

MONGOLIA 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Mongolia is a multi-party parliamentary democracy. In the June presidential elections, incumbent Tsakhiagiin Elbegdorj of the Democratic Party won reelection with 50.23 percent of the vote. The election was generally conducted in a free and fair manner in accordance with the constitution, but expert observers noted that some legal provisions prevented media from providing sufficient information to the voters. The Democratic Party holds a plurality of seats in Parliament and Prime Minister Norov Altankhuyag leads a coalition government including the Justice Coalition (composed of the Mongolian People's Revolutionary Party (MPRP) and the Mongolian National Democratic Party) and the Civil Will-Green Party. In August President Elbegdorj pardoned MPRP leader and former president Nambaryn Enkhbayar after Enkhbayar had served some eight months of a 30-month prison sentence imposed upon his conviction on corruption-related charges. Authorities generally maintained effective control over security forces. Credible reports indicated that security forces occasionally committed human rights abuses.

The three most significant human rights problems were police abuse of detainees, widespread corruption, and a lack of transparency in government affairs. Ample documentation establishes both that corruption was widespread and that the perception and reality of corruption were serious drags on democratic and economic development. Lack of transparency – especially in the legislative and judicial branches of government – further undermined government efficiency and public confidence. Security forces subjected detainees to physical abuse, especially upon arrest. While the law provides for protection of basic human rights, there was a discrepancy between laws and regulations and actual practice.

Other human rights problems included: arbitrary arrests; poor conditions in detention centers; government interference with the media; religious discrimination (including continued refusal by some provincial governments to register Christian churches); denial of exit visas and immigration holds on foreign citizens; inadequate measures to counter domestic violence against women; trafficking in persons; discrimination against persons with disabilities; and violence and discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons.

During the year, the government took few steps to punish officials who committed abuses, or to rectify instances of discrimination.

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. Civilian authorities maintained control over security forces, but mechanisms to investigate specific allegations of police abuses remained inadequate.

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. Nevertheless, sources reported that police abused some prisoners and detainees. Human rights groups reported that the use of unnecessary force and torture, particularly to obtain confessions, was a serious problem and that corrections guards and police meted out cruel treatment to some inmates at police stations and detention centers. Nongovernmental organizations (NGOs) stated that some inmates were beaten and deprived of visitation rights in response to infractions committed in detention.

During the first nine months of the year, the State Prosecutor General's Special Investigative Unit (SIU), which is responsible for investigating complaints of testimony coercion against prosecutors, judges, and police, received 51 complaints against officials accused of torture. Of these, the SIU dismissed 46 complaints for not meeting the relevant code's definition of torture. Four of the remaining torture complaints were under investigation by the SIU, while one was transferred to other departments. Additionally, the General Executive Agency of Court Decision (GEACD), a body under the Ministry of Justice which administers prisons, reported one complaint of torture and coercion against correctional facility guards through September. Prisoner complaints reported by officials and NGOs also included coercion and threats, including threats from police to investigate family members if a confession was not forthcoming.

SIU officials, judges, and NGOs acknowledged that impunity for ill-treatment was common, citing numerous barriers to holding abusers accountable. For example, only police detectives and investigators can be tried under Article 251 of the

Criminal Code, which prohibits forced testimony and is the main mechanism for prosecuting official abuse or torture. This article covers only physical abuse and does not include psychological abuse or threats against suspects or their families. Law enforcement officials can also be held liable under Article 96 for intentional infliction of severe bodily injury, although prosecutions under this provision have been rare. Article 44.1 states that prohibited acts (which would include infliction of severe bodily injury) do not constitute a crime when committed in accordance with an order by a superior in the course of duty. The law provides that the person who gave the illegal order or decree is criminally liable for the harm caused, but prosecutions of this sort were rare. According to Amnesty International (AI), SIU officials, prosecutors, and judges, Article 44.1 effectively provides immunity to law enforcement officials engaged in coercing confessions at the behest of investigators or prosecutors.

Torture investigations generally took a back seat to the “main” investigation. Police and prosecutors were reluctant to assist SIU investigations of torture complaints, which they viewed as a hindrance to their other work and a possible damper on conviction rates. SIU officers reported that they were often explicitly told not to investigate such abuse complaints. In addition, the SIU reported that their investigators need written permission from the prosecutor assigned to a case to investigate allegations of torture or abuse connected to the original police investigation, and that such permission is exceedingly difficult to obtain.

In addition to legal and procedural barriers, SIU officials and human rights NGOs also reported obstacles to gathering evidence of torture or abuse. Witnesses to instances of abuse are generally other detainees or prisoners, who are themselves reportedly under great pressure not to testify in such instances. Such witnesses are vulnerable to similar coercion, threats against family, and additional charges for new crimes with longer potential sentences. While many prisons and detention facilities have cameras for monitoring questioning, such equipment is often reported broken or under maintenance at the time of reported abuses.

Former General Intelligence Agency officer Bat Khurts, who was under investigation in Europe for the alleged kidnapping of the late Damiran Enkhbat in 2003, remained in his position as deputy director of the Independent Agency against Corruption (IAAC).

Prison and Detention Center Conditions

According to AI and the Prison Fellowship of Mongolia, an NGO dedicated to prisoner issues, conditions in GEACD-administered prisons and pretrial detention centers remained a concern, although the significant improvements of recent years also continued. Conditions in police-run administrative detention centers remained poor and, in some cases, harsh.

Physical Conditions: The GEACD reported that, as of September, there were 6,868 prisoners serving sentences across the country, of whom 344 were women and 34 were juveniles. The GEACD's 25 prisons were intended to hold 5,307 inmates, and its 25 arrest and pretrial detention centers had a capacity of 2,295. UN officials reported children and adults often were not separated in police detention facilities and pretrial detainees were held with convicted prisoners. Conditions for men and women were similar. Prisoners are assigned a security level based on the severity of crimes they committed and may be housed only in a prison of the corresponding security level. The women's prison (described below) is an exception. Other detention facilities continued to house violent and nonviolent offenders together. Detention facilities lacked accommodations for persons with disabilities.

The GEACD reported nine deaths in prisons as of September and three deaths in arrest and pretrial detention facilities, as well as 85 cases of tuberculosis contracted in prisons. Correctional officials routinely released terminally ill patients shortly before death, which the Prison Fellowship of Mongolia noted contributed, in part, to misleadingly low numbers of deaths in prisons and detention centers.

Prison and detention center conditions varied. Pretrial detention facility Number 461 Songolon Detention Center, which opened in 2011, had natural light and was well ventilated. The facility had a significantly lower rate of tuberculosis than the previous detention facility. AI reported, however, that it lacked provisions to ensure privacy for meetings with lawyers. During a recent visit, foreign diplomats noted that the single women's prison in the country, Number 407, which was relocated during the year to a facility that was formerly a men's high-security prison, was also well lit and well ventilated. The prison maintained separate sections for prisoners of different security levels (including 12 cells reserved for high-security prisoners), and had separate accommodations outside of the prison compound where nursing mothers lived until their babies reached one year of age.

