

MONGOLIA 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Mongolia is a multiparty parliamentary democracy. In 2013, President Tsakhiagiin Elbegdorj of the Democratic Party was re-elected with 50.23 percent of the vote. The most recent parliamentary elections, held every four years, took place in 2012. Polling place observers judged both elections to have been generally free and fair in accordance with the constitution and international standards, but expert observers concluded that vague equal access provisions of the election law prevented the media from playing a significant role in providing relevant information to voters. Civilian authorities generally maintained effective control over security forces.

The most significant human rights problems were corruption and widespread domestic violence. Vague laws and a lack of transparency in legislative, executive, and judicial processes undermined government efficiency and public confidence and invited corruption. Judicial and administrative tribunals lacked the financial and human resources as well as the institutional professionalism and status to function as independent and neutral adjudicators of criminal prosecutions and civil disputes. Domestic violence was pervasive, but the government lacked the capacity to address the problem effectively.

Other human rights problems observed included police abuse of prisoners and detainees; poor conditions in detention centers; arbitrary arrests; government interference with the media; religious discrimination; exit bans; trafficking in persons; discrimination against persons with disabilities; and discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

Government steps to punish officials who committed abuses or to rectify discrimination were inconsistent.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices. Nevertheless, nongovernmental organizations (NGOs) and the National Human Rights Commission (NHRC) reported that police abused some prisoners and detainees. Human rights groups reported that the use of unnecessary force and torture, particularly to obtain confessions, was a serious problem.

Local police are responsible for investigating allegations of torture. Since police officers represented a considerable portion of alleged perpetrators, the NHRC and NGOs expressed concerns about possible conflicts of interest and stated that perceived conflicts of interest could undermine public confidence in investigations.

Prisoner complaints reported by officials and NGOs concerned coercion and threats, including threats 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 them in detention centers remote from their homes and families, making access to legal counsel and visits by family members difficult.

Legal professionals and NGOs cited numerous barriers to holding alleged abusers accountable. For example, only police detectives and investigators can be tried under the criminal code's principal article for prosecuting official abuse or torture. This article, moreover, covers only physical abuse and does not include psychological abuse or threats against suspects or their families. The National Police Agency (NPA), the central authority that oversees national and local police operations, reported four cases under this article in the first nine months of the year. According to the NHRC, authorities sometimes dropped complaints alleging psychological torture, either for lack of evidence or because the degree of injury could not be determined.

Law enforcement officials can be held liable for intentional infliction of severe bodily injury, although prosecutions for this crime were rare. The law states that prohibited acts do not constitute a crime when committed in accordance with an order by a superior in the course of duty. The law provides that the person who

gave an illegal order or decree is criminally liable for the harm caused, but prosecutions were rare. According to Amnesty International (AI), prosecutors, and judges, the law 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, and police and prosecutors reportedly were reluctant to assist in torture investigations. Human rights NGOs also reported obstacles to gathering evidence of torture or abuse. Witnesses were generally themselves detainees or prisoners and were under great pressure not to testify. Such witnesses were vulnerable to coercion, threats against family, and additional charges with longer potential sentences. While many prisons and detention facilities had cameras for monitoring questioning, equipment was often reported broken at the time of reported abuses.

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 prisons and pretrial detention centers administered by the General Executive Agency of Court Decisions (GEACD), despite improvements in recent years.

Physical Conditions: Prisons were overcrowded for much of the year. The GEACD’s 24 prisons were intended to hold 5,982 inmates, but held 6,497 in September. Under an amnesty program, 1,930 individuals were released in November. While the GEACD’s 25 pretrial detention centers were generally not overcrowded, the police-run Denjiin Myanga detention center suffered from serious overcrowding and remained of particular concern.

Men and women were held in separate facilities under similar conditions. Male prisoners were assigned a security level based on the severity of their crimes and housed in a prison of the corresponding security level. There was a single prison for women. Detention facilities housed violent and non-violent detainees together.

Prison and detention center conditions varied. NGOs reported that overcrowding and insufficient medical care, clothing, bedding, food, water quality, lighting, ventilation, sanitary facilities, and accommodations for persons with disabilities were often problems in older prisons and pretrial detention centers. These problems were often worse in rural areas. New or newly renovated facilities

generally had better conditions. Conditions in police-operated detoxification centers were often poor.

The GEACD reported four deaths in prisons and one death in pretrial detention facilities as of September. In the same period, 73 cases of tuberculosis were contracted in prisons. Correctional officials routinely released terminally ill patients shortly before death, which the Prison Fellowship of Mongolia alleged led to misleadingly low prisoner death statistics.

