

# MONGOLIA 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Mongolia is a multi-party parliamentary democracy. In June 2013 presidential elections, incumbent Tsakhiagiin Elbegdorj of the Democratic Party won re-election with 50.23 percent of the vote. The most recent parliamentary elections were held in 2012. Polling place observers judged both elections to have been generally free and fair in accordance with the Mongolian constitution and international standards, but expert observers concluded that vague equal access provisions of the election law prevented Mongolian media from playing a significant role in providing relevant information to voters. Authorities generally maintained effective control over security forces.

The three most significant human rights problems were corruption, a judiciary vulnerable to external influences, and pervasive domestic violence. Lack of transparency--especially in the legislative and judicial branches of government--undermined government efficiency and public confidence. Similarly, the judiciary lacked the financial and human resources as well as the institutional professionalism and status to function as a truly independent and neutral adjudicator of civil and criminal disputes. Domestic violence was widely acknowledged to be a pervasive and serious issue.

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

The government inconsistently took steps to punish officials who committed abuses or rectify instances of discrimination.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports 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, credible sources, including nongovernmental organizations (NGOs) and the National Human Rights Commission (NHRC), reported that police abused some prisoners and detainees. Human rights groups reported the use of unnecessary force and torture, particularly to obtain confessions, was a serious problem, and correction guards and police meted out cruel treatment to some inmates at police stations and detention centers.

Responsibility for investigating allegations of torture or other abuses by law enforcement officers changed during the year. The Office of the State Prosecutor General's Special Investigative Unit (SIU), which previously had this responsibility, was disbanded in January. Local police assumed responsibility for investigating allegations of torture. As police officers represented a considerable portion of alleged perpetrators, the NHRC expressed concerns the new structure would be less effective, both because it requires police officers to investigate each other, leading to possible conflicts of interest, and because such perceived conflicts of interest could undermine public confidence in investigations. NGOs asserted the SIU's dissolution eliminated the independent torture allegation investigation mechanism altogether and the relevant agencies had not clearly communicated the new lines of responsibility to the public. As of September 24, the National Police Agency (NPA), the central authority that oversees all police nationwide, reported receiving seven complaints (down from 51 received by the SIU the previous year) accusing individual police officers of torture. The NPA dismissed three of the complaints for alleging facts that, if proven, would still not meet the legal definition of torture. The four remaining complaints were referred to local authorities for criminal investigation.

The General Executive Agency of Court Decisions (GEACD), a body that reports to the Ministry of Justice and administers prisons among other duties, reported an additional seven complaints of torture and coercion against correctional facility guards through September 10. One case involving possible torture was referred to the local police for further investigation, two cases were dropped as groundless, and four cases led to internal GEACD disciplinary measures against correctional

staff for misuse of power and illegal pressure short of torture. According to a survey on human rights in prisons published by Caritas Czech Republic during the year, approximately half the prisoners surveyed indicated they had experienced or (more frequently) observed the use of prohibited forms of punishment--including beating and denial of contact with family or relatives. Prisoner complaints reported by officials and NGOs also included coercion and threats, including threats from police to investigate family members if a confession was not forthcoming. The NHRC, NGOs, and defense attorneys reported that, in an attempt to coerce or intimidate detainees, authorities sometimes transferred detainees repeatedly or placed suspects in detention centers remote from their homes and families, making access to legal counsel and visits by family members difficult. Detainees reported six such cases to the NHRC in 2013.

Legal professionals and NGOs cited numerous barriers to holding alleged abusers accountable. For example, only police detectives and investigators can be tried under Article 251 of the criminal code, which prohibits forced testimony and is the main mechanism for prosecuting official abuse or torture. This article covers only physical abuse and does not include psychological abuse or threats against suspects or their families.

Data from the Judicial General Council, the body that maintains court statistics, indicated that very few cases under Article 251 reached the courts during the year. According to the NHRC, complaints alleging psychological torture were sometimes dropped because of the impossibility of producing evidence or because the degree of injury could not be determined. Law enforcement officials can also be held liable under Article 96 for intentional infliction of severe bodily injury, although prosecutions under this provision were rare. Article 44.1 states that prohibited acts (including infliction of severe bodily injury) do not constitute a crime when committed in accordance with an order by a superior in the course of duty. The law provides that the person who gave the illegal order or decree is criminally liable for the harm caused, but prosecutions were rare. According to Amnesty International (AI), former SIU officials, prosecutors, and judges, Article 44.1 effectively provides immunity to law enforcement officials allegedly engaged in coercing confessions at the behest of investigators or prosecutors.

Torture investigations generally took a back seat to the “main” investigation. Police and prosecutors were reluctant to assist in investigations of torture complaints.

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

Bat Khurts, who was under investigation in Europe for the alleged kidnapping of the late Damiran Enkhbat in 2003 while he was an officer for the General Intelligence Agency (GIA), was appointed head of the GIA in November.

### **Prison and Detention Center Conditions**

According to NGO reporting, conditions remained poor and in some cases harsh in police-run administrative detention centers and some GEACD-administered prisons and pretrial detention centers despite improvements in recent years.

Physical Conditions: The GEACD reported that as of September 10, there were 6,628 prisoners serving sentences, of whom 286 were women and 35 were juveniles. In addition, a total of 1,145 people were in pretrial detention, of whom 62 were women and 27 were juveniles. The GEACD's 25 prisons were intended to hold 5,307 inmates, and its 25 arrest and pretrial detention centers had a capacity of 2,295. Conditions for men and women were similar. Except for inmates of the women's prison, prisoners were assigned a security level based on the severity of crimes they committed and may be housed only in a prison of the corresponding security level. The women's prison was an exception. Other detention facilities continued to house violent and nonviolent offenders together. Detention facilities lacked accommodations for persons with disabilities.

The GEACD reported seven deaths in prisons as of September 10 and two deaths in pretrial detention facilities. In addition, as of August there were 45 cases of tuberculosis contracted in prisons. Correctional officials routinely released terminally ill patients shortly before death, which the Prison Fellowship of Mongolia alleged led to misleadingly low numbers of deaths in prisons and detention centers.

Prison and detention center conditions varied. NGO reporting indicated that overcrowding, medical care, clothing, water quality, lighting, and sanitary facilities

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 good conditions. Conditions in police-operated detoxification centers were often poor. Inebriated individuals were routinely detained in overcrowded holding cells for up to 24 hours.

Although water was delivered to prisons, the quality and amount were inadequate. Rural prisons were particularly susceptible to water shortages, as water was sometimes delivered from far away. Prison hospitals also had low quantities of medical supplies and lacked skilled doctors.

The police-run Denjiin Myanga Detention Center, which suffered from serious overcrowding, remained a facility of particular concern. Although prisoners had access to potable water in all detention facilities, officials reported they lacked the resources to provide adequate amounts of water, as well as food, hygiene, bedding, ventilation, and bathing facilities.

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

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

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

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

#### **d. Arbitrary Arrest or Detention**

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

#### **Role of the Police and Security Apparatus**

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

Civilian authorities maintained general control over both external and internal security forces, but mechanisms to investigate specific allegations of police abuses remained inadequate. There were numerous reported instances of security forces abusing suspects with impunity. During the year, following transfer of jurisdiction, comprehensive data on allegations of security force abuses were not available. The NPA reported that in addition to the seven allegations of torture through September, there were 18 complaints of physical attacks by police against citizens. All of these were referred for criminal investigation, at which stage 10 of these complaints were withdrawn. As of September eight investigations continued. There was also one police officer charged with rape, and the investigation continued as of September. While many legal reforms remained under development, several laws passed in 2013 entered into force during the year, including: the Law on Victim and Witness Protection; the Law on the Marshal Service (which established the agency); the Law on Legal Assistance to Insolvent Defendants, and amendments to the Law on Police.

Ultrnationalist groups, although less active than in recent years, continued to commit isolated acts of violence, most often targeted at Chinese workers. Members of the LGBT community also continued to express fear of ultrnationalists, who in the past have targeted LGBT persons.

