

MONGOLIA 2018 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for “freedom of conscience and religion,” prohibits discrimination based on religion, and mandates the separation of the activities of state and religious institutions. The law requires religious institutions to register with authorities but provides little detail on registration procedures, leaving most specifics of implementation to local authorities. The law prohibits hindering the free exercise of faith but limits proselytization. The law also prohibits religious legal entities from engaging in government or political activity, organizing religious activities at public premises, including schools, and recruiting children against their will. Some religious groups reported continued difficulties in some localities obtaining and renewing registration due in part to differing registration guidelines among provinces, uncertain registration practices, frequent staffing changes, and the necessity for each branch of a religious group to register separately. The government considered a new law on religion, which included registration issues, and invited public comment. Some regions reportedly delayed new registrations for years. A Christian group reported that an Ulaanbaatar government official stated its registration application was refused based on the large number of Christian organizations already registered. Foreign citizens seeking to enter the country to proselytize must obtain religious visas, and some reportedly faced difficulty doing so. The foreign minister created the position of and appointed an ambassador at large for religious freedom issues following his attendance at the July Ministerial to Advance Religious Freedom in Washington.

There were reports of social media-based harassment of individual Christians, Muslims, and members of other minority religious groups. For example, a Christian church reported that a Facebook posting of baptism photographs received many negative comments.

U.S. officials discussed religious freedom concerns, including uneven application of visa laws and the registration difficulties religious groups face, with high-level officials in the Office of the President, Ministry of Foreign Affairs, Ministry of Justice and Home Affairs, parliament, provincial governments, and the Ulaanbaatar Assembly. In July the U.S. Ambassador at Large for International Religious Freedom met with Foreign Minister Damdin Tsogtbaatar to encourage improvements in the law on religious freedom. In October the Ambassador at Large met with his newly appointed counterpart to identify areas of cooperation. Embassy officials met regularly with religious leaders to discuss religious freedom

and tolerance. In January the embassy hosted an interfaith youth discussion focused on increasing interreligious dialogue and promoting religious tolerance with young representatives from several religious communities in honor of International Religious Freedom Day. The embassy invited Buddhist, Christian, Shamanist, and Muslim leaders to an embassy roundtable in October that focused on promoting respect for religious freedom, interreligious dialogue, and religious tolerance. The embassy also promoted religious freedom on social media.

Section I. Religious Demography

The U.S. government estimates the total population at 3.1 million (July 2018 estimate). In the 2010 census, 53 percent of individuals ages 15 and above self-identified as Buddhist, 3 percent as Muslim, 2.9 percent as Shamanist, and 2.1 percent as Christian. Another 38.6 percent stated they had no religious identity. According to the president's advisor on cultural and religious policy, the majority of Buddhists are Mahayana Buddhists. Many individuals practice elements of Shamanism in combination with other religions, particularly Buddhism. The majority of Christians are Protestant; other Christian groups include The Church of Jesus Christ of Latter-day Saints, the Roman Catholic Church, Jehovah's Witnesses, and the Russian Orthodox Church. Other religious groups such as the Baha'i Faith and the Family Federation for World Peace and Unification (Unification Church) also have a presence.

The ethnic Kazakh community, located primarily in the northwest, is majority Muslim.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution lists "freedom of conscience and religion" among the enumerated rights and freedoms guaranteed to citizens. The constitution prohibits discrimination based on religion, prohibits the state from engaging in religious activity, and prohibits religious institutions from pursuing political activities. The constitution specifies, "The relationship between the State and religious institutions shall be regulated by law." The constitution provides that, in exercising their rights, persons "shall not infringe on the national security, rights, and freedoms of others and violate public order." The constitution says the state shall respect all religions, and religions shall honor the state. The religion law provides "the State shall respect the dominant position of Buddhism" in the country "in order to

respect and uphold the traditions of the unity and civilization of the people.” It furthers says, “This shall not prevent citizens from following other religions.”

In accordance with the criminal code, if an individual is found to have used or threatened the use of force to hinder the activities or rituals of religious organizations, the individual is subject to a fine, ranging from 450,000 to 2.7 million tugriks (\$170 to \$1,000), a community-service obligation of 240-720 hours, or a travel ban ranging from one to six months. If a religious organization or religious representative, such as a priest, minister, imam, monk, or shaman, is found to have committed acts of proselytization through force, pressure, or deception, or was found to have spread “cruel” religious ideology, the law allows for fines ranging from 450,000 to 5.4 million tugriks (\$170 to \$2,000) or a travel ban ranging from six to 12 months, or six to 12 months’ imprisonment.