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

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

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

d. Arbitrary Arrest or Detention

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

The General Intelligence Agency (GIA) on occasion detained suspects for questioning without charge. D. Bulgan, the widow of slain democracy leader S.

Zorig, was arrested by GIA agents on November 13 and held incommunicado at an undisclosed location before being transferred to a pretrial detention center. As of December, she remained detained without the announcement of official charges. Two unnamed suspects in the Zorig case were also detained by GIA agents in October and placed in pretrial detention without the announcement of official charges. GIA Director Bat Khurts continues to face outstanding charges in Germany for the alleged kidnapping of a suspect in the same case in 2004.

Role of the Police and Security Apparatus

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

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.

Civilian authorities generally maintained control over both internal and external security forces, but mechanisms to investigate specific allegations of police abuses remained inadequate. There were reported instances of security forces abusing undetained suspects with impunity. Through September, the NPA reported 11 complaints of physical attacks by police against citizens that resulted in criminal cases. In such cases, the officer was released from duty when charges were filed. As of December, no cases had been resolved.

Arrest Procedures and Treatment of Detainees

An evidence-based, prosecutor-approved warrant is generally required to arrest a suspect. Within 72 hours of an arrest, a prosecutor must present a request stating the grounds and reasons for the arrest to a judge, who must decide within 48 hours whether to prolong the detention or release the suspect. The arresting authority must notify a suspect's family within 24 hours of an arrest. A "pressing circumstances" exception in the law allows police to arrest suspects without a warrant. Examples of these circumstances include finding a suspect at a crime, hot pursuit of a fleeing suspect, reasonable suspicion of involvement in a grave crime, and unavailability of a judge. In such cases, a prosecutor must approve the arrest within 24 hours, and a judge must approve the arrest within the normal 48-hour

period. If 72 hours pass after an arrest and a judge has not made a decision, the suspect is released. Upon release, the suspect must be notified of the reasons for detention.

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 permitted detentions of up to 30 months.

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

Despite these problems, detainees generally were charged and informed promptly of the charges against them and of their right to counsel. The maximum pretrial detention with a court order is 24 months, with an additional six months allowed for particularly serious charges such as murder. Detainees generally had prompt access to family members, although repeated transfers or detention in remote locations could undermine this right.

A detainee has the right to an attorney during pretrial detention and all subsequent stages of the legal process, including after sentencing. If a defendant cannot afford a private attorney, the government must appoint one. Detainees were reportedly more aware of their right to legal counsel than in the past, but misperceptions limited their use of this right. For example, detainees were frequently unaware that they were able to exercise this right from the start of the legal process and frequently did not assert it unless and until their cases reached trial. In addition, in some cases repeated transfers or detention in remote locations made access to legal counsel difficult.

Amnesty: In November parliament adopted an amnesty law that freed certain prisoners who confessed to their crimes and paid monetary damages or deducted two years from the sentences of convicted individuals. The amnesty did not apply to individuals convicted of bribery, illegal spending of public funds, or first-degree felonies, such as kidnapping, terrorism, rape, murder, and treason.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but NGOs and private businesses reported that corruption and outside influence continued. Courts rarely entered not-guilty verdicts or dismissed criminal charges over the objection of prosecutors, even in those instances in which full trials had produced no substantial evidence of guilt. Criminal cases were often returned to prosecutors when acquittal appeared more appropriate. As a result, some serious criminal cases cycle 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 unwarranted convictions, dismissals, or reductions of sentences. Juries are not used. Defendants are presumed innocent until proven guilty and can question witnesses and present evidence. They 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 imperfectly observed.

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

Criminal prosecutions, civil litigation, and administrative hearings stemming from a single incident were often merged into a single court proceeding. The law recognizes "civil defendants in criminal prosecutions" who are compelled to appear throughout a trial but participate only in the civil aspects of the proceedings.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Administrative and judicial remedies are available for alleged human rights violations. Corruption, outside influence, and lack of enforcement of court orders were problems in the civil judicial system.

Property Restitution

Semi-nomadic herders in the Gobi provinces reported that some private and government-owned mining interests, many of which involved international companies or foreign parastatals, interfered with their access to some traditional pasturelands. The NHRC reported that herders viewed their winter, spring, and autumn camps as property inherited from their ancestors, although they generally lacked documentation. As a result, herders were at a disadvantage when seeking compensation from mining companies. The NHRC also reported that some mining companies provided voluntary resettlement and financial compensation, although the adequacy of these programs is unclear.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, but government interference with licensing and intimidation of the press, particularly broadcast media, were common, and the government placed restrictions on the ability of users to comment on internet sites.

