuals who were stateless and under consideration for naturalization. Most had renounced their original citizenship in the process of applying for Mongolian citizenship. By law the procedure to acquire and/or reacquire Mongolian nationality should take no more than six months, but in reality it often took considerably longer.

The Immigration Agency does not consider ethnic Kazakhs to be stateless without verification with Kazakh authorities that they are not Kazakh citizens. The UNHCR reported that many thousands of ethnic Kazakh Mongolians renounced their Mongolian nationality upon moving to Kazakhstan in the early 1990s, but many who were unable to gain Kazakh citizenship returned to Mongolia, where they became stateless. The UNHCR reported that the process of reacquiring Mongolian nationality was long and complicated and recommended improving the implementation of relevant laws. In addition observers cited the lack of awareness regarding the relevant legal framework as a reason for statelessness. Furthermore, the process of verification with the Kazakh government was protracted.

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 based on 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 the parliament, in consultation with the president, shall appoint the prime minister. Members of the parliament may serve as cabinet ministers. There is no requirement that the prime minister or other ministers be a member of the parliament.

Elections and Political Participation

In the most recent presidential election, held in May 2009, the former prime minister and candidate of the opposition Democratic Party, Tsakhia Elbegdorj, defeated MPRP incumbent Nambar Enkhbayar. Independent observers described the election as largely free and fair.

The potential for bias within the General Election Commission was a concern, particularly for smaller political parties. Four of the nine commissioners belonged to the MPRP and three to the Democratic Party prior to becoming commissioners and cancelling their memberships, as required by law.

Political parties could operate without restriction or outside interference. There were 17 political parties registered with the Supreme Court.

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. One of the 15 cabinet ministers was a woman, 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 the parliament. There were two members of minority groups serving in the cabinet or Supreme Court.

Section 4 Official Corruption and Government 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 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.

Corruption in law enforcement agencies was endemic. The government's Independent Agency Against Corruption investigated some police officers but did not make public the results of any such investigations.

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. Members of the parliament are immune from prosecution during their tenure, preventing a number of allegations of corruption from going to trial. Corruption-related arrests and convictions were rare but increasing.

The anticorruption agency, which is responsible for investigating corruption cases, declared that nearly all of the most senior officials complied with the requirement to declare their assets and income (and those of relatives, including spouses, parents, children, and live-in siblings). The agency also is required to review the asset declarations of public servants, including police officers and members of the military, and this was carried out in practice. The agency received 427 reports of improprieties during the year, of which it referred more than 46 for criminal investigation.

Government and parliamentary decision making was not transparent, and public legislative hearings were rare. Meetings of the parliament's standing committees were not open to the press or the public. Nevertheless, in May the Parliamentary Standing Committee on Legal Affairs held a hearing in which parliamentarians questioned officials who allegedly violated anticorruption statutes. General sessions of the parliament were largely open to the public, although not in all cases.

There was no law providing for public access to government information. The far-reaching State Secrets Law inhibited freedom of information and government transparency while at the same time undermining accountability. The law also hindered citizen participation in policy discussions and government oversight.

Section 5 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.

The NHRC is responsible for monitoring human rights abuses, initiating and reviewing policy changes, and coordinating with human rights NGOs; it reports directly to the parliament. The NHRC consists of three senior civil servants nominated by the president, Supreme Court, and parliament for terms of six years.

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

Section 6 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, no law specifically prohibits spousal rape, and rape remained a problem. During the year 254 persons were convicted of rape, according to the research center of the Supreme Court. However, NGOs alleged that many rapes were not reported and claimed that police and judicial 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 only a small number of rape cases for prosecution, largely claiming that there was insufficient evidence. Postrape 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 certain 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 is a minor, the penalty can reach 10 years. Such a crime resulting in death, victimizing a child less than 14 years of age, or committed by a recidivist may result in 15 to 25 years' imprisonment or the death penalty. Gang rape is punishable by death.

Domestic violence remained a serious problem, particularly against women of low-income rural families. The law requires 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 NGOs, often were reluctant to intervene in what was viewed as an internal family matter.

