

MONGOLIA 2016 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Mongolia is a multiparty parliamentary democracy. Parliamentary elections in 2016 and the presidential election in 2013 were generally free and fair, although observers expressed concern about late changes to the election law before the parliamentary elections and said the law's vague equal access provisions undermined the media's ability to provide information to voters.

Civilian authorities generally maintained effective control over the security forces.

The most significant human rights problems were corruption and widespread domestic violence. Vague laws and a lack of transparency in legislative, executive, and judicial processes undermined government efficiency and invited corruption. Courts failed to function as independent and neutral adjudicators of criminal prosecutions and civil disputes. Domestic violence was pervasive and the government did not address it effectively.

Other human rights problems included police abuse of prisoners and detainees; poor conditions in detention centers; arbitrary arrests and lengthy pretrial detentions; government restrictions on media content; restrictions on the freedom of assembly; child abuse; exit bans; trafficking in persons; discrimination against persons with disabilities; discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and harsh labor conditions for certain foreign contract workers, including their exploitation through the garnishment of wages.

Government steps to punish officials who committed abuses or to rectify discrimination 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 that the government or its agents committed arbitrary or unlawful killings.

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, the National Human Rights Commission (NHRC) and other nongovernmental organizations (NGOs) reported that the use of unnecessary force and cruel, inhuman, or degrading treatment or punishment of some prisoners and detainees, as well as torture, particularly to obtain confessions, were problems.

According to the Ministry of Justice (MOJ), individuals refused to pursue criminal charges in 21 of 25 complaints of the use of force, pressure, or torture by a public official, police officer, or investigator reported to the National Police Agency (NPA) in the first eight months of the year. Two of the four remaining complaints were transferred to another jurisdiction, one was dismissed, and one remained under investigation as of September. The NPA also received 24 complaints of the use of force against the health or body of an individual by a public official, police officer, or investigator. Of these, 15 remained under investigation, and six had been handed over to the Prosecutor General's Office as of September. The NPA reported that prisoners and detainees submitted 16 of the aforementioned complaints of abuse in the first half of the year.

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 distant from their homes and families, making access to legal counsel and visits by family members difficult. Human rights NGOs reported obstacles to gathering evidence of torture or abuse. While many prisons and detention facilities had cameras for monitoring questioning, for example, equipment was often reported inoperable at the time of reported abuses.

Local police are responsible for investigating allegations of abuse and torture. The NHRC and NGOs expressed concerns about possible conflicts of interest in cases involving alleged police abuse or torture, which could undermine public confidence in investigations.

Legal professionals and NGOs cited numerous other barriers to holding alleged abusers accountable. For example, only police detectives and investigators can be tried under the criminal code's principal article for prosecuting official abuse or

torture. This article, moreover, covers only physical abuse and does not include psychological abuse or threats against suspects or their families. Although law enforcement officials can be held 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 by a superior in the course of duty. The law provides that the person who gave an illegal order is criminally liable for the harm caused, but prosecutions were rare. According to Amnesty International, prosecutors, and judges, the law effectively provides immunity to law enforcement officials allegedly engaged in coercing confessions at the behest of investigators or prosecutors. According to the NHRC, authorities sometimes abandoned complaints alleging psychological torture either for lack of evidence or because the degree of injury could not be determined. Moreover, witnesses were generally themselves detainees or prisoners and were under great pressure not to testify, including by threats against family and threats of additional charges with longer potential sentences.

As of September the NPA reported two complaints of rape by a public official. The NPA did not accept one as a criminal case; the other remained under investigation at year's end.

Prison and Detention Center Conditions

According to NGO reporting, conditions remained poor and in some cases harsh in some prisons and pretrial detention centers administered by the General Executive Agency of Court Decisions (GEACD) as well as in a GEACD-administered detention facility for individuals awaiting deportation, despite improvements in recent years.

Physical Conditions: Men and women were held in separate facilities under similar conditions. Authorities assigned male prisoners a security level based on the severity of their crimes and housed them in a prison of the corresponding security level. There was a single prison for women with separate facilities for different security levels, as well as a facility for prisoners with infant children. There were separate facilities for pretrial detainees and convicted prisoners.

While the GEACD's 24 prisons and 28 pretrial detention centers were generally not overcrowded, NGOs and government officials reported that insufficient medical care, clothing, bedding, food, water quality, heating, lighting, ventilation, sanitary facilities, and accommodations for persons with disabilities were often problems in older prisons and pretrial detention centers. These problems were

often worse in rural areas. New or newly renovated facilities generally had better conditions. Conditions in police-operated detoxification centers were often poor.

The GEACD reported three deaths in prisons and no deaths in pretrial detention facilities as of September. Unlike in previous years, there were no cases of tuberculosis contracted in prisons, according to the MOJ. Correctional officials routinely released terminally ill patients shortly before death, which the Prison Fellowship of Mongolia alleged led to misleadingly low prisoner death statistics.

