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Mongolia

Country Reports on Human Rights Practices - [2005](#)

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Mongolia, with a population of approximately 2.8 million, continued its transition from a highly centralized, Communist-led state to a full-fledged, multiparty, parliamentary democracy; however, these gains have not yet been consolidated. The 1992 Constitution established a hybrid presidential-parliamentary system of government. The demarcation of powers between the president and the prime minister has been the subject of several constitutional amendments and court challenges. A new president was elected in May, and observers noted minor irregularities in the election. Members of the national parliament are elected directly by voters for a four-year term. A 76-member parliament was chosen in June 2004, in elections that were marred by violations and irregularities. Parliament (the State Great Hural), with the agreement of the president, selects the prime minister, who is nominated by the majority party. There is no requirement that the prime minister be an elected member of parliament. A coalition government was formed in October 2004 after parliamentary elections gave no party a majority. The coalition government remained largely intact and stable during the year. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, the following human rights problems were noted:

- police abuse of prisoners and detainees, including at least one suspicious death due to violence in a pretrial detention center
- poor conditions at prisons and pretrial detention centers
- arbitrary arrests, lengthy detention, and corruption within the judicial system
- possible government intimidation of the media, resulting in self-censorship by the press
- domestic violence against women
- child abuse and child labor
- several reported cases of international trafficking of persons, and some domestic cases of child prostitution

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

In June a 36 year-old man died eight days after being released from the Ulaanbaatar pre-trial detention facility. The family alleged he was beaten by police during his three day detention; police said that he was beaten by fellow inmates. The case is under investigation by the State Investigation Department and the National Human Rights Commission.

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 and reports of such actions have diminished; however, police (especially in rural areas) occasionally beat prisoners and detainees, and the use of unnecessary force in the arrest process was common. In June at the invitation of the government, the UN Special Rapporteur on Torture conducted a fact-finding visit. At the end of his visit, he publicly expressed concern about the persistence of incidents of torture, particularly in police stations and pretrial detention facilities. The Special Rapporteur noted favorably recent efforts by authorities to combat the problem, but said the lack of an adequate legal framework to investigate and punish torture creates a climate of impunity. In 2004 the prison administration completed the installation of television monitoring systems in all 22 prisons, which contributed to a significant decline in prison guard abuse of prisoners and detainees. While the prison administration stated that there were no cases of abuse during the year, there was at least one suspicious death which was under investigation (see section 1.a.).

Prison and Detention Center Conditions

In general, conditions in pretrial detention and prison facilities were poor by international standards. Insufficient food, heat, and medical care threatened the health and life of inmates. Overcrowding continued to be a problem. The number of prisoners in the central detention facility in Ulaanbaatar, which had declined to 461 inmates in 2004, increased to 866, the level of previous years. Prison staff members, including guards, social workers, and medical staff, received human rights training. The Ministry of Justice and Home Affairs (MOJHA) Department for the Enforcement of Court Decisions monitored conditions in prisons and detention facilities, but new laws and procedures were not publicized widely.

Many inmates entered prison infected with tuberculosis or contracted it in prison. The government's tuberculosis hospital provided treatment for a large number of prisoners and generally isolated infected persons from the general prison population. As a result, the number of inmates who died from the disease has declined significantly over the years.

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

Improvements in detention and prison conditions outside the capital were minimal. However, families had better access to inmates, alleviating some of the difficulty in obtaining food and clothing. At least two domestic and six foreign NGOs worked to improve conditions in prisons and detention centers by providing clothing, food, books, English-language instruction, and vocational training in computers and trades.