Between 2007 and June 2009, the Mongolian Women's Legal Association documented more than 240 criminal proceedings involving domestic violence. During the same period, the association reported that officers invoked the hooliganism article of the administrative code in cases of domestic violence 4,800 times. Of these interventions, 7 percent resulted in detentions of the assailant for up to 30 days and the remainder in fines payable to the state. At year's end 20

victims had received services, and 15 cases had been processed. The government maintained a care facility for domestic violence and rape victims in the National Center for Trauma Treatment.

There were no reliable statistics regarding the extent of domestic abuse; however, the National Center Against Violence (NCAV) estimated that approximately one in three women was subject to some form of domestic violence and one in 10 women was battered. A total of 484 persons were convicted of domestic violence and given restraining orders during the year. However, the law fails to assign responsibility to particular agencies in the execution of restraining orders. As a result the women's legal association reported that restraining orders were poorly monitored and enforced. The law instructs that restraining orders be in effect only as long as the victims are in shelter, thus exposing them to danger upon their release.

The NCAV stated that it provided temporary shelter to 437 persons at its six locations and provided psychological counseling to hundreds. The NCAV launched domestic violence prevention campaigns without governmental support. State and local governments financially supported the NCAV in providing services to domestic violence victims. The Ministry of Social Welfare and Labor (MSWL) provided approximately eight million tugrik (\$6,440) to the NCAV for its shelter in Ulaanbaatar, and the government welfare agencies provided an additional 16 million tugrik (\$12,880) to two shelter houses in Ulaanbaatar. The province of Selenge provided 2.3 million tugrik (\$1,850) to the local shelter house.

According to women's NGOs, sex tourism from South Korea and Japan remained a problem.

There are no laws against sexual harassment. NGOs alleged there was a lack of awareness within 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.

Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and have the information and means to do so free from discrimination. The Ministry of Health reported that 83 percent of pregnant women had access to childbirth services, prenatal care, essential obstetric care, and postpartum care in 2009. However, observers stated that public reproductive health-care facilities had long waiting times, a lack of confidentiality, and unprofessional treatment by medical personnel. According to data gathered by the UN, the 2008 estimated maternal mortality ratio was 65 deaths per 100,000 live births. The UN Population Division estimated that 66 percent of women or their partners used contraceptive methods. Women were equally diagnosed and treated for sexually transmitted infections, including HIV.

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. The Gender Center for Sustainable Development reported that from 2000 to 2008, men who worked in managerial positions earned 22.8 percent more than women equivalent in rank, and men who worked as engineers had 45.4 percent higher salaries than their female counterparts.

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 or were involved in the creation and management of new trading and manufacturing businesses. The mandatory retirement age of 55 for women is five years lower than for 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 divided property and assets acquired during their marriage. In a majority of cases, the divorced wife retained custody of any children, but Monfemnet reported that divorced husbands often failed to pay child support without state penalty. Women's activists said that because businesses were usually registered under the husband's name, ownership was increasingly transferred automatically to the former husband.

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 concerns within the MSWL. In the parliament there was a Standing Committee on Social Policy, Education, and Science that focused on gender matters.

Children

Citizenship is derived from one's parents.

Child abuse was a significant problem, principally in the forms of violence and sexual abuse. According to the governmental National Center for Children, both problems were most likely to occur within families.

Although against the law, the commercial sexual exploitation of children--involving those under 18 years of age--was a problem. According to NGOs there were instances wherein teenage girls were kidnapped, coerced, deceived, and forced to work as prostitutes. The minimum age for consensual sex is 16. Violators of the statutory rape law are subject to a penalty of up to three years in prison. The law prohibits the production, sale, or display of all pornography and carries a penalty of up to three months in prison. The country was not believed to be a destination for child sex tourism.

Police raids freed some teenage victims of commercial sexual exploitation; however, NGOs claimed other police officers worked with procurers and brothel keepers. Teenage victims of sexual exploitation were often detained and punished for the crime of prostitution.

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 parental abuse, much of it committed under the influence of alcohol. An MSWL official stated there were no effective legal deterrents for child abandonment.

According to the MSWL, there were 41 temporary shelters and orphanages, seven fewer than in 2009 after inspections found them to be noncompliant with the standards adopted in 2008. The MSWL reported that there were six government-funded shelters, classifying the Address Identification Center (AIC) as a shelter. Of these, officials stated that facilities run by the AIC, National Center for Children, and Ulaanbaatar city government failed to meet the government's standards for shelters. Approximately 1,500 children lived in shelters countrywide. In the winter an estimated 60 children, and in the summer hundreds of children, were estimated to be living on the street.