In contrast to these new and rehabilitated facilities, credible sources reported that in other pretrial detention centers (which house suspects awaiting trial) and administrative facilities (where police detain individuals for a few days for minor

offences like public intoxication, and where individuals serve sentences of up to 30 days for violations of administrative law) detainees lived in overcrowded conditions with poor ventilation. The police-run Denjiin Myanga Detention Center, which has a capacity of 193 detainees but as of September 30 held 344, remained a facility of particular concern. Although prisoners had access to potable water in all detention facilities, officials reported they lacked the resources to provide adequate amounts of water, as well as food, hygiene, bedding, ventilation, and bathing facilities. Conditions in police-operated detoxification centers were equally poor. Inebriated individuals were routinely detained in overcrowded holding cells for up to 24 hours.

Administration: The Prison Fellowship of Mongolia reported adequate recordkeeping on prisoners. Judges had some discretion to use alternative sentencing (such as fines, probation, and deprivation of the right to hold specified positions and engage in specified business) for minor crimes committed by non-violent offenders. Good behavior was a consideration for early parole. Officials permitted prisoners to work outside prison to reduce sentences and earn money, with the money sometimes going to the victims of a convict's crime. NGOs promoting prisoner rights reported that the management of prisoner wages was becoming more transparent.

Prisoners and detainees had reasonable access to visitors, and officials permitted religious observance.

The law does not require an ombudsman's office to respond to prisoner complaints and no such office existed. The law allows prisoners and detainees to submit uncensored complaints to judicial authorities and to request investigation of prison conditions. The Prosecutor's Office and State Specialized Inspection Agency monitored prison and detention center conditions.

Independent Monitoring: The government allowed access to independent nongovernmental observers, but the access was generally limited to low- and medium-security facilities, and the areas observers were allowed to see within the facilities sometimes were limited. Only one NGO had permission to enter the maximum security prison.

Improvements: The government continued efforts to improve overall conditions in prisons and detention centers, renovating and expanding existing facilities and devoting greater resources to prisoner care. NGOs and government officials reported that prison psychologists and social workers were better trained than in

the past and that there was a higher ratio of social workers to prisoners (approximately one social worker for every 100 inmates) than in previous years. Additionally, the law requires video and voice-recording equipment in interrogation rooms, pretrial detention centers, and prisons to help prevent abuse.

The Prison Fellowship of Mongolia reported that authorities' attitudes towards convicted detainees improved and that prison authorities showed greater consideration to pretrial detainees in recognition of the fact that they had not yet been convicted of any offense.

d. Arbitrary Arrest or Detention

The law provides that no person shall be arrested, detained, or deprived of liberty except by specified procedures, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The armed forces, which report directly to the Ministry of Defense, are responsible for national defense, but also assist internal security forces in providing domestic emergency assistance and disaster relief. The National Police and the Border Force, which operate under the Ministry of Justice, are responsible for internal security. The General Intelligence Agency, whose civilian head reports directly to the prime minister, assists the aforementioned forces with internal security as well as foreign intelligence collection and operations.

Civilian authorities maintained general control over both external and internal security forces, but mechanisms to investigate specific allegations of police abuses remained inadequate. There were numerous instances reported during the year of the security forces abusing suspects with impunity. The SIU has responsibility for investigating all complaints (torture, corruption, assault, misuse of power, violation of privacy, etc.) against police, 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. Through October 1, the SIU received 617 complaints against law enforcement officials, opened cases on 173 of these complaints, rejected 408, and transferred 65 to other agencies. Cases brought to trial by the SIU resulted in 56 convictions and 61 dismissals. Seventy-six remained under investigation as of October, a significant increase in the number of corruption cases compared with the previous year. The government was in the midst of a wide-reaching reform of

the justice sector, including the security forces; however, most of the new laws passed had not yet entered into force at year's end.

Ultrationalist groups reportedly were able to act with some measure of impunity due to police complacency and unwillingness to apprehend offenders. Observers reported that such groups were more active during election periods. During this year's presidential election, the MPRP signed a cooperation agreement with several ultrationalist groups. In the past, ultrationalists have targeted LGBT persons, Chinese, and Koreans with threats, violence, and the extortion of protection money. There were relatively few reports of such incidents during the year.

Arrest Procedures and Treatment of Detainees

An evidence-based, judge-issued warrant is required to arrest a suspect. The prosecutor must present a request stating the grounds and reasons for arrest to a judge for approval, and the judge must make a final decision about whether to arrest or release the suspect within 48 hours. The arresting authority must notify a suspect's family within 24 hours. A "pressing circumstances" exception under the law allows police to arrest suspects without a warrant. Such exceptions include when a suspect is found at the crime scene or attempts to escape, when investigators determine there is sufficient evidence to suspect an individual of committing a grave or extremely grave crime, and when the issuing authority is closed (at night, for instance). Under such exceptions, the arresting officers must have the arrest approved by a prosecutor within 24 hours.

By law police must request a court order from a prosecutor to continue holding suspects beyond 24 hours. If permission from a prosecutor is obtained, police may hold suspects for up to 72 hours before a decision is made to prosecute or release. If a court order is not granted within 72 hours, police must release the suspect. Upon release the suspect must be notified of the reasons for detention and release. These procedures were normally observed. The country also has a system akin to bail, in which relatives vouch for an accused family member (unlike traditional bail, the system does not involve pledged security in exchange for release). This system is available for all types of crimes, although it is typically applied to those accused of lighter offenses. The bail-like guarantee is one of several options for release that may be used.

Detainees generally were informed promptly of the charges against them and of their right to an attorney. The maximum pretrial detention with a court order is 24

months; an additional six months are allowed for particularly serious crimes such as murder. Although lengthy pretrial detention was a problem in the past, new legal provisions penalize authorities for lengthy detentions and this no longer seemed to be an issue. Detainees had prompt access to family members and could be released on bail with the approval of a prosecutor.

A detainee has the right to an attorney during pretrial detention and all subsequent stages of the legal process, including during any assigned period of incarceration. If a defendant cannot afford a private attorney, the government must appoint an attorney. AI reported that detainees were more aware of their right to legal counsel than in the past but that misperceptions limited its use. For example, detainees were frequently unaware that the right begins at the start of the legal process and frequently did not assert it unless and until their case reached trial.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision; however, NGOs and private businesses reported that corruption and outside influence continued. According to NGOs and observers, bribery sometimes contributed to the dismissal of a case or reduction of a recommended sentence.

Trial Procedures

The law provides for the right to a fair public trial by a judge, although according to sources, in some cases bribery contributed to reduction of sentences or dismissal of charges. Juries are not used. The law provides that defendants are presumed innocent until proven guilty and can question witnesses and present evidence. Defendants have the right to be informed of the charges against them (with interpretation as necessary); to a fair, public trial without undue delay; to communicate with an attorney of their choice (or one provided at public expense); to adequate time to prepare a defense; to access government-held evidence; and to appeal. Defendants cannot be compelled to testify or to confess guilt. These rights were generally observed, although credible reports suggested that authorities, at times, used physical coercion to obtain confessions from suspects. Trials 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 with little corroborating evidence. Additionally, NGOs complained about witness intimidation by

government authorities and law enforcement, limited public access to trials, and an overall lack of transparency in courts' decision-making process.

Political Prisoners and Detainees

There were no official reports of political prisoners or detainees. Several corruption cases involving politicians, however, raised questions of potential political motivations. The most prominent such case was the 2012 trial of former president Nambaryn Enkhbayar, whom authorities arrested two months before parliamentary elections after he refused to comply with a series of summonses over a period of months. Enkhbayar was barred from running in the elections due to the court action. After his August 2013 pardon and release from prison, Enkhbayar left the country to seek medical treatment in the Republic of Korea.