The government permitted prison visits by human rights monitors, foreign diplomats, and journalists. Amnesty International, the UN Development Program's (UNDP) human rights monitor, diplomatic representatives, local journalists, and other observers visited detention centers and prisons. However, the government declined a request by the UN Special Rapporteur on Torture to visit two pretrial detention facilities.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

Security forces are under the jurisdiction of the Ministry of Defense (MOD), MOJHA, and the General Intelligence Agency (GIA). Military forces under the MOD are responsible for external security, but civil defense is also subordinate to the MOD, giving the MOD a role in internal security. National police operate under the MOJHA, and during peacetime, the national border security guard force is also under MOJHA control. The GIA, formerly the State Security Agency, is responsible for both internal security and foreign intelligence collection and operations. The GIA's civilian head has ministerial status and reports directly to the prime minister. There was general agreement that corruption in law enforcement agencies was endemic, although the government did take some limited steps against the problem. While there were some efforts by the government to improve training and professionalism of the police, progress was slow. Laws and mechanisms to investigate police abuses were also inadequate. The UN Special Rapporteur on Torture said in June that police who abused detainees operated in a climate of impunity (see section 1.c.).

Arrest and Detention

Police may arrest persons suspected of a crime and hold them for up to 72 hours before a decision is made to prosecute or release them. Under the criminal code, a court order must be requested to continue holding a suspect after 24 hours. If a court order is not granted within 72 hours, the suspect must be released. A detainee has the right to a defense attorney during this period and during all subsequent stages of the legal process. If a defendant cannot afford a private attorney, the government must appoint an attorney. However, in practice, many detainees were not made aware of this right and did not assert it. There was a shortage of state attorneys, and the low quality of attorney training and the bureaucratic obstacles faced by attorneys and defendants were chronic problems. Detainees may be released on bail with approval of a prosecutor. The maximum pretrial detention with a court order is 24 months; an additional 6 months are allowed for particularly serious crimes such as murder. According to an administrative regulation, if a person is wrongly charged with a crime, the government must restore the person's rights and reputation and provide compensation; however, this regulation was rarely followed in practice.

In August 2003 GIA and police officers forcibly abducted a Mongolian citizen from France and returned him to Ulaanbaatar for questioning in connection with the 1998 killing of former Minister of Infrastructure Sanjaasuren Zorig. The officers acted without the knowledge, consent, or cooperation of the French Government or law enforcement authorities, or with the knowledge, consent, or cooperation of authorities in Belgium and Germany, through which they transited. The government subsequently stated that the person was returned pursuant to a court order to serve the remaining time on a fraud conviction. The court order appeared to have been issued after the abduction took place. At year's end the person was in prison serving the remainder of an 11-year sentence for fraud.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice; however, corruption and outside influence were problems.

The judiciary consists of district, provincial, and separate constitutional and supreme courts. The 11-member Supreme Court is the court of final appeal, hearing appeals from lower courts and cases involving alleged misconduct by high-level officials. District courts primarily hear

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

Trial Procedures

According to law, all accused persons have the right to due process, legal defense, and a public trial. Closed proceedings are permitted in cases involving state secrets, rape cases involving minors, and other cases as provided by law. The law provides that defendants are innocent until proven guilty; however, in practice this provision was rarely observed. Defendants may question witnesses and appeal decisions.

Political Prisoners

Prison procedures allow parole for those who have served half of their sentences, and in August these procedures led to the release of L. Sanjaasuren. In November 2004 Sanjaasuren was sentenced to 18 months imprisonment for revealing state secrets during his defense of a Mongolian citizen abducted by authorities from France (see section 1.d.). Amnesty International had classified Sanjaasuren as a prisoner of conscience. There were no other reports of political prisoners.

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

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom. However, government interference with licensing and indirect intimidation of the press, particularly in broadcast media, remained a concern.

A variety of newspapers and other publications represented both major political party and independent viewpoints. Due to transportation difficulties, unreliable postal service, and fluctuations in the amount of newsprint available, not all publications were available in rural areas. The media law bans censorship of public information and any legislation that would limit the freedom to publish and broadcast. The government monitored all media for compliance with antiviolenence, anti-pornography, anti-alcohol, and tax laws. While there was no direct government censorship, the press alleged indirect censorship in the form of government and political party harassment, such as frequent libel lawsuits and tax audits. The law places the burden of proof on the defendant in libel and slander cases. In past years, some officials used criminal libel suits to harass political opponents and journalists who expressed or published views critical of the government. However, no such incidents occurred during the year. Journalists may also be subjected to threats and physical intimidation. In December a television journalist was assaulted by unknown assailants; the journalist linked the incident to his investigation of corruption allegations in a government agency. In late November, the General Intelligence Agency (GIA) sent official letters to two independent television stations asserting that news coverage of recent demonstrations had allegedly incited additional criminal acts, and the broadcasts were therefore illegal. The letters, which did not provide specifics on which broadcasts were illegal, demanded that the stations stop such coverage or suffer legal action. The GIA subsequently retracted the letters and apologized to the two stations. As a result, some media practiced self-censorship. However, other independent media outlets at times were strongly critical of the government.