Administration: There is no ombudsman's office to respond to prisoner complaints. The Prosecutor General's Office monitors prison and detention center conditions. The law permits prisoners and detainees to submit uncensored complaints to judicial authorities and to request investigation of prison conditions. The Prosecutor General's Office and the NHRC conducted multiple scheduled, unplanned, and complaint-based inspections of prisons, pretrial detention centers, and police detention centers. Inspections resulted in guidance to improve conditions that might violate human rights or demands to correct human rights violations that occurred.

Independent Monitoring: The government allowed access by independent nongovernmental observers and the NHRC, but access was generally limited to low- and medium-security facilities, and authorities sometimes limited the areas observers were allowed to see.

d. Arbitrary Arrest or Detention

The law provides that no person shall be arrested, detained, or deprived of liberty except by specified procedures, and most government agencies generally observed these prohibitions. The General Intelligence Agency (GIA), however, on occasion detained suspects for questioning without charge.

Role of the Police and Security Apparatus

The NPA and the General Authority for Border Protection, which operate under the Ministry of Justice, are principally responsible for internal security. The GIA, whose civilian head reports to the prime minister, assists the aforementioned forces with internal security as well as foreign intelligence collection and operations.

The armed forces, which report to the Ministry of Defense, are responsible for national defense but also assist internal security forces in providing domestic emergency assistance and disaster relief.

Civilian authorities generally maintained control over both internal and external security forces, but mechanisms to investigate allegations of police abuses remained inadequate. Instances of police abuse of undetained suspects were reported. Through September the NPA reported seven complaints of physical attacks by police against citizens that resulted in criminal cases. In such cases the officer was released from duty when charges were filed. As of September, no cases had been resolved.

Arrest Procedures and Treatment of Detainees

An evidence-based, prosecutor-approved warrant is generally required to arrest a suspect on criminal grounds. Within 72 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 24 hours of an arrest. A "pressing circumstances" exception in the law allows police to arrest suspects without a warrant. Examples of exceptions include finding a suspect at a crime, hot pursuit of a fleeing suspect, reasonable suspicion of involvement in a grave crime, and unavailability of a judge. 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.

Although the law clearly defines the grounds on which police may detain a suspect, the grounds for release are not clear; according to the NHRC, this sometimes resulted in long-term, legally permitted detentions of up to 30 months.

The NHRC reported that investigative agencies occasionally detained suspects without judicial authorization and sometimes secretly when conducting investigations and that police tended to detain such suspects despite the availability of other methods of restraint, including bail (with the approval of a prosecutor), another person's personal guarantee, a signed note in which the suspect pledges not to depart, and military surveillance. The personal guarantee system allows relatives to vouch for an accused family member (unlike bail, the system does not involve pledged security in exchange for release). This system is available for all

types of crimes, although it was usually applied to those accused of less serious offenses.

Despite these problems, authorities generally charged and informed detainees of the charges promptly, and informed them of their right to counsel. Maximum pretrial detention with a court order is 24 months, with an additional six months allowed for particularly serious charges such as murder. Detainees generally had prompt access to family members, although repeated transfers or detention in remote locations could undercut 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 suffers from a physical or mental disability that would hinder self-defense, is a minor, does not have command of the Mongolian language, may be subject to the death penalty, or has a conflict of interest with existing defense counsel or other defendants. Indigent status is not a factor. Detainees were reportedly more aware of their right to legal counsel than in the past, but misperceptions limited their use of this right. For example, detainees were frequently unaware that they were able to exercise this right from the start of the legal process and frequently did not assert it unless and until their cases reached trial. In addition, in some cases repeated transfers or detention in remote locations made access to legal counsel difficult.

Arbitrary Arrest: GIA agents arrested B. Bulgan, the widow of slain democracy leader S. Zorig, in November 2015 on suspicion of involvement in her husband's 1998 murder and briefly held her incommunicado at an undisclosed location before transferring her to the Tuv Province detention center, where she was reportedly kept in solitary confinement. During her detention, authorities responded to multiple inquiries from government, press, and other organizations by claiming that her case involved "national security" details requiring non-standard detention procedures. Authorities never charged Bulgan, yet only released her in September. Three other suspects in the Zorig case remained in prison or pretrial detention as of November, again without being notified of the charges against them.