Press and Media Freedoms: The law bans censorship of public information (information not classified by law) and any government action that would limit the freedom to publish and broadcast. Political influence in the media was widespread. It was widely believed that interested parties paid journalists to

influence reporting, that underpaid reporters demanded payment to cover or even to 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 license tendering process, inhibited fair competition in accessing broadcast frequencies and benefited those with political connections.

Violence and Harassment: Credible sources reported that officials sometimes harassed and intimidated journalists for reporting stories that reflected poorly on the government. A local NGO reported that in February, as a journalist filmed police clearing Ulaanbaatar's Chinggis Square of protesters on a hunger strike against gold mining on Noyon Mountain, a sacred site, police grabbed the journalist's camera and forced him to stop recording. 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 with limited definition of restricted content.

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

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

Libel/Slander Laws: Press representatives often faced libel complaints by government authorities and private persons or organizations. The law places the burden of proof on the defendant in libel and slander cases, and both defamation and insult are criminal charges. By law "spreading libel to the public by means of mass media" is punishable by a fine of up to 150 times the minimum wage or six months' imprisonment. The Judicial General Counsel reported five convictions for defamation during the first half of the year. NGOs stated that such cases encouraged self-censorship among journalists.

Internet Freedom

By law individuals and groups may engage in the peaceful expression of views on the internet. The government, however, restricted internet content in some cases. It maintained a public list of blocked websites and added sites to the list for alleged violations of relevant laws and regulations, including those relating to intellectual property. As of October the CRC reported 228 blocked websites.

A CRC regulation provides for the establishment of a national database to monitor website comments (with information supplied by the General Authority for State Registration and the GIA) in order to identify and charge individuals who defame or threaten others or who try to seduce others to engage in licentious and promiscuous sexual conduct. As of September, NGOs and government officials indicated that no action to establish the database had been taken. Another CRC regulation places broad content restrictions on obscenities and inappropriate content without defining objectionable content explicitly. The regulation requires websites with heavy traffic to use filtering software that makes the internet protocol addresses of those commenting or sharing content publicly visible. Beyond the circumstances regulated by the CRC, there were also cases of apparent government interference with online expression on websites or by internet users who had posted stories or opinions that criticized or reflected negatively on government officials.

In 2014 the CRC closed the website www.amjilt.com after it published an article reporting that a tourist camp partially owned by the then-prime minister was dumping its waste into a nearby river. The owner of the site pursued legal recourse through the judicial system. The Supreme Court upheld amjilt's appeal to remain open, but as of October it remained on the government's list of blocked websites.

Internet access was widely available to the country's urban population and increasingly available in rural areas. According to the government, internet penetration reached 30 percent in 2014.

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. Nevertheless, there were some exceptions, such as the denial of access to public venues for an LGBTI organization (see section 6).

c. Freedom of Religion

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

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

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

Foreign Travel: The law allows immigration officials, courts, the GEACD, and several other entities to prevent departure from the country for a variety of reasons, including civil disputes, pending criminal investigations, and 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.

Authorities do not allow individuals under exit bans to leave until the disputes leading to the bans are resolved administratively or by court decision, and bans may remain in place for years. In May pending further review, the prime minister administratively restricted the power to impose exit bans to the Prosecutor General's Office, which then lifted exit bans on 101 citizens and 17 foreigners.

Protection of Refugees

Access to Asylum: The country is not a signatory to the UN's 1951 Refugee Convention. The constitution provides for the granting of asylum, but the law does not provide for the granting of refugee status. In the past the government established an informal system for providing limited protections to foreign nationals resident in the country while their refugee claims were adjudicated by

UNHCR. A 2010 law establishes deportation criteria and permits the General Authority for Citizenship and Migration to deport asylum seekers.

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

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

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

Elections and Political Participation

Recent Elections: In the 2013 presidential election, incumbent Tsakhiagiin Elbegdorj of the Democratic Party won re-election with 50.23 percent of the vote. An Organization for Security and Cooperation in Europe (OSCE) election observer mission assessed the election as 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. Eleven women were members of the 76-member parliament, up from three in the previous parliament. This increase was due in part to a 2011 law that mandates a 20-percent quota for female candidates proposed by each political party or coalition. Two of the 19 cabinet ministers, as well as 11 of the 21 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, both Muslims, served in parliament during the year. There was also one Christian member of parliament.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption. 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 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.

MPs, including 14 of the 19 current cabinet ministers, are immune from prosecution during their tenures.

Corruption: The Independent Authority against Corruption (IAAC) is the principal agency responsible for investigating corruption cases. The NPA's Organized Crime Department also investigates various types of corruption cases and often assisted the IAAC in investigations. Although questions about the IAAC's political impartiality persisted, the public viewed the agency as effective. During the first nine months of the year, the IAAC reported that it initiated 185 investigations. In the same period, the IAAC reported 13 cases that resulted in convictions, 45 referred for prosecution, 24 referred to other agencies, 22 merged with other criminal cases, and 32 dropped at either the prosecutor or court level.