While the print media was relatively open and free of political interference, the same was not true for broadcast media. Both a lack of transparency during the tender process, as well as a truly independent licensing authority, has inhibited fair competition for broadcast frequency licenses and benefited those with political connections. In 2004 three new licenses for nationwide broadcasting were issued in a nontransparent process to television stations with political connections to the Mongolian People's Revolutionary Party (MPRP). In September, in an equally non-transparent process, four new licenses were awarded to individuals and companies with connections to the Democratic Party. At the provincial level local government control of the licensing process has similarly inhibited the development of independent television stations.

Mongol TV remained the major source of television programming in the country, although three additional VHF stations and several cable television providers were beginning to make inroads and to provide alternatives.

In January the coalition government passed legislation that finally allowed movement to implement a 1999 law banning state ownership of mass media. Under the new law, Mongol Radio and TV shifted to "public" status, overseen by a national council. The national council has the power to determine whether programs meet the new law, approve functional and ethical rules, determine the structure of public radio and television, appoint the general director, and approve rules to select other senior officials. The national council has 15 members, 4 of whom are nominated by the president, 7 by the parliament, and 4 by the prime minister on behalf of the government. The parliament approves all of the nominees. Parliament did not approve the nominees for the council until October, and the shift to public status had not been fully implemented by the end of the year. Under the new law, the main financial sources for the stations were license fees, state subsidies, and

sponsorship.

Due to local government control over the licensing process, local entities reported difficulties in acquiring licenses for local radio stations. However, one independent radio station was broadcast widely and there were increasing numbers of small local FM stations. In Ulaanbaatar the Voice of America and the British Broadcasting Company were broadcast in English only.

Access to the Internet was available, and the government did not interfere with its use.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice. However, a 2004 National Human Rights Commission study found that 21 of 165 applications filed between 1998 and 2003 by groups requesting permission to stage demonstrations in the capital were denied, often without citing any rationale or sometimes providing questionable reasons for denial. In February and March police clashed several times with a civil society group that attempted to stage unauthorized demonstrations in Ulaanbaatar's central Sukhbaatar Square. In November the law was amended to permit demonstrations in the square. The law was also amended to allow applications to hold demonstrations to be submitted three days prior to an event, rather than the previous six days.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice. However, the law limits proselytizing, and some groups that sought to register faced bureaucratic harassment and extortion from lower level officials acting on their own.

The constitution explicitly recognizes the separation of church and state. However, although there is no official state religion, traditionalists believe that Buddhism is the "natural religion" of the country. While the government contributed to the restoration of several Buddhist sites that are important religious, historical, and cultural centers it did not otherwise subsidize Buddhism.

The Kazakh Muslim minority, whose population of approximately 100 thousand is primarily concentrated in the western part of the country, generally enjoyed freedom of religion. However, the government did not allow the Kazakh community in Ulaanbaatar to construct a mosque. According to Muslim leaders the government was concerned increased visibility of the Muslim population might provoke anti-Muslim sentiment. The government monitors the Kazakh community closely for any activity that could be construed as "Kazakh political separatism" or "terrorism."

Religious groups are required to register with the MOJHA. However, the registration process was decentralized and bureaucratic, and officials sometimes demanded bribes in exchange for authorization. Local assemblies have the authority to approve applications at the local level. In general, the primary difficulties with registering were due to the actions of local officials who attempted to extort financial assistance for projects not publicly funded. During the year, 12 new Christian churches registered; no churches were known to have been refused registration. However, procedural changes to the registration process reportedly resulted in indefinite delays for 14 churches that applied during the year.