The law on petty offenses contains fines of 100,000 tugriks (\$38) for individuals and one million tugriks (\$380) for legal entities for recruiting children to religion against their will. The law contains a fine of 100,000 tugriks (\$38) for individuals and one million tugriks (\$380) for any legal entity for disclosing an individual’s religion on identity documents without that person’s consent or interfering with the internal affairs of a religious organization unless otherwise allowed by law. The law also contains a fine of 150,000 tugriks (\$57) for individuals and 1.5 million tugriks (\$570) for legal religious entities for conducting government or political activity or financing any such activity. A fine of 300,000 tugriks (\$110) for individuals and three million tugriks (\$1,100) for legal entities for organizing religious training or gatherings at public premises, including schools, is specified in the law.

The religion law forbids the spread of religious views by “force, pressure, material incentives, deception, or means that harm health or morals or are psychologically damaging.” It also prohibits the use of gifts for religious recruitment. The law on children’s rights provides children the freedom to practice their faith.

The law prohibits religious groups from undertaking activities that “are inhumane or dangerous to the tradition and culture of the people of Mongolia.”

Religious groups must register with local and provincial authorities, as well as with the General Authority for State Registration (General Authority), to function legally. National law provides little detail on registration procedures and does not stipulate the duration of registration, allowing local and provincial authorities to set their own rules. Religious groups must renew their registrations (in most cases

annually) with multiple government institutions across local, provincial, and national levels.

A religious group must provide the following documentation to the relevant local provincial or municipal representative assembly when applying for registration: a letter requesting registration, a letter from the lower level local authority granting approval to conduct religious services, a brief description of the group, the group's charter, documentation on the group's founding, a list of leaders, financial information, a declaration of assets (including any real estate owned), a lease or rental agreement (if applicable), brief biographic information on individuals wishing to conduct religious services, and the expected number of worshippers. A religious group must provide to the General Authority its approved registration application to receive a certificate for operation.

The renewal process requires a religious group to obtain a reference letter from the lower-level local authority to be submitted with the documents listed above (updated as necessary), to the local provincial or municipal representative assembly. The relevant provincial or municipal representative assembly issues a resolution granting the religious institution permission to continue operations, and the organization sends a copy of the approved registration renewal to the General Authority, which enters the new validity dates on the religious institution's certificate for operation.

Public and private educational institutions are entitled to state funding for their secular curricula but are prohibited from using state funding for nonsecular curricula. The education law prohibits all educational institutions from conducting any religious training, rituals, or activities with state-provided funding. A provincial or municipal representative assembly may deny registration renewals for religious groups that violate the ban on using state funding for the provision of religious instruction in educational institutions.

The law regulating civil and military service specifies that all male citizens between ages 18 and 25 must complete one year of compulsory military service. The law provides for alternatives to military service for citizens who submit an objection based on ethical or religious grounds. Alternative service with the Border Forces, the National Emergency Management Agency, or a humanitarian organization is available to all who submit an ethical or religious objection. There is also a provision for, in lieu of service, paying the cost of one year's training and upkeep for a soldier.

Under the labor law, all foreign organizations, including religious institutions, must hire a stipulated number of Mongolian citizens for every foreign employee hired. Groups not specified in the annual quota list (including most religious groups) must ensure 95 percent of employees are Mongolian citizens. Any unlisted group with fewer than 20 Mongolian national employees may employ one foreign worker.

The law regulating the legal status of foreign citizens prohibits foreigners from advertising, promoting, or practicing “cruel” religions that could damage the national culture. There were no reports of any individual or organization being penalized for violating this prohibition. The religion law includes a similar prohibition on religious institutions, both foreign and domestic, conducting “inhumane” or culturally damaging activities within the country.

Foreigners seeking to conduct religious activities must obtain religious visas and are prohibited from proselytizing, promoting, and practicing religion that violates national culture and law. Only registered religious groups may sponsor foreigners for religious visas. Foreigners who enter on other classes of visas are not allowed to undertake activities that advertise or promote any religion (as distinct from personal worship or other individual religious activity, which is permitted). Under the law, “engag[ing] in business other than one’s purpose for coming” constitutes ground for deportation.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

Registration and renewal procedures for religious institutions reportedly varied significantly across the country, largely depending upon the practices of local government officials. Some religious groups continued to say the government inconsistently applied and interpreted regulations, changing procedures frequently and without notice. Some religious groups continued to state that the registration and renewal process was arbitrary in some instances, with no appeal mechanism for denials.

Some groups said they were deterred from registering because of the length of the registration process, which varied from several weeks to years, an inability to fulfill requirements due to a lack of dedicated, regular worship sites, and changing government personnel.