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.

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

In July 2014 IAAC agents detained L. Gansukh, economic advisor to then prime minister Altankhuyag, and three others on suspicion of embezzling 3.2 billion tugrugs (MNT) (\$1.6 million) from a project to provide inexpensive coal to

residents of Ulaanbaatar's traditional residential districts. After a public trial broadcast on all major radio and television networks, the court sentenced Gansukh on September 21 to four years and six months in prison and banned him from public service for four years. Gansukh and Altankhuyag both questioned the impartiality of the court and the IAAC.

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

Public officials must file a private interest declaration with the IAAC within 30 days of appointment or election and annually during their terms of public service. The law provides that such declarations shall be accessible to the public and prescribes a range of administrative sanctions and disciplinary actions, from fines to removal from office, in the event of a violation. The IAAC is required to review the asset declarations of public servants, including police officers and members of the military.

The IAAC reported that, in the first nine months of the year, 377 officials were investigated for conflicts of interest and problems with income and asset declarations. As a result, 10 officials received formal warnings, 18 received pay deductions, and one was dismissed from his/her position.

Public Access to Information: The law obliges public institutions to make information on their activities, budgets and finances, human resources, and procurement available to the public while providing for the right of citizens to access this public information. Observers noted, however, that the list of exceptions provided broad grounds for non-disclosure. Processing fees were minimal. Public institutions have seven working days to respond or face administrative sanctions for non-compliance. An appeal mechanism exists to review disclosure denials. NGOs reported that authorities denied disclosures during the year on grounds of privacy. They also said that publicly available information usually was not presented in a user-friendly format.

On January 1, the Budget Transparency Law, more commonly called the Glass Account Law, entered into force. The law requires that government expenditures

be audited more expeditiously than previously allowed up to 24 months between audits, and that the audit process itself be transparent. Officials with authority to issue government funds are required to report these expenditures on their respective ministry and agency websites and to report audit results. All transactions above MNT one million (\$500,000) are subject to reporting. Plans for budgets, loans, or bonds must be registered with the Ministry of Finance for monitoring and tracking, even after the originating officials have left their positions.

As of September, 11 of 56 government organizations had failed to submit required financial statements. The Ministry of Finance therefore deducted 20 percent of the monthly wages of the state secretaries of the ministries of defense, health, and education, culture, and science and of the governors of Darkhan-Uul, Zavkhan, and Dundgovi provinces.

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 sources pointed to a case in which GIA officials interrogated journalists who were investigating allegations of Ministry of Justice corruption. 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, the Supreme Court, and parliament for six-year terms. Officials reported that the government budget covered wages and administrative expenses but did not provide sufficient funding for inspection, training, and public awareness activities, prompting the NHRC to seek external funding sources. The NHRC consistently supported politically contentious human rights problems, such as LGBTI rights.

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

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

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 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 15 to 25 years' imprisonment or death, depending on the circumstances. (Note: Although the death penalty exists in the criminal code, it has been abolished in practice.) No law specifically prohibits spousal rape, which authorities do not commonly recognize or prosecute.

NGOs alleged that many rapes were not reported and stated that cultural norms, as well as stressful police and judicial procedures, tended to discourage reporting. The Judicial General Council reported that during the first half of the year, 98 rape cases were registered at court; 10 involved victims under age 16. In the same period, 109 persons were convicted of rape.

Domestic violence remained a serious and widespread problem. In the first seven months of the year, the NGO National Center against Violence (NCAV) registered 660 reports of domestic violence, attributing an increase over the previous year to greater public awareness. Vigorous campaigning by NGOs and government entities was credited with bringing domestic violence into the public discourse and elevating government efforts to combat it. The NCAV also reported an increase in the number of police officers requesting information and a drop in complaints that police had refused to respond to domestic violence calls; The NCAV attributed these developments to growing government and public awareness of domestic

violence problems. All police officers' position descriptions include combating domestic violence.

There is no specific criminal law provision on domestic violence, although prosecutors may pursue criminal charges under other provisions of the criminal code (such as assault, battery, infliction of injury, disorderly conduct, and hooliganism). Civil law provides a measure of protection for victims of domestic abuse, including the possibility of obtaining restraining orders, but a number of procedural and other barriers make restraining orders difficult to obtain and enforce. The law requires police who receive reports of domestic violence to accept and file complaints, visit the site of incidents, interrogate offenders and witnesses, enforce administrative penalties, and take victims to a refuge. It also provides for sanctions against offenders, including expulsion from the home, prohibitions on the use of joint property, prohibitions on meeting victims and on access to minors, and compulsory training aimed at behavior modification. Domestic violence cannot be reported anonymously, which may dissuade individuals from reporting it.