Civil Judicial Procedures and Remedies

Administrative and judicial remedies were available for alleged wrongs. Corruption, outside influence, and lack of enforcement of court orders were problems in the civil judicial system. Private enterprises reported cases where government employees pressured businesses to pay bribes to take action on applications, obtain permits, and complete registrations. Although by law victims of police abuse can sue for damages, few were able to claim compensation.

Property Restitution

Semi-nomadic herders in the southern Gobi provinces complained to the government, NGOs, international organizations, and the media that private and government enterprises provided inadequate compensation for land use and that mining interests, many of which were international corporations, have cut off access to traditional pasturelands. The National Human Rights Commission (NHRC) reported that herders viewed their winter, spring, and autumn camps as property inherited from their ancestors and that they lacked information about government regulations through which they can acquire property certificates for their winter camps. As a result, herders were at a disadvantage when seeking compensation from mining companies. The NHRC also reported that some mining companies initiated resettlement and compensation programs, although NGOs described these programs as inadequate.

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

The Criminal Code and constitution prohibit such actions; however, AI reported that forced evictions occurred in both the ger (tent city) district of Ulaanbaatar and the countryside without legal protection or prior consultation by local authorities or private companies. Land that is not fenced off or in active use may lawfully be seized by squatters, even if that land is under lease. Under this system, property disputes occur easily, and it remained unclear what percentage of evicted persons held a valid lease or title to their property. Business leaders voiced concern about weak property rights, contract sanctity and enforcement, and arbitrary government processes that interfere with private business, particularly in the areas of licensing and permits.

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. Nevertheless, government interference with licensing and intimidation of the press, particularly broadcast media, was common, and the government placed restrictions on the ability of users to comment on internet sites.

Freedom of Speech: Defamation laws carrying civil and criminal penalties severely impeded criticism of government officials, particularly by reporters. Under Article 111.2 of the Criminal Code, “spreading libel to the public by means of mass media” is punishable by a fine equal to 51 to 150 times the per month government-set minimum wage (9.79 million to 28.9 million tugrugs) (\$5,685 to \$16,782) or incarceration for three to six months. According to NGO sources, politicians implicated in or accused of crimes or malfeasance have used the defamation law to shield themselves from public criticism by suing journalists under the criminal defamation ordinance. NGOs asserted that such cases encourage self-censorship among other journalists, who fear being prosecuted for criminal defamation if they report stories that reflect negatively on public officials.

Press Freedoms: The media law bans censorship of public information (information not classified by law) and any government action that would limit the freedom to publish and broadcast; however, political influence in the media continued to be a problem. Many newspapers and broadcast media were either affiliated with political parties or owned (fully or partly) by individuals affiliated with political parties, and that affiliation strongly influenced their reports. It was also widely believed that interested parties paid journalists to influence reporting,

that underpaid reporters demanded payment to cover or fabricate a story, and that individuals paid to have unwanted content removed from websites, although such allegations were difficult to prove.

Members of the Communications Regulatory Commission (CRC), which grants television and radio broadcast licenses, are appointed by the government without public consultation. This, along with a lack of transparency during the tendering process, inhibited fair competition for broadcast frequency licenses and benefited those with political connections. In its report on the conduct of the election, the Organization for Security and Cooperation in Europe (OSCE) reported that the Presidential Election Law and resolutions from the General Elections Commission and the CRC inhibited media coverage of the June presidential election campaigns by mandating that television stations provide equal amounts of paid airtime to candidates, but leaving it unclear whether campaigns could be covered in general reporting. For example, lack of clarity about the equal airtime rule made some editors afraid that covering one candidate and not covering the others in equal measure would be violating the law.

Additionally, as campaigns did not hold activities at the same time or for the same duration, some editors were reportedly concerned that they could not cover the campaigns in regular news reporting cycles, because unequal coverage could have been seen as favoritism under media coverage rules. Oversight of media compliance with the law was conducted by the Agency for Fair Competition and Consumer Protection, which is a government agency that reports directly to the deputy prime minister and is not an independent authority. The OSCE concluded that this situation prevented the media from playing a significant role in providing information to voters ahead of the election. Under the Law on Presidential Elections, the General Election Commission approves the schedule of free campaign advertisement broadcasts by public radio and television and the schedules of paid advertisements on radio and television stations with nationwide broadcast coverage to allow equal air time, opportunity, and conditions to each candidate.

Violence and Harassment: There were no reports of violence against journalists during the year. Nevertheless, sources reported that officials harassed and intimidated journalists for reporting stories that reflected poorly on the government. Particularly egregious cases from past years involving physical attacks on journalists and media outlets were investigated – the 2012 beating of Sky TV journalists by the company’s executive director and an accomplice

resulted in conviction and three-year prison sentences – but the government was generally reluctant to investigate other abuses.

Censorship or Content Restrictions: CRC regulations of digital content and television and radio service impose content restrictions in broad terms without providing sufficient definition of restricted content. The regulations simply reference restrictions from other laws, making it difficult to determine exactly what content is prohibited.

NGOs reported that media outlets signed cooperation agreements with government agencies and private companies that contained so-called “blocking provisions” under which media outlets that receive funding from a government agency or private company are prohibited from criticizing that agency or company.

Additionally, the Media Office of the National Police Agency annually sends a cooperation agreement valid for one year to all Ulaanbaatar-based television stations. The cooperation agreement provides police protection for television stations and their journalists working at places of unrest, such as protests or riots. In exchange for providing this protection, the agreement requires the media to cooperate with police to broadcast reports to defuse and resolve mass disorder and forbids the dissemination of information that encourages mass disorder during public demonstrations or that compromises public or organizational privacy and state security.

Press representatives alleged indirect censorship resulting from government and political party harassment.

Libel Laws/National Security: Press representatives often faced the threat of libel complaints by government authorities as well as lawsuits by private organizations. The law places the burden of proof on the defendant in libel and slander cases, and both defamation and insult are criminal charges.

Internet Freedom

Internet access is widely available to 60 percent of the country’s urban population and increasingly to its 40 percent rural population as well. According to the government, internet penetration reached 30 percent. The International Telecommunication Union, however, estimated that 16.4 percent of the population used the internet in 2012 (the most recent year for which data were available). There were no government restrictions on access to the internet; however, the

government does restrict internet content in some regards. The CRC's "Regulation on a Unified System of Website Comments," passed January 5, provides for the establishment of a national database to monitor website comments (with information supplied by the General Authority for State Registration and General Intelligence Agency). The information gathered was intended for use in identifying and charging individuals who defame, threaten, or seduce others to licentious and promiscuous sexual conduct. As of mid-October, the database had not been established. A February 2011 CRC regulation entitled the "General Conditions and Requirements on Digital Content" places broad content restrictions on obscenities and inappropriate content without defining objectionable content explicitly, simply referencing prohibitions in other laws. The regulation requires websites with heavy traffic to use filtering software that makes the user internet protocol addresses of those commenting or sharing content publicly visible.

Individuals and groups may engage in the peaceful expression of views via the internet, including by e-mail.

