

MONGOLIA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Mongolia is a multiparty parliamentary democracy governed by a democratically elected government. June 24 parliamentary elections were peaceful and generally considered free and fair, although several candidates during the election season were detained and prosecuted. In addition some observers expressed concern regarding allegations of vote buying.

The National Police Agency and the General Authority for Border Protection, which operate under the Ministry of Justice and Home Affairs, are primarily responsible for internal security. The General Intelligence Agency, whose director reports to the prime minister, assists these two agencies with internal security. The armed forces report to the Ministry of Defense and assist internal security forces in providing domestic emergency assistance and disaster relief. Civilian authorities maintained control over the security forces. Members of the security forces committed some abuses.

Significant human rights issues included: harsh prison conditions; threats against the independence of the judiciary; the existence of criminal libel laws; serious acts of official corruption; violence or threats of violence targeting lesbian, gay, bisexual, transgender, or intersex persons; and forced child labor.

Government efforts to punish officials who committed human rights abuses were inconsistent.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings. Responsibility for investigating allegations of killings by security forces is assigned to either local police or the Independent Authority against Corruption (IAAC), with the IAAC generally responsible for crimes committed while on duty.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The law prohibits such practices. Nevertheless, the National Human Rights Commission (NHRC) and other nongovernmental organizations (NGOs) reported some prisoners and detainees were subjected to unnecessary force and cruel, inhuman, or degrading treatment or punishment, particularly to obtain confessions.

Responsibility for investigating allegations of torture and abuse is assigned to either local police or the Independent Authority against Corruption (IAAC), with the IAAC generally responsible for crimes committed while on duty. The prosecutor's office oversees such investigations.

As of September 1, the General Executive Agency for Court Decisions (GEACD), which administers prisons, arrest centers, and pretrial detention centers, reported it had received three complaints of mistreatment and ethics violations by prison officials.

In July the Tuv provincial court convicted the former head of the General Intelligence Agency, the former deputy prosecutor general, and seven other officials of the 2017 torture of suspects convicted of murder in connection with the 1998 assassination of Zorig Sanjaasuren, a leader of the country's democratic revolution. The defendants received prison sentences ranging from one to three years.

The NHRC, NGOs, and defense attorneys reported that in an attempt to coerce or intimidate detainees, authorities sometimes threatened detainees' families, transferred detainees repeatedly, or placed them in detention centers far from their homes and families, making access to legal counsel and visits by family members difficult. Human rights NGOs and attorneys reported obstacles to gathering evidence of torture or abuse. For example, although many prisons and detention facilities had cameras for monitoring prisoner interrogations, authorities often reported the equipment was inoperable at the time of reported abuses.

Under the criminal code, all public officials are subject to prosecution for abuse or torture, including both physical and psychological abuse. The maximum punishment for torture is a five-year prison sentence, or life in prison if the victim dies as a result of torture. Although officials are liable for intentional infliction of

severe bodily injury, prosecutions of this crime were rare. The law states that prohibited acts do not constitute a crime when committed in accordance with an order given by a superior in the course of official duties and without knowledge the act was prohibited. A person who knowingly enforces an illegal order is considered an accomplice to the crime. The law provides that the person who gives an illegal order is criminally liable for the harm caused, but prosecutions were rare. According to the NHRC, prosecutors, and judges, the law effectively provides immunity to officials allegedly engaged in coercing confessions at the behest of investigators or prosecutors. The NHRC also indicated authorities sometimes abandoned complaints of alleged psychological torture either for lack of evidence or because the degree of injury could not be determined.

January 10 amendments to the criminal procedure law set out the legal requirements for victim compensation in torture cases and for the first time include emotional distress as a valid claim under the civil law. Courts, however, tended to compensate only for demonstrable physical injuries.

As of September 1, the NPA reported investigating eight complaints of rape by law enforcement officials, among them a police officer and a GEACD officer.

In January news emerged of a December 2019 case in which two police officers received three-year prison sentences after being convicted of the rape of minors. The sentences were inconsistent with applicable law, which mandates a sentence of eight to 15 years in prison if certain aggravating factors exist. Two of these factors--coercion and assault of underage victims and causing an underage victim to become pregnant--were present in this case.

Impunity was not a significant problem in the security forces. The NHRC, lawyers, human rights activists, and NGOs continued to raise concerns regarding impunity for law enforcement officials and demanded the re-establishment of a special investigation unit under the Prosecutor General's Office that had been dissolved in 2014. They noted that investigations of criminal acts committed by security forces and law enforcement personnel were frequently handled internally, with the most serious penalty being termination of employment rather than criminal conviction. On January 23, parliament passed a law establishing a commissioner in charge of torture prevention, with the authority to make unannounced inspections of places of detention and interrogation. The NHRC, however, reported it was unable to support meaningfully the new commissioner due to lack of funding.

In a September report, Amnesty International concluded that the government failed to ensure that all victims of torture and other abuse had access to effective remedies and redress.

Prison and Detention Center Conditions

Conditions in prisons (which hold convicted criminals), arrest centers (which hold petty offenders), and pretrial detention centers (for those awaiting trial) were sometimes harsh due to lack of investment in the prison system; inadequate health care, sanitation, and food; poor infrastructure; and lack of security and control.

Physical Conditions: Authorities assigned male prisoners a security level based on the severity of their crimes and held them in a prison of the corresponding security level. There was only one prison for women, with separate facilities for different security levels, as well as a facility for female prisoners with infant children. Authorities held pretrial detainees in separate facilities from convicted prisoners.