Alleged perpetrators of domestic violence were sometimes detained on administrative rather than criminal charges. Those detained under administrative charges were typically fined MNT 15,000 (\$7.51) and released after a maximum detention of 72 hours. The determination of whether to charge alleged perpetrators with administrative or criminal offenses depended on the severity of physical injury inflicted on the victim.

The NCAV stated that in the first nine months of the year, it provided services, including shelter, to more than 1,000 persons. The government continued to contract with the NCAV and other NGOs to provide services to victims.

The Ulaanbaatar Metropolitan Police Department's Prevention of Domestic Violence and Crimes against Children Division included a police-run shelter for victims of domestic violence. The shelter staff received Ministry of Justice-funded training from NCAV staff members during the year.

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 needed longer-term accommodations were transferred to shelters.

The small number of shelters, particularly in rural areas, presented a challenge for domestic violence victims seeking assistance.

Sexual Harassment: The law charges employers with taking steps to prevent sexual harassment in the workplace, including by establishing internal rules about sexual harassment and the redress of complaints, but provides no penalties. Although the law provides that victims of sexual harassment may file complaints with the NHRC, such complaints were rare. NGOs stated that there was a lack of awareness and consensus within society of what constituted inappropriate behavior, making it difficult to gauge the extent of the problem. The NHRC reported poor knowledge of the law's sexual harassment provisions among both employers and employees.

Reproductive Rights: Couples and individuals have the right to decide freely the number, spacing, and timing of their children and to have the information and means to do so, free from discrimination, coercion, and violence. A local NGO that supports teenage mothers reported that social stigma and poor knowledge of reproductive health impeded young women's access to prenatal care. 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 the same legal status and rights to women and men, including equal pay for equal work and equal access to education. These rights were observed with some exceptions. The law 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.

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

Despite the law women faced discrimination in employment (see section 7.d.).

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

No separate government agency oversees women's rights, but the National Committee on Gender Equality under the prime minister's office coordinates policy and women's interests among ministries, NGOs, and gender councils at the provincial and local levels. There was also a related division 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 residents of rural areas. Failure to register can result in the denial of public services and inability to access child welfare benefits in the form of fixed monthly cash distributions. This particularly affected citizens moving from rural to urban areas, who sometimes experienced difficulties registering in their new locations.

Child Abuse: Child abuse was a significant problem and consisted principally of domestic violence and sexual abuse. According to the government's National Authority for Children (NAC) and various NGOs, both problems were most likely to occur within families. The NHRC reported that domestic violence against children often was unreported because children were either afraid or unable to report to relevant authorities. The NAC and the Ulaanbaatar Metropolitan Police Department reported that they received increased reports of both domestic violence and sexual abuse of children, although they attributed this to growing public awareness of the problems.

Child abandonment was also a problem. Some children were orphaned or ran away from home as a result of poverty-related neglect or parental abuse, often committed under the influence of alcohol. Police officials stated that children of

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

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

The NAC maintained a child hotline to receive reports of child abuse and refer them to the police or relevant agency. In the first nine months of the year, the hotline received 106,585 calls.

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

Sexual Exploitation of Children: Although against the law, the commercial sexual exploitation of children less than 18 years old was a problem. According to NGOs, there were instances in which teenage girls were kidnapped, coerced, or deceived and forced to work in prostitution. Sex tourism from South Korea and Japan reportedly remained a problem. The minimum age for consensual sex is 16. Violators of the statutory rape (defined as sexual intercourse with a person under 16 not involving physical violence or the threat of violence) law are subject to a penalty of up to three years in prison. The law prohibits the production, sale, or display of all pornography and carries a penalty of up to three months in prison. NGOs stated that online child pornography was not uncommon. There was no specialized agency responsible for child pornography or sex advertisements on the internet, and police did not routinely investigate either crime. Although police took steps to improve their capacity to investigate sexual exploitation of children via the internet, their technical expertise 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 rural areas. Some institutions housed children in overcrowded dormitories, and many did not have adequate medical facilities. Government officials, NGOs, and international organizations expressed concerns about child abuse in the dormitories, as well as the buildings' safety. The NAC indicated that children in dormitories had no means to report abuse.

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/.

Persons with Disabilities

Legal prohibitions against discrimination in employment against persons with disabilities are limited, applying “unless the condition of such person prevents him from performing a specified activity or would otherwise be contrary to established working conditions at the workplace” (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 disabilities as restrictions due to permanent impairment of the body or intellectual, mental, or sensory capacities. Governors are responsible for implementing the law.

