

MONGOLIA 2021 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 local authorities to decide most of the specifics of implementation. The law prohibits hindering the free exercise of faith but limits proselytization. Despite being listed on the legislative agenda for the autumn session, there was no information on the status or content of a draft update to the Law on the Relations Between the State and Religious Institutions, which has not seen progress since drafting began and stopped in 2018. Some Christian and Buddhist groups reported continued difficulties or extended delays obtaining and renewing registration for their groups or their places of worship, or obtaining religious visas in some localities, reportedly due in part to the government's desire to delay the issuance of new religious group registrations until after parliament passes a new religion law. Due to the COVID-19 pandemic, the government prohibited all in-person religious activities most of the year, and restrictions on religious gatherings were lifted later than restrictions on other types of indoor gatherings, leading some churches to report that they believed the government was discriminating against religion. Since October, the government allowed religious groups to conduct meetings and services upon entering into an "accountability agreement," a pledge to comply with precautionary measures set by the applicable local government. In January, the National Institute of Security Studies, a government think tank, published an article stating that foreign religions in the country have reached a level that could affect national unity and sovereignty and suggested that the state must "respect the dominance of Buddhist religion[.]"

Religious leaders from a variety of faiths cited instances of negative popular sentiment toward "foreign" religious groups, a term they said was sometimes used to refer to non-Buddhist and non-Shamanist religious groups. Religious groups engaged in joint humanitarian and charitable activities.

U.S. embassy officials discussed religious freedom concerns, including registration difficulties faced by religious groups and the renewal of religious visas, with high level officials in the Office of the President, Ministry of Foreign Affairs, Ministry of Justice and Home Affairs, parliamentarians, provincial governments, and the Ulaanbaatar City Council. The Ambassador and embassy officials met regularly

with religious leaders in Ulaanbaatar to discuss religious freedom and tolerance and the effect of COVID-19 restrictions on their communities. The Ambassador met with religious leaders in Bayankhongor and Darkhan-Uul Provinces in September and October, and an embassy official held similar meetings in Khentii, Bayan-Ulgii, and Khovd Provinces in September and October. The embassy regularly promoted religious freedom on social media.

Section I. Religious Demography

The U.S. government estimates the total population at 3.3 million (midyear 2021). The most recent national census conducted in 2020 reports that 59.4 percent of individuals who are 15 and older identify as religious, while 40.6 percent state they have no religious identity. Of those who expressed a religious identity, 87.1 percent identify as Buddhist, 5.4 percent as Muslim, 4.2 percent as Shamanist, 2.2 percent as Christian, and 1.1 percent as followers of other religions. 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 in the country include The Church of Jesus Christ of Latter-day Saints (Church of Jesus Christ), the Roman Catholic Church, Jehovah's Witnesses, the Russian Orthodox Church, and the Family Federation for World Peace and Unification (Unification Church). Other religious groups, including the Baha'i Faith, also have a presence. The ethnic Kazakh community, located primarily in the far west, 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. It prohibits the state from engaging in religious activity and religious institutions from pursuing political activities. The constitution specifies that the relationship between the state and religious institutions shall be regulated by law. The constitution states that in exercising their rights, persons "shall not infringe on the national security, rights, and freedoms of others or violate public order." It further provides that the state shall respect all religions, and religions shall honor the state. The Law on the Relationship between the State and Religious Institutions says that 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 states, “This shall not prevent citizens from following other religions.”

Under the criminal code, it is an offense to have used or threatened the use of force to hinder the activities or rituals of religious organizations, with penalties including a fine ranging from 450,000 to 2.7 million tugriks (\$160-\$950), a community service obligation of 240-720 hours, and/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 engaged in proselytization through force, pressure, or deception, or to have spread “cruel” religious ideology, penalties may include a fine of 450,000 to 5.4 million tugriks (\$160-\$1,900), a travel ban of six to 12 months, and/or six to 12 months’ imprisonment. The law does not define what constitutes “cruel” religious ideology.