The 21 prisons and 29 pretrial detention centers were generally not overcrowded, although there were reports of overcrowding in two arrest centers. NGOs and government officials reported that in the five older pretrial detention centers in rural areas, insufficient medical care, clothing, bedding, food, potable water, heating, lighting, ventilation, sanitary facilities, and accommodations for persons with disabilities were often problems. Conditions in police-operated alcohol detoxification centers were poor.

The GEACD reported three deaths in prisons and one in pretrial detention facilities as of September 28. According to the GEACD, 13 prisoners had contracted tuberculosis as of September 28. Correctional officials routinely released terminally ill patients shortly before death, which NGOs alleged led to misleadingly low prisoner death statistics.

Administration: The Prosecutor General's Office monitors conditions in prisons, arrest centers, and detention centers; it and the NHRC conducted multiple scheduled, surprise, and complaint-based inspections of prisons, pretrial detention centers, arrest centers, and police-run detoxification centers.

Independent Monitoring: The government allowed access by independent nongovernmental observers and the NHRC, but authorities sometimes limited the areas observers could visit.

Improvements: The GEACD opened a new arrest center in February to address overcrowding issues. It also repurposed the former prison for juveniles into a rehabilitation facility for juvenile offenders.

d. Arbitrary Arrest or Detention

The law provides that no person shall be arrested, detained, or deprived of liberty except by specified procedures and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. Government agencies generally observed these requirements. The General Intelligence Agency sometimes detained suspects for questioning without charge, but the criminal code requires that a prosecutor supervise all detentions.

Several current or former high-level government officials and influential businesspersons, including six candidates or would-be candidates and one sitting member of parliament, were detained, tried, or convicted in the weeks surrounding June 24 parliamentary elections, in most cases on abuse of power, corruption charges, or both. Some of these defendants claimed the timing of their detention and prosecution--in some cases coming years after the completion of the corresponding IAAC investigation--indicated they were being politically targeted, as it prevented them from registering as candidates, mounting a campaign, and assuming their seat in parliament (if elected). They cited relevant provisions of the law granting immunity to incumbent parliamentarians and credentialed candidates. Some commentators noted that several of these defendants were known political rivals of senior government officials.

Arrest Procedures and Treatment of Detainees

An evidence-based, prosecutor-approved warrant is generally required to arrest a suspect on criminal grounds. Within 24 hours of an arrest, a prosecutor must present a request stating the grounds and reasons for the arrest to a judge, who must decide within 48 hours whether to prolong the detention or release the suspect. The arresting authority must notify a suspect's family within six hours of an arrest. A "pressing circumstances" exception in the law allows police to arrest suspects without a warrant. Examples of exceptions include murder or grave bodily injury, serious property damage, hot pursuit of a fleeing suspect, and suspicion that destruction of evidence would occur. In such cases a prosecutor must approve the arrest within 24 hours, and a judge must approve the arrest within the normal 48-hour period. If 72 hours pass after an arrest and a judge has not

made a decision, police must release the suspect. Upon release, authorities must inform the suspect of the reasons for the arrest and detention.

A January 10 amendment to the criminal procedure law introduced the possibility of bail, tying the amount to be charged to the severity of the crime and the personal situation of the defendant. Although procedures governing the collection of bail had yet to be adopted, bail was assessed in several cases, most notably in the prosecution of several high-profile defendants, including some candidates, in the lead-up to and during parliamentary elections. Attorneys for some of the defendants criticized the courts' imposition of what they viewed as arbitrary and in some cases exceedingly steep bail amounts in the absence of regulatory guidance on the setting of such fees.

Authorities generally charged and informed detainees of the charges promptly and advised them of their right to counsel. Maximum pretrial detention with a court order is 18 months. Detainees generally had prompt access to family members, although repeated transfers or detention in remote locations undermined this right.

A detainee has the right to an attorney during pretrial detention and all subsequent stages of the legal process, including after sentencing. If a defendant does not engage an attorney, the government must appoint one if the defendant has a physical or mental disability that would hinder self-defense, is a minor, is not proficient in the Mongolian language, or has a conflict of interest with the defense counsel or other defendants. The law allows the government to provide a lawyer upon request for an indigent defendant. Detainees were generally aware of their right to legal counsel, but misperceptions limited their use of this right. For example, detainees were frequently unaware they could exercise this right from the start of the legal process and frequently did not assert it unless and until their cases reached trial.

Arbitrary Arrest: The NHRC had received 70 complaints of illegal arrest, arbitrary detention, and extended imprisonment as of October 7, of which six complaints of illegal arrest and 14 complaints of arbitrary detention were referred for prosecution. It reported that when conducting investigations, investigative agencies occasionally detained suspects without judicial authorization, sometimes secretly, and police employed such practices despite the availability of other methods of restraint, including bail, another person's personal guarantee, and military surveillance. The personal guarantee system allows relatives to vouch for an accused family member.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: At least two of the candidates and would-be candidates detained in the run-up to the parliamentary elections complained they had been denied the opportunity to appeal the lawfulness of their detention.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but NGOs and private businesses reported that judicial corruption and third-party influence continued. Courts rarely entered not guilty verdicts or dismissed criminal charges over the objection of prosecutors, even when full trials had produced no substantial evidence of guilt. Courts often returned criminal cases to prosecutors when acquittal appeared more appropriate. Consequently, some serious criminal cases cycled for years between prosecutors and the courts without resolution.