#### **Arrest Procedures and Treatment of Detainees**

An evidence-based, judge-approved warrant is required to arrest a suspect. The prosecutor must present a request stating the grounds and reasons for arrest to a judge for approval, and the judge must make a final decision about whether to arrest or release the suspect within 48 hours. The arresting authority must notify a suspect's family within 24 hours of an arrest. A "pressing circumstances" exception under the law allows police to arrest suspects without a warrant. Examples of circumstances that may justify warrantless arrest 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. Under such exceptions the arresting officers must have the arrest approved by a prosecutor within 24 hours. A judge must then approve the arrest within the normal 48-hour period.

By law police must request an order from a prosecutor to continue holding suspects beyond 24 hours. If permission from a prosecutor is obtained, police may hold suspects for up to 72 hours before a decision is made to prosecute or release. If an order is not granted within 72 hours, police must release the suspect. Upon release the suspect must be notified of the reasons for detention and release. These procedures were normally observed. Nevertheless, the NHRC reported that investigative agencies detained suspects without charge when conducting investigations and that police tended to use detention despite the availability of other methods of restraint for suspects. These other measures include bail, the personal guarantee of another person, a signed note in which the suspect pledges not to depart, and military surveillance. The country also has a system akin to bail, in which relatives vouch for an accused family member (unlike traditional bail, the system does not involve pledged security in exchange for release). This system is available for all types of crimes, although it is typically applied to those accused of lighter offenses. Although the law clearly defines the grounds on which a suspect may be detained, the grounds for release are not clear; according to the NHRC, this sometimes resulted in long-term, legally permissible detention for up to 30 months.

Despite these problems detainees generally were promptly charged and informed of the charges against them and of their right to an attorney. The maximum pretrial detention with a court order is 24 months; an additional six months are allowed for particularly serious crimes such as murder. Detainees had prompt access to family members, although this was sometimes undermined by repeated transfers or detention in remote locations. Detainees could be released on bail with the approval of a prosecutor.

A detainee has the right to an attorney during pretrial detention and all subsequent stages of the legal process, including during any assigned period of incarceration. If a defendant cannot afford a private attorney, the government must appoint an attorney. Detainees were reportedly more aware of their right to legal counsel than in the past, but misperceptions limited their use of that 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 case reached trial. In addition, in some cases repeated transfers or detention in remote locations made access to legal counsel difficult.

### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, and the government generally respected this provision; however, NGOs and private businesses reported that corruption and outside influence continued. Courts were reluctant to dismiss charges over the objection of prosecutors in criminal cases, even in those instances in which trials had produced no substantial evidence of guilt. Criminal cases were often remanded to prosecutors when acquittal would have been more appropriate. Having invested state investigative resources, sometimes for several years, prosecutors rarely withdrew all charges voluntarily. As a result, serious criminal cases cycled without resolution between the prosecutors and the courts for years.

### **Trial Procedures**

The law provides for the right to a fair public trial by a judge, although NGOs and observers reported that bribery of judges, prosecutors, and expert witnesses sometimes contributed to the dismissal of a case or reduction of a recommended sentence. Judicial authorities cited a 2013 salary increase for judges as improving the situation. Juries are not used. The law provides that defendants are presumed innocent until proven guilty and can question witnesses and present evidence. Defendants have the right to be informed of the charges against them (with interpretation as necessary, including sign language interpretation); to a fair, public trial without undue delay; to communicate with an attorney of their choice (or one provided at public expense); to receive adequate time to prepare a defense; to access government-held evidence; and to appeal. Defendants cannot be compelled to testify or to confess guilt. These rights were generally observed, although credible reports suggested that authorities at times used physical or psychological coercion to obtain confessions from suspects.



Legal inconsistencies often plagued trials. Although numbers of state-provided defense lawyers were reportedly adequate, the quality and experience of these lawyers was uneven, so that many defendants lacked adequate legal representation. Judges often relied on confessions with little corroborating evidence. Additionally, NGOs complained about witness intimidation by government authorities and law enforcement, limited public access to trials (often due to a simple lack of space), and an overall lack of transparency in courts' decision-making processes.

### **Political Prisoners and Detainees**

There were no official reports of political prisoners or detainees. Several corruption cases involving politicians, however, drew allegations of political motivations.

### **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. Private enterprises reported cases where government employees pressured businesses to pay bribes to take action on applications, obtain permits, and complete registrations. Although by law victims of police abuse can sue for damages, few succeeded in claiming compensation.

### **Property Restitution**

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

In dozens of cases in recent years, the government rescinded in whole or in part mining licenses issued in previous years without compensating license holders for resulting financial losses.

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

Land that is not fenced off or in active use may lawfully be seized by squatters, even if that land is under lease. Under this system property disputes occurred frequently, and it remained unclear what percentage of evicted persons held a valid lease or title to their property. Business leaders voiced concern about weak property rights, contract sanctity and enforcement, and arbitrary government processes that interfered with private business, particularly in the areas of licensing and permits.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The law provides for freedom of speech and press, and the government generally respected these rights. Nevertheless, government interference with licensing and intimidation of the press, particularly broadcast media, was common, and the government placed restrictions on the ability of users to comment on internet sites. There were also several cases of apparently politically motivated interference with freedom of expression online during the year.

Freedom of Speech: Defamation laws carrying civil and criminal penalties severely impeded criticism of government officials, particularly by reporters. By law “spreading libel to the public by means of mass media” is punishable by a fine equal to 51 to 150 times the per month government-set minimum wage (9.79 million to 28.9 million tugrugs) (\$5,220 to \$15,420) or incarceration for three to six months. According to the Judicial General Council, four persons were convicted during the first nine months of the year. Two received nonprison sentences, one was sentenced to a year in prison, and one received a prison sentence of between two and four years. According to NGO sources, politicians implicated in or accused of crimes or malfeasance used the defamation law to shield themselves from public criticism by suing journalists under the criminal defamation ordinance. NGOs asserted that such cases encouraged self-censorship among other journalists, who feared being prosecuted for criminal defamation if they reported stories that reflected negatively on public officials.

Press Freedoms: The media law bans censorship of public information (information not classified by law) and any government action that would limit the freedom to publish and broadcast; however, political influence in the media

continued to be a problem. Many newspapers and broadcast media were either affiliated with political parties or owned (fully or partly) by individuals affiliated with political parties, and that affiliation strongly influenced their reports. It was also widely believed that interested parties paid journalists to influence reporting, that underpaid reporters demanded payment to cover or fabricate a story, and that individuals paid to have unwanted content removed from websites, although such allegations were difficult to prove.

Members of the Communications Regulatory Commission (CRC), which grants television and radio broadcast licenses, were appointed by the government without public consultation. This, along with a lack of transparency during the tendering process, inhibited fair competition for broadcast frequency licenses and benefited those with political connections. In its report on the conduct of the 2013 presidential election, the Organization for Security and Cooperation in Europe (OSCE) reported that the Presidential Election Law and resolutions from the General Elections Commission and the CRC inhibited media coverage of the presidential election campaigns by mandating that television stations provide equal amounts of paid airtime to candidates, but leaving it unclear whether campaigns could be covered in general reporting. Lack of clarity about the equal airtime rule made some editors afraid that covering one candidate and not covering the others in equal measure would violate the law. Oversight of media compliance with the law was conducted by the Agency for Fair Competition and Consumer Protection, a government agency that reports directly to the deputy prime minister. The OSCE concluded that this situation prevented the media from playing a significant role in providing information to voters ahead of the 2013 election. The government did not take steps to address these problems.

Violence and Harassment: There were no reports of violence against journalists. Nevertheless, sources reported that officials harassed and intimidated journalists for reporting stories that reflected poorly on the government. The local press freedom NGO Globe International reported that incidents of violence and harassment of journalists were most common during election years.

Censorship or Content Restrictions: CRC regulations of digital content and television and radio service impose content restrictions in broad terms without providing sufficient definition of restricted content. The regulations simply reference restrictions from other laws, making it difficult to determine exactly what content is prohibited. The government maintains a public list of blocked websites. Websites are added to the list for violations of relevant laws and regulations, including intellectual property. As of October 20, there were 173 sites listed.