Pretrial Detention: The UN Committee against Torture expressed concern in an August statement at reports of widespread use of pretrial detention, including beyond legal limits. The committee expressed concern at reports indicating that more than 12 percent of arrested persons were detained for more than 12 months, and 3 percent were detained for more than 30 months.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The law provides persons who have been arrested or detained the ability to challenge in court the legal basis or arbitrary nature of their detention. Persons may pursue compensation and damages, if found to have been unlawfully detained.

e. Denial of Fair Public Trial

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

Trial Procedures

Defendants are presumed innocent and have the right to be informed of the charges against them (with interpretation as necessary, including sign language interpretation, provided for free unless a court decides to recover procedural expenses from a defendant found guilty). The law also extends to all defendants the right to a fair, public trial without undue delay; to be present at their 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 to prepare a defense; to have access to government-held evidence; to confront witnesses; to present one's own witnesses and evidence; to not be compelled to testify or confess guilt; and to appeal. NGOs and observers reported that authorities observed these rights imperfectly and bribery of judges, prosecutors, and expert witnesses sometimes contributed to unwarranted convictions, dismissals, or reductions of sentences.

Procedural due process errors and inconsistencies often plagued trials. Although the number of government-provided defense lawyers was adequate, their quality and experience were uneven, so that many defendants lacked adequate legal representation. Judges often relied on confessions with little corroborating evidence. Additionally, NGOs reported witness intimidation by government authorities and law enforcement officers, limited public access to trials (often due to lack of space), and an overall lack of transparency in courts' decision-making processes.

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. Corruption, outside influence, and lack of enforcement of court orders were problems in the civil judicial system.

Property Restitution

While no such cases occurred as of September, in the past semi-nomadic herders reported that some private and government-owned mining interests interfered with their access to traditional pasturelands. Because the herders lacked documentation, they were at a disadvantage when seeking compensation. Some mining companies provided voluntary resettlement and financial compensation.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, although the government imposed some content restrictions, and journalists practiced self-censorship on occasion.

Censorship or Content Restrictions: Communications Regulatory Commission (CRC) regulations on digital content and television and radio service impose content restrictions in broad terms with limited definition of restricted content. The government appoints members of the CRC, which grants television and radio broadcast licenses without public consultation. This, along with a lack of transparency during the license-tendering process, inhibited fair competition in accessing broadcast frequencies and benefited those with political connections.

Press representatives stated that they at times practiced self-censorship to avoid government or political party harassment.

Libel/Slander Laws: Press representatives often faced libel complaints by government authorities and private persons or organizations. The law places the burden of proof on the defendant in libel and slander cases, and both defamation and insult are criminal offenses. By law “spreading libel to the public by means of mass media” is punishable by a fine of up to 150 times the minimum wage or six months’ imprisonment. The revised May 2016 election law imposes further limits during campaign periods, stating that “defamation and dissemination of false information through press and social media” could result in a six-month suspension of a media organization’s license.

Internet Freedom

By law individuals and groups may engage in the peaceful expression of views on the internet. The government, however, restricted internet content in some cases. It maintained a (formerly public) list of blocked websites and added sites to the list for alleged violations of relevant laws and regulations, including those relating to intellectual property.

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

Beyond CRC regulations, there were also cases of apparent government interference with online expression on websites or by internet users who had posted stories or opinions that criticized or reflected negatively on government officials or electoral candidates. On June 14, for instance, the CRC, acting on a recommendation by the Authority for Fair Competition and Consumer Protection (AFCCP), blocked access to 11 websites for alleged defamation of a parliamentary candidate. Two days later, after consultation with website representatives, the AFCCP withdrew its recommendation, and the CRC unblocked the websites.

Internet access was widely available to the country’s urban population and increasingly available in rural areas.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right. The Ulaanbaatar city government, however, banned public entertainment and sporting events from June 28-30, immediately before and after the parliamentary elections, for the stated purpose of preserving public order. The city government also prohibited civil society organizations, political parties, and individuals from organizing demonstrations and protests on Ulaanbaatar's central square and in other public areas from July 1-17 to ensure public order and foreign guests' safety during the July 11-13 Naadam festival and the July 15-16 Asia-Europe Meeting Summit.

Freedom of Association

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

c. Freedom of Religion

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

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: The law allows immigration officials, courts, the General Executive Agency for Court Decisions (GEACD), and several other entities to ask that departure from the country be prevented for a variety of reasons, including

civil disputes, pending criminal investigations, and immigration violations, although only the Prosecutor General's Office can impose an exit ban. 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. Authorities do not allow individuals under exit bans to leave until the disputes leading to the bans are resolved administratively or by court decision, and bans may remain in place for years.

Protection of Refugees

Access to Asylum: The constitution provides for granting asylum, but the law does not provide for granting refugee status. The government has established an informal system for providing limited protections to foreign nationals resident in the country while UNHCR adjudicates their refugee claims. A 2010 law establishes deportation criteria and permits the Agency for Foreign Citizens and Naturalization (the country's immigration agency) to deport asylum seekers.

Employment: The law does not afford a specific legal status to refugees and asylum seekers; by default, therefore, they were usually treated as irregular migrants and were not issued work permits.