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.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

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

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

Foreign Travel: Foreign residents must obtain exit visas to leave the country. The law allows the prevention of foreign citizens from leaving the country for a variety of reasons, including civil disputes, pending criminal investigations, or immigration violations. The law does not require an arrest warrant or official determination that charges are warranted; a complaint by an aggrieved party is sufficient to deny exit. Foreign investors reported that public and private entities increasingly used the exit visa requirement to pressure foreign nationals to settle commercial disputes.

Protection of Refugees

Access to Asylum: The constitution provides for the granting of asylum, although the law does not provide for the granting of refugee status. In the past the government established an informal system for providing protection to refugees in cooperation with the UNHCR. Under the Law on the Legal Status of Foreign Citizens passed in 2010, clearer provisions concerning deportation criteria were established. At the same time, the law provided more power to the Immigration Agency to deport individuals seeking refugee status.

Employment: As the law does not provide for granting refugee status, people who enter the country seeking refugee status are considered illegal immigrants and, therefore, do not have permission to work.

Access to Basic Services: Because the law does not provide for refugee status, would-be refugees generally did not have access to basic services such as health care and education.

Stateless Persons

The government made significant progress in addressing statelessness, although it remained an issue. As of September the UNHCR (citing government statistics) reported that there were 292 stateless persons in the country. In the past, statelessness was a significant problem among ethnic Kazakh Mongolians. Many thousands of ethnic Kazakh Mongolians moved to Kazakhstan in the early 1990s and legally renounced their Mongolian nationality in favor of Kazakh citizenship. Many who were unable to gain Kazakh citizenship returned to the country, where their status was stateless.

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 through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In the June 26 presidential election, incumbent Tsakhiagiin Elbegdorj of the Democratic Party was reelected with 50.23 percent of the vote. An OSCE election observer mission (Mongolia's first since becoming an OSCE participating state in November 2012) assessed the election to be free and fair, following a competitive campaign conducted in an environment that respected fundamental freedoms. Nevertheless, the OSCE noted several problems, including that the secrecy of the vote was not always protected. Observers also expressed concern about restrictive and unclear legal provisions that prevented media from providing sufficient information to voters (see section 2.a.). The law requires presidential candidates to be members of political parties, preventing independent candidates from running.

Participation of Women and Minorities: There were no legal impediments to the participation of women or minorities in government and politics. The country's first female presidential candidate, Natsag Udval of the MPRP, participated in the June elections. Eleven women were members of the 76-member parliament, up from three in the previous parliament. The female representatives continued to meet in a women's caucus to address women's and social issues. The increase in female representation in parliament was helped by a 2011 parliamentary election law, which includes a 20 percent quota for female candidates proposed by each political party or coalition. Three of the 16 cabinet ministers, eight of the 17 Supreme Court justices, and two of the nine Constitutional Court justices were women. Women and women's organizations were vocal in local and national politics and actively sought greater female representation in government policymaking.

Two ethnic Kazakhs served the parliament during the year. There was also one Mongolian Christian member of parliament (MP).

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively, and corruption continued at all levels of government. Some officials engaged in corrupt practices with impunity. Unlike during the previous year, corruption was not perceived in public opinion polling as the most serious problem facing the country. Factors contributing to corruption included conflicts of interest, lack of transparency, lack of access to information, an inadequate civil service system, and weak government control of key institutions.

The 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. NGOs previously alleged that the prosecution of the official soliciting the bribe and of the person paying it led to less reporting of bribery. After the government began granting limited immunity for those paying smaller bribes, NGOs reported that the problem lessened somewhat.

Members of parliament are immune from prosecution during their tenure, which prevented a number of allegations of corruption from going to trial and, since all but two of 16 ministers are members of parliament, seriously restricted the scope of corruption investigations. Corruption-related prosecutions, however, increased during the year, including a number of high-level officials from across the political spectrum, although questions of political motivation remained.

Corruption: The IAAC is the principal agency responsible for investigating corruption cases. The Criminal Police Department, the State Investigation Agency (both under the National Police Agency), and the SIU under the Prosecutor General's Office also investigate various types of corruption cases as well as assist the IAAC. In 2011 N. Ganbold was appointed general commissioner of the IAAC. This change was widely credited with encouraging corruption investigations, arrests, and trials. Although questions about the IAAC's political impartiality persisted, the public viewed the agency as increasingly effective. In response to complaints that it was not making the results of its investigations and subsequent court proceedings public, the IAAC appointed a spokesperson and held periodic press conferences about its activities. During the first nine months of the year, the IAAC reported that it initiated 144 investigations, of which eight cases (involving a total of 19 individuals) resulted in conviction. Of the remaining cases, 26 were referred to other agencies, eight were merged with other criminal cases, and one was dropped before going to trial. As of October, 101 cases remained under investigation.

In a September press conference, the IAAC spokesperson summarized four new investigations, including one of N. Khurelsukh, the sitting director of the Environment Ministry's Clean Air Fund and a member of the ruling Democratic Party. In addition, the IAAC increased its public awareness and prevention efforts through activities such as distributing educational materials for children and conducting outreach trips to the provinces.

The former director of the Mongolian national airline (MIAT) B. Erdenebileg and five others were tried for selling fraudulent war-risk insurance to passengers and transferring the proceeds, 9.3 billion tugrugs (\$5.4 million), to an overseas account established in the name of a fictitious company. The six men were convicted in June of misappropriation and squander, money laundering, and violation of bank laws and regulations; they received prison sentences ranging from 10 years and one month to 14 years and one month.

On August 1, former president Nambaryn Enkhbayar received a presidential pardon and was released from prison, where he was serving a 30-month sentence after being convicted on corruption charges. The Mongolian People's Revolutionary Party, political supporters, and critics continued to speak out on Enkhbayar's behalf and viewed the case as politically motivated; the government and many ordinary citizens saw the case as part of a necessary effort to address corruption.

Whistleblower Protection: There is no law that provides protection to public and private employees for making internal disclosures or lawful public disclosures of evidence of illegality.

Financial Disclosure: The country has enacted laws requiring civil servants to report holdings and outside sources of income (for themselves and for spouses, parents, children, and live-in siblings). The 2012 Conflict of Interest Law aims to prevent conflicts of interest between official duties and private interests of those in public service roles. It also aims to regulate and monitor conflicts of interest to ensure that officials act in the public interest and that transparency and confidence in public services are maintained. The law requires candidates for public office to submit financial statements and questionnaires on personal business interests in order to be eligible to run.

Public officials must file a private interest declaration with the IAAC within 30 days of appointment or election into office and annually during their term of public service. The Conflict of Interest Law provides that such declarations shall be

accessible to the public and prescribes a range of administrative sanctions and disciplinary actions from fines to removal from office in the event of a violation. According to the IAAC, more than 47,000 public officials at all levels had submitted their Private Interest, Asset and Income Declarations as of the end of September.

The IAAC noted an overall compliance rate above 99 percent for the filing of these declarations, adding that in particular nearly all of the most senior officials had complied. The agency is also required to review the asset declarations of public servants, including police officers and members of the military, and this requirement was observed.

D. Bayartsogt of the Democratic Party was forced to resign his position as vice speaker of parliament in April after it was revealed that he had failed to declare a foreign bank account; he retained his position as an MP. In addition, in the first nine months of the year, 21 officials were dismissed from their positions for violations of the reporting requirements.