NGOs and some local press continued to report that media outlets signed cooperation agreements with government agencies and private companies that contained so-called blocking provisions under which media outlets that receive funding from a government agency or private company are prohibited from criticizing that agency or company. According to a September story in the *Open Door* newspaper (generally considered an independent and reputable newspaper), between February 24 and April 30, the government signed agreements with 27 press organizations, including both print and broadcast media, amounting to 390 million tugrugs (\$208,110). These agreements were reportedly approved by the chief of the Cabinet Secretariat (later named prime minister) and the chief of the government press office. Other sources maintained that the agreements were simply meant to facilitate cooperation between government and media and to promote government activities.

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

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

### **Internet Freedom**

The government did not restrict or disrupt access to the internet, but it restricted internet content in some regards. The CRC's "Regulation on a Unified System of Website Comments," passed in 2013, provides for the establishment of a national database to monitor website comments (with information supplied by the General Authority for State Registration and General Intelligence Agency). The information to be gathered was intended for use in identifying and charging individuals who defame, threaten, or seduce others to licentious and promiscuous sexual conduct. As of late November, NGOs and government officials indicated that no implementation actions to establish the database had yet been taken. A 2011 CRC regulation places broad content restrictions on obscenities and inappropriate content without defining objectionable content explicitly, simply referencing prohibitions in other laws. The regulation requires websites with heavy traffic to use filtering software that makes the user internet protocol addresses of those commenting or sharing content publicly visible. In addition, the

CRC blocked websites that participated in violations of intellectual property or exhibited pornography.

By law individuals and groups may engage in the peaceful expression of views via the internet, including by e-mail. Nonetheless, there were 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.

In July the CRC closed the website [www.amjilt.com](http://www.amjilt.com) after the site published an article reporting that a tourist camp partially owned by the prime minister was dumping its waste into a nearby river. On July 4, [www.amjilt.com](http://www.amjilt.com) was added to the government's public list of websites blocked for violations of content rules. According to local press and the local press freedom NGO Globe International, the CRC closed the website without any written notification. The website closure received strong criticism from the OSCE and press freedom NGOs. As of September [www.amjilt.com](http://www.amjilt.com) continued to be on the list.

In August a court of first instance sentenced Ts. Bat, brother of Minister of Culture, Sports, and Tourism Ts. Oyungerel, to 100 days' imprisonment on defamation charges for allegedly sending 5,700 tweets defaming Minister of Roads and Transportation A. Gansukh. Bat reportedly received imprisonment because he was unable to pay the 19.2-million-tugrug (\$10,250) fine. According to the OSCE, which called the conviction "unacceptable," Bat was the first to be convicted of defamation on social media. He appealed the conviction and was released on bail on September 9 pending a decision by the appeals court. The 1998 Law on Press Freedom does not address online expression.

Internet access was widely available to the country's urban population, which accounted for 60 percent of the total population, and increasingly to the 40 percent living in rural areas. According to the government, internet penetration reached 30 percent. The International Telecommunication Union, however, estimated that 17.7 percent of the population used the internet in 2013 (the most recent year for which data were available).

### **Academic Freedom and Cultural Events**

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

### **b. Freedom of Peaceful Assembly and Association**

The law provides for the freedoms of assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

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

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. With exceptions, 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. Authorities threatened an Inner Mongolian with deportation and forcibly deported to China two Inner Mongolian asylum seekers in May.

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

Exit bans may be imposed by a variety of authorities—immigration officials, courts, the GEACD, and several others—for a variety of reasons, including an individual's involvement in civil disputes, pending criminal investigations, and immigration violations. Authorities will not allow individuals named in exit bans to leave until the disputes leading to the exit bans are resolved either administratively or by court decision. Neither the law nor regulations establish a transparent process or clear timeframe for settlement of such issues. In one ongoing case, a foreign businessman has been subjected to an exit ban for more than two years while a business dispute involving his former employer cycled repeatedly between a court and the Office of the Prosecutor General. In July the foreign businessman

protested the court-imposed exit ban by registering a complaint against the government with the UN Human Rights Committee in Geneva.

### **Protection of Refugees**

Access to Asylum: The constitution provides for the granting of asylum, although the law does not provide for the granting of refugee status. In the past the government established an informal system for providing protection to refugees in cooperation with the UNHCR. A 2010 law establishes clearer provisions concerning deportation criteria and provides more power to the General Authority for Citizenship and Migration to deport asylum seekers.

Refoulement: According to NGO reports, immigration authorities forcibly deported two Inner Mongolians (Chinese citizens) to China on May 13. The two men, Dalaibaatar Dovchin and Tulguur Norovrinchen, were reportedly detained while preparing a press conference to protest the planned deportation of another Inner Mongolian, N. Alkhaa.

Also in May the local press reported that N. Alkhaa appealed to the president for asylum after being threatened with deportation to China by immigration authorities. Alkhaa wrote that he feared “serious punishment” if he were to be deported. In June the government granted Alkhaa a residence permit and told him he was entitled to apply for naturalization.

Employment: As the law does not afford a specific legal status to refugees and asylum seekers, they are considered illegal immigrants and therefore do not have permission to work.

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

### **Stateless Persons**

The government made significant progress in addressing statelessness, although it remained an issue. As of September the government reported there were 16 stateless persons in the country. Although statelessness was a significant problem among ethnic Kazakh Mongolians in the past, members of the Kazakh community stated that the issue had been largely resolved. Nonetheless, they estimated that a

few hundred stateless Kazakhs may remain, adding that the population changes as people return to Mongolia.

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

The law provides citizens the ability to change their government through free and fair elections, and citizens exercised this right through elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: In the June 2013 presidential election, incumbent Tsakhiagiin Elbegdorj of the Democratic Party won re-election with 50.23 percent of the vote. An OSCE election observer mission assessed the election to be free and fair, following a competitive campaign conducted in an environment that respected fundamental freedoms. Nevertheless, the OSCE noted several problems, including that the secrecy of the vote was not always protected. Observers also expressed concern about restrictive and unclear legal provisions that prevented media from providing sufficient information to voters. The law requires presidential candidates to be members of political parties, preventing independent candidates from running.

Participation of Women and Minorities: There are no legal impediments to the participation of women or minorities in government and politics. The country's first female presidential candidate, Natsag Udval of the Mongolian People's Revolutionary Party, participated in the 2013 elections. Eleven women were members of the 76-member parliament, up from three in the previous parliament. The female representatives continued to meet in a women's caucus to address women's and social issues. The increase in female representation in parliament was helped by a 2011 parliamentary election law that mandates a 20-percent quota for female candidates proposed by each political party or coalition. On December 10, parliament approved a new unity "Government for Solutions." Two of the 19 cabinet ministers of the new government, as well as 12 of the 25 Supreme Court justices, and two of the nine Constitutional Court justices were women. Women and women's organizations were vocal in local and national politics and actively sought greater female representation in government policymaking.

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



#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively, and corruption continued at all levels of government. Some officials engaged in corrupt practices with impunity. 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 law proscribes the soliciting and the acceptance of bribes by government officials and provides for fines and imprisonment of up to five years. The law also criminalizes the offering of bribes to officials. NGOs previously alleged that the threat of prosecution of both individuals offering bribes and officials involved gave neither guilty party motivation to report the episodes after the fact and so resulted in significant underreporting. After the government began granting limited immunity for those paying smaller bribes, NGOs reported that the reporting of bribes increased.

MPs are immune from prosecution during their tenure, which precluded litigation of several allegations of corruption and, since all but two of 16 ministers of the old government were members of parliament, could potentially have seriously restricted the scope of corruption investigations. (Note: A new government was approved on December 10. Of the new sitting cabinet ministers, nine of the 19 are also MPs and thus retain their immunity. End note). Corruption-related prosecutions, however, increased during the year, including a number of high-level officials from across the political spectrum, although questions of political motivation remained.

Corruption: The Independent Authority Against Corruption (IAAC) is the principal agency responsible for investigating corruption cases. The Organized Crime Department of the NPA also investigates various types of corruption cases and often assists the IAAC in its investigations. During the year responsibility for investigating complaints against police, prosecutors, and judges, previously under the jurisdiction of the SIU, was transferred to the IAAC. Although questions about the IAAC's political impartiality persisted, the public viewed the agency as increasingly effective. In response to complaints that it was not making the results of its investigations and subsequent court proceedings public, the IAAC held periodic press conferences about its activities. During the first nine months of the year, the IAAC reported that it initiated 207 investigations, of which 16 cases

resulted in conviction. Of the remaining cases, 54 were referred for prosecution, 29 were referred to other agencies, 14 were merged with other criminal cases, and 42 were dropped at either the prosecutor or court level. As of September 30, there were 42 cases still under investigation. The IAAC referred the remaining 10 cases to the Prosecutor General's Office, which as of September 30 had not made a decision on the cases.