The law on petty offenses provides for fines of 100,000 tugriks (\$35) for individuals and one million tugriks (\$350) for legal entities found to have recruited children to convert to or adopt a religion against their will. The law provides for a fine of 100,000 tugriks (\$35) for individuals and one million tugriks (\$350) for any legal entity for disclosing an individual’s religion on identity documents without that person’s consent or for interfering with the internal affairs of a religious organization unless otherwise allowed by law. The law also provides for a fine of 150,000 tugriks (\$53) for individuals and 1.5 million tugriks (\$530) for legal religious entities for conducting government or political activity or financing any such activity. The law specifies a fine of 300,000 tugriks (\$110) for individuals and three million tugriks (\$1,100) for legal entities for organizing religious training or gatherings on public premises, including schools.

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 religion law prohibits religious groups from undertaking activities that “are inhumane or dangerous to the tradition and culture of the people of Mongolia,” although there are no stated standards or legal definitions for what constitutes such activities.

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 limited 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. Each individual branch (or place of worship) of a religious organization is required to register or renew as an independent legal entity, regardless of any affiliation with a registered parent organization. Some local authorities require children under the age of 16 to provide written parental permission to participate in church activities.

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 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 (district/*soum* level) to be submitted with the required documents (updated as necessary) to the local provincial or municipal representative assembly. During the renewal process, the local provincial or municipal representatives commonly request a safety inspection of the religious organization's offices and places of worship and will order remediation of any deficiencies found. Upon approval, 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 religious 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, National Emergency Management Agency, or a humanitarian organization is available to those who submit an ethical or religious objection. There is also a provision for paying the cost of one year's training and upkeep for a soldier in lieu of service.

Under the labor law, all legal entities, including religious institutions, must hire a stipulated number of citizens for every foreign employee hired. The government sets an annual quota in the form of a resolution, and this quota changes every year for each labor sector listed in the resolution. Groups not specified in the annual quota list must ensure 95 percent of their employees are citizens, and that additional foreign employees may be hired only if the 95 percent quota is met and maintained. The annual resolution, however, uniquely stipulates that religious groups could employ one foreign worker if they employed at least five Mongolian citizens and must meet and maintain no less than this one-to-five hiring ratio.

The law regulating the legal status of foreign nationals prohibits noncitizens from advertising, promoting, or practicing “inhumane” religions that could damage the national culture. 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, including proselytizing, must obtain religious visas, and all foreigners are prohibited from proselytizing, promoting, and practicing religion that violates the “national culture” and law. Only registered religious groups may sponsor foreigners for religious visas. Foreigners who enter the country 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 grounds for deportation.

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

Government Practices

The government has stated its intent to pass a new law on religion since 2018 but observers stated that concerns on all sides delayed passage beyond the end of 2021. Despite its being listed on the legislative agenda for the autumn session, there was no information on the status or content of the draft update to the law on religion. Some government officials cited the lack of an updated religion law as a reason for their inability to process new registration applications submitted by religious groups.

Representatives of several religious groups, including Christian and Buddhist groups, stated that government authorities were not processing registration applications for new religious buildings in Ulaanbaatar, which an Ulaanbaatar City Council official, citing the need to wait for approval of updates to the law, said was the case. However, city officials processed registration renewal applications for existing buildings. Registration and renewal procedures continued to vary significantly across the country, largely depending upon the divergent practices of local government officials. According to several religious organizations, registration delays could affect a group's ability to employ foreign religious workers, as valid registration is required to sponsor a religious worker.

The Ulaanbaatar City Council continued to issue renewals valid for one year, but some religious groups continued to cite prolonged delays in processing. Other provincial and municipal representative assemblies issued renewals for either two or three years. An Ulaanbaatar City Council official said Christian groups continued to constitute the majority of those seeking registration and renewal. Christian leaders continued to attribute the difficulty in obtaining visas for religious workers mainly to delays in the processing of such renewals. Christian and other religious groups stated other deterrents to registration included the difficulty and expense of establishing a dedicated, regular worship site and changing government personnel. Groups continued to state that the requirement that each local branch of the organization separately register or renew as an independent legal entity apart from its parent organization created additional bureaucratic burdens.

Ulaanbaatar City Council officials again stated that the government used the registration and renewal process to assess the activities of the religious group, monitor the number of places of worship and clergy, determine the ratio of foreigners to nationals conducting religious activities, and determine whether their facilities met safety requirements. City Council officials said approval of applications that were ostensibly "denied" were more accurately "postponed" due to incomplete documentation and the poor physical condition of the place of

worship, such as the lack of a proper fire exit or missing property lease agreements. In such cases, officials directed the religious organization to correct the deficiencies and resubmit its applications. Some Christian groups continued to state that the government inconsistently applied and interpreted regulations, changing procedures frequently and without notice. Some religious groups continued to state the registration and renewal process was arbitrary in some instances and that prolonged delays left them without any appeal mechanism during the waiting period.