Ulaanbaatar Assembly officials continued to say the registration and renewal process allowed the government to assess the activities of religious groups, monitor the number of places of worship and clergy, and know the ratio of foreigners to nationals conducting religious activities. After a religious organization filed for new registration or renewal, according to Ulaanbaatar Assembly officials, a specialized team visited the applying organization to conduct an inspection to determine whether it met specific registration requirements for religious legal entities. This inspection team was composed of individuals from relevant agencies, such as the National Police Agency, General Intelligence Agency, and General Agency for Specialized Inspection. The officials continued to say any applications for initial registration or renewal that ostensibly were “denied” were more accurately “postponed” because of incomplete documentation, poor physical conditions of the place of worship, instances of providing English language instruction in schools without an educational permit, or financial issues (e.g., failure to pay property tax or to declare financing from foreign sources). The authorities said in these cases, they instructed religious institutions to correct deficiencies and resubmit their applications.

A Ministry of Justice and Home Affairs’ 2016 inspection found there were 848 religious organizations nationwide (54.2 percent Christian, 34.6 percent Buddhist, 5.1 percent Muslim, and 6 percent other religion), of which 352 were operating without official registration. According to Ulaanbaatar Assembly officials, there were 306 officially registered religious institutions in Ulaanbaatar as of October 2018.

The Ulaanbaatar Assembly limited registrations and renewals to one year from the date of issuance, although some provincial representative assemblies granted registrations and renewals that were valid for two or three years. An Ulaanbaatar Assembly official said Christian groups constituted the majority of those seeking registrations or renewals; for this reason, most of the cancelled or suspended registrations were for Christian groups. A Christian group reported that an Ulaanbaatar Assembly official stated its registration application was refused based on the large number of Christian organizations already registered.

The Ulaanbaatar Assembly and other provincial representative assemblies continued to decline to recognize branch churches as affiliated with a single religious institution; instead, each individual church was required to register separately. According to Christian leaders from various denominations, the requirement that branches of the same church required separate registrations, which had unclear status in the law, continued to cause particular problems for

religious groups seeking to operate multiple churches under a centralized administration, although such denominations were able to register their churches individually.

Unregistered religious groups were often still able to function, although at times they experienced frequent visits by local tax officers, police, and representatives from other agencies. Some religious leaders expressed concern that unregistered status could leave their organizations vulnerable to investigation and possible legal action. Shamanist leaders expressed concerns that the requirement for a registered place of worship placed limitations on their religion because of its nature-linked practices. Unlike in previous years, there were no reports from Christian groups that this requirement restricted their ability to hold worship services in members' households. Unregistered churches lacked official documents establishing themselves as legal entities and as a result were unable to own or lease land, file tax returns, or formally interact with the government. Individual members of unregistered churches typically continued to own or lease property for church use in their personal capacity.

There was a report that a Christian organization experienced registration difficulties in Ulaanbaatar that Ulaanbaatar Assembly officials stated were due to the pending implementation of updated local regulations. A different Christian organization reported registration and renewal application processing delays, for unknown reasons, in Tuv, Khentii, and Bayan-Olgii Provinces. Unregistered Christian religious organizations, however, were able to operate.

In June the Ulaanbaatar Assembly implemented a 2017 Ulaanbaatar Administrative Court of First Instance ruling in favor of a Jehovah's Witnesses congregation and renewed its registration. The congregation had filed a court petition contesting the Ulaanbaatar Assembly's 2017 decision to cancel its registration based on the assembly's determination that the church's doctrine was potentially harmful to national security. The registration for the Evangelizers of Good News of Holy Scriptures – the legal entity used by Jehovah's Witnesses in Nalaikh District – remained pending with the Ulaanbaatar Assembly at year's end. The delay occurred despite a ruling from the same court that the Ulaanbaatar Assembly failed to provide any evidence that the congregation in Nalaikh District posed a potential threat to national security.

A new draft law on religion was under review at year's end. According to its concept note, the stated intent of the draft law was to improve the monitoring, registration, renewal systems, and accountability mechanisms of religious

institutions. In October the government held a public discussion of the draft law and allowed for the submission of comments on the draft law during a public submission period. During the public discussion, religious groups expressed concern over the composition of the new law's proposed Religious Council, which would oversee a national registration process.

During an interfaith roundtable in October, Buddhist, Christian, Shamanist, and Muslim religious leaders reported that inconsistent implementation of registration requirements and difficulties obtaining religious visas posed barriers to the free exercise of religious practices.

There were reports that local authorities continued to restrict unaccompanied minors' participation in Christian religious services due to fears of "brainwashing." Children under the age of 16 required written parental permission to participate in church activities. Churches are required to retain this permission in church records and make it available upon request.

As allowed by law, religious groups continued to experience periodic audits, usually by officers from tax, immigration, local government, intelligence, and other agencies. During an interfaith roundtable, Buddhist, Christian, Shamanist, and Muslim religious leaders said such audits typically took place once in a two-year period, but some inspection visits reportedly followed routine submissions of registration renewal applications. Secular business entities have also been subject to similar inspections and experience periodic audits. Some religious leaders said such periodic audits were a form of harassment.