There were serious concerns regarding the independence of the judiciary following March 2019 changes to laws on the judicial system. Those changes gave the National Security Council, which comprises the president, prime minister, and speaker of the parliament, the authority to recommend: the suspension of judges, subject to the approval of the Judicial General Council; the dismissal of the prosecutor and deputy prosecutor general; and the dismissal of IAAC officials, subject to approval of the parliament. Six of 17 judges suspended in 2019 under the changes were reinstated during the year; the others remained under investigation. Despite a Supreme Court ruling that two of the suspended judges were not guilty, the two had not been reinstated as of December.

The Judicial General Council and court administrators stated courtrooms were inadequate and outdated and that insufficient funding affected court operations. Nearly 200 judgeships were vacant due to lack of funding.

The law requires all trials to be open to the public and the press, with the exception of cases involving state secrets, underage defendants, or underage victims. In several cases, however, courts rejected defendants' requests to open their trials to the public and media, citing lack of space, COVID-19-related social distancing requirements, or both. In such cases the courts generally allowed selected representatives of the press to attend the opening and closing sessions of the trial.

Trial Procedures

The law provides for the right to a fair and public trial without undue delay, and the judiciary generally enforced this right.

Defendants are presumed innocent and have the right to be informed of the charges against them and to a fair, timely, and public trial. Courts provide free interpretation services as needed, including sign language interpretation, unless a court decides to recover procedural expenses from a defendant found guilty. The law also extends to all defendants the right to be present at their own trial in the court of first instance (but not during appeals); to communicate with an attorney of their choice (or one provided at public expense); to receive adequate time and facilities to prepare a defense; to confront witnesses; to present one's own witnesses and evidence; not to be compelled to testify or confess guilt; and to appeal. NGOs and observers reported that authorities sometimes did not observe these rights and that nepotism, bribery of judges, prosecutors, and expert witnesses, of both sometimes contributed to unwarranted convictions, dismissals, or reductions of sentences.

Procedural due process errors and inconsistencies often affected trials. Although the number of government-provided defense lawyers was adequate given the limited circumstances in which they are provided, their quality and experience were inconsistent, and many defendants lacked adequate legal representation. Judges often relied on confessions with little corroborating evidence. Furthermore, NGOs reported witness intimidation by government authorities and police, a lack of transparency in courts' decision-making processes, and a low level of awareness regarding new criminal and procedural laws.

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 human rights violations. The government sometimes failed to enforce court orders pertaining to human rights.

Property Restitution

According to NGOs, seminomadic herders reported some private and government-owned mining interests interfered with their access to traditional pasturelands.

Some herders reported they were forced to relocate after their customary access to pastureland and water resources was blocked by mining and farming companies.

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

The law prohibits such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, and the government generally respected this right. The government imposed content restrictions in some instances, licensing occasionally proved problematic, and there was reported harassment of journalists.

Freedom of Press and Media, Including Online Media: A law passed in April on measures to combat the COVID-19 pandemic includes fines for individuals or legal entities found guilty of spreading disinformation about the pandemic. Globe International Center, a local NGO specializing in freedom of the press and media, noted that the law authorizes police to determine initially whether editorial content contained misleading or false information.

Globe International Center reported continued pressure from police, politicians, and large business entities on local media and press outlets. The ownership and political affiliations of media often were not disclosed to the public, and in a 2018-19 survey by Globe International, seven of 10 journalists reported that at least once in their career state officials did not respond to their requests for information that by law should have been publicly available.

The NGO Mongolian Center for Investigative Journalism observed there are no legal protections for whistleblowers and confidential sources. In a 2019 Globe International Center survey of 300 journalists, 51 percent said they had been forced to reveal confidential sources at least once in their career.

The law allows media organizations to seek redress against a person who, by threats of violence, attempted bribery, or other means of intimidation, seeks to compel them to withhold critical information about that person. In such cases the

media organization may pursue criminal charges or file a civil complaint against the alleged offender. If convicted, that person is subject to a fine, revocation of the right to travel from one to six months, and one to six months' imprisonment.

Violence and Harassment: Some journalists reported they faced violence, harassment, or intimidation by police. According to the 2019 Globe International Center survey, 67 percent of journalists said they had experienced some form of threat or intimidation in connection with their reporting at least once in their career.

One journalist who reported for the popular *zarig.mn* online news portal reported receiving an official notice from the NPA's investigation department in September asking the journalist to disclose sources in connection with an article about misconduct by General Intelligence Agency officials. The journalist said they had been the target of police questioning 12 times in a two-year period. In another case highlighted by Globe International, police in Khuvsgul Province pressured a journalist to reveal her sources in connection with an investigative report she produced for television in March.

Censorship or Content Restrictions: Communications Regulatory Commission regulations on digital content and television and radio service impose content restrictions in broad terms, for example on extreme violence. The government appoints the chair and members of the commission, which grants television and radio broadcast licenses without public consultation. This process, together with a lack of transparency during the license-tendering process, inhibited fair access to broadcast frequencies and benefited those with political connections. This also contributed to some self-censorship by journalists.

Libel/Slander Laws: The law treats libel and slander as petty offenses, except during an election campaign period (typically 18 days), when they are treated as a crime. Libel and slander cases, when prosecuted as petty offenses, are punishable by moderate fines. When prosecuted as a crime, they are punishable by more substantial fines or imprisonment from one month to one year. If a media organization is found guilty of libel or slander during an election campaign period, its license can be suspended for six months.

In January the criminal code was amended to include the spreading of "evidently false information thereby causing damage to others' honor, dignity, or the business reputation of legal entities" (an offense distinct from libel or slander) from a petty offense to a crime punishable by a fine, 240 to 720 hours of community service,

revocation of the right to travel for one to three months, or some combination of these.