Public Access to Information: The Law on Information Transparency and Right to Information obliges public institutions to make information on activities, budget and finance, human resources, and procurement available to the public while providing for the right of citizens to access this public information. Observers complained that the list of exceptions provided broad grounds for nondisclosure. Processing fees were minimal. Public institutions have seven working days to disclose or respond or face administrative sanctions for non-compliance. An appeal mechanism existed to review disclosure denials. NGOs reported that authorities denied disclosures during the year on grounds of privacy. NGOs asserted that the law is important due to its promotion of freedom of expression and of the media and its potential to strengthen transparent governance, but the law's promotion and implementation was reportedly lacking. Globe International, an NGO dedicated to promoting press freedom and freedom of information, conducted training with public officials in the provinces but noted that a culture of information transparency has not yet developed.

According to NGO sources, 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 variety 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 concerns.

Government Human Rights Bodies: The NHRC is responsible for monitoring human rights abuses, initiating and reviewing policy changes, and coordinating with human rights NGOs. It reports directly to parliament. The NHRC consists of three senior civil servants nominated by the president, Supreme Court, and parliament for six-year terms. Officials reported that the state budget covered wages and administrative expenses but did not provide sufficient funding for inspection, training, and public awareness activities, prompting the NHRC to seek external funding sources. The NHRC has consistently supported politically contentious human rights issues, such as LGBT rights.

There was considerable collaboration between the government and civil society in discussing human rights issues, but observers noted that insufficient government resources were devoted to solving persistent, systemic problems, as well as a failure to implement existing laws intended to protect citizens.

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 politically, economically, socially, culturally, and within the family. The government generally enforced these provisions. The Law on the Social Welfare of Disabled Persons protects persons with disabilities from discrimination in all social relations, and the labor law prohibits discrimination on the basis of disability in employment. These rights were not always enforced. The law does not address sexual orientation or gender identity.

Women

Rape and Domestic Violence: 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 maximum penalty is 10 years. Such a crime resulting in death, victimizing a child less than 14 years old, or committed by a recidivist may result in 15 to 25 years' imprisonment or the death penalty. (Although the death penalty still exists in the Criminal Code, President Elbegdorj in 2012 announced that he would amnesty all death sentences and convert them to the maximum period of imprisonment permitted by law. Since then, the death penalty has been abolished in practice, if not in law.) No law specifically prohibits spousal rape, which authorities do not commonly recognize or prosecute. Victims were often stigmatized and accused of not fulfilling their marital duties. Many NGOs blamed law enforcement officials for spousal rape victims' silence.

The National Police Authority (NPA) received 260 reports of rape as of the end of September. Authorities reported a significant increase in the number of minor girls who were victims of rape: 54 cases in the first 10 months of the year, up from 37 cases during the same period of 2012. According to NGOs, police referred only a small number of rape cases for prosecution, generally claiming there was insufficient evidence. Additionally, NGOs alleged many rapes were not reported and claimed that police and judicial procedures imposed stress on victims and tended to discourage reporting of the crime. Social stigma also deterred reporting. The Supreme Court Research Center reported that, during the first six months of the year, there were 107 rape prosecutions, resulting in convictions for 149 defendants.

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, enforce administrative penalties, and take victims to a 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. Authorities rarely provided this level of service and, according to NGOs, police were often reluctant to intervene in what were viewed as internal family matters.

Arrestees were sometimes held under an administrative penalty law rather than for domestic abuse, in which case they were fined 15,000 tugrugs (nine dollars) and detained for up to 72 hours before being released. The determination of whether to charge abusers with administrative or criminal offenses depended on the severity

of physical injury inflicted on the victim. There is no criminal provision for domestic violence, so a criminal offence would have to be charged under another article of the Criminal Code (such as battery). Additionally, domestic violence cannot be reported anonymously and callers must give their names and location, thereby dissuading individuals from reporting domestic abuse due to fear their identity might be leaked to the perpetrator.

Citing primarily 2012 data, the NHRC reported that cases of domestic violence, as well as the number of victims seeking assistance from hospitals and NGO-run shelters, continued the upward trend of recent years. Nevertheless, the NPA and the NGO National Center Against Violence (NCAV) noted a sharp drop in the number of domestic violence reports compared with 2012. In the first nine months of the year, the NPA received 284 reports of domestic violence, down from 415 for the same period in 2012. Police authorities attributed the decline to their crime prevention work and the efforts of the government and NGOs, such as establishing a “one-window” service center to make access to various services easier and more streamlined. Prosecuting domestic violence remained difficult. While the government adopted the Domestic Violence Law in 2005 to provide more protection for victims of domestic abuse, the criminal law has not been amended to make domestic violence a criminal offense, negatively affecting the ability to use such tools as restraining orders and to bring charges of domestic abuse against suspects. Offenders were prosecuted under criminal codes involving assault, infliction of injury to health, disorderly conduct, or hooliganism, rather than for domestic abuse. As a result, obtaining accurate statistics on prosecutions and convictions for domestic violence was extremely difficult. Moreover, the law fails to assign responsibility to particular agencies to execute restraining orders. The Mongolian Women’s Legal Association reported that, as a result, even when issued, restraining orders were poorly monitored and enforced.

The NCAV stated that in the first nine months of the year, it provided temporary shelter to 118 persons (67 women and 51 children) at its seven locations and provided psychological and legal counseling to 102 individuals. Of those who sought shelter at the NCAV, 102 came because of domestic violence, seven because of sexual abuse, and nine because they were homeless. The NCAV continued domestic violence prevention campaigns without governmental support. The government continued to contract with NGOs to provide services to victims. For example, through November the NCAV received 40.1 million tugrugs (\$23,287) from the Ministry of Population Development and Social Welfare and 33.6 million tugrugs (\$19,510) from the Ministry of Justice to assist victims of domestic violence.

Sexual Harassment: There are no laws against sexual harassment. NGOs stated there was a lack of awareness within society of what constituted inappropriate behavior, making it difficult to gauge the actual extent of the problem.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. Observers cited long waiting times, a lack of confidentiality, and unprofessional treatment by medical personnel as problems at public reproductive healthcare facilities.

Discrimination: 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 observed. The Law on Gender Equality sets mandatory quotas for the inclusion of women within the government and political parties. It also outlaws discrimination on the basis of sex, appearance, or age. In January the government adopted a mid-term strategy and Action Plan for the Implementation of the Law on Promotion of Gender Equality. The Action Plan aims to strengthen national mechanisms for implementation of the law, build local and regional capacity, apply the concept of gender equality at all policy and action levels, ensure participation of civil society, media, and private sectors in monitoring implementation of the law, and ensure the sustainability of human and financial resources.

Women made up approximately one-half of the workforce, and a significant number were the primary wage earners for their families. The law prohibits women from working in 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 mid-level positions in government and business or were involved in the creation and management of new trading and manufacturing businesses. The mandatory retirement age is 60 for both men and women. Surveys by various organizations and NGOs reflected that men and women were not paid equally for equal work performed.

Divorced women secured alimony payments under the family law, which details the rights and responsibilities of each spouse regarding alimony and parenting. The former husband and wife evenly divide property and assets acquired during their marriage. In a majority of cases, the divorced wife retained custody of any children, while divorced husbands often failed to pay child support and were able

to do so without penalty. Women's activists said that because businesses were usually registered under the husband's name, ownership continued to be transferred automatically to the former husband in divorce cases.