Access to Basic Services: Because the law does not provide for refugee status, would-be refugees generally did not have government-provided access to 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: The most recent national elections were 2016 parliamentary elections and the 2013 presidential election. An Organization for Security and Cooperation in Europe (OSCE) election observer mission assessed voting positively, although the secrecy of the vote was not always ensured. The missions concluded that the elections were characterized by competitive campaigns conducted in an environment that respected fundamental freedoms, although restrictive media-related provisions limited information available to voters. The

OSCE noted that the May 2016 change from a mixed electoral system to a solely majoritarian one resulted in profound population differences among constituencies in the parliamentary elections, which is inconsistent with the principle of equality of the vote. The OSCE further noted that the elimination of out-of-country voting prior to the parliamentary elections effectively disenfranchised 150,000 citizens living abroad.

Participation of Women and Minorities: No laws limit the participation of women or minorities in government and politics. Cultural practices, such as holding property in a husband's name, at times affected women's ability to obtain loans needed to finance electoral campaigns (see section 6).

Section 4. Corruption and Lack of Transparency in Government

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. Private enterprises reported cases in which government employees pressured them to pay bribes to act on applications, obtain permits, and complete registrations.

Members of parliament are immune from prosecution during their tenures. 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 Independent Authority against Corruption (IAAC) is the principal agency responsible for investigating corruption cases, assisted at times by the NPA's Organized Crime Division. Although questions about the IAAC's political impartiality persisted, the public viewed the agency as effective. The IAAC increased its public awareness and prevention efforts, distributing educational materials for children and conducting outreach trips to the provinces.

Financial Disclosure: The law requires civil servants to report holdings and outside sources of income for themselves and 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 ensure that officials act in the public interest. 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 and annually during their terms of public service. The 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. The IAAC is required to review the asset declarations of public servants, including police officers and members of the military. Violators may receive formal warnings, face salary reductions, or be dismissed from their positions. In April, seven Ulaanbaatar Railway workers were demoted for failing to file their personal and family income statements and other financial irregularities.

Officials with authority to spend government funds are required to report expenditures on their ministry and agency websites and report audit results. All transactions above one million tugriks (MNT) (\$486) 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.

Public Access to Information: The law obliges public institutions to make information on their activities, budgets and finances, human resources, and procurement available to the public and provides for the right of citizens to access this information. Observers noted, however, that a list of exceptions provides broad grounds for non-disclosure. NGOs reported that authorities denied disclosures during the year on privacy grounds. They also said that publicly available information usually was not presented in a user-friendly format. An appeal mechanism exists to review disclosure denials.

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 views.

Government Human Rights Bodies: The NHRC is responsible for monitoring human rights abuses, initiating and reviewing policy changes, and coordinating with human rights NGOs. The NHRC consists of three senior civil servants nominated by the president, the Supreme Court, and parliament for six-year terms, and is funded by parliament. Officials reported that the government 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 consistently supported politically contentious human rights issues, such as LGBTI rights.

There was considerable collaboration between the government and civil society in discussing human rights problems. NGOs and international organizations noted that government officials had become much more open to including NGOs in the legal drafting process and in the preparation of official reports on social and human rights problems.

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

Women

Rape and Domestic Violence: The criminal code outlaws sexual intercourse through physical violence (or threat of violence) and provides for sentences of 15 to 25 years' imprisonment or death, depending on the circumstances. (Although the death penalty exists in the criminal code, it has been abolished in practice.) No law prohibits spousal rape, which authorities do not commonly recognize or prosecute.

NGOs noted that many rapes were not reported and stated that cultural norms, as well as stressful police and judicial procedures, tended to discourage reporting.

Domestic violence remained a serious and widespread problem. In the first seven months of the year, the NGO National Center against Violence (NCAV) registered 1,130 reports of domestic violence, including 695 injuries and six deaths. In approximately the same period, NCAV provided services, including shelter, to more than 840 persons. The Ulaanbaatar Metropolitan Police Department's Prevention of Domestic Violence and Crimes against Children Division reported a 27.4 percent increase in domestic violence crimes in the first seven months of 2016 compared to the same period in 2015. NCAV attributed the increase to greater public awareness and worsening economic conditions. NCAV also reported an increase in the number of police officers requesting information and a drop in

complaints that police had refused to respond to domestic violence calls, which it also attributed to growing government and public awareness of the problem. NCAV stated that the introduction of specialized units had increased police engagement on the issue and commitment to follow cases to completion. Combating domestic violence is included in the accredited training curriculum of the Law Enforcement Academy and in all police officers' position descriptions. Observers credited vigorous campaigning by NGOs and government entities with bringing domestic violence into the public discourse and elevating government efforts to combat it.