In addition, the IAAC increased its public awareness and prevention efforts through activities such as distributing educational materials for children and conducting outreach trips to the provinces.

The case of N. Khurelsukh, the director of the Environment Ministry's Clean Air Fund and a member of the ruling Democratic Party, went to court in February. Khurelsukh and seven others were convicted and received prison sentences ranging from one to eight years; Khurelsukh himself received the eight-year sentence. In June the press reported that an appeals court reduced five of the seven sentences. Two persons were acquitted, and three individuals' sentences were reduced. Khurelsukh's sentence remained eight years, but he was allowed to serve it in a regular-security prison instead of a high-security prison. Following a further appeal to the Supreme Court, Khurelsukh's sentence was reduced to seven years. Two others were acquitted, and another's sentence was reduced.

During the year the IAAC investigated Ch. Gansukh, chief of Internal Oversight for the General Department of Taxation, for attempting to take a bribe, misuse of official position, and having much more income and capital than his legal income. A court sentenced Gansukh to eight years' imprisonment in a "strict regime" prison. In addition, law enforcement seized property from Gansukh valued at one hundred million tugrugs (\$53,360) and barred him from working as a state tax inspector for eight years (following the completion of his prison sentence). In connection with the case, more than 2.4 billion illegally earned tugrugs (\$1.28 million) were seized.

On July 29, IAAC agents detained L. Gansukh, economic advisor to then prime minister Altankhuyag and three others on suspicion of embezzling 3.2 billion tugrugs (\$1.71 million) from a project meant to provide inexpensive coal to residents of Ulaanbaatar's ger districts. On July 31, Altankhuyag sent a letter to the IAAC demanding a meeting with Gansukh. The IAAC denied the request on the grounds that it would violate the Law on the Prevention of Conflicts of Interest in Public Service. Altankhuyag and Minister of Justice Temuujin nevertheless visited the detention center where Gansukh was being held and were allowed to

meet with him. The visit prompted the IAAC to condemn the prime minister's action as a violation of the IAAC's decision and law, and the IAAC vowed to hold the prime minister "accountable for his actions." The State Special Security Agency, responsible for providing protection to senior government officials, then publicly alleged that IAAC's filming of the visit constituted, when the film was later broadcast, a criminal violation of a law against dissemination of state secrets. On September 26, a criminal court ruled that Gansukh would remain in detention without specifying how long the detention would last. On October 28, he was released on bail.

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

Public officials must file a private interest declaration with the IAAC within 30 days of appointment or election into office and annually during their term of public service. The Conflict of Interest Law provides that such declarations shall be accessible to the public and prescribes a range of administrative sanctions and disciplinary actions from fines to removal from office in the event of a violation.

The IAAC noted an overall compliance rate above 99 percent for the filing of these declarations, adding that nearly all of the most senior officials had complied. The agency is also required to review the asset declarations of public servants, including police officers and members of the military, and this requirement was observed. In addition, in the first nine months of the year, three officials received a warning and three officials were dismissed from their positions for violations of the reporting requirements.

Public Access to Information: The law obliges public institutions to make information on activities, budget and finance, human resources, and procurement available to the public while providing for the right of citizens to access this public information. Observers complained the list of exceptions provided broad grounds for nondisclosure. Processing fees were minimal. Public institutions have seven working days to respond or face administrative sanctions for noncompliance. An

appeal mechanism exists to review disclosure denials. NGOs reported that authorities denied disclosures during the year on grounds of privacy. NGOs asserted the law was important due to its promotion of freedom of expression and of the media and its potential to strengthen transparent governance, but the law's implementation was reportedly lacking. Public officials in the provinces reportedly had not developed a culture of information transparency. NGOs also remarked that publicly available information was usually not presented in a user-friendly format.

On July 1, parliament passed the Budget Transparency Law, more commonly called the Glass Account Law. The law requires that state expenditures be audited more expeditiously than in the previous process, which allowed up to 24 months between audits, and that the audit process itself be transparent. Officials with authority to issue state funds are required to report these expenditures on their respective ministry and agency websites; audit results are also to be reported. All transactions above one million tugrugs (\$530) are subject to reporting. Future budgetary plans, such as loans or bonds by an authority, must be registered with the Ministry of Finance for monitoring and tracking, even after the originating officials have left their positions. The law enters into force January 1, 2015.

According to NGO sources, the far-reaching State Secrets Law inhibited freedom of information and government transparency while at the same time undermining accountability. The law also hindered citizen participation in policy discussions and government oversight.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their concerns.

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

external funding sources. The NHRC consistently supported politically contentious human rights issues, such as LGBT rights.

There was considerable collaboration between the government and civil society in discussing human rights issues. 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 and social and human rights issues. Observers continued to allege, however, that insufficient government resources were being devoted to solving persistent, systemic human rights problems, and that the government was failing to implement existing laws intended to protect citizens.

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

The law states that no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin, or status and that men and women shall be equal politically, economically, socially, culturally, and within the family. The government generally enforced these provisions. The law also protects persons with disabilities from discrimination in all social relations, and the labor law prohibits discrimination on the basis of disability in employment. These rights were not always enforced. The law does not address sexual orientation or gender identity.

### **Women**

Rape and Domestic Violence: The criminal code outlaws sexual intercourse through physical violence (or threat of violence) and provides for sentences of up to five years. If the victim is injured or is a minor, the maximum penalty is 10 years. Such a crime resulting in death, victimizing a child less than 14 years old, or committed by a recidivist may result in 15 to 25 years' imprisonment or the death penalty. Although the death penalty exists in the criminal code, President Elbegdorj announced in 2012 that he would commute all death sentences and convert them to the maximum period of imprisonment permitted by law. Since then, the death penalty has been abolished in practice, if not in law. No law specifically prohibits spousal rape, which authorities do not commonly recognize or prosecute under more general criminal law. Cultural norms also presented obstacles to reporting. Many NGOs blamed law enforcement officials for spousal rape victims' silence.

The NPA received 223 reports of rape as of the end of September. Authorities continued to report that increasing numbers of minor girls were victims of rape: 93 cases in the first nine months of the year, up from 54 cases in the first 10 months of 2013. NGOs alleged many rapes were not reported and claimed that police and judicial procedures imposed stress on victims and tended to discourage reporting of the crime. The Judicial General Council reported that during the first nine months of the year, there were 176 rape cases registered at court. These cases involved 150 victims, of whom 68 were minors. A total of 196 people were convicted, and courts assessed a total of 7,272,120 tugrugs (\$3,880) in damages.

Domestic violence remained a serious and widespread problem. There is no specific criminal law provision on domestic violence, making difficult any effort to tabulate reported cases. The noncriminal Law to Combat Domestic Violence (2004) provides a measure of protection for victims of domestic abuse, including the possibility of obtaining restraining orders, but a number of procedural and enforcement barriers make restraining orders difficult to obtain and implement. Prosecutors may bring criminal charges for what amounts to domestic violence under more general provisions of the criminal code (such as those on assault, battery, infliction of injury, disorderly conduct, and hooliganism). The Law to Combat Domestic Violence 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, and callers must often give their names and locations, thereby dissuading individuals from reporting domestic abuse due to fear their identity might be leaked to the perpetrator. NGOs reported restraining orders were rarely issued in cases involving domestic violence, and that, even when issued, restraining orders were poorly monitored and enforced.

According to the National Center Against Violence (NCAV), a local NGO that campaigns against domestic violence and runs shelters for victims, the number of police officers who reached out to the NCAV to ask for information regarding how to complete restraining order forms increased significantly compared with 2013. There were fewer complaints that police refused to respond to domestic violence calls because they considered it an internal family matter. The NCAV attributed the improvements to growing government and public awareness of domestic violence issues.