There was no separate government agency to oversee women's rights; however, there was the National Committee on Gender Equality 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, children, and family concerns within the Ministry of Population Development and Social Welfare. In parliament, a Standing Committee on Social Policy, Education, and Science focused on gender matters.

Children

Birth Registration: Citizenship is derived from one's parents and births were generally registered immediately, although this was not always the case for those living in rural areas. Failure to register can result in the denial of public services and inability to access child welfare benefits in the form of fixed monthly cash distributions. This particularly affected citizens moving from rural to urban areas, who sometimes experienced difficulties registering in their new locations.

Child Abuse: Child abuse was a significant problem and consisted principally of domestic violence and sexual abuse. According to the governmental National Authority for Children (NAC) and various NGOs, both problems were most likely to occur within families. The NAC reported that it observed increased reports both of domestic violence and sexual abuse of children, although they attributed this to growing public awareness and hence a growing incidence of reporting.

Child abandonment was also a problem. Some children were orphaned or ran away from home as a result of poverty-related neglect or parental abuse, much of it committed under the influence of alcohol. Police officials also noted an upsurge in children who were addicted to computer games and repeatedly ran away to computer gaming centers; such cases comprised approximately one-half the unattended children identified in the first 10 months of the year. Police officials stated that children of abusive parents were sent to shelters, but some observers indicated many youths were returned to abusive parents.

Three police officers under the Crime Prevention Division of the Metropolitan Police Department coordinate with provincial and district level police officers on children's issues. One of these officers works specifically on prevention of child

sexual abuse. In addition, the government reportedly increased the number of social workers, adding a total of 100 new positions at Child and Family Development Centers in the nine districts of Ulaanbaatar.

Forced and Early Marriage: The legal minimum age for marriage is 18 years old, and there were no reports of underage marriages.

Sexual Exploitation of Children: Although against the law, the commercial sexual exploitation of children less than 18 years old was a problem. According to NGOs, there were instances where teenage girls were kidnapped, coerced, or deceived and forced to work in prostitution. Sex tourism from South Korea and Japan reportedly remained a problem. 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. NGOs stated that online child pornography was not uncommon. Furthermore, NGOs reported there was no corresponding agency to deal with child pornography or sex advertisements on the internet and police did not routinely investigate either crime.

Institutionalized Children: In April the State Investigation Agency (SIA) started an investigation against the Unur Bul Child Care Center for trafficking 14 underage children to China. The children were sent to China in August 2012 to study at the Mongolian National School in Hohhot City, Inner Mongolia, but were allegedly forced to work as farm laborers for three months. The SIA charged Unur Bul for trafficking the children and the NAC for concealing the crime. As of November district courts had dismissed the case, although NGOs continued to call for its reopening.

In its report to parliament, the NHRC expressed concern about the conditions of children studying in temples and monasteries. According to the report, such children sometimes experienced harassment, bullying, and physical and verbal abuse at the hands of teachers, staff, adult monks, and peers. Religious schools reportedly lacked mechanisms to prevent and respond to reports of abuse, so children's complaints frequently went unheard. Some institutions housed children in overcrowded dormitories, and many did not have adequate medical facilities. Most schools had inadequate classroom space, furniture, textbooks, and other teaching aids. There was also a lack of qualified and dedicated teachers. The National Statistical Office reported 779 students studying in religious institutions in 2012.

International Child Abductions: 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.

Trafficking in Persons

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

Persons with Disabilities

The labor law prohibits discrimination in employment and education against persons with disabilities. 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. NGOs reported some improvements during the year, including growing public awareness of the rights of persons with disabilities, greater accommodations to allow persons with disabilities to participate in the June elections, and increasing efforts on the part of government and companies to provide employment opportunities for persons with disabilities. The government did little to execute such measures, and most persons with disabilities faced significant barriers to employment, education, and participation in public life.

In 2010 a law took effect that mandates standards of physical access for persons with disabilities to newly constructed public buildings; however, three years later most new buildings had not complied with the law. Government buildings and public transportation remained largely inaccessible to persons with disabilities. Despite a law introducing standards for road construction, the persistence of open manholes, protruding obstacles, and unheeded crosswalks prevented many persons with disabilities from moving freely. Persons with sight and hearing disabilities had difficulty remaining informed about public affairs due to a lack of accessible broadcast media.

Although the government increased efforts to accommodate persons with disabilities in the June presidential election, such persons continued to face barriers to participation in the political process. Voters with identified disabilities were

able to cast their ballots in advance of election day with mobile teams that visited their homes. Although required by law, the OSCE observer mission reported that over half of the polling stations observed were not readily accessible to persons with disabilities and the layout of 26 percent of the polling stations observed was not suitable for voters with disabilities. The Mongolian National Federation of the Blind stated that this was the first year Braille ballots were available, allowing persons with vision disabilities to vote directly; however, election observers noted that Braille ballot covers were often not available. NGOs reported greater awareness of the rights of voters with disabilities among officials and the public.

The Division of Disabled Persons' Development within the Ministry of Population Development and Social Welfare is responsible for developing and implementing policies and projects designed to improve the quality of life of persons with disabilities. The government has various policies to provide benefits and promote respect for persons with disabilities. It provided tax benefits to enterprises that hired persons with disabilities. Additionally, the law requires workplaces with over 25 employees to employ a minimum 4 percent of persons with disabilities or pay a fine. NGOs reported growing interest among companies in hiring persons with disabilities, although reluctance to hire persisted and many companies preferred to pay the fine. Furthermore, the government itself failed to employ persons with disabilities in the ratio required of other employers. The Mongolian Federation of Disabled Persons stated that three employment agencies were established to find jobs for persons with disabilities; however, these agencies were underutilized because most persons with disabilities were unaware of them.

There were several specialized schools for youth with disabilities, although students with disabilities could by law also attend regular schools. Nevertheless, children with disabilities faced significant barriers to education. Both the NHRC and NGOs dedicated to promoting rights for persons with disabilities reported that schools lacked teachers trained to work with children with disabilities. Further, the NHRC reported inadequate textbooks and other training materials, with some teachers simply using lower-level textbooks designed for regular schools or developing their own materials with the available resources. The NHRC's report stated that most schools did not have appropriate facilities (including school buses) to make them accessible to children with disabilities and that the government allocated insufficient resources for such renovations. Furthermore, while schools generally had classes dedicated to students with disabilities, they did not separate students based on disability type.

According to NGOs, there was not a common understanding regarding what constituted a disability. Government studies were often broadly inclusive, counting those with illnesses or mild vision problems as persons with disabilities, while educational institutions frequently failed to identify mental and developmental disabilities.

The law requires the government to provide benefits according to the nature and extent 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 due to the absence of any system of distribution and care for such persons.

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

Consensual same-sex sexual conduct is not specifically proscribed by law; however, AI 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 same-sex sexual conduct. There is no law prohibiting discrimination on the basis of sexual orientation or gender identity. The Civil Registration Law permits individuals who have had gender reassignment surgery to have their birth certificate and national identity card reissued to reflect the change, and the LGBT Center reported that transgender persons successfully used this law to identify with their new gender.