Globe International Center expressed concern regarding efforts by some government authorities to make all libel and slander cases criminal offenses. Several journalists based outside Ulaanbaatar reported frequently receiving threats of legal action from politicians seeking to stifle their reporting.

Internet Freedom

By law individuals and groups may engage in the peaceful expression of views on the internet. The government maintained a list of blocked websites and added sites to the list for alleged violations of relevant laws and regulations, including those relating to intellectual property. Information on the number of newly blocked websites was not available.

A regulation places broad restrictions on inappropriate content without defining objectionable content explicitly. The regulation requires websites with heavy traffic to use filtering software that makes publicly visible the internet protocol addresses of those commenting or sharing content.

In September the NPA established a special unit tasked with combating disinformation deemed damaging to national security and preventing the public from being exposed to misleading information. The unit is empowered to investigate and delete from social media any information “of a criminal nature,” including defamation, slander, disinformation, content that seduces others into promiscuity, and content that organizes gambling activities. Members of the public and civil society criticized this as an attempt by the government to suppress free speech.

In February a citizen in Khuvsgul Province was found guilty of criminal dissemination of false information and fined 550,000 tugriks (\$193). He criticized local police on his Facebook account, accusing them of misuse of power during the state of heightened emergency related to the pandemic.

Academic Freedom and Cultural Events

Other than measures imposed by the government due to the COVID-19 pandemic, there were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights, although they were curtailed during the period of heightened emergency due to state-imposed social distancing requirements. Some groups complained about these restrictions.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

Foreign Travel: At the request of the Prosecutor General's Office, courts may ban the departure of persons who are plotting criminal activity. The law requires that those subject to an exit ban receive timely notification. Authorities did not allow persons under exit bans to leave until the disputes leading to the bans were resolved administratively or by court decision, and bans may remain in place for years. In response to COVID-19, the government suspended commercial flights into and out of the country and closed the land borders to most passenger traffic. Persons wishing to leave were generally able to obtain seats on the outbound legs of infrequent flights organized by the government to repatriate Mongolian citizens stranded abroad.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government 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.

Access to Asylum: The law provides for granting asylum, and the government provided limited protections to foreign residents in the country while UNHCR adjudicated their refugee claims. The law establishes deportation criteria and permits the Agency for Foreign Citizens and Naturalization (the country's immigration agency) to deport asylum seekers who it deems do not qualify.

Employment: The law does not afford a specific legal status to refugees and asylum seekers. Authorities usually treated them as irregular migrants and did not issue them work permits.

Access to Basic Services: Because the law does not provide for refugee status, asylum seekers generally did not have access to government-provided basic services such as health care and education. Refugees and asylum seekers could access private medical facilities with UNHCR support.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Parliamentary elections were held June 24. Due to COVID-19-related border restrictions and quarantine requirements, international observer missions were unable to conduct election monitoring. Nevertheless, the overall consensus among NGOs, press, and other observers was that the elections were generally conducted in an orderly and efficient manner while also complying with social distancing requirements. Some opposition parties, coalitions, and independent candidates complained that the three-week campaign period put them at a disadvantage, as it provided inadequate time for them to establish name and platform recognition in their constituencies.

Citizens residing abroad were excluded from voting in the June elections, as were more than two thousand citizens confined to government-facilitated quarantine or home isolation after returning from abroad, as well as the medical, service, and security personnel attending them. The General Election Commission acknowledged it had inadequate infrastructure to facilitate voting by quarantined or isolated citizens while also protecting election workers.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. According to election law, at least 20 percent of candidates nominated by a political party or coalition for local and national political office must be women; political parties generally complied with this requirement. For example, in the June parliamentary election, approximately 25 percent of the candidates nominated by the various political parties and coalitions were women. Women voters outnumbered men at the polls by 11 percentage points.

Section 4. Corruption and Lack of Transparency in Government

Corruption at all levels of government remained widespread. The politicization of anticorruption efforts presented an obstacle to effectively addressing corruption. The law provides criminal penalties for corruption by officials, but the government did not always implement the law effectively, and corruption continued at all levels. Some officials engaged in corrupt practices with impunity. The government implemented the fourth year of a six-year action plan to combat corruption, adopted in 2016. The criminal code contains liability provisions for corruption and corruption-related offenses for public servants and government officials. For example, the code dictates that those sentenced for corruption may not work in public service.

Corruption: During the year five former members of parliament, including a former cabinet minister and two former prime ministers, were convicted of abuse of power and official position in connection with various corruption cases investigated by the IAAC. They received sentences ranging from two to 10 years' imprisonment and a ban on holding public office.

Financial Disclosure: The law requires civil servants and elected officials to report assets and outside sources of income for themselves, their spouses, parents, children, and live-in siblings. It also aims to prevent conflicts of interest between official duties and the private interests of those in public service roles, and to regulate and monitor conflicts of interest to specify that officials act in the public interest. The law requires candidates for public office to submit financial statements and questionnaires on personal business interests.

Public officials must file a private interest declaration with the IAAC within 30 days of appointment or election and annually thereafter during their terms of public service. The law provides that such declarations be accessible to the public and prescribes a range of administrative sanctions and disciplinary actions in case of

violation. Violators may receive formal warnings, face salary reductions or fines, or be dismissed from their positions. The IAAC is required to review the asset declarations of public servants, including police officers and members of the military. As of September the IAAC made publicly available the financial disclosure short forms for 35,832 incumbent public officials.