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 for persons with disabilities. The government devoted increased attention to the needs of persons with disabilities, including through a comprehensive review of existing legislation, focusing on ways to transition from a benefits-based approach 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.

Although the law mandates standards of physical access for persons with disabilities to newly constructed public buildings, most new buildings were not built in compliance with the law. The law also requires that at least 10 percent of the fleets of transport firms with more than 20 vehicles be accessible, to include

accommodations for the blind and deaf. Nevertheless, public transport remained largely inaccessible to persons with disabilities, although the Ulaanbaatar City Transportation Department purchased 50 new buses accessible to passengers using wheelchairs during the year. Open manholes, protruding obstacles, and crosswalks unheeded by motorists also prevented many persons with disabilities from moving freely.

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

Inaccessible polling stations and a lack of ballots in braille undermined participation by persons with disabilities in previous elections.

Students with disabilities are by law allowed to attend mainstream schools, although there are also specialized schools in Ulaanbaatar. Nevertheless, children with disabilities faced significant barriers to education. According to NGOs, there was no common understanding of what constituted a disability, and partly as a result, schools frequently failed to identify mental and developmental disabilities. Schools lacked teachers trained to work with children with disabilities, especially, parents' organizations noted, autism or Down syndrome. Further, the NHRC reported inadequate textbooks and other training materials, with some teachers using lower-level textbooks designed for mainstream schools or developing their own materials with available resources. The NHRC 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 renovations.

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

National/Racial/Ethnic Minorities

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

March, members of an ultra-nationalist group stopped Inner Mongolian tourists (ethnic Mongols from China) who were hiking at Burkhan Khaldun Mountain, a sacred site. The tourists were forced to kneel, verbally assaulted, photographed, and then forced back down the mountain without completing their pilgrimage. Government officials, including the president and the mayor of Ulaanbaatar, apologized to the tourists and publicly condemned the attacks.

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, but 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 law permits individuals who have had gender reassignment surgery to have their birth certificate and national identity card reissued to reflect the change, and the LGBT Center reported that transgender persons successfully applied for new identity cards under this provision.

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

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

Although the provision in the criminal code criminalizing rape contains no language specifying who may be considered a victim, courts commonly interpreted the law as applying only to women; rape of men is usually prosecuted under the article that refers to immoral sexual gratification. This prevailing interpretation made it difficult to prosecute rapes of men and treated such rapes as less severe crimes. Whereas the former article provides for a sentence of up to death, the latter

article provides for a sentence of two to 10 years in prison depending on the circumstances.

LGBTI persons reported harassment and surveillance by police, and a 2014 report from the NHRC indicated that police sometimes verbally abused LGBTI individuals who reported bias-motivated crimes. Despite training in recent years for police and investigators on how to handle cases involving LGBTI rights, victims reported harassment by officers responding to initial complaints of alleged crimes. The NHRC issued a directive requiring the Ulaanbaatar Metropolitan Police to receive training on LGBTI rights; the LGBT Center asserted that police complied with the directive reluctantly. NGOs reported difficulties estimating the extent of crimes committed against LGBTI persons due to a combination of limited law enforcement data and a lack of reporting due to social stigma and fear of reprisal. No hate crime law or other criminal justice mechanisms exist to aid in the investigation, prosecution, or sentencing of bias-motivated crimes against the LGBTI community. There were also reports of abuse of persons held in police detention centers based on their sexual orientation.

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

Discrimination in employment was also reported to be a problem (see section 7.d.).

NGOs working for the rights of LGBTI individuals organized the country's third year of pride activities. According to the LGBT Center, the Ulaanbaatar metropolitan and Sukhbaatar district governor's offices and police restricted their freedom of assembly and association during the activities. The center notified both offices weeks in advance of the intended use of public venues, but both governments waited until the day before the events to deny use of the venues. On the day of the pride parade, police officers physically blocked participants from accessing Chinggis Square. The LGBT Center filed a case against the two governments and the police in administrative court in October. The court dismissed the case on December 10. The LGBT Center stated that it would appeal the decision.

HIV and AIDS Social Stigma

Although there was no official discrimination against those with HIV/AIDS, some societal discrimination existed. The NHRC and other observers reported health service providers at public and private hospitals and clinics often refused service to individuals with HIV/AIDS based on the fear of contracting HIV themselves. Additionally, the Joint United Nations Program on HIV and AIDS reported that all women with HIV/AIDS must deliver children at the National Center for Communicable Diseases in Ulaanbaatar. The women bore the cost themselves, and there was no newborn care at the center. Discrimination in employment was not reportedly a problem. The public continued largely to associate HIV/AIDS with same-sex sexual activity, burdening victims with the attendant social stigma. The fact that two-thirds of HIV cases detected involved gay men reinforced this stigma.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law 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 this was not always enforced.