Because there are no specific criminal law provisions on domestic violence, prosecutors pursue criminal charges under other provisions of the criminal code (such as assault, battery, infliction of injury, disorderly conduct, and hooliganism). Civil law provides a measure of protection for victims of domestic abuse, including through restraining orders, but a number of procedural and other barriers make these difficult to obtain and enforce. The law requires police who receive reports of domestic violence 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. Domestic violence cannot be reported anonymously, which may dissuade individuals from reporting it.

Authorities sometimes detained alleged perpetrators of domestic violence on administrative rather than criminal charges. Those detained under administrative charges were typically fined MNT 15,000 (\$7) and released after a maximum detention of 72 hours. The determination of whether to charge alleged perpetrators with administrative or criminal offenses depended on the severity of physical injury inflicted on the victim.

According to NCAV, there were seven shelters (two in Ulaanbaatar) and six one-stop service centers (three in Ulaanbaatar) run by a variety of NGOs, local government agencies, and hospitals. The Ulaanbaatar Metropolitan Police Department's Prevention of Domestic Violence and Crimes against Children Division included a police-run shelter for victims of domestic violence. The shelter staff received Ministry of Justice-funded training from NCAV staff during the year.

The one-stop service centers, located primarily at hospitals, provided emergency shelter to victims for up to 72 hours. Victims in need of longer-term accommodations were transferred to shelters. The small number of shelters, particularly in rural areas, presented a challenge for domestic violence victims seeking assistance. NCAV reported that only the police-run shelter received direct government funding in 2015 or 2016. The government continued to direct victims to NCAV and other NGOs.

Sexual Harassment: 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 (see section 7.d.). Although the law provides that victims of sexual harassment may file complaints with the NHRC, such complaints were rare; however, the NHRC reported a slight increase in complaints compared to previous years. NGOs stated 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. The NHRC reported poor knowledge of the law's sexual harassment provisions among both employers and employees.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, and violence. A local NGO that supports teenage mothers reported that social stigma and poor knowledge of reproductive health impeded young women's access to prenatal care. Reproductive health information was widely available, although it was rarely available in a format accessible to persons with disabilities. According to the Mongolian National Federation of Wheelchair Users, it was virtually impossible for women in wheelchairs to go to the hospital for prenatal checks, both because of a lack of physical access and negative attitudes.

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 (see section 7.d.).

The law sets mandatory quotas for the inclusion of women in the government and political parties. It also outlaws discrimination on the basis of sex, appearance, or age.

Divorced women secured alimony payments under the family law, which details rights and responsibilities regarding alimony and parenting. The former husband and wife evenly divide property and assets acquired during their marriage. In most cases, the divorced wife retained custody of any children; divorced husbands often failed to pay child support and did so without penalty. Women's activists said that because family businesses were usually registered under the husband's name, ownership continued to be transferred automatically to the former husband in divorce cases.

No separate government agency oversees women's rights, but the Working Group on Gender Equality under 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. In parliament a Standing Committee on Social Policy, Education, Culture, 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 residents of 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 government's Family, Child, and Youth Development Authority (FCYDA) and various NGOs. A 2015 study by the Capital Child and Family Development Center estimated that one in 10 children between the ages of 11 and 17 was sexually abused. The NHRC reported that domestic violence against children often was unreported because children were either afraid or unable to report to relevant authorities. The FCYDA and the Ulaanbaatar Metropolitan Police Department reported that they received increased reports of both domestic violence and sexual abuse of children, which they attributed to growing public awareness of the problems and an FCYDA-maintained child hotline, which received reports of child abuse and referred them to the police or relevant agency.

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, often committed under the influence of alcohol. Police officials stated that children of

abusive parents were sent to shelters, but some observers indicated that many youths were returned to abusive parents.

In addition to four officers in the Ulaanbaatar Metropolitan Police Department's Prevention of Domestic Violence and Crimes against Children Division and two officers assigned to the NPA, each province and Ulaanbaatar's 17 district police offices had a specialized police officer appointed to investigate crimes against, or committed by, juveniles. In central districts of Ulaanbaatar, local patrol officers had day-to-day responsibility for juvenile problems.

Early and Forced Marriage: The legal minimum age for marriage is 18, with court-approved exceptions for minors aged 16-18 who also obtain the consent of parents or guardians. 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 in which 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 (defined as sexual intercourse with a person under 16 not involving physical violence or the threat of violence) 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 relatively common. There was no specialized agency responsible for child pornography or sex advertisements on the internet. Although police took steps to improve their capacity to investigate crimes on the internet, including establishing a cybercrime division that handles pornography, sexual extortion, and the sexual exploitation of children, their technical expertise remained limited.

Institutionalized Children: According to the Ministry of Education, Culture, Science, and Sports (MECSS), 40,000 to 50,000 children lived in 500-plus boarding schools away from their parents for most of the year. These schools are located primarily in provincial centers to serve students whose families are nomadic or live in rural areas. Some schools housed children in overcrowded dormitories, and many did not have adequate medical facilities. Government officials, NGOs, and international organizations expressed concerns about child abuse in the dormitories and building safety. MECSS provided information about the FCYDA child hotline to parents of children and to teachers in boarding

schools. The FCYDA required all boarding schools to develop child protection policies by the end of 2016.