Minors who ran away from or were lost or abandoned by their parents are brought to the police-run AIC in Ulaanbaatar for the purpose of reconnecting children with their families. With a capacity of 45, it was often overcrowded with as many as 70. Police officials stated that children of abusive parents were sent to shelters rather than back home, but some observers suggested that many youths were sent back to abusive parents. The AIC was unable to provide adequate medical attention to the children, many of whom could not access public health services for lack of an identification card. Officials stated that the state allocated 24,000 tugrik (\$20) a month for all medical expenses despite officials' estimates that 80 percent of the entering children were sick, in many cases severely so. Since many of the children lacked their identification cards, public hospitals refused to provide those children even rudimentary treatment. The Law on the Provisional Detention of Homeless Children states that children should be kept in the AIC for no longer than seven days, yet in practice they were kept for up to 180 days. Children residing at the AIC for such long durations were not integrated into regular schools.

The government began implementation of a "Road Home Program" to provide educational and recreational activities for 35 children who were regular entrants to the AIC. All funding for this program came from outside donors.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

The Jewish population was very small, and there were no reports of anti-Semitic acts during the year.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The labor law prohibits discrimination in employment and education against persons with disabilities. At year's end the NHRC was investigating whether laws discriminate against persons with disabilities in health care or in the provision of other state services. The law defines the types of disabilities as including those concerning physical, sensory, and mental but not intellectual attributes. 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, 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 Mongolian National Federation of Disabled Persons' Organizations (MNFDPPO), there were an estimated 81,500 persons with disabilities over the age of 16 in the country, of whom 20 percent were employed. The government provided tax benefits to enterprises that hired persons with disabilities. The law requires workplaces to hire one person with disabilities for every 25 employees or pay a fine. However, the law requires that disabled persons may work a maximum of 36 hours a week before overtime, thus creating a disincentive for companies to employ them. Companies often chose to pay the small fine rather than fill the legal quota for disabled individuals. Furthermore, the government itself failed to employ disabled individuals in the ratio required of employers.

Persons injured in industrial accidents have the right to reemployment when ready to resume work, and the government offered free retraining at a central technical school. The reemployment right was generally enforced in practice.

In February a new law took effect mandating standards of physical access for persons with disabilities to newly constructed public buildings; however, by year's end the law had not been applied. One school newly constructed in Songino-Khairkhan District failed to meet the new regulations. Government buildings remained largely inaccessible to persons with disabilities. Public transportation was also largely inaccessible to such persons. Despite a new law introducing standards for road construction under which some textured sidewalks meant to aid visually impaired pedestrians were installed, the persistence of open manholes, protruding obstacles, and unheeded crosswalks prevented many persons with disabilities from moving freely.

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 MNFDPO estimated that of 33,000 children with disabilities, 60 percent failed to complete secondary education. Schools for individuals with disabilities 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 benefits, the amount of financial assistance was low, and it did not reach all persons with disabilities. The MNFDPO stated that benefits were provided in an ad hoc manner, often failing to meet the actual demands of the recipients. According to the MNFDPO, of the 97,000 government-registered persons with disabilities,

during the year approximately 42,000 received an allowance from the government's Social Welfare Fund, and 46,000 persons received allowances from the Social Insurance Fund. The MNFDPO alleged that the employment support fund, a program targeted at persons with disabilities through local governments, was often misappropriated at the provincial level.

Persons with disabilities could not fully participate in the political process. Little accommodation was made for such persons at polling stations, and there were no such representatives in the parliament. The MNFDPO estimated that in the 2009 presidential election, only 34 percent of the electorate with disabilities cast a ballot. Persons with sight and hearing disabilities had difficulty remaining informed about public affairs due to a lack of accessible broadcast media. The MNFDPO stated that less than 15 percent of broadcasting on the state-owned television channel had simultaneous sign language.

The MNFDPO worked with the government to encourage vocational education centers to work with children with disabilities so that they could eventually be capable of running small businesses. The Ulaanbaatar city government sponsored one factory staffed with approximately 70 blind individuals.