Officials with authority to spend government funds are required to report expenditures and audit results on their ministry and agency websites. All transactions of more than one million tugriks (\$350) are subject to reporting. Plans for budgets, loans, or bonds must be registered with the Ministry of Finance for monitoring and tracking, even after the originating officials have left their positions.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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 were sometimes cooperative and responsive to their views.

Amnesty International has received reports of discrimination, intimidation, harassment, police intimidation, and stigmatization against human rights organizations. Progovernment actors sometimes characterized such NGOs as “undesirables,” “troublemakers,” “foreign agents,” or “opponents of the state.”

Government Human Rights Bodies: The NHRC is responsible for monitoring human rights abuses, initiating and reviewing policy changes, and coordinating with human rights NGOs. NHRC’s five commissioners are selected on a competitive basis and appointed by parliament for six-year terms. Officials reported government funding for the NHRC, provided by parliament, remained inadequate, and inspection, training, and public awareness activities were entirely dependent on external funding sources. The NHRC consistently supported politically contentious human rights issues, such as the rights of lesbian, gay, bisexual, transgender, or intersex (LGBTI) individuals, persons with disabilities, and ethnic minorities.

There was some collaboration between the government and civil society in discussing human rights problems.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The criminal code criminalizes forced or nonconsensual sexual intercourse or sexual acts that involve the use or threat of physical violence, abuse a position of authority (financial or official), or take advantage of the victim's incapacity to protect him- or herself or object to the commission of the act due to mental illness, temporary loss of mental capacity, or the influence of drugs or alcohol, and provides for sentences of one to 20 years' imprisonment or life imprisonment, depending on the circumstances. The criminal code criminalizes spousal rape. Domestic violence is also a crime, for which perpetrators can be punished administratively or criminally, including in the latter case by a maximum of two years' imprisonment. The government maintains a nationwide database of domestic violence offenders, and those who commit a second domestic violence offense are automatically charged under criminal law.

The nongovernmental National Center against Violence (NCAV) reported that police response to domestic violence complaints improved. Although the law provides alternative protection measures for victims of domestic abuse, such as restraining orders, it has not yet been implemented due to a lack of training, technical, and other resources.

Despite continued attention, domestic violence remained a serious and widespread problem. The NCAV reported increased reporting of domestic violence by third parties. Combating domestic violence is included in the accredited training curriculum of the police academy and in all police officer position descriptions.

According to the NPA, there were 31,043 domestic violence complaints registered as of October 1. NCAV reported a 1.4 percent increase in reported serious domestic violence crimes and a 36.8 percent increase in petty domestic violence offenses during the first eight months of the year. They attributed this rise to school closures and restrictions on movements in response to the COVID-19 pandemic. NCAV reported a 20 percent increase in demand for shelter services and a 36.8 increase in calls received by its hotline, compared with the same period in 2019.

The Family, Child, and Youth Development Authority reported a 99 percent increase in domestic violence cases classified as petty offenses during the period of COVID-19-related restrictions on movements.

The NCAV expanded its activities to support domestic violence victims with disabilities by engaging sign language interpreters and renovating facilities to make them more accessible to persons who use wheelchairs or have other mobility difficulties.

In January the NPA established a special unit dedicated to combating domestic violence. According to the NPA, there were 18 shelters and 16 one-stop service centers for domestic violence survivors run by the NPA, a variety of NGOs, local government agencies, and hospitals. All shelters followed standard operating procedures developed by the NCAV. The one-stop service centers, located primarily at hospitals, provided emergency shelter for a maximum of 72 hours. The relatively small number of shelters located in rural areas presented a problem for domestic violence victims in those areas.

A May assessment of the impact of COVID-19 on gender-based violence conducted by the Ministry of Labor and Social Protection and the UN Population Fund revealed that social and economic stresses caused by the pandemic were major causes of domestic violence and violence against children.

Sexual Harassment: The criminal code does not address sexual harassment. NGOs said there was a lack of awareness and consensus within society of what constituted inappropriate behavior, making it difficult to gauge the extent of the problem. As of September 1, the NHRC had received one sexual harassment complaint that was referred for the prosecution and resulted in a dismissal. Upon receiving such a complaint, the NHRC may perform an investigation, after which it may send a letter to the employer recommending administrative sanctions be levied against the accused party.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The law provides the same legal status and rights to women and men, including equal pay for equal work and equal access to education. These rights were generally observed, although women faced discrimination in employment. As of October 7, the NHRC had received nine complaints of discrimination: five based on social status, three on disability, and one on sexual orientation.

The law sets mandatory minimum quotas for women in the government and political parties. It also prohibits discrimination based on sex, appearance, or age, although some NGOs noted authorities did not enforce this provision. By law women must comprise at least 15 percent of political appointees to government positions at the national, provincial, and capital city levels; 20 percent at the district level; and 30 percent at subdistrict levels. The law also requires that women must represent at least 25 percent of a political party's senior leadership. Women were underrepresented at the highest levels of government, although representation improved marginally following June parliamentary elections. Of the country's 16 cabinet ministers, three were women; the prior cabinet had only one female minister. Of the 75 members of the newly elected parliament, 13 were women; the previous parliament had 11 female members. One of two deputy speakers was a woman, as was the secretary general of the parliament secretariat. Only one of 11 parliamentary standing committee chairs was a woman, however. While the gender quota was met in most jurisdictions following the October local elections, Bayan-Ulgii Province failed to meet the quota at the provincial and some subprovincial levels.

In most cases the divorced wife retained custody of any children, but divorced husbands were often not penalized for failing to pay child support. Women's rights activists said that because family businesses and properties usually were registered under the husband's name, ownership continued to be transferred automatically to the former husband in divorce cases.