Some Christian religious leaders said temporary unregistered status could leave their organizations vulnerable to financial audit and possible legal action. Several groups, however, reported they continued to operate normally, despite the fact that their renewal applications had remained pending for years.

Shamanist leaders continued to express concerns that the requirement for a registered place of worship placed limitations on their religion because of its practice of worshipping outdoors.

Unregistered churches lacked official documents establishing themselves as legal entities and as a result could not own or lease land, file tax returns, or formally communicate with the government. Individual members of unregistered churches typically continued to own or lease property for church use in their personal capacity. Some unregistered religious groups said they often could still function, although some reported experiencing frequent visits by local tax officials, police, and representatives from other government agencies.

According to a Christian group, the local government in Darkhan-Uul Province renewed the registrations of six Christian churches that the Darkhan-Uul Provincial Council suspended in 2020 for failure to renew their expired registrations on time.

President Ukhnaagiin Khurelsukh, who was elected in June, reinstated the position of advisor to the President on cultural and religious policy and appointed D. Bum-Ochir to the position. The former president had eliminated the position more than a year earlier, stating it was inconsistent with the constitutional separation of state and religious institutions.

Cornerstone Church of All Nations, which reported experiencing renewal difficulties for more than one year, was approved in May. Other religious organizations reported they had positive relationships with local and district level authorities but that a lack of understanding of the regulations governing religious

organizations among some Ulaanbaatar City Council officials and provincial authorities resulted in the delayed processing of registration and renewal applications.

Jehovah's Witnesses continued to report that the registration application for the Evangelizers of Good News of Holy Scriptures – their organization's legal entity in Ulaanbaatar's Nalaikh District – remained pending with the Ulaanbaatar City Council. This was despite a 2017 Ulaanbaatar Court of First Instance ruling that struck down the city council's argument that the congregation posed a potential threat to national security. Although the city council had as a result revoked its decision to annul the group's registration, it took no affirmative action to renew it. In October, the group submitted a new application for renewal and at year's end was awaiting a determination from the district council.

A January report of the National Human Rights Commission (NHRC) contained a complaint filed with the NHRC on religious freedom in the prior year in which the chairman of a county council in Zavkhan Province stated that the opposition Democratic Party had refused to appoint him because he was a Christian.

Religious groups continued to experience periodic audits, usually by officers from tax, immigration, local government, intelligence, and other agencies. 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. Because religious organizations remained closed most of the year due to COVID-19 pandemic restrictions, the government did not conduct additional inspections beyond routine ones, according to religious groups.

There were no reports of local authorities restricting unaccompanied minors' participation in Christian religious services due to stated fears of "brainwashing" as in past years, although due to COVID-19 restrictions, churches suspended in-person religious services for much of the year. Children under the age of 16 required written parental permission to participate in church activities in some areas. The government required churches to retain this document in church records and make it available upon request. According to the Christian groups, the government enforced this requirement more strictly on Christian groups compared with other religious groups.

Some foreign nationals continued to face difficulties obtaining religious visas. Some religious groups noted that because the law required religious groups to hire at least five local employees for each sponsored foreign worker, some groups could

not afford to hire enough local employees to meet this hiring ratio. Christian groups reported foreign missionaries seeking to enter the country often did so under nonreligious visas (such as student, teacher, or business visas), which legally restricted them from conducting activities allowed under religious visas. They stated that inconsistent interpretations of the activities in which they could legally engage left them vulnerable to deportation, although there were no known instances of this occurring during the year.

The validity of religious visas remained linked to a religious organization's registration, which some Christian religious groups said resulted in additional visa process or renewal challenges. Foreign citizens could not receive or renew a religious visa unless their religious organization's registration or renewal was already granted. The visa validity period corresponded with, and could not exceed, the registration validity of the holder's sponsoring organization. COVID-19-related border closures also created challenges for religious groups seeking to sponsor foreign religious workers.