The government prohibits third parties from organizing strikes. Moreover, persons employed in essential services, defined 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. 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 individual workers and management. Cases that could not be resolved at the committee were referred to the courts. The CMTU reported this process was so lengthy that many workers abandoned their cases due to time and expense.

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 used the portion of employees' salaries deducted for union dues for other purposes and did not forward 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, since some employers refused to conclude collective bargaining agreements or dismissed people for forming a union or holding a union meeting.

b. Prohibition of Forced or Compulsory Labor

The constitution specifically prohibits forced or compulsory labor, except as part of a legally imposed sentence. The law does not define penalties for forced labor, and there were isolated reports that such practices occurred, including forced labor of children. NGOs and government officials noted that the low number of inspectors, insufficient funding, low public awareness, and a lack of definite penalties limited effective enforcement of the law. The Ministry of Justice provided training to identify labor exploitation to Generalized Agency for Specialized Inspection (GASI, the country's main inspection authority) inspection officers in all provinces.

Press reports suggested that wages due to laborers from the Democratic People's Republic of Korea (DPRK) were paid to the DPRK government (see section 7.e.).

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children under age 14 from working. By law at 14 children may work up to 30 hours per week, with parental and government permission, to

acquire vocational training and work experience; at 15 children may conclude an employment contract with permission from parents or guardians. The workweek for children aged 16 and 17 is capped at 36 hours. Those under 18 may not work at night, engage in arduous work, or work in hazardous occupations such as mining and construction. 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 also noted that the minimum age for employment is less than the minimum age for completing compulsory education and continued to urge the government to align the two limits.

Illegally forcing a child to work carries a fine ranging from 51 to 250 times the minimum wage or imprisonment for up to four years. Persons found to have involved children in “vagrancy and beggary” are subject to fines up to 100 times the minimum wage, up to 250 hours of forced labor, or up to five years’ imprisonment. There were no government prosecutions or convictions of forced child labor during the year.

Child labor, including isolated cases of forced child labor, occurred in the informal artisanal mining sector, forced begging, agriculture, hotels and restaurants, industry, petty trade, scavenging, event or street contortionism (a Mongolian art form), and the illicit sex trade (see section 6, “Children”). While statistics were limited, NGOs and government officials reported that widespread alcoholism, poverty, and parental abandonment made it necessary for many children to support themselves. GASI reported no deaths and one injury of a minor in an industrial accident during the first half of the year.

International organizations continued to voice concern about child jockeys in horseracing. According to NHRC reports, more than 30,000 child jockeys compete in horse races each year. Children commonly learn to ride horses at age four or five, and young children traditionally serve as jockeys during the national Naadam festival, where races range from two to nearly 20 miles. The law bans racing with child jockeys during the coldest months, although winter races reportedly continued. Regulations require adequate headwear and chest protection, but despite greater government and public attention to safety risks, enforcement was inconsistent. Observers reported good compliance with safety regulations at national races but less compliance at community and regional events. The NAC maintained a database to register all jockeys who participate in officially sanctioned national and local races. According to NAC data, as of September,

10,655 children under the age of 18 were registered in the database. No deaths were recorded in these races.

The Ministry of Labor and the NAC distributed MNT 160,000,000 (\$80,000) to local governments for programs to prevent child labor, draw children away from working, and support employment of adult family members. The government maintained some data on the number of children under age 18 who were engaged in the worst forms of child labor, but did not provide data on the number of children removed from such work.

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

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination based on nationality, race, sex or marital status, social origin or status, wealth, religion, or ideology. It also prohibits employers from refusing to employ a person with disabilities but provides broad exceptions (see section 6). The law prohibits employers from refusing employment to or dismissing an individual diagnosed with HIV/AIDS, unless the condition makes it difficult to perform job duties. The law contains no language prohibiting discrimination on the basis of sexual orientation or gender identity.

Discrimination in employment and occupation occurred with respect to sex, disability, sexual orientation or gender identity, and HIV-positive status (see section 6).

The National Statistics Office reported in August that the average monthly salary for women was roughly 88 percent of that of men. The NHRC found that men were more likely than women to be promoted or to be given professional development opportunities.

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

Discrimination in employment occurred with respect to persons with disabilities. The government provided tax benefits to persons with disabilities, and the law requires workplaces with more than 25 employees to employ a minimum of 4 percent of persons with disabilities or pay a fine of between 30 and 50 percent of the monthly minimum wage. NGOs reported, however, that reluctance to hire

persisted, and many companies preferred to pay the fine. They also said that the government itself did not meet the 4-percent quota. The overwhelming majority of working-age persons with disabilities remained unemployed.