Under the law, the government may supervise and limit the number of clergy and places of worship for organized religions; however, there were no reports that the government did so during the year.

The law does not prohibit proselytizing, but it forbids the use of incentives, pressure, or "deceptive methods" to introduce religion. In addition, a Ministry of Education directive bans mixing foreign language or other training with religious instruction.

Societal Abuses and Discrimination

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

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice. In an effort to reduce the strain on city resources, Ulaanbaatar has initiated bureaucratic measures such as increased fees for residency applications.

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

Protection of Refugees

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

refugee or asylum status. The government continued talks with the Office of the UN High Commissioner for Refugees (UNHCR) representatives on refugee and asylum issues.

Small groups of North Koreans reportedly continued to enter the country from China. The government's concerns about potentially attracting larger numbers of North Korean migrants increased opposition to accession to the 1951 UN Convention. The government cooperated with UNHCR and other humanitarian organizations and governments to assist with the resettlement of foreign migrants outside of Mongolia.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, and largely free and fair elections held on the basis of universal suffrage. However, the campaign and balloting process in the 2004 national parliamentary election was widely considered marred by violations and irregularities. Minor irregularities were noted in the May presidential election. The law limits the president to two four-year terms; parliamentary and local elections are held separately, also for four-year terms.

The law provides that the majority party in parliament, in consultation with the president, shall appoint the prime minister. Members of parliament may serve as cabinet ministers. There is no requirement that the prime minister must be a member of parliament.

Elections and Political Participation

A presidential election was held in May. Voter turnout was 75 percent, slightly down from the 2000 presidential election. The candidate from the MPRP won 53 percent of the vote; the closest of four other candidates received 20 percent of the vote. Observers found a variety of minor irregularities in the election process, but no major problems were cited. A parliamentary by-election was held in an Ulaanbaatar constituency in late August. Due to a formal agreement between the two coalition parties on August 2, the Democratic Party agreed to withdraw its candidate against the MPRP nominee, who was the chairman of the party. Many Democratic Party members and foreign observers criticized this situation as undemocratic because it disenfranchised a large number of voters who would have voted for a Democratic Party candidate. Election observers found some irregularities in the by-election balloting process, including the prevalence of MPRP and government officials in key precinct election committee positions.

The campaign and balloting processes for the June 2004 parliamentary elections were marred by violations and inconsistencies. The president, major political forces, domestic and foreign observers all complained of numerous irregularities and violations by political parties, individual candidates, and members of the appointed district election committees. Domestic NGOs and observers documented widespread illegal use of state property and civil service workers, primarily by the MPRP, for campaign activities. Approximately 10 percent of the population moved from one district or precinct to another during the final 2 weeks of the campaign, in order to exploit so-called transfer voter provisions in the law. Observers also reported abuses related to the control of mobile ballot boxes, ballot-box stuffing, police intimidation, fraudulent ballots, multiple voting and the removal of political party and foreign observers from polling stations. Two seats were disputed and resolved in court. An MPRP candidate was declared the winner and seated in parliament after a court-ordered partial revote in one constituency in February. In late September, the Supreme Court dismissed challenges to lower court rulings and ruled in favor of the Democratic Party candidate, who was sworn in shortly thereafter.

There were 18 registered political parties; 5 were represented in parliament.

There were no legal impediments to the participation of women or minorities in government and politics. There were 5 women in the 76-member parliament, as well as a minister and a vice-minister. This was a substantial decrease from the number of women in Parliament between 1996 and 2000. Women and women's organizations were vocal in local and national politics and actively sought greater female representation in government policymaking.

There were three ethnic Kazakhs serving in parliament.

Government Corruption and Transparency

Corruption was perceived to be a growing problem at both lower and upper levels of government. Government and parliamentary decision making was not sufficiently transparent, and public legislative hearings were rare. The State Secrets Law inhibits freedom of information and government transparency and accountability. There were public calls to amend the law and implement the equivalent of a "freedom of information act."

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. At the invitation of the government, the UN Special Rapporteur on Torture made a fact-finding visit in June (see section 1.c.).

With UNDP assistance, a local representative in each provincial assembly monitored human rights conditions, among other duties.