Individuals allegedly perpetrating domestic violence were sometimes detained under administrative law rather than criminal law provisions. Detainees under administrative law in such circumstances were typically fined 15,000 tugrugs (eight dollars) and were released after a maximum detention of 72 hours. The determination of whether to charge abusers with administrative or criminal offenses depended on the severity of physical injury inflicted on the victim.

In the first nine months of the year, the NPA received 543 reports of domestic violence, nearly double the 284 reported for the same period in 2013. The NCAV attributed the increase to greater public awareness. Vigorous campaigning by NGOs, along with a December 2013 speech by President Elbegdorj drawing attention to the issue and calling on citizens to unite against domestic violence, were widely credited with bringing domestic violence into the public discourse and elevating governmental efforts to combat it. One outcome was the revision of all police officers' position descriptions to include combating domestic violence.

The NCAV stated that in the first six months of the year, it provided temporary shelter to 83 persons (36 women and 47 children) at its shelters. The NCAV also provided psychological counseling to 371 individuals and legal counseling to 469 individuals (the categories overlap). A total of 712 people received services from the NCAV between January and June. Of the 712, 564 people were referred to the NCAV as victims of domestic violence, and 148 were referred as victims of sexual abuse. Of those who experienced sexual abuse, 82 percent were victimized by their spouse. The NCAV continued domestic violence prevention campaigns without governmental support. The government continued to contract with NGOs to provide services to victims. For example, for the year the NCAV received 22.4 million tugrugs (\$11,950) from the General Social Welfare Services Agency, five million tugrugs (\$2,670) from the Ministry of Population Development and Social Protection and 28.5 million tugrugs (\$15,200) from the Ministry of Justice to assist victims of domestic violence.

During the year a Division for the Prevention of Domestic Violence and Crimes Against Children was established under the Ulaanbaatar Metropolitan Police Department. A new police-run shelter for domestic violence victims was also established under this division. The shelter staff received multiple iterations of Ministry of Justice-funded training from NCAV staff members during the year. NGOs applauded the establishment of the new division and the opening of the shelter, but the NCAV expressed concern that the existence of the police shelter--with 10 more beds than the NCAV's Ulaanbaatar shelter, five times more staff, and

government funding--had not alleviated pressure on the NCAV's consistently overcrowded shelter given the rapidly increasing number of reported cases.

According to the NCAV, there were seven shelters (two in Ulaanbaatar) and five one-stop service centers (three in Ulaanbaatar), run by a variety of NGOs, local government agencies, and hospitals. The one-stop service centers, located primarily at hospitals, provided emergency shelter to victims for up to 72 hours. Victims who need longer accommodation were transferred to shelters. The very small number of shelters, particularly in rural areas, presented a challenge for domestic violence victims seeking assistance.

Female Genital Mutilation/Cutting (FGM/C): The law, while not explicitly prohibiting FGM/C, prohibits the intentional infliction of severe bodily injury, and there were no reports of the practice during the year.

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 about the redress of complaints, but the law provides no penalties for sexual harassment. Although the law provides that victims of sexual harassment may file complaints with the NHRC, according to NHRC statistics such complaints were rare. A poll conducted by the NHRC found that internal regulations of nearly 70 percent of employers surveyed had no prohibition of sexual harassment, and those that did had no procedures for handling a sexual harassment complaint. NGOs stated there was a lack of awareness and consensus within society of what constituted inappropriate behavior, making it difficult to gauge the actual extent of the problem. The NHCR reported poor knowledge of the sexual harassment provisions in the law among both employers and employees.

Reproductive Rights: Couples and individuals have the right to decide freely the number, spacing, and timing of their children; to have the information and means to do so, free from discrimination, coercion, and violence. Observers cited long waiting times, a lack of confidentiality, and unprofessional treatment by medical personnel as problems at public reproductive health care facilities. 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. Additionally, although reproductive health information was widely available, it was rarely produced 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 men and women with equal rights in all areas, including equal pay for equal work and equal access to education. These rights were observed with some exceptions. The Law on Gender Equality sets mandatory quotas for the inclusion of women within the government and political parties. It also outlaws discrimination on the basis of sex, appearance, or age. In January 2013 the government adopted a midterm strategy and Action Plan for the Implementation of the Law on Gender Equality. During the year the government budgeted 52 million tugrugs (\$27,730) for the implementation of the law and the midterm strategy.

Women made up approximately one-half of the workforce, and a significant number were the primary wage earners for their families. The law prohibits women from working in occupations that require heavy labor or exposure to chemicals that could affect infant and maternal health and the government effectively enforced these provisions. Many women occupied midlevel positions in government and business or were involved in the creation and management of new trading and manufacturing businesses. The mandatory retirement age is 60 for both men and women.

Despite the law women faced discrimination in employment. The NHRC found that men were more likely than women to be promoted or to be given professional development opportunities. Women also faced discriminatory policies with regard to family planning. In a 2013 NHRC survey, one in 10 women received verbal warnings from their employer not to marry within the first one to two years of employment, and 6.8 percent of survey respondents claimed employers warned them not to have children or adopt a newborn for two years. Surveys by various organizations and NGOs reflected that men and women were not paid equally for equal work performed. According to the NHRC, one obstacle to equal pay for equal work was that employers lacked clear methods for assessing what work is of equal value.

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

There was no separate government agency to oversee women's rights; however, the National Committee on Gender Equality under the Prime Minister's Office coordinates policy and women's interests among ministries and NGOs and gender sub-councils at the provincial and local level. There was also a division for women, children, and family concerns within the Ministry of Population Development and Social Protection. In parliament a Standing Committee on Social Policy, Education, and Science focused on gender matters.

## **Children**

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

Child Abuse: Child abuse was a significant problem and consisted principally of domestic violence and sexual abuse. The NHRC reported that domestic violence against children often was unreported because children were either afraid to report or unable to report to the relevant authorities. According to the governmental National Authority for Children (NAC) and various NGOs, both problems were most likely to occur within families. In a survey published during the year citing 2013 statistics, the National Statistical Office reported that 46.9 percent of children between the ages of one and 14 years had experienced violent discipline, defined as psychological aggression or physical punishment, in the last month. The NAC reported that it observed increased reports both of domestic violence and sexual abuse of children, although they attributed this to growing public awareness and hence a growing incidence of reporting.

Child abandonment was also a problem. Some children were orphaned or ran away from home as a result of poverty-related neglect or parental abuse, much of it committed under the influence of alcohol. Police officials stated that children of abusive parents were sent to shelters, but some observers indicated many youths were returned to abusive parents. Officials and police also expressed concern that government restructuring had led to the dissolution of all existing structures dedicated to providing services to unattended children, leading many children to return to the streets. The former Address Identification Center, a temporary shelter for children picked up on the street, was converted into a police-run domestic

violence shelter, and the Child Development and Protection Center, formerly a long-term shelter for street children, was made part of the orphanage system. Street children were consequently referred to various government-run Child Protection Centers (CPCs), although Ulaanbaatar police reported procedural barriers to getting children admitted to CPCs, stating that in practice, police referred children to the Metropolitan Office of Child and Family Development and worked with that office to refer children to NGO-run shelters.

In addition to eight officers under the Division for the Prevention of Domestic Violence and Crimes Against Children under the Metropolitan Police Department, district police offices in two outlying districts of Ulaanbaatar each appointed one officer to investigate crimes against, and committed by, juveniles. In more central districts, local patrol officers had day-to-day responsibility for juvenile issues.

On June 1, the NAC launched a child hotline to receive reports of child abuse and refer them to the police. Between its June launch and the end of September, the hotline received nearly 23,000 calls, a much higher number than anticipated. The hotline received the bulk of the calls after a television awareness campaign in early September.

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

Female Genital Mutilation/Cutting (FGM/C): The law, while not explicitly prohibiting FGM/C, prohibits the intentional infliction of severe bodily injury, and there were no reports of the practice during the year.