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 travel.state.gov/content/childabduction/en/legal/compliance.html.

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/rls/tiprpt/.

Persons with Disabilities

The law defines disabilities as restrictions due to permanent impairment of the body or intellectual, mental, or sensory capacities. Legal prohibitions against discrimination in employment against persons with disabilities are limited (see section 7.d.).

There is no explicit prohibition of discrimination in education; the law charges the government with creating conditions to ensure students with disabilities receive an education. Students with disabilities are by law allowed to attend mainstream schools, although there are also specialized schools in Ulaanbaatar. Nevertheless, children with disabilities faced significant barriers to education. The UN Development Program reported in June that only 66 percent of school-age people with disabilities were enrolled in school. According to NGOs, there was no common understanding of what constituted a disability, and partly as a result, schools frequently failed to identify mental and developmental disabilities. Schools lacked teachers trained to work with children with disabilities, especially, parents' organizations noted, autism or Down syndrome. Further, the NHRC reported inadequate textbooks and other training materials; some teachers used lower-level textbooks designed for mainstream schools or developed their own materials. The NHRC stated that most mainstream schools did not have appropriate facilities (including school buses) to make them accessible to children

with disabilities, and reported that the government allocated insufficient resources for renovations.

Although the law mandates standards for physical access by persons with disabilities to newly constructed public buildings, most new buildings were not constructed in compliance with the law. The law also requires that at least 10 percent of the fleets of transport firms with more than 20 vehicles be accessible, to include accommodations for the blind and deaf. Despite some improvements in past years, public transport remained largely inaccessible to persons with disabilities. Open manholes, protruding obstacles, and crosswalks unheeded by motorists also prevented many persons with disabilities from moving freely.

Persons with visual and hearing disabilities had difficulty remaining informed about public affairs due to a lack of accessible broadcast media. Such persons also faced barriers to accessing emergency services, since service providers lacked trained personnel and appropriate technologies to reach these populations. The country's domestic violence shelters were not accessible to persons with disabilities.

Unlike in the 2013 presidential election, ballots in Braille were readily available in the 2016 parliamentary elections.

The Department for the Development of Persons with Disabilities within the Ministry of Labor and Social Protection is responsible for developing and implementing policies and projects for persons with disabilities. The government devoted increased attention to the needs of persons with disabilities, including by adopting a revised law in February on the rights of persons with disabilities that prohibits discrimination, provides for the appointment of a presidential advisor on disabilities issues, and allocates three billion MNT (\$1.46 million) annually in small grants and vocational training for persons with disabilities. Nonetheless, enforcement of legal protections and provision of benefits remained weak.

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 a distribution system.

National/Racial/Ethnic Minorities

Ultra-nationalist groups, although less active than in the recent past, continued to commit isolated acts of violence, most often targeted at Chinese nationals.

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

There is no law prohibiting discrimination on the basis of sexual orientation or gender identity. Consensual same-sex sexual conduct is not proscribed by law, but Amnesty International and the International Lesbian and Gay Association criticized a section of the penal code that refers to “immoral gratification of sexual desires,” arguing that it could be used against persons engaging in same-sex sexual conduct. The 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 applied for new identity cards under this provision.

NGOs continued to report that LGBTI individuals faced violence and discrimination both in public and at home based on their sexual orientation or gender identity. The LGBT Center received a number of reports of domestic violence against LGBTI individuals, most involving young LGBTI persons who either came out to their families or were discovered by their families to be LGBTI. Members of the LGBTI community also continued to express fear of ultranationalists, who in the past targeted LGBTI persons.

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 LGBTI persons, sometimes revealing their names and addresses in internet comments.

LGBTI persons reported harassment and surveillance by police. Despite training in recent years for police and investigators on how to handle cases involving LGBTI rights, victims reported harassment by officers responding to initial complaints of alleged crimes. NGOs reported difficulties estimating the extent of crimes committed against LGBTI 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 exist to aid in the investigation, prosecution, or sentencing of bias-motivated crimes against the LGBTI 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 LGBTI persons. LGBTI persons reported fear of perpetrators acting with impunity against them in cases in which they filed charges against their attackers, and observers cited lack of confidence in law enforcement officials as a reason for underreporting.

There were reports that discrimination in employment was also a problem (see section 7.d.).

NGOs working for the rights of LGBTI individuals organized the country's fourth year of pride activities. In contrast to the previous year, the Ulaanbaatar metropolitan and Sukhbaatar district governor's offices allowed LGBTI individuals to assemble freely for the activities.