The National Commission on Human Rights (NCHR) consists of three senior civil servants nominated by the president, the Supreme Court, and the parliament for terms of six years. The NCHR was responsible for monitoring human rights abuses, initiating and reviewing policy changes, and coordinating with human rights NGOs. The NCHR reported directly to parliament. In its annual reports, the NCHR has repeatedly criticized the government for abuses of the power of arrest and detention, poor conditions in detention and prison facilities,

lengthy detentions without trial, and failure to implement laws related to human rights. The reports also faulted parliament and the courts for failing to protect human rights fully.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law states that "no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin, or status," and that "men and women shall be equal in political, economic, social, cultural fields, and family." The government generally enforced these provisions in practice.

Women

Domestic violence against women was a serious problem. Rape and domestic abuse are illegal, and offenders can be prosecuted after formal charges have been filed. During the year there were 209 reported domestic assaults. There was no law specifically prohibiting spousal rape. Rape, including spousal rape, remained a problem. During the year there were 320 cases of rape reported to authorities, down from 378 cases in 2004; however, many rapes are not reported.

In January a new comprehensive law specifically typesetting domestic violence came into effect. By year's end 20 cases had been brought to trial under the law. The law empowers central and local authorities to implement national policy aimed at combating and preventing domestic violence, funding such activities from the national budget, and enlisting the support and cooperation of NGOs in their efforts. The law requires police to accept and file complaints, visit the site of the incidents, interrogate the offenders and witnesses, explain the law, impose administrative criminal penalties, bring victims to refuge, and transfer custody of the relatives if necessary. Police may also detain an offender temporarily, send drunken offenders to "sobering houses," and inform social workers and advise relevant authorities of restrictions to place on an offender. The law outlines the role of social welfare organizations and NGOs and confidentiality provisions for the victims. The law also provides for the following sanctions on offenders: expulsion from home or separate accommodations, prohibitions on the use of jointly owned property, prohibitions on meeting victims, and prohibitions on access to minors, compulsory training aimed at behavior modification, and compulsory treatment for alcoholism.

There were no reliable statistics regarding the extent of domestic abuse, but qualified observers believed that it affected as much as one-third of the female population. Virtually all of those who committed violent crimes in the home were men, and women typically were the victims. In recent years, domestic abuse became more violent, including increases in the number of murders. After many years of government and societal denial, there was increasing public and media discussion of domestic violence, including spousal and child abuse. However, the perception remained that domestic abuse was either a family issue or not a problem. In recent years, economic and societal changes have created new stresses on families, including loss of jobs, inflation, and lowered spending on social and educational programs. Some statistics showed that more than 60 percent of family abuse cases were related to alcohol abuse. The high rate of alcohol abuse contributed to increased instances of family abuse and abandonment and added to the number of single-parent families, most of which were headed by women. Women were hesitant to ask authorities to prosecute cases of domestic abuse because of likely long-term detention of spouses and the resulting loss of household income.

There was no official discrimination against those with HIV/AIDS; however, some social discrimination existed.

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

Prostitution is legal. However, public solicitation for prostitution and organizing prostitution remains illegal. There were reports that some female and teenage citizens worked in the sex trade elsewhere in Asia and Eastern Europe; an unknown number of them may have been trafficked (see section 5, Trafficking).

There are no laws against sexual harassment.

The law provides men and women with equal rights in all areas. By law, women are to receive equal pay for equal work and have equal access to education. Women represented approximately half of the work force, and a significant number were the primary wage earners for their families. The law prohibits women from working in certain occupations that require heavy labor or exposure to chemicals that could affect infant and maternal health, and the government effectively enforced these provisions. Many women occupied midlevel positions in government and business, and many were involved in the creation and management of new trading and manufacturing businesses.

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

Children

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

over the age of 15 had better opportunities to complete their education than male children, because teenage males often were required to work at home, and schools generally were located far from homes (see section 6.d.). In addition, there continued to be a severe shortage of teachers and teaching materials at all educational levels.

There was growing awareness that child abuse, often associated with parental alcoholism, was a problem. In conjunction with efforts to counter violence against women, NGOs have begun to address the problem.