The National Committee on Gender Equality, chaired by the prime minister and overseen by the Ministry of Labor and Social Protection, coordinates policy and women's interests among ministries, NGOs, and gender councils at the provincial and local levels. The government's *National Program on Gender Equality 2017-21* and its related action plan seek the economic empowerment of women and equal participation in political and public life.

Children

Birth Registration: Citizenship derives from one's parents. Births are immediately registered and a registration number issued through an online system jointly developed by the Ministry of Health, National Statistics Office, and State Registration Agency. Failure to register could result in the denial of public services.

Child Abuse: The criminal code includes a specific chapter on crimes against children, including abandonment, inducing addiction, engaging children in criminal activity or hazardous labor, forced begging, or engaging in pornography.

Child abuse was a significant problem and consisted principally of domestic violence and sexual abuse. The Family, Child, and Youth Development Authority (FCYDA) operated a hotline to report child abuse, an emergency service center, and a shelter for child victims of abuse. The government-run shelter served child victims of domestic violence, sexual abuse, neglect, and abandonment, but it had inadequate capacity to provide separate accommodation for especially vulnerable or sensitive children. The FCYDA also stated it provided funding to an NGO in Ulaanbaatar to run additional shelters to which it referred child victims of abuse. According to an NGO, space was inadequate for the number of child abuse victims referred for long-term care.

Although the FCYDA reported an increase in reports of child abuse in previous years following enactment of obligatory reporting laws, reports of child abuse fell by 30 percent during the year compared with 2019, largely attributed to the fact that the primary reporters of such abuses--schools, kindergartens, and other educational institutions--were closed between January and September due to COVID-19-related protective measures.

Child abandonment was also a problem. Some children were orphaned or ran away from home because of neglect or parental abuse. Police officials stated they sent children of abusive parents to shelters, but some observers indicated many youths were returned to abusive parents. According to the FCYDA, as of August there were 1,069 children living in 31 child-care centers across the country. More children were referred to long-term care than there was space available. As of September 25, 1,248 child victims were assisted by 17 temporary shelters and 13 one-stop service centers.

Each province and all of Ulaanbaatar's district police offices had a specialized police officer appointed to investigate crimes against, or committed by, juveniles. The international NGO Save the Children implemented a program to facilitate annual--and sometimes more frequent--interagency meetings on preventing child abuse at local administrative units across the country. Police were active in campaigns to improve the safety of children and increase children's awareness of their rights, and they broadcast a variety of public-service announcements through programs and commercials broadcast on television, radio, and social media.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18, with court-approved exceptions for minors age 16 to 18 who obtain the consent of parents or guardians.

Sexual Exploitation of Children: Although illegal, the commercial sexual exploitation of children younger than 18 was a problem. The minimum age for consensual sex is 16. Violators of the statutory rape law (defined as sexual intercourse with a person younger than 16 not involving physical violence or the threat of violence) are subject to a maximum penalty of five years in prison. Those who engaged children in prostitution or sexual exploitation are subject to a maximum penalty of 20 years in prison, or life imprisonment if aggravating circumstances are present. Under the criminal code, the maximum penalty for engaging children in pornography is eight years' imprisonment. According to the NPA, 58 percent of child victims of sexual abuse were abused by family members or close associates, and 63 percent of the registered rape cases involved child victims of sexual abuse.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Jewish population was very small, and there were no reports of anti-Semitic acts. Neo-Nazi groups active in the country tended to target other Asian nationalities and not Jews.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, defining these as persons with long-term physical, intellectual, mental, or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others. A representative of the

disability community said the concept of workplace accommodation was not well understood and access to employment was therefore poor for persons with disabilities. She attributed this to a lack of expertise and awareness in government and business.

Most government buildings remained inaccessible to wheelchairs, and only a few intersections in Ulaanbaatar were equipped with auditory crosswalks to aid pedestrians with visual impairments.

There is no explicit prohibition of discrimination in education, but the law charges the government with creating conditions to provide students with disabilities an education. Children with disabilities are by law allowed to attend preschools and mainstream schools but faced significant barriers. Schools often lacked trained staff and the infrastructure to accommodate children with disabilities.

Autism and Mongolia, an NGO serving children with intellectual disabilities, reported that a 2019 order requiring mainstream schools to facilitate inclusive education and retrofit schools accordingly had yet to be implemented due to inadequate teacher training and lack of a system for employing assistant teachers. COVID-19 and Disability, a survey conducted jointly by the Open Society Forum and the Association of Parents with Differently-abled Children, stated the transition from classroom teaching to distance and virtual learning in response to the pandemic had impaired the learning process for children with disabilities, and parents noted that classes offered through television broadcasts did not meet special needs. Although the majority of children with disabilities entered the public-school system at the appropriate age, the dropout rate increased as the children aged. Children with disabilities in rural areas were more likely to drop out of school because most schools for students with disabilities were in Ulaanbaatar.

Although the law mandates standards for physical access to new public buildings and a representative of persons with disabilities serves on the state commission for inspecting standards of new buildings, most new buildings were not constructed in compliance with the law. Public transport remained largely inaccessible to persons with disabilities. Emergency services were often inaccessible to blind and deaf persons because service providers lacked trained personnel and appropriate technologies. A representative of the disability community said information was not always accessible, especially on government and business websites, such as for online banking applications. Most domestic violence shelters were not accessible to persons with disabilities.