HIV and AIDS Social Stigma

Although there was no official discrimination against those with HIV/AIDS, some societal discrimination existed. The NHRC and other observers reported 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. Additionally, the Joint UN Program on HIV and AIDS reported that all women with HIV/AIDS must deliver children at the National Center for Communicable Diseases in Ulaanbaatar. The women bore the cost themselves, and there was no newborn care at the center. The public continued largely to associate HIV/AIDS with same-sex sexual activity, burdening victims with the attendant social stigma and potential employment discrimination. The fact that two-thirds of HIV cases detected involved gay men reinforced this stigma.

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 most workers to participate in union activities without discrimination, conduct strikes, and bargain collectively and requires reinstatement of workers fired for union activity. The International Labor Organization (ILO) stated that migrant workers do not appear to be able to form unions or bargain collectively.

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

Laws providing for the rights of collective bargaining and freedom of association generally were enforced. Penalties for violations of freedom of association or collective bargaining provisions included fines up to MNT 200,000 (\$97), and were not sufficient to deter violations. The tripartite Labor Dispute Settlement Committee resolved the majority of disputes between individual workers and management. Cases that could not be resolved at the committee were referred to the courts. The Confederation of Mongolian Trade Unions (CMTU) reported that this process was so lengthy that many workers abandoned their cases due to time and expense.

The CMTU stated that some employees faced obstacles to forming or joining unions or were prohibited from participating in union activities during working hours. The CMTU also said workers terminated for union activity were not always reinstated. The CMTU further reported that some employers took steps to weaken existing unions. For example, some companies used the portion of employees' salaries deducted for union dues for other purposes and did not forward the monies to the unions. Despite a Supreme Court ruling that required government organizations to forward collected union dues, Ulaanbaatar, Khovd, and other provinces had not taken action to reinitiate the collection and forwarding of union dues as of August, according to the CMTU. The CMTU also 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 law does not define penalties for forced labor. NGOs and government officials noted that the low number of inspectors, insufficient funding, low public awareness, and a lack of definite penalties limited effective enforcement of the law. The Ministry of Justice provided training on how to identify labor exploitation to the General Agency for Specialized Inspection (GASI, the country's main inspection authority) inspection officers in all provinces.

There were isolated reports that forced labor occurred, including forced child labor. There were reports that North Korean and Chinese workers were vulnerable to forced labor in the construction, production, agriculture, forestry, fishing, hunting, wholesale and retail trade, automobile maintenance, and mining industries. Press reports suggested and government officials confirmed that a large proportion of wages due to laborers from the Democratic People's Republic of Korea (DPRK) were paid to the DPRK government, and workers' freedom of movement was limited by requirements that they travel in the company of a DPRK supervisor (see section 7.e.).

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children under age 14 from working. By law at 14 children may work up to 30 hours per week, with parental and government permission, to acquire vocational training and work experience. At 15 children may conclude an employment contract with permission from parents or guardians, and at 16 children may enter an employment contract independently. According to a Ministry of Labor and Social Protection order, children under 18 may not work in hazardous occupations such as mining and construction; engage in arduous work; serve as child jockeys during the winter, from November 1 to May 1 (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. The maximum number of hours in the workweek for children ages 16 and 17 is 36 hours.

Authorities reported employers often did not follow the law, requiring minors to work in excess of 40 hours per week and paying them less than the minimum wage. The ILO continued to note that the minimum age for employment is less than the minimum age for completing compulsory education and continued to urge the government to align the two limits.

Illegally forcing a child to work carries a fine ranging from 51 to 250 times the minimum wage 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, up to 250 hours of forced labor, or up to five years' imprisonment. There were no government prosecutions or convictions of forced child labor during the year.

The Ministry of Labor and Social Protection and the FCYDA distributed MNT 160 million (\$77,750) to local governments for programs to prevent child labor, draw children away from working, and support employment of adult family members. The FCYDA, with foreign support, provided training in six provinces on child labor, including site visits to artisanal mining locations. The FCYDA reported that the sites were “child free” but expressed frustration that this was likely due to a legal provision requiring two days’ advance notice for any visit or inspection. The government maintained some data on the number of children under age 18 who were engaged in the worst forms of child labor but did not provide data on the number of children removed from such work.

Child labor, including isolated cases of forced child labor, occurred in informal artisanal mining, forced begging, agriculture, hotels and restaurants, industry, petty trade, scavenging, event or street contortionism (a Mongolian art form), and the illicit sex trade (see section 6, “Children”). 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. GASI reported no child deaths or injuries in an industrial accident during the first half of the year.