In a full chapter on the rights of LGBT persons, the NHRC’s report stated that individuals frequently faced violence and discrimination both in public and at home based on their sexual orientation or gender identity, and NGOs reported instances of individuals being assaulted and intimidated in public due to their sexual orientation or gender identity. Some media outlets described gay men, lesbians, and transgender persons in derogatory terms and associated them with HIV/AIDS, pedophilia, and corruption of youth. Additionally, NGOs stated that online media frequently ridiculed LGBT persons, sometimes revealing their names and addresses in internet comments.

The law concerning rape (Article 126 of the Criminal Code) addresses only rape of female persons; rape of males is not a crime under the article, instead being prosecuted under Article 125 (which simply refers to unnatural sexual gratification). Since the Criminal Code does not recognize males as victims, it was difficult to prosecute such rapes.

LGBT persons reported harassment and surveillance by police, and the NHRC report indicated that police sometimes verbally abused LGBT individuals who reported bias-motivated crimes. Despite training in recent years for police and investigators on how to handle cases involving LGBT rights, victims reported harassment by officers responding to initial complaints of alleged crimes. NGOs reported difficulties estimating the extent of crimes committed against LGBT persons due to a combination of limited law enforcement data and a lack of reporting due to social stigma and fear of reprisal. No hate crime law or other criminal justice mechanisms existed to aid in the investigation, prosecution, or sentencing of bias-motivated crimes against the LGBT community. There were also reports of abuse of persons held in police detention centers based on their sexual orientation.

Authorities frequently dismissed charges against those accused of having committed crimes against LGBT persons. LGBT persons reported fear of perpetrators acting with impunity against them in cases where they spoke out against abuse and raised court charges against their attackers, and observers cited lack of confidence in law-enforcement officials as a reason for underreporting.

Discrimination in employment was also reported to be a problem. NGOs and the NHRC reported that companies rarely hired LGBT individuals who were open about their sexual orientation or gender identity, and LGBT persons who revealed their status in the workplace frequently faced discrimination, including the possibility of dismissal. As a result, most individuals hid their sexual orientation from their employers. The government did not take any steps to address discrimination against LGBT persons in the workplace.

In response to NHRC recommendations, the Parliamentary Standing Committee on Legal Affairs in July passed a resolution calling for the implementation of international recommendations related to the rights of LGBT persons. NGOs working for the rights of LGBT individuals organized the country's first Pride Week in September. The organizers estimated that 1,000 people representing civil society, government, international organizations, and the diplomatic community participated in events during the week. The opening ceremony took place at one of Ulaanbaatar's main hotels, which displayed a Pride Week banner for the duration of the festivities. The week included workshops, an art exhibition, and a film festival. According to the organizers, most members of the LGBT community were uncomfortable with the proposal of an outdoor pride parade, so none was included in the Pride Week program. National television and radio stations

reported on Pride Week events. The LGBT Center characterized the reporting as generally factual.

Other Societal Violence or Discrimination

There was no official discrimination against those with HIV/AIDS; however, some societal discrimination existed. The NHRC and other observers reported that health service providers at public and private hospitals and clinics often refused service to individuals with HIV/AIDS based on the fear of contracting HIV themselves. The public continued largely to associate HIV/AIDS with same-sex sexual activity, burdening victims with the attendant social stigma. This stigma was reinforced by the fact that two-thirds of HIV cases detected in the country were men who had sex with men.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutory instruments, entitles workers to form or join independent unions and professional organizations of their choosing without previous authorization or excessive requirements and protects the rights to strike and to collective bargaining. Nevertheless, some legal provisions restrict these rights for groups such as foreign workers, public servants, and workers without formal employment contracts. The law bars certain public servants from striking, although all groups have the right to organize. The law protects the right of workers to participate in trade union activities without discrimination, and the government protected this right in general. The law provides for reinstatement of workers fired for union activity, but the Confederation of Mongolian Trade Unions (CMTU) stated that it was not always enforced.

The government prohibits third parties from organizing a strike. Moreover, persons employed in essential services, which the government defines as occupations critical for national defense and safety (including police services, utilities, and transportation) do not have the right to strike.

The law on collective bargaining regulates relations among employers, employees, trade unions, and the government. Wages and other conditions of employment are set between employers (whether public or private) and employees, with trade union input in some cases. The government does not allow intervention in collective

bargaining by third parties, and its role is limited to ensuring that contracts meet legal requirements concerning hours and conditions of work.

Laws protecting the right to collective bargaining and freedom of association generally were enforced. The tripartite Labor Dispute Settlement Committee resolved the majority of disputes between workers and management. Cases that could not be resolved at the Labor Dispute Settlement Committee were referred to the courts.

According to the CMTU, some employees faced obstacles to forming or joining unions, and some employers took steps to weaken existing unions. For example, some companies would use the portion of employees' salaries deducted for union dues for other purposes, not forwarding the monies to the unions. Some employers prohibited workers from participating in union activities during working hours, even though by law workers have the right to do so. There were also some violations of collective bargaining rights, as some employers refused to conclude collective bargaining agreements.

In April Bus-1 Company trade union leaders entered negotiations with the employer, who reportedly was unwilling to respond to workers' complaints about their employment contract, including wages and insurance coverage and allegedly cut vacation days and pay in retaliation. After workers and employers failed to reach agreement, the case went to an administrative court. As of December 3, the case continued.

Workers at a PetroChina facility went on strike on May 25, citing concerns about wage discrimination between citizen and foreign employees. The Ministry of Labor and Ministry of Mining, as well as employer and trade union representatives, agreed on a wage increase that halted the strike on May 30. Discussions also covered days of rest and working conditions.

b. Prohibition of Forced or Compulsory Labor

The law specifically prohibits forced or compulsory labor. The Criminal Code lacked a provision defining the penalties for forced labor, and there were isolated reports that such practices occurred, including forced labor of children. According to the NHRC, use of soldiers and prisoners for compulsory labor continued to occur without adequate wages or labor contracts.

As of October, 2,429 North Korean laborers were employed in mining, factory work, utilities, transportation, construction, customer service, and health service at various times throughout the year, particularly during the summer. These workers often faced substandard working conditions. Anecdotal evidence suggested that North Korean laborers were subject to particularly harsh working and living conditions under labor contracts over which Mongolian authorities assumed little jurisdiction.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children under age 14 from working. Those who are 14 or 15 may work up to 30 hours per week with parental consent. According to the Labor Code, children 14 years old may take employment for the purpose of acquiring vocational training and work experience with parental consent and permission from the state; children 15 years old may conclude a contract for employment with permission from parents or guardians. The workweek for children age 16 and 17 is capped at 36 hours. Those under age 18 may not work at night, engage in arduous work, or work in hazardous occupations such as mining and construction. Nevertheless, authorities reported that employers often did not follow the law by requiring minors to work in excess of 40 hours per week and by paying them less than the minimum wage.

Labor inspectors assigned to regional and local offices are 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 privately owned enterprises. Inspectors generally did not conduct inspections in the informal sector. Across the country, there were 18 senior inspectors at the General Agency for Specialized Inspection (GASI) who focused on labor issues, including child labor. They were supplemented by several hundred generalist inspectors, whose time spent on labor issues was limited.