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

NGOs, the NHRC, and members of the LGBTI community reported that companies rarely hired LGBTI individuals who were open about their sexual orientation or gender identity, and LGBTI persons who revealed their status in the workplace frequently faced discrimination, including the possibility of dismissal. As a result, most LGBTI individuals hid their sexual orientation from their employers. Moreover, illegally dismissed LGBTI persons rarely sought court injunctions to avoid disclosing their status and increasing the risk of discrimination. The government did not take any steps to address discrimination against LGBTI persons in the workplace.

e. Acceptable Conditions of Work

According to the CMTU, the minimum wage of MNT 192,000 (\$96/month), which applies to both public and private sector workers and was enforced by the Ministry of Labor, did not provide an adequate standard of living. Significant inflation exacerbated the problem. Many workers received less than the minimum wage, particularly at smaller companies in rural areas. As of September the CMTU reported 1,700 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 Ministry of Labor, in consultation with trade union representatives and employers, resets the minimum wage every two years. Laws governing minimum wage and working hours generally were enforced.

The standard legal workweek is 40 hours, with a minimum rest period of 48 hours between workweeks. By law overtime work is compensated at double the standard hourly rate for a public holiday, at 1.5 times the standard hourly rate for weekends and extra hours, or by paid time off equal to the number of hours of overtime worked. The CMTU reported that public officers do not get overtime pay in most cases. It also expressed concern that workers in the construction sector, in which work is constrained to a few months because of the extreme winters, were sometimes pressured to work long hours, increasing the risk of accidents and

injuries. 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, although Ministry of Labor officials stated that many safety standards were outdated. Labor inspectors assigned to GASI's regional and local offices are responsible for enforcement of all 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. GASI had 1,250 inspectors nationwide responsible for inspections in 34 different areas. Of these, 88 inspectors focused exclusively on labor health and safety problems

Enforcement of safety standards was inadequate. Although inspections were conducted both proactively and in response to complaints filed, the NHRC stated that GASI's health and safety inspection corps was insufficient. GASI also acknowledged that fines imposed on companies for not complying with labor standards or for concealing accidents were insufficient to induce management to resolve problems. The law provides for at least two days' advance notice for any inspections, which, according to the NHRC, allows time for violations to be concealed. Moreover, employees responsible for labor safety and health were often inexperienced or had not received training. The only authorized training centers were located in Ulaanbaatar.

While the government does not provide pensions or other protection for 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 about the number of foreigners employed at the Oyu Tolgoi and Tavan Tolgoi mines, seeking to ensure that citizen labor predominated. While employers argued that the local pool of skilled and semi-skilled labor was inadequate, the CMTU countered that skilled workers were available but underutilized. Labor representatives also stated that foreign workers received salaries many times higher than equally qualified citizens doing the same jobs. Discussions between employers, the government, and the CMTU on this issue continued during the year.

Many foreign workers, the majority of whom were Chinese mining and construction workers, reportedly worked in conditions that did not meet government regulations. GASI reported that it inspected workplace health and safety conditions for foreign workers but did not have the authority to monitor wages or inspect living conditions. According to GASI, there was no difference in labor safety conditions for local and foreign workers. Companies with strong safety policies ensured compliance with safety standards for both local and foreign workers, and companies with poor safety policies had numerous accidents that affected both foreign and local workers.

Conditions for the estimated 2,060 workers from the DPRK were not fully known; secrecy surrounded their contractual agreements, labor rights, and compensation. Mongolian authorities assumed little jurisdiction over DPRK workers' contracts. These workers were employed in many sectors, especially during the summer, reportedly in harsh working and living conditions. Observers stated that DPRK laborers likely failed to receive the minimum wage, often worked in sub-standard conditions, and had their wages paid directly to the DPRK government. NGOs reported that companies wishing to employ DPRK workers could do so through mediator companies.

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 construction sector made it particularly susceptible to accidents. While industrial accidents rose in pace with industrial and mining sector growth, most accidents occurred at unofficial construction sites and private mining areas. According to GASI, large multinational projects, such as those at Tavan Tolgoi and Oyu Tolgoi, were better at ensuring safety. According to the CMTU, workers have the right to refuse to work in unsafe conditions, but awareness of this right was limited. The CMTU also reported that government agencies and enterprises often failed to comply with regulations requiring them to allocate budget resources to workplace safety.

GASI reported 186 industrial accidents involving 195 persons during the first half of the year, which caused 83 temporary injuries, 94 permanent injuries, and 18 deaths. During the year, GASI provided work safety training to companies and private enterprises. According to GASI, the training resulted in a decrease in the number of industrial accidents in sectors such as light industry, food, health, and education in which accidents frequently occurred in the past.