International organizations continued to voice concern about 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 Naadam festival, where races range from two to nearly 20 miles. Despite a ban on racing with child jockeys in winter, winter races reportedly continued. Regulations require adequate headwear and chest protection, but despite greater government and public attention to safety, enforcement was inconsistent. Observers reported good compliance with safety regulations at national races but less compliance at community and regional events. The FCYDA maintained a database to register all jockeys who participate in officially sanctioned national and local races. According to the Ministry of Labor and Social Protection, 176 falls, 10 severe injuries, and one death were recorded in these races as of September.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment and occupation on the basis of nationality, race, sex or marital status, social origin or status, wealth, religion, or ideology. 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/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 law contains no language prohibiting discrimination on the basis of sexual orientation or gender identity, age, or language.

The government enforced the law in a limited manner, and discrimination in employment and occupation based on sex and disability, as well as on sexual orientation, gender identity, and HIV status, occurred. The NHRC found that men were more likely than women to be promoted or to be given professional development opportunities. Penalties for violations included fines up to MNT 100,000 (\$49) and were not generally sufficient to deter violations.

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 of between 30 and 50 percent of the monthly minimum wage, NGOs reported that reluctance to hire persisted, and many companies preferred to pay the fine. They also said that the government itself did not meet the 4 percent quota. In May the State Social Welfare Office estimated that less than 20 percent of persons with disabilities were employed. 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”).

NGOs, the NHRC, and members of the LGBTI community reported that companies rarely hired LGBTI individuals 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. The government did not take any steps to address discrimination against LGBTI persons in the workplace.

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 minimum wage was MNT 192,000 (\$93) per month and applied to both public- and private-sector workers. According to the CMTU, the minimum wage did not provide an adequate standard of living. Significant inflation exacerbated the problem. The Ministry of Labor and Social Protection, in consultation with trade union representatives and employers, resets the minimum wage every two years.

The standard legal workweek is 40 hours, with a minimum rest period of 48 hours between workweeks. By law overtime work is compensated at double the standard hourly rate for a public holiday, at 1.5 times the standard hourly rate for weekends and extra hours, or by paid time off equal to the number of hours of overtime worked. The CMTU reported that public officers do not get overtime pay in most cases. The law prohibits pregnant women and nursing mothers 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, which apply equally to local and foreign workers, although Ministry of Labor and Social Protection officials stated that 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. Enforcement of laws governing minimum wage, working hours, and occupational safety and health was, however, 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. GASI employed 63 inspectors focused on labor safety and 32 focused on hygiene issues.

GASI acknowledged that fines imposed on companies for not complying with labor standards or for concealing accidents were insufficient to induce management to resolve problems. The law requires at least two days' advance notice for any inspections, which, according to the NHRC, allows time for violations to be concealed. Moreover, employees responsible for labor safety and

health were often inexperienced or had not received training. The only authorized training centers were located in Ulaanbaatar.

While the government does not provide pensions or other protections for workers in the informal economy, such 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. The CMTU also expressed concern that workers in the construction sector, in which work is constrained to a few months because of the extreme winters, were sometimes pressured to work long hours, increasing the risk of accidents and injuries.

The CMTU continued to raise concerns about the number of foreigners employed at the Oyu Tolgoi and Tavan Tolgoi mines, seeking to ensure that citizen labor predominated. While employers argued that the local pool of skilled and semiskilled labor was inadequate, the CMTU countered that skilled workers were available but underutilized. Labor representatives also stated that foreign workers received salaries many times higher than equally qualified citizens doing the same jobs. Discussions between employers, the government, and the CMTU on this issue continued during the year.

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 health and safety conditions for foreign workers but did not have the authority to monitor wages or inspect living conditions. Companies with strong safety policies ensured compliance with safety standards for both local and foreign workers; companies with poor safety policies had numerous accidents that affected both foreign and local workers.

The status of the estimated 1,775 workers from the DPRK was not fully known; secrecy surrounded their contractual agreements, labor rights, and compensation. NGOs reported that the government assumed little jurisdiction over DPRK workers' contracts, relying on agreements with the DPRK government and the actions of mediator companies. These workers were employed in many sectors, especially during the summer, reportedly in harsh working and living conditions. Observers and government officials stated that DPRK laborers likely failed to receive the minimum wage, often worked in substandard conditions, and had much of their wages paid directly to the DPRK government.

Reliance on outmoded machinery, poor maintenance, and management errors led to frequent industrial accidents, particularly in the construction, mining, and power sectors. According to the NHRC, lack of proper labor protection and safety procedures in the construction sector made it particularly susceptible to accidents. According to GASI, large multinational projects, such as those at Tavan Tolgoi and Oyu Tolgoi, were better at ensuring safety. The CMTU stated that workers' awareness of their right to refuse to work in unsafe conditions was limited. The CMTU also reported that government agencies and enterprises often failed to comply with regulations requiring them to allocate budget resources to workplace safety.

During the year GASI provided safety training to companies and private enterprises. According to GASI, the training resulted in a decrease in the number of industrial accidents in sectors such as light industry, food, health, and education, in which accidents frequently occurred in the past.