To mitigate economic harm caused by the COVID-19 pandemic, the government disbursed an additional 100,000 tugriks (\$35) per month to social welfare recipients, including children with disabilities.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

Instances of covert police surveillance of LGBTI persons and social events, arbitrary detentions, intimidation, threats, and physical and sexual assaults by police were reported. In addition LGBTI prisoners also reportedly suffered physical and sexual abuse from other inmates.

An NGO noted that despite increased police awareness of abuses faced by the LGBTI community and capacity to respond to problems affecting LGBTI persons, there were reported cases involving police harassment of LGBTI victims of alleged crimes. Authorities frequently dismissed charges when a crime victim was an LGBTI person.

LGBTI individuals faced violence and discrimination both in public and at home based on their sexual orientation or gender identity. There were reports LGBTI persons faced greater discrimination and fear in rural areas than in Ulaanbaatar due to less public awareness and limited online media accessibility in rural areas. The NGO LGBT Center received reports of violence against LGBTI persons, most involving young persons disclosing their LGBTI status to their families or whose families discovered they were LGBTI.

Evidence gathered from the LGBTI community suggested a lack of understanding of sexual minorities among health-care providers, as well as a lack of understanding of the attendant physical and psychological problems members of the LGBTI community might face. LGBTI persons said they feared that the disclosure of their sexuality to health-service providers would lead to ridicule, denial of service, or reporting of their sexuality to other government authorities. Evidence indicated a higher suicide rate among the LGBTI community, particularly among youth, than among the general population.

There were reports of discrimination against LGBTI persons in employment.

HIV and AIDS Social Stigma

Although there was no official discrimination against those with HIV or AIDS, some societal discrimination existed. The public generally continued to associate HIV and AIDS with same-sex sexual activity, burdening victims with social stigma and potential employment discrimination.

Promotion of Acts of Discrimination

During the June parliamentary elections, a transgender candidate was the target of discriminatory social media postings, including some posted by opposing candidates. The government took no action to address these public statements of hatred.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form or join independent unions and professional organizations of their choosing without previous authorization or excessive requirements. The law provides for the rights of all workers except those employed in essential services to participate in union activities without discrimination, conduct strikes, and bargain collectively. The law requires reinstatement of workers fired for union activity.

The law bars persons employed in essential services--defined as occupations critical for national defense and safety, including police, utilities, and transportation services--from striking, and it prohibits third parties from organizing strikes. The law prohibits strikes unrelated to matters regulated by a collective agreement.

The government generally enforced laws providing for the rights of collective bargaining and freedom of association. Penalties, largely fines, were not commensurate with those for similar violations. Labor dispute settlement committees resolved most disputes between individual workers and management. These committees comprise representatives of the local government, the employer, and the employee, who is joined by a representative of the Confederation of Mongolian Trade Unions (CMTU). The CMTU reported the court process was so lengthy many workers abandoned their cases due to time and expense.

The CMTU stated some employees faced obstacles, including the threat of salary deductions, to forming, joining, or participating in unions. Some employers

prohibited workers from participating in union activities during work hours. The CMTU also stated workers terminated for union activity were not always reinstated. The CMTU reported some employers refused to conclude collective bargaining agreements.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced or compulsory labor, except as part of a legally imposed sentence. The criminal code provides for a fine or imprisonment for forced labor offenses; these were not commensurate with penalties for similar serious crimes. The government did not effectively enforce the law. Inspection was not adequate, and inspectors did not perform unannounced inspections nor enforce the law in the informal sector.

There were isolated reports of forced labor, including forced child labor such as forced prostitution and begging.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The law provides for penalties for forced labor or slavery; prohibits the use of children in prostitution; or the use, procurement, or offering of a child for the production and trafficking of drugs. The law prohibits children younger than 14 from working. The minimum age for work does not apply to children in the informal sector or to those who are self-employed. At age 14, children may, with parental and government permission, work a maximum of 30 hours per week to acquire vocational training and work experience. At age 15, children may enter into a vocational training contract with permission from parents or guardians. According to a Ministry of Labor and Social Protection order, children younger than 18 may not work in hazardous occupations such as mining and construction; engage in arduous work; serve as jockeys during the winter (children may be jockeys beginning at age seven during other seasons); participate in cultural, circus, or folk art performances at night; work in businesses that sell alcoholic beverages; or engage in roadside vending. Despite these restrictions, children were commonly seen participating in horse racing, roadside vending, and other occupations in contravention of the order.

The government did not effectively enforce the law. Authorities reported employers often required minors to work in excess of 40 hours per week and paid them less than the minimum wage. Penalties were not criminal and were not commensurate with those for similar serious crimes. Child labor, including forced child labor, occurred in many sectors, including in hotels and restaurants, vehicle repair, manufacturing, petty trade, scavenging, forced begging, event or street contortionism (a local art form), and the illicit sex trade (see section 6, Children). The FCYDA and the General Agency for Specialized Inspection (GASI) conducted announced child labor inspections, including at artisanal mining sites, public markets, service centers, dumpsites, construction and transportation sites, and on farms. The law did not apply to the informal sector, where most children worked.

International organizations continued to express concern regarding child jockeys in horseracing. Children commonly learned to ride horses at age four or five, and young children traditionally served as jockeys during the annual Naadam festival in races ranging from two to 20 miles. All jockeys including child jockeys are prohibited from working from November 1 to May 1, when cold weather makes racing more hazardous.

Racing regulations also require registration, insurance, adequate headgear, and chest protection, but despite greater government and public attention to safety, enforcement was inconsistent. The FCYDA registered 9,785 child jockeys who competed nationwide during the Naadam festival in July. In these races, 197 children reportedly suffered falls, but no serious injuries or deaths were reported. Unsanctioned races--of which there were many--were not counted in these statistics.