Due to the COVID-19 pandemic, the government prohibited all religious in-person activities most of the year. However, starting in October, religious organizations could again conduct in-house services provided they signed an "accountability agreement" with local governments, including their pledge to comply with restrictions and precautionary measures set by the government. Several religious groups said the government's decision to maintain restrictions on religious services long after lifting restrictions on indoor activities for other establishments, such as restaurants and movie theaters, demonstrated discrimination against religion. A Christian group reported that not all churches had reopened for in-house services by the end of the year, as the process to request and obtain approval for the agreement took time and required an inspection of the facilities by local officials.

While the law allowed citizens who had ethical or religious objections to military service to carry out alternative civilian service, a representative of the Jehovah's Witnesses stated that this alternative option still required the citizen's participation in a two-week military drill organized by the military leadership of the relevant locality. Another alternative to mandatory military service was to pay the equivalent of the costs associated with one year's training and upkeep for one soldier, an excessive financial burden beyond the means of most of its members, the association stated. None of the members of the Jehovah's Witnesses community were called up for military service this year, due to the pandemic.

In January, 54 legislators submitted a draft law to parliament on Reimbursement for the Restoration of Tangible and Intangible Buddhist Heritage. Seeking to address physical and cultural damage from communist rule in the 1930s, the draft law called for the allocation of 0.1 percent of the state budget to projects aimed at restoring the tangible and intangible cultural heritage of the Buddhist religion. Parliament's standing committee postponed debate on the draft law indefinitely, citing budget constraints. The government continued to allocate funding for the restoration of several Buddhist sites it stated were important religious, historical, and cultural centers.

In January, the National Institute of Security Studies, a government think tank, published an article titled "Religious Concept and Threat of Terrorism" that studied the potential risks of foreign religions. It concluded that foreign religions in the country had reached a level that could affect national unity and sovereignty and suggested the state must "respect the dominance of Buddhist religion for upholding the unity of the people of Mongolia and heritage of traditional culture."

Section III. Status of Societal Respect for Religious Freedom

Religious leaders from a variety of faiths cited instances of negative popular sentiment toward "foreign" religious groups, a term they said was sometimes used to refer to non-Buddhist and non-Shamanist religious groups. A January report of the NHRC contained a complaint filed with the NHRC on religious freedom in the prior year in which a citizen asserted that a Christian church conducted "forced proselytization."

Religious groups engaged in joint humanitarian and charitable activities. The Mongolian Muslim Societies Federation and the Church of Jesus Christ, for example, together implemented a humanitarian project in Bayan-Ulgii Province in October. The 60-million-tugrik (\$21,100) project delivered warm blankets, desks, and chairs to children in Bayan-Ulgii Province. On Buddha Purneema Day on May 26, Dashichoiling Monastery and the Church of Jesus Christ together cleaned the central square of Ulaanbaatar to raise public awareness for religious tolerance. Around 50 volunteers from the two groups took part and there was wide media reporting about the event.

Section IV. U.S. Government Policy and Engagement

The Ambassador and other embassy officials regularly discussed religious freedom with government officials and shared the U.S. government's concerns regarding

registration and visa difficulties religious groups reported at the national, local, and provincial levels. The Ambassador 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 President Khurelsukh's office, the Ministry of Foreign Affairs, the Ministry of Justice and Home Affairs, the Ulaanbaatar City Council, and provincial and municipal governments.

The Ambassador routinely visited religious sites and temples and met with local religious leaders in Ulaanbaatar and in his travels outside Ulaanbaatar. In November, the Ambassador hosted a roundtable for religious leaders from Buddhist, Christian, Muslim, and other faiths in Ulaanbaatar. In September and October, the Ambassador met with local Buddhist, Christian, and Muslim leaders in Bayankhongor and Darkhan-Uul Provinces for interfaith discussions on the status of religious freedom in rural areas. In October, the Ambassador hosted Catholic leaders to learn about how their community was being affected by COVID-19-related restrictions. During September and October visits to Khentii, Khovd, and Bayan-Ulgii Provinces, an embassy official discussed the importance of religious freedom and tolerance with provincial authorities and met with local Buddhist, Muslim, and Christian leaders. The embassy also regularly promoted religious freedom on social media. For example, the Ambassador tweeted in Mongolian and English about his visits to religious sites and meetings with religious leaders across the country's diverse faith communities.