Sexual Exploitation of Children: Although against the law, the commercial sexual exploitation of children less than 18 years old was a problem. According to NGOs there were instances where teenage girls were kidnapped, coerced, or deceived and forced to work in prostitution. Sex tourism from South Korea and Japan reportedly remained a problem. The minimum age for consensual sex is 16. Violators of the statutory rape law are subject to a penalty of up to three years in prison. The law prohibits the production, sale, or display of all pornography and carries a penalty of up to three months in prison. NGOs stated that online child pornography was not uncommon. Furthermore, NGOs reported there was no specialized agency whose officers were specifically trained to deal with child pornography or sex advertisements on the internet, and police did not routinely investigate either crime. Although police did not register any cases of sexual exploitation of children via the internet during the year, they took steps to improve public awareness of

such crimes. For example, the NPA's Organized Crime Department opened a Facebook page for public awareness messaging. Although police also took steps to improve their capacity to investigate sexual exploitation of children via the internet, their technical expertise with such crimes remained limited.

Institutionalized Children: According to the UN Children's Fund, more than 40,000 children lived in school dormitories away from their parents for most of the year. These 500-plus dormitories were located primarily in provincial centers to serve students whose families were nomadic or lived in very rural areas. Government officials, NGOs, and international organizations expressed concerns about child abuse in the dormitories and the safety standards of the buildings. The NAC indicated that children in dormitories had no means to report abuse.

There were reports that conditions at the Child Development and Protection Center (CDPC) in Ulaanbaatar deteriorated following an administrative change during the year. The CDPC's budget was cut and the children were allegedly used to clean the facility. Dorms and classrooms were reportedly unheated during the winter (during which temperatures routinely plunge to negative 40 degrees Fahrenheit). The quality of food and clothing reportedly worsened, as did the quality of the teaching staff. According to one source, many children chose to leave the center (and return to the street) after the change because of the poorer physical and social conditions.

In its 2013 report to parliament, the NHRC expressed concern about the conditions of children living and studying in Buddhist temples and monasteries. According to the report, such children sometimes experienced harassment, bullying, and physical and verbal abuse at the hands of teachers, staff, adult monks, and peers. Religious schools reportedly lacked mechanisms to prevent and respond to reports of abuse, so children's complaints frequently went unheard. Some institutions housed children in overcrowded dormitories, and many did not have adequate medical facilities. Most schools had inadequate classroom space, furniture, textbooks, and other teaching aids. There was also a lack of qualified and dedicated teachers. Although some NGOs and international organizations have established programs to improve the quality of education in religious institutions, conditions for children in religious schools remained a concern. The National Statistical Office reported 591 students studying in religious institutions in 2013.

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

## **Anti-Semitism**

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

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **Persons with Disabilities**

The labor law prohibits discrimination in employment against persons with disabilities “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” (see section 7.d.). There is no explicit prohibition of discrimination in education, although the law charges the government with creating conditions to ensure students with disabilities receive an education. The law defines the types of disabilities as including those concerning physical, sensory, and mental but not intellectual disabilities. The law gives provincial governors and the Ulaanbaatar governor the responsibility to implement measures to protect the rights of persons with disabilities. The government continued to devote increasing attention to improving conditions for persons with disabilities. A broad-based government and civil society working group initiated a comprehensive review of existing legislation regarding people with disabilities, focusing on ways to transition from a benefits-based approach to disability to a rights-based approach. Implementation and enforcement of existing law remained weak, and most persons with disabilities faced significant barriers to employment, education, and participation in public life.

The law mandates standards of physical access for persons with disabilities to newly constructed public buildings; however, most new buildings had not complied with the law. Government buildings and public transportation remained largely inaccessible to persons with disabilities. Despite a law introducing standards for road construction, the persistence of open manholes and protruding obstacles (as well as crosswalks unheeded by motorists) prevented many persons with disabilities from moving freely.

The Department for the Development of Persons with Disabilities within the Ministry of Population Development and Social Protection is responsible for

developing and implementing policies and projects designed to improve the quality of life of persons with disabilities. The Ministry of Labor allocated 1.9 billion tugrugs (\$1.01 million) to fund a program to increase employment opportunities for persons with disabilities, ministry officials reported, the first time a program was specifically dedicated to persons with disabilities. The government also provided tax benefits to enterprises that hired persons with disabilities. Additionally, the law requires workplaces with more than 25 employees to employ a minimum 4 percent of persons with disabilities or pay a fine. For each person with disabilities that a company should have hired under the law, a company is assessed a fine between 30 and 50 percent of the monthly minimum wage. NGOs reported growing interest among companies in hiring persons with disabilities, although reluctance to hire persisted and many companies preferred to pay the fine. Members of the disability community also reported that even when persons with disabilities secured jobs, they were sometimes unable to keep them because public transportation was inaccessible and the cost of taking taxis to work became prohibitive. Furthermore, the government failed to employ persons with disabilities in the ratio required of other employers. Three employment agencies were established in 2013 to find jobs for persons with disabilities. The Mongolian Federation of Persons with Disabilities stated that these agencies continued to operate but remained underutilized, in part because many persons with disabilities lacked the skills required for available jobs. The overwhelming majority of working-age persons with disabilities remained unemployed.

The law requires companies with more than 20 transportation carriers to equip at least 10 percent of those carriers to be accessible to persons with disabilities. Companies that fail to comply with this provision are supposed to pay a fee. The law further requires that public transportation have the capability to announce the names of the bus stops for blind persons and that bus stops have names, conspicuously displayed on signs, and bus routes posted for persons who are deaf or hard of hearing. During the year eight claimants sued the Ulaanbaatar city governor and the Mongolian Authority for Standardization and Measures for failure to approve regulations enforcing legal provisions requiring accessibility for disabled people and for a provision in existing regulations requiring persons with disabilities using public transportation to travel with a personal assistant. In September an Ulaanbaatar administrative court ruled in favor of the claimants on both counts. According to sources involved in the case, the standardization authority struck the provision requiring persons with disabilities to travel with a caretaker, and the Ulaanbaatar governor's office accepted the verdict.

Persons with sight 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, as service providers lacked trained personnel and appropriate technologies to reach these populations. None of the country's domestic violence shelters was accessible to persons with disabilities.

Although the government increased efforts to accommodate voting by persons with disabilities in the 2013 presidential election, such persons faced barriers to participation in the political process, including a high number of inaccessible polling stations and insufficient Braille ballot covers.

There were six specialized schools for youth with disabilities, all located in Ulaanbaatar. Students with disabilities can by law also attend mainstream schools. Nevertheless, children with disabilities faced significant barriers to education. NGOs dedicated to promoting rights for persons with disabilities reported, and government officials acknowledged, that schools lacked teachers trained to work with children with disabilities. Further, the NHRC reported inadequate textbooks and other training materials, with some teachers simply using lower-level textbooks designed for mainstream schools or developing their own materials with the available resources. The NHRC's report stated that most mainstream schools did not have appropriate facilities (including school buses) to make them accessible to children with disabilities and that the government allocated insufficient resources for such renovations.

According to NGOs there was not a common understanding regarding what constituted a disability. Educational institutions frequently failed to identify mental and developmental disabilities. In particular, NGOs organized by parents of children with Down syndrome and autism noted a complete absence of professionals--medical, educational, or otherwise--who specialized in these conditions. Representatives of the NGO "And Children: Autism Mongolia" stated they advised parents to send their children abroad to be diagnosed because there was no diagnostic capability in the country.

The law requires the government to provide benefits according to the nature and extent of the disability. Although the government generally provided benefits, the amount of financial assistance was low, and it did not reach all persons with disabilities due to the absence of any system of distribution and care for such persons.

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

Consensual same-sex sexual conduct is not specifically proscribed by law; however, AI and the International Lesbian and Gay Association criticized a section of the penal code that refers to “immoral gratification of sexual desires,” arguing that it could be used against persons engaging in same-sex sexual conduct. There is no law prohibiting discrimination on the basis of sexual orientation or gender identity. The Civil Registration Law permits individuals who have had gender reassignment surgery to have their birth certificate and national identity card reissued to reflect the change, and the LGBT Center reported that transgender persons successfully applied for new identity cards under this provision.