Illegally forcing a child to labor carries a fine ranging from 51 to 250 times the minimum wage (9.8 million to 48 million tugrugs or \$5,690 to \$27,870) or imprisonment for up to four years. Persons found to have involved children in “vagrancy and beggary” are subject to fines up to 100 times the minimum wage

(19.2 million tugrugs or \$11,150), up to 250 hours of forced labor, or up to five years of imprisonment.

Child labor, including isolated cases of forced child labor, occurred in many sectors, including the informal artisanal mining sector (involving extraction of coal, gold, and fluorspar mineral), forced begging, agriculture, industry, and the illicit sex trade. GASI reported no deaths of minors working in construction during the year.

The government approved the National Program for the Worst Forms of Child Labor in 2011 and revised its labor law during 2012. As of November the government had allocated six million tugrugs (\$3,480) towards implementation of the program, although the Ministry of Labor and Ministry of Population Development and Social Welfare continued to discuss their respective responsibilities. The government did not provide reports on the number of children under 18 years of age who were engaged in the worst forms of child labor, nor did it provide the information on the number of children removed from such work.

Children worked informally in petty trade, hotels, and restaurants, as well as scavenging in dumpsites and herding animals. While statistics were limited, NGOs and government officials reported that widespread alcoholism, poverty, and parental abandonment made it necessary for many children to support themselves. According to a 2011-2012 survey conducted by the National Statistical Office and the International Labor Organization (the most recent data available), approximately 94,000 children ages five to 17 years (15.9 percent of all children in that age group) worked. Of these, 80.5 percent were engaged in agriculture, forestry, and fishing; 12.3 percent worked in shop and market sales; 3.6 percent were engaged in manufacturing, construction, and handicraft production; 2.9 percent worked in other occupations; and 0.7 percent worked as operators, machinery technicians, and assemblers. The same survey indicated that 11.1 percent of working children (more than 10,000 children) were engaged in hazardous labor during the survey period. There were reports of commercial sexual exploitation of children.

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 learned to ride horses at age four or five, and young children traditionally served 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. Despite greater government and public attention to the risks child jockeys face, enforcement of safety regulations was uneven. The NHRC and NAC reported that winter races continued to occur. In the first three months of the year, the NHRC reported 70 accidents, of which 15 resulted in serious injuries, and two deaths in winter races.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The legal minimum wage increased from 140,400 to 192,000 tugrugs (\$82 to \$112) per month on September 1. National poverty estimates are based on population-weighted subgroup estimates from household surveys. According to 2012 World Bank data, 27.4 percent of the population lived below the national poverty line. According to the CMTU, the minimum wage, which applied to both public and private sector workers and was enforced by the Ministry of Labor, did not provide a decent standard of living. The problem was exacerbated by significant inflation during the past year. Many workers received less than the minimum wage, particularly at smaller companies in rural areas. The minimum wage was reset every two years by the Ministry of Labor in consultation with trade union representatives and employers.

The standard legal work week is 40 hours and there is a minimum rest period of 48 hours between work weeks. 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. Nevertheless, mandates issued by the national government in 2012 compelled some ministerial employees to work eight-hour days, six days per week. The CMTU reported that during the year government employees began receiving compensation for such overtime, although some government agencies reported that their employees still did not receive overtime compensation. Pregnant women and nursing mothers are prohibited by law from working overtime. The law entitles employees to annual paid vacation starting at 15 days per year and increasing with the employee's length of time in the labor force. 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. Ministry of Labor officials stated that many safety standards were

outdated, having been set between the 1970s and 1990s, although they indicated that the Ministry had approved some revisions during the year. For example, the Ministry of Labor (along with the Ministry of Health and the World Health Organization) recently approved standards to ban the use of asbestos in construction, including provisions on how to safely remove asbestos from existing buildings.

The laws governing minimum wage and working hours generally were enforced, but enforcement of safety standards was inadequate. Although inspections were conducted both proactively and in response to complaints filed, the CMTU stated the Ministry of Labor had an insufficient number of inspectors. GASI, which is responsible for all aspects of labor inspections, had 18 senior labor inspectors. According to some observers, fines imposed on companies not complying with labor standards were insufficient to induce management to resolve problems cited by inspectors.

The National Statistics Office reported that, during the first half of the year, 17 percent of the labor force (or 207,701 out of 1.2 million workers) worked in the informal economy (livestock, herding, agriculture, artisanal mining, and unregistered trade) and were not regulated. While the government does not provide specific programs for pensions or other protection of workers in the informal economy, such workers were able to access health care, education, social entitlements, and an optional form of social security.

In August a total of 1,700 workers at the Oyu Tolgoi (OT) mine were laid off, reportedly because the workers' jobs depended on continued financing, which OT was unable to obtain because of a dispute with the government. Some observers claimed that the layoffs violated workers' rights under national labor law. OT provided workers with the 30 days' notice required under the law and expressed its intention to bring the workers back when it obtained financing. In a separate case, the Supreme Court on October 15 ruled that one worker who was dismissed from OT for protesting against wage inequality must be reinstated and compensated. The worker received compensation equal to back pay.

The CMTU continued to raise concerns over the number of citizens employed at the Oyu Tolgoi and Tavan Tolgoi mines, seeking to ensure that citizen labor (as opposed to foreign labor) predominated on the projects. While hiring companies argued there was not a sufficient pool of skilled workers locally for technical and semi-skilled labor, the CMTU countered that skilled workers were available but were underutilized. Labor representatives also complained that foreign workers

received salaries many times higher than equally qualified citizens doing the same job. As of late October negotiations continued between the hiring companies, the government, and CMTU.

Many foreign workers, the majority of whom were Chinese mining and construction workers, reportedly worked in conditions that did not meet government regulations. GASI reported that it inspected workplace and health and safety conditions for foreign workers but did not have the authority to monitor wages or inspect living conditions. Conditions for workers from the Democratic People's Republic of Korea (DPRK) were not fully known, and secrecy surrounded their contractual agreements, labor rights, and compensation. Observers stated that DPRK laborers likely failed to receive the minimum wage. The press reported that companies paid DPRK workers' wages directly to the DPRK government. NGOs reported that companies wishing to employ DPRK workers could do so through mediator companies. There were no official reports on labor exploitation, but there were several cases in which workers, mostly Chinese, were deported without receiving their wages. Few, if any, cases ever moved past the investigatory phase before the foreign workers raising the complaints were deported.

The heavy reliance on outmoded machinery and problems with maintenance and management led to frequent industrial accidents, particularly in the construction, mining, and power sectors. While industrial accidents continued alongside industrial and mining sector growth, most accidents occurred at unofficial construction sites and private mining areas. GASI reported that there were no bystander deaths from falling equipment, scaffolding, and building materials at unregulated building sites during the year. According to GASI, large multinational projects, such as those at Tavan Tolgoi and Oyu Tolgoi, were better at ensuring safety standards.

A CMTU representative also reported that state agencies and enterprises often failed to comply with regulations requiring them to allocate budget resources to workplace safety. The Mongolian Employers' Federation (MONEF) reported that the government increased attention to safety standards, working with the CMTU and MONEF to conduct training and study tours of exemplary companies. The Ministry of Labor reported 128 workplace accidents involving 131 people during the first half of the year, which caused 50 minor injuries, 72 severe injuries, and eight deaths. Recent legislative reforms have begun to take effect, with the number of industrial accidents lower than in previous years, despite a reported increase in workplace deaths compared with 2012.