By year's end the national police documented 177 cases of underage prostitution.

Although society has a long tradition of raising children in a communal manner, societal and familial changes have orphaned many children. The government was more willing than in the past to admit the extent of the problem, but it lacked the resources to improve the welfare of children who have become victims. NGOs continued to assist orphaned and abandoned children. The government did not publish statistics on street children; however, the 2002 census identified approximately 1,300 homeless youths between 7 and 18 years of age. Of those, 840 lived in shelters provided by 21 children's centers sponsored by international NGOs. Groups working in the field disagreed on the number of street children, but they estimated that there were as many as three thousand. Female street children, who accounted for one-third of all street children, sometimes faced sexual abuse. The government established the National Committee for Children to address this and other child welfare problems. The government supported two government-funded but privately owned and administered shelters, one for children from birth to the age 3 and the other for children from ages 3 to 16. While these facilities received some government funding, it was inadequate, and foreign aid was needed to sustain the orphanages.

Trafficking in Persons

The law specifically prohibits trafficking in women and children; however, there was evidence that female and teenage citizens working in the sex trade in Asia and Eastern Europe may have been the victims of trafficking rings. The country was both a source and transit point for trafficking.

During the year, four cases of international trafficking involving 32 victims were under investigation, but antitrafficking groups stated they were aware of other potential cases. All seven suspects in the four cases under investigation were in detention at year's end.

Although most officials and NGOs found it difficult to estimate the extent of trafficking, increasing attention was focused on the problem. In 2004 the government worked with the United Nations Children's Fund (UNICEF) and tourist companies to develop a voluntary code of conduct to protect minors from sexual exploitation in the travel and tourist industry.

The primary targets of trafficking schemes were middle-class girls and young women, ranging from 14 to approximately 28 years of age, who were lured abroad by offers to study or work. Preventive steps to combat trafficking, such as increased law enforcement measures, remained limited. As a result, it was not difficult to traffic persons across the country's borders. Some NGO experts believed that members of the police sometimes were involved in trafficking young women and helping facilitate their movement across borders.

Protections for victims and witnesses were extremely limited, which discouraged them from coming forward. Furthermore, social stigma inhibited victims from telling their stories. The government had limited resources and divergent priorities, and therefore provided no direct assistance for trafficking victims. NGOs offered support when possible, and the government relied on NGOs to increase awareness and initiate prevention programs. The government worked with the UN on a three-year project for capacity building in the National Council on Gender Equality, which included giving more attention to trafficking and prostitution.

Persons with Disabilities

The labor law prohibits discrimination in employment and education against persons with disabilities. The law also requires the government to provide benefits according to the nature and severity of the disability, which it did. The Law on Social Protection of the Disabled designates the provincial governors and the Ulaanbaatar governor with the responsibility to work with provincial councils and the Ulaanbaatar city council to develop and implement measures to protect persons with disabilities. However, NGOs claimed that the government did little to implement such measures, and in practice most persons with disabilities could not find jobs. The law requires companies employing more than 50 persons to hire at least 3 persons with disabilities. The government provided tax benefits to enterprises that hired persons with disabilities, whom some firms hired exclusively. Persons injured in industrial accidents have the right to reemployment when ready to resume work, and the government offered free retraining at a central technical school. There were several specialized schools for youth with disabilities, but these students also were free to attend regular schools. There is no law mandating access to buildings for persons with disabilities, which made it difficult for these persons to participate fully in public life. Persons with disabilities have demonstrated for higher government subsidies. Government pensions for persons with disabilities were approximately \$33 (40 thousand tugrik) per month. Approximately 30 NGOs participated in activities assisting approximately 40 thousand persons with disabilities.

Other Societal Abuses and Discrimination

There was no official discrimination against those with HIV/AIDS; however, some social discrimination existed.

Section 6 Worker Rights

a. The Right of Association

The law entitles all workers to form or join unions and professional organizations of their choosing, and the government respected this right in practice. However, some legal provisions restrict these rights for some groups such as foreign workers, public servants, and workers without employment contracts.