NGOs continued to report that LGBT 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 LGBT individuals, most involving young LGBT persons who either came out to their families or were discovered by their families to be LGBT. The LGBT Center also continued to track a rape case in which a young gay man was allegedly raped by other males in December 2013. According to the LGBT Center, although the young man filed a first instance report, he later withdrew the case. He was found dead in late January. The police treated the incident as suicide and closed the case in April. Before his death the deceased reported to his friends and his lawyer that he was treated insensitively by the police and prosecutor in charge of his case.

Some media outlets described gay men, lesbians, and transgender persons in derogatory terms and associated them with HIV/AIDS, pedophilia, and corruption of youth. Additionally, NGOs stated that online media frequently ridiculed LGBT persons, sometimes revealing their names and addresses in internet comments.

Although the provision in the criminal code criminalizing rape (Article 126) contains no language specifying who may be considered a victim, courts commonly interpreted the law as applying only to females; rape of males is usually prosecuted under Article 125, which simply refers to unnatural sexual gratification. This prevailing interpretation made it difficult to prosecute rape of males and treated such rapes as less severe crimes: Whereas Article 126 calls for a sentence of up to 25 years depending on the circumstances of the crime, Article 125 calls for a sentence of two to five years.



LGBT persons reported harassment and surveillance by police, and a 2013 report from the NHRC indicated that police sometimes verbally abused LGBT individuals who reported bias-motivated crimes. Despite training in recent years for police and investigators on how to handle cases involving LGBT rights, victims reported harassment by officers responding to initial complaints of alleged crimes. NGOs reported difficulties estimating the extent of crimes committed against LGBT persons due to a combination of limited law enforcement data and a lack of reporting due to social stigma and fear of reprisal. No hate crime law or other criminal justice mechanisms exist to aid in the investigation, prosecution, or sentencing of bias-motivated crimes against the LGBT community. There were also reports of abuse of persons held in police detention centers based on their sexual orientation. In one case police reportedly detained two transgender women on the suspicion that they were engaged in sex work. When the women's statements were being recorded, police authorities allegedly allowed a television news crew to film the women's faces, and this video was later broadcast on television and online. According to NGOs the women were detained without any evidence, based solely on police suspicions based on their appearance and whereabouts. Police released the women shortly after they were detained.

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

Discrimination in employment was also reported to be a problem. NGOs, the NHRC, and members of the LGBT community reported companies rarely hired LGBT individuals who were open about their sexual orientation or gender identity, and LGBT persons who revealed their status in the workplace frequently faced discrimination, including the possibility of dismissal. As a result most LGBT individuals hid their sexual orientation from their employers. Moreover, in cases where LGBT persons were illegally dismissed, employees rarely sought court injunctions to avoid disclosing their status to more people and thereby increasing the risk of discrimination (see section 7.d). The government did not take any steps to address discrimination against LGBT persons in the workplace.

NGOs working for the rights of LGBT individuals organized the country's second year of Pride activities. According to the LGBT Center, district police provided protection during the march, and there were no incidents of violence during the two weeks of pride events.

## **HIV and AIDS Social Stigma**

There was no official discrimination against those with HIV/AIDS; however, 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 fear of contracting HIV themselves. Additionally, UNAIDS 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. Discrimination in employment and occupation were not reportedly a problem. The public continued largely to associate HIV/AIDS with same-sex sexual activity, burdening victims with the attendant social stigma. This stigma was reinforced by the fact that two-thirds of HIV cases detected were men who had sex with men.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

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

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

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

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

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

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

A dispute between Bus-1 Company workers and the employer that began in January 2013 was successfully resolved during the year. The workers gained a 20 percent wage increase along with other key demands. After workers and employers failed to reach agreement, the case went to an administrative court. Ultimately, the workers and employer settled the dispute through negotiations outside of court.

#### **b. Prohibition of Forced or Compulsory Labor**

The constitution specifically prohibits forced or compulsory labor. The law lacks a provision defining the penalties for forced labor, and there were isolated reports such practices occurred, including forced labor of children. During inspections conducted in 2013 of two military construction units and three prisons, the NHRC found use of soldiers and prisoners for compulsory labor continued to occur without adequate wages or labor contracts. Conscripts were forced to work overtime doing nonmilitary, nonvoluntary work without wages. Inmates at the prisons inspected often received less than half the wage they were contractually due, with prison officials using the remainder for other prison activities. There were cases in which the salary stipulated in inmates' employment contracts was below the legal minimum wage.

As of August 22, there were 2,339 laborers from the Democratic People's Republic of Korea (DPRK) employed in mining, factory work, utilities, transportation, construction, customer service, and health service at various times throughout the year, particularly during the summer. The workers often faced substandard working conditions. Anecdotal evidence suggested that laborers from the DPRK were subject to particularly harsh working and living conditions under labor contracts over which Mongolian authorities assumed little jurisdiction. According to a May 23 story in the *Undesnii Shuudan* newspaper, the Organized Crime Department under the NPA was investigating a construction company called Ar Bayan Shand for allegedly exploiting DPRK workers, including failing to pay their wages on time.

As of the same date, there were 17,990 Chinese workers employed in construction, mining, transportation, development, and various other sectors. In August, shortly before Chinese President Xi made a state visit to Ulaanbaatar, dozens of Chinese workers staged a protest against their employer, the Beren construction company, for failure to pay their wages for several months. Beren reportedly disavowed any responsibility because a subcontractor hired the Chinese workers. A few days later, the local press reported that 130 Chinese workers who had demonstrated against Beren were deported after being referred to immigration authorities by police.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt](http://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. Those who are ages 14 or 15 may work up to 30 hours per week with parental consent. By law children 14 years old may take employment for the purpose of acquiring vocational training and work experience with parental consent and permission from the state; children 15 years old may conclude a contract for employment with permission from parents or guardians. The workweek for children ages 16 and 17 is capped at 36 hours. Those under age 18 may not work at night, engage in arduous work, or work in hazardous occupations such as mining and construction. Nevertheless, authorities reported 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 International Labor Organization (ILO) also noted the minimum age for employment is less than the minimum age for completing compulsory education and urged the government to align the two commitments.

Labor inspectors assigned to regional and local offices are responsible for enforcement of these prohibitions and all other labor regulations. Inspectors have the authority to compel immediate compliance with labor legislation, but enforcement was limited due to the small number of labor inspectors and the growing number of privately owned enterprises. Inspectors generally did not conduct inspections in the informal sector. The General Agency for Specialized Inspection (GASI), the main inspection authority in the country, had a total of 1,850 inspectors nationwide responsible for inspections in 34 different areas. Of these, 47 inspectors focused exclusively on labor issues, including child labor.

Illegally forcing a child to labor carries a fine ranging from 51 to 250 times the minimum wage (9.8 million to 48 million tugrugs or \$5,230 to \$25,610) or imprisonment for up to four years. Persons found to have involved children in “vagrancy and beggary” are subject to fines up to 100 times the minimum wage (19.2 million tugrugs or \$10,250), up to 250 hours of forced labor, or up to five years of imprisonment.

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

The government approved the *National Program for the Worst Forms of Child Labor* in 2011 and amended its labor law during 2012. In November 2013 the government allocated six million tugrugs (\$3,200) towards implementation of the program, although the Ministry of Labor and Ministry of Population Development and Social Protection continued to discuss their respective responsibilities. In September the Ministry of Labor reported there was no budget allocation for implementation of the national program because it was revising the program. The government maintained some data on the number of children under 18 years of age who were engaged in the worst forms of child labor, but it did not provide the information on the number of children removed from such work.

Children worked informally in petty trade, hotels, and restaurants, as well as scavenging in dumpsites and herding and animal husbandry. While statistics were limited, NGOs and government officials reported widespread alcoholism, poverty, and parental abandonment made it necessary for many children to support themselves. According to a 2011-12 survey conducted by the National Statistical

Office and the ILO (the most recent data available), approximately 94,000 children ages five to 17 years (15.9 percent of all children in that age group) worked. Of these, 80.5 percent were engaged in agriculture, forestry, and fishing; 12.3 percent worked in shop and market sales; 3.6 percent were engaged in manufacturing, construction, and handicraft production; 2.9 percent worked in other occupations; and 0.7 percent worked as operators, machinery technicians, and assemblers. The same survey indicated that 11.1 percent of working children (more than 10,000 children) were engaged in hazardous labor during the survey period. There were reports of commercial sexual exploitation of children.