The FCYDA maintained an electronic database containing information on more than 10,000 child jockeys and collected biometric information to better track jockeys and prevent children younger than seven from working as jockeys. In addition labor ministry guidelines require an insurance policy for jockeys that pays jockeys or their surviving family members up to 20 million tugriks (\$7,000) in case of injury or death sustained during a race. Observers reported compliance with safety regulations at national races but less satisfactory compliance at community and regional events. The government, however, conducts child labor inspections at horse racing events only once a year and must provide 48 hours' notice before initiating an investigation.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment and occupation based on nationality, language, race, age, gender, sexual orientation, sex or marital status, social origin or status, wealth, religion, ideology, education, or medical status. It also prohibits employers from refusing to employ a person with disabilities but provides broad exceptions, applying “unless the condition of such person prevents him from performing a specified activity or would otherwise be contrary to established working conditions at the workplace.” The law prohibits employers from refusing employment to or dismissing an individual diagnosed with HIV or AIDS unless the condition makes it difficult to perform job duties. The law also prohibits women from working in occupations that require heavy labor or exposure to chemicals that could affect infant and maternal health.

The government enforced the law inconsistently, and discrimination occurred in employment and occupation based on sex and disability, as well as on sexual orientation, gender identity, and HIV status. Penalties were not commensurate with those for similar violations.

The law charges employers with taking steps to prevent sexual harassment in the workplace, including by establishing internal rules about sexual harassment and the redress of complaints, but provides no penalties. The NHRC reported poor knowledge of the law's sexual harassment provisions among both employers and employees. The CMTU organized a campaign in July and August to raise awareness of sexual harassment, put an end to workplace coercion and harassment, and urge the implementation of recommendations on sexual harassment.

The NHRC found employers were less likely to hire, promote, or provide professional development opportunities to women. According to a survey conducted by the National Statistical Office in September, the monthly wages paid to men were, on average, 20 percent higher than those paid to women.

Although the law requires workplaces with more than 25 employees to employ a minimum of 4 percent of persons with disabilities or pay a fine, NGOs reported a reluctance to hire them persisted. They also noted the government itself failed to

meet the quota. Members of the disability community noted that, even when hired, the lack of accessible public transport made it difficult for persons with disabilities to hold a job (see section 6, Persons with Disabilities).

The Labor Ministry's Department for the Development of Persons with Disabilities is responsible for developing and implementing employment policies and projects for persons with disabilities. Government organizations and NGOs reported employers' attitude toward employing persons with disabilities had not improved and that many employers still preferred to pay fines to the Employment Support Fund maintained by the Labor Ministry rather than employ persons with disabilities.

NGOs, the NHRC, and members of the LGBTI community reported companies rarely hired LGBTI persons who were open about their sexual orientation or gender identity, and LGBTI persons who revealed their status in the workplace frequently faced discrimination, including the possibility of dismissal. Illegally dismissed LGBTI persons rarely sought court injunctions to avoid disclosing their status and increasing the risk of discrimination.

Foreign migrant workers did not receive the same level of protection against labor law violations as the general population.

e. Acceptable Conditions of Work

The National Tripartite Committee, which comprises the government, the CMTU, and the Federation of Employers, annually establishes a national minimum wage that is above the poverty line. The law provides for a standard workweek of 40 hours and the payment of overtime, but in practice payment of overtime is rarely enforced. The law does not cover workers in the informal sector.

Laws on labor, cooperatives, and enterprises set occupational health and safety standards, which apply equally to local and foreign workers. GASI noted many standards were outdated.

Labor inspectors assigned to GASI's regional and local offices are responsible for enforcement of all labor regulations and have the authority to compel immediate compliance. The government did not effectively enforce minimum wage, working hours, and occupational safety and health laws and regulations. GASI reported its inspectors, faced with large investigative workloads, needed better training on investigative techniques and evidence collection. The number of labor inspectors

was insufficient for the size of the country's workforce. Inspectors generally did not conduct inspections in the informal sector.

GASI acknowledged that fines imposed on companies for not complying with labor standards or for concealing accidents were not commensurate with those for similar violations and did not compel management compliance. Moreover, safety experts responsible for labor safety and health were often inexperienced or had not received training. GASI lacks the authority to perform unannounced inspections.

The law on pensions allows for participation by small family businesses and workers in the informal economy (such as herders) in pension and social benefit programs. These categories of workers were able to access health care, education, social entitlements, and an optional form of social security.

Many workers received less than the minimum wage, particularly at smaller companies in rural areas. Workers in the construction sector, in which work is constrained to a few months each year due to extreme winters, were sometimes pressured to work long hours, increasing the risk of accidents and injuries.

Reliance on outmoded machinery, poor maintenance, and management errors led to frequent industrial accidents, particularly in the construction, mining, and energy sectors. According to the NHRC, lack of proper labor protection and safety procedures contributed to the high accident rate in the construction sector. Workers have the right to remove themselves from hazardous situations, but the CMTU stated workers had limited awareness of their legal right to refuse to work in unsafe conditions.

GASI provided safety training to companies and private enterprises. According to GASI, the training resulted in a decrease in industrial accidents in accident-prone sectors. Information on the number of deaths and injuries in industrial accidents was not available. In September demonstrations erupted in Umnugobi Province among truck drivers and their supporters after the deaths of three truck drivers hauling coal between a major coal mine and the Chinese border. Protesters cited dangerous road conditions, excessive work hours, employer retention of drivers' passports, and a lack of basic support and services for drivers.