Union officials estimated that union membership has declined over the years to 350 thousand, which represented less than half of the workforce. Workers who were self-employed or who worked at small firms generally did not belong to unions. No arbitrary restrictions limited who could be a union official, and officers were elected by secret ballot.

In 2003, the leadership of the Association of Free Trade Unions merged with the Mongolian Trade Unions Confederation, in effect leaving only one trade union confederation in the country.

b. The Right to Organize and Bargain Collectively

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

The law provides for the right to strike, and workers exercised this right in practice. If an employer fails to comply with a recommendation, employees may exercise their right to strike. The law protects workers' right to participate in trade union activities without discrimination. However, the government does not allow intervention in collective bargaining by third parties, and prohibits third parties from organizing a strike. Such restrictions are not in line with the International Labor Organization (ILO) Conventions, to which the country is a signatory.

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

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

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

Beginning in 2004, North Korean laborers were employed (under contracts between the DPRK Ministry of Light Industry and private companies, with government approval), primarily in the construction and service industries. Approximately two hundred North Korean workers brought in through official channels were working in the country during the year. The contract terms generally required that the laborers return to North Korea at the end of the contract and according to the Ministry of Labor, most had departed by year's end. The Ministry of Labor did not monitor the working or living conditions of these workers. Some North Korean workers may not have been free to leave their employment or complain if work conditions were unacceptable. These workers, who reportedly were monitored closely by "minders" from their government, did not routinely receive direct and full salary payments. In addition, possible pressure on family members in North Korea raised additional concerns that the labor of these workers was not fully voluntary.

d. Prohibition of Child Labor and Minimum Age for Employment

The law in general prohibits children under the age of 16 from working, although those who are 14 or 15 years of age may work up to 30 hours per week with parental consent. Those under 18 may not work at night, engage in arduous work, or work in hazardous occupations such as mining and construction. Enforcement of these prohibitions, as well as all other labor regulations, was the responsibility of state labor inspectors assigned to regional and local offices. These inspectors have the authority to compel immediate compliance with labor legislation, but enforcement was limited, due to the small number of labor inspectors and the growing number of independent enterprises.

Children worked informally in petty trade, scavenging in dumpsites, working in unauthorized small-scale mining, and herding animals. Increasing alcoholism and parental abandonment made it necessary for many children to have an income to support themselves, their siblings, and sometimes their parents. Estimates placed the number of children in the labor force as high as 58 thousand.

In addition, due to economic pressures, fewer children, especially teenage boys in the countryside, stayed in school until the age 18 (see section 5). Children most often herded family livestock, but reports of children working in factories or coalmines continued.

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

e. Acceptable Conditions of Work

The legal minimum wage established for the year was approximately \$33 (40 thousand tugrik) per month. This minimum wage, which applied to both public and private sector workers and was enforced by the Ministry of Social Welfare and Labor, did not provide a decent standard of

living for a worker and family. Virtually all civil servants earned more than this amount, and many in private businesses earned considerably more. Some employees received housing benefits.

The standard legal workweek is 40 hours, and there is a minimum rest period of 48 hours between workweeks. By law, overtime work is compensated at either double the standard hourly rate or by giving time off equal to the number of hours of overtime worked. Pregnant women and nursing mothers are prohibited by law from working overtime. For those 16 and 17 years of age, the workweek is 36 hours, and overtime work is not allowed. These laws generally were enforced in practice.

Laws on labor, cooperatives, and enterprises set occupational health and safety standards. However, the near-total reliance on outmoded machinery and problems with maintenance and management led to frequent industrial accidents, particularly in the mining, power, and construction sectors. Enforcement of occupational health and safety standards was inadequate. The labor monitoring unit employed only 73 inspectors to inspect a growing number of enterprises throughout the country. According to the law, workers have the right to remove themselves from dangerous work situations and still retain their jobs. There were increasing numbers of Chinese workers in low-wage construction jobs, who often lived under sparse conditions, but generally enjoyed the same protections as citizens. However, due to various pressures and restrictions, a small number of North Korean workers in the construction and service industries may not have been able to speak out about working conditions (see section 6.c.).

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