International organizations continued to voice concern over child jockeys in horseracing. According to NHRC reports, more than 30,000 child jockeys competed in horse races each year. Children commonly learned to ride horses at age four or five, and young children traditionally served as jockeys during the national Naadam festival, where races ranged from two to nearly 20 miles. The state bans racing with child jockeys during the coldest period (October 18 through February 13), and there are regulations requiring adequate headwear. Despite greater government and public attention to the risks child jockeys face, enforcement of safety regulations was inconsistent. Observers reported good compliance with safety regulations at national-level races. In 2013 the NAC established a national database to register all jockeys who participate in officially sanctioned national and local races. This database allowed the NAC to monitor compliance with age and safety regulations. According to NAC data, as of September, 7,005 registered jockeys (6,697 boys and 308 girls) had participated in 108 registered races. In these races 13 jockeys received light injuries, while one suffered serious injuries. No deaths were recorded in these races.

GASI organized public-awareness campaigns on the rights of horse jockeys and reported that, as result of these campaigns, all but three provinces forbade children under seven years to participate in horse races during the year. GASI also signed tripartite agreements with horse trainers, insurance companies, and parents of children that helped all parties to pay more attention to the safety of children participating in races.

Community-level races in rural areas continued to present a challenge. According to the NAC, although very specific directions for races were sent to local governors, who possess the sole authority to grant permission for races, people seeking permission for races sometimes attempted to register races them as something else (e.g., a “family gathering”) as a way to avoid the regulations. The NHRC and NAC reported that winter races continued to occur.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

The law prohibits discrimination based on nationality, race, sex, social origin or status, wealth, religion, or ideology. It also prohibits employers from refusing to employ a disabled person except on certain broadly defined grounds (see section 6). The law prohibits gender discrimination (defined as discrimination on the basis of sex or marital status) in political, economic, social, cultural, and family spheres. The law prohibits any stigmatization and discrimination against people with HIV/AIDS. The law contains no language prohibiting discrimination on the basis of sexual orientation and/or gender identity.

Discrimination in employment and occupation occurred with respect to sex, disability, sexual orientation and/or gender identity, and HIV-positive status (see section 6). The ILO noted in 2013 that wages for female workers were 85.5 percent those of male workers. Foreign migrant workers did not receive the same level of protection against labor violations as the general population (see sections 6.b. and e.).

#### **e. Acceptable Conditions of Work**

The legal minimum wage was 192,000 tugrugs (\$103) per month. National poverty estimates were based on population-weighted subgroup estimates from household surveys. According to 2012 World Bank data, 27.4 percent of the population lived below the national poverty line. According to the CMTU, the minimum wage, which applies to both public and private sector workers and was enforced by the Ministry of Labor, did not provide a decent standard of living. Significant inflation exacerbated the problem. Many workers received less than the minimum wage, particularly at smaller companies in rural areas. Additionally, the CMTU reported that it received a larger number of salary-related complaints during the year, including complaints of pay cuts in violation of labor contracts, failure of companies to pay mandatory bonuses, and late payment of wages. The minimum wage is reset every two years by the Ministry of Labor in consultation with trade union representatives and employers.

The standard legal workweek is 40 hours, and there is a minimum rest period of 48 hours between workweeks. 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. The CMTU reported mandatory overtime for some government employees, previously a concern, was no longer an issue. It expressed concern, however, 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, leading to an increased risk of accidents and injuries. In the first nine months of the year, GASI issued administrative sanctions against companies for 589 workers who did not receive wages or leave pay (the pay for legally entitled paid leave); these workers were compensated. Pregnant women and nursing mothers are prohibited by law from working overtime. The law entitles employees to annual paid vacation starting at 15 days per year and increasing with the employee's length of time in the labor force. There is no law mandating sick leave for workers. According to the government, employers set their own rules in this regard.

Laws on labor, cooperatives, and enterprises set occupational health and safety standards. Ministry of Labor officials stated that many safety standards were outdated, having been set between the 1970s and 1990s, although they indicated the ministry had approved some revisions during the year. For example, the Ministry of Labor (along with the Ministry of Health and the World Health Organization) in 2013 approved standards to ban the use of asbestos in construction, including provisions on how to remove asbestos from existing buildings safely.

The laws governing minimum wage and working hours generally were enforced, but enforcement of safety standards was inadequate. Although inspections were conducted both proactively and in response to complaints filed, the NHRC stated the GASI had an insufficient number of inspectors. GASI, which is responsible for all aspects of labor inspections, had 47 labor inspectors. According to some observers, including GASI and the NHRC, fines imposed on companies not complying with labor standards, or for concealing accidents, were insufficient to induce management to resolve problems cited by inspectors. The law also provides for at least two days' advanced 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.

The National Statistics Office reported that during the first half of 2013, 17 percent of the labor force (or 207,701 out of 1.2 million workers) worked in the informal



economy (livestock, herding, agriculture, artisanal mining, and unregistered trade) and were not regulated. While the government does not provide specific programs for pensions or other protection of workers in the informal economy, such workers were able to access health care, education, social entitlements, and an optional form of social security.

The CMTU continued to raise concerns over the number of citizens employed at the Oyu Tolgoi and Tavan Tolgoi mines, seeking to ensure that citizen labor (as opposed to foreign labor) predominated on the projects. While hiring companies argued there was not a sufficient pool of skilled workers locally for technical and semiskilled labor, the CMTU countered that skilled workers were available but were underutilized. Labor representatives also complained that foreign workers received salaries many times higher than equally qualified citizens doing the same job. Discussions between hiring companies, the government, and the CMTU regarding 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 it inspected workplace and health and safety conditions for foreign workers but did not have the authority to monitor wages or inspect living conditions. According to GASI there was no difference in the labor safety conditions for local or foreign workers: companies with strong safety policies ensured compliance with safety standards for both local and foreign workers, and companies with poor safety had numerous accidents that affected both foreign and local workers. Conditions for workers from the DPRK were not fully known, and secrecy surrounded their contractual agreements, labor rights, and compensation. Observers stated that DPRK laborers likely failed to receive the minimum wage. The press reported that companies paid DPRK workers' wages directly to the DPRK government. NGOs reported that companies wishing to employ DPRK workers could do so through mediator companies. There were no official reports on labor exploitation, but there were reports of cases in which workers, mostly Chinese, were deported without receiving their wages. Few, if any, cases ever moved past the investigatory phase before the foreign workers raising the complaints were deported.

The heavy reliance on outmoded machinery and problems with maintenance and management led to frequent industrial accidents, particularly in the construction, mining, and power sectors. According to the NHRC, lack of proper labor protection and safety procedures in the rapidly developing construction sector made this sector particularly susceptible to accidents. Citing a 2013 inquiry by

GASI, the NHRC reported numerous violations of health and safety standards in the construction sector, including absent or substandard closures, fences, and other structures (including warning signs) to protect workers on tall buildings or passing members of the public; employees were either not supplied with personal protective equipment or were not trained to use the equipment properly; companies did not establish internal monitoring mechanisms; companies did not give safety guidelines and instructions on a regular basis; contracts between the general contractor and subcontractors did not clearly express measures for satisfying labor health and safety standards; and construction permits were granted without taking into account construction safety zones. In addition, subcontractors take on all the liability for labor health and safety, which the NHRC described as creating “conditions for a weak monitoring and liability system.” While industrial accidents continued alongside industrial and mining-sector growth, most accidents occurred at unofficial construction sites and private mining areas. GASI reported there was one bystander death from falling equipment, scaffolding, and building materials at an unregulated building site during the year. According to GASI, large multinational projects, such as those at Tavan Tolgoi and Oyu Tolgoi, were better at ensuring safety standards. According to the CMTU, workers have the right to refuse to work in unsafe conditions, but awareness of this right was limited.

A CMTU representative also reported that state agencies and enterprises often failed to comply with regulations requiring them to allocate budget resources to workplace safety. GASI reported 125 industrial accidents involving 131 persons during the first nine months of the year, which caused 101 temporary injuries, 14 permanent injuries, and 16 deaths. During the year GASI provided work safety training to 256 workers in 89 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, education, in which accidents frequently occurred in the past.