Government officials continued to receive Buddhist leaders during Lunar New Year celebrations.

Some foreign citizens continued to face difficulties obtaining religious visas. Since most religious groups were bound by the requirement for 95 percent of staff to be local hires, groups that could not afford to hire enough local employees could not sponsor additional religious visas. Christian groups reported foreign missionaries seeking to enter the country often did nonreligious work and applied for the corresponding type of visa (such as student or business). As a result, the groups reported they could legally participate only in limited religious activities and were vulnerable to deportation because of inconsistent interpretations of the activities in which they could legally engage. The validity of religious visas remained linked to the religious organization's registration, which some Christian religious groups reported resulted in additional visa problems. Foreign citizens

could not receive or renew a religious visa unless their religious organization's registration or renewal was already granted. The length of the religious visa's validity corresponded with and could not exceed the registration validity of its sponsoring organization.

The government continued to allocate funding for the restoration of several Buddhist sites that it stated were important religious, historical, and cultural centers. The government did not provide similar subsidies to other religious groups.

The president's advisor on cultural and religious policy stated in an October press interview that some foreign-funded nongovernmental organizations conducted religious activities in violation of the law. She also expressed concern that some churches illegally distributed cash and food as incentives for membership and targeted children to join congregations.

The foreign minister appointed the country's first ambassador-at-large for religious freedom issues following his attendance at the July Ministerial to Advance Religious Freedom in Washington.

Section III. Status of Societal Respect for Religious Freedom

There were reports of harassment of individual Christians and members of other minority religious groups socially or on social media. For example, a Christian church reported that a Facebook posting of baptism photographs received many negative comments. During an interfaith youth discussion in January, an ethnic Kazakh Muslim teacher said her employer requested that she remove her head covering while at work. During the same event, a Catholic university student said her fellow students discriminated against her for believing in a "foreign" religion.

According to some religious leaders, overall public support for religious freedom increased. For example, representatives of a minority religious group said that employers sometimes recruited its members, who were widely seen as "honest and ethical" based on religious affiliation. Some Christians, however, reported that a negative perception among the public about the growing influence of Christianity continued.

In July *Asianews.it* reported an effort by the Chinese Communist Party to influence Buddhists in Mongolia, including through involvement in choosing a successor to Jebtsundamba Khutugtu, the spiritual head of the Gelug school of Tibetan

Buddhism in Mongolia, and exploiting divisions between two monasteries in Ulaanbaatar. A high-level Buddhist source disagreed with the article's assessment regarding Chinese attempts to influence Buddhists in Mongolia.

Section IV. U.S. Government Policy and Engagement

The Ambassador, Charge d'Affaires, and other U.S. officials regularly discussed religious freedom and shared the U.S. government's concerns about the uneven application of visa laws and the registration difficulties religious groups reported with government officials at the national, local, and provincial levels. The Charge discussed the importance of societal respect for religious tolerance in several meetings with the foreign minister. He also raised concerns about previously reported registration difficulties in a February meeting with senior-level provincial authorities in Dornod. The Charge and other embassy officers encouraged officials to enhance efforts to protect religious freedom and underscored the value of dialogue between the government and religious communities during meetings with parliamentarians and high-level officials in the President's Office, Ministry of Foreign Affairs, Ministry of Justice and Home Affairs, Ulaanbaatar Assembly, and provinces. The Charge frequently discussed religious freedom issues with the newly appointed Mongolian ambassador at large for religious freedom issues and facilitated his travel to the United States for international religious freedom meetings that built his professional network on this issue.

In July the U.S. Ambassador at Large for International Religious Freedom met with Foreign Minister Damdin Tsogtbaatar to encourage improvements in the law on religious freedom. In December the U.S. Department of State submitted comments on the draft law on religion during the public comment submission period.

In October the U.S. Ambassador at Large met with his newly appointed counterpart for Mongolia to identify areas of cooperation.

The Charge and other U.S. officials met frequently with religious leaders in Ulaanbaatar and across the country, both individually and in groups, to discuss registration and visa problems as well as ways to promote greater religious freedom, for example by drawing interfaith leaders together to encourage public comment on the new draft law on religion. In January the embassy hosted an interfaith youth discussion with young representatives of religious communities in honor of International Religious Freedom Day. The discussion focused on increasing interreligious dialogue and promoting religious tolerance. The embassy

invited Buddhist, Christian, Shamanist, and Muslim leaders to an embassy roundtable in October that focused on promoting respect for religious freedom, interreligious dialogue, and religious tolerance. The embassy used the October visit of U.S. Department of State religious freedom officials to emphasize the importance of religious freedom as a universal human right in discussions with government officials and religious leaders. The embassy also promoted religious freedom on social media. The Charge promoted International Religious Freedom Day on Twitter following a November meeting with the ambassador at large for religious freedom issues.