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

Homosexual conduct 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 persons engaging in homosexual conduct. Such persons reported harassment and surveillance by police. Police took little or no action to apprehend ultranationalists who threatened, abducted, and committed acts of violence against members of the LGBT community.

There were reports that individuals were assaulted in public and at home, denied service from stores and nightclubs, and discriminated against in the workplace based on their sexual orientation. There also were reports of abuse of persons held in police detention centers based on their sexual orientation.

Some media outlets described gays and lesbians with derogatory terms and associated homosexual conduct with HIV/AIDS, pedophilia, and the corruption of youth.

Other Societal Violence or Discrimination

There was no official discrimination against those with HIV/AIDS; however, some societal discrimination existed. The public continued largely to associate HIV/AIDS with homosexual conduct, burdening victims with the attendant social stigma.

Section 7 Worker Rights

a. The Right of Association

The law entitles workers to form or join independent unions and professional organizations of their choosing without previous authorization or excessive requirements, 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 union membership of salaried individuals remained constant. 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. The Confederation of Mongolian Trade Unions (CMTU) reported that university administrators used pressure and threats to prevent the formation of unions among lecturers. The Federation of Mongolian

Education and Science Unions also reported police harassment during an April 1 protest before Government House. Furthermore, a union leader for teachers in School 75 of Khan-Uul District was fired for leading a one-day strike in April.

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 and including police, utility, and transportation, do not have the right to strike. The list of essential services appeared to comply with International Labor Organization guidelines.

b. The Right to Organize and Bargain Collectively

Laws protect collective bargaining, and these were effectively enforced. 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 tripartite Labor Dispute Settlement Committee resolves disputes between workers and management. The government does not allow intervention in collective bargaining by third parties.

The law protects the right of workers to participate in trade union activities without discrimination, and the government protected this right in general. Nevertheless, the administration failed to enforce a 2009 court order requiring the compensation and rehiring of striking Aero Mongolia mechanics. After the Supreme Court ruled against it, Aero-Mongolia filed a new case during the year claiming the union to be illegal. The case remained on appeal at year's end. The fired mechanics reported being blacklisted as a result of their union activities.

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 estimated 524 North Korean laborers were employed in the fields of mining, factory work, utilities, transportation, construction, customer service, and health. There was concern that some North Korean workers were not free to leave their employment or complain about unacceptable work conditions.

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

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. However, involuntary child labor occurred in the construction and mining (coal, gold, and fluorspar mineral) sectors, although largely if not exclusively in the informal, artisanal mining sector. Labor inspectors assigned to regional and local offices were responsible for enforcement of these prohibitions and all other labor regulations. 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 and unauthorized small-scale mining as well as scavenging in dumpsites and herding animals. Widespread alcoholism and parental abandonment made it necessary for many children to support themselves. The National Center for Children estimated the number of children in the labor force as high as 77,000, although up to 90 percent of these children were involved in traditional animal husbandry, while only 1 percent were estimated to be involved in mining.

International organizations continued to voice concern over child jockeys in horseracing. According to 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 races range from two to nearly 20 miles. The state bans racing with child jockeys during the coldest period (October 18 through February 13), and there are regulations requiring adequate headwear. With increased NGO monitoring during horseracing events, there reportedly was greater adherence to these regulations.

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

e. Acceptable Conditions of Work

The legal minimum wage was 108,000 tugrik (\$87) 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. Some workers received less than the minimum wage, particularly at smaller companies in rural areas. The minimum wage is reset annually by the MSWL in consultation with trade union representatives and employers.

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 individuals with disabilities and 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 MSWL had an insufficient number of inspectors, according to the CMTU. Inspections were conducted both proactively and in response to complaints filed. A CMTU representative stated that fines imposed against companies not complying with labor standards were insufficient to induce management to resolve problems cited by inspectors. The near-total reliance on outmoded machinery and problems with maintenance and management led to frequent industrial accidents, particularly in the construction, mining, and power sectors. 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, the majority of whom were Chinese mining and construction workers, reportedly worked in conditions that did not meet government regulations. The MSWL did not monitor the working or living conditions of Chinese or North Korean laborers. Observers stated that North Korean laborers likely failed to receive the minimum wage.

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