

MONGOLIA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Mongolia is a multiparty parliamentary democracy governed by a democratically elected government. The 2021 presidential election and 2020 parliamentary elections were peaceful and generally considered free and fair.

The National Police Agency and the General Authority for Border Protection, which operate under the Ministry of Justice and Home Affairs, are primarily responsible for internal security. The General Intelligence Agency, whose director reports to the prime minister, assists these two agencies with internal security. The armed forces report to the Ministry of Defense and assist internal security forces in providing domestic emergency assistance and disaster relief. Civilian authorities maintained control over the security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: restrictions on freedom of expression and political speech including the use of criminal libel and other laws; serious government corruption; threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and forced child labor.

Government efforts to punish officials who committed human rights abuses or acts of corruption were inconsistent.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or

unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The law prohibits such practices. Nevertheless, the quasigovernmental National Human Rights Commission (NHRC) and nongovernmental organizations (NGOs) reported some prisoners and detainees were subjected to unnecessary force and cruel, inhuman, or degrading treatment or punishment, particularly to obtain confessions.

Responsibility for investigating allegations of torture and abuse is assigned to either local police or the Independent Authority Against Corruption, with the anticorruption authority generally responsible for crimes committed while on duty. The prosecutor's office oversees such investigations.

The NHRC reported that to coerce or intimidate detainees, authorities sometimes made access to legal counsel difficult. Human rights NGOs and attorneys reported obstacles to gathering evidence of torture or abuse. For example, although many prisons and detention facilities had cameras for monitoring prisoner interrogations, authorities often reported the equipment was inoperable at the time of reported abuses.

Under the criminal code, all public officials are subject to prosecution for abuse or torture, including both physical and psychological abuse. The maximum punishment for torture is a five-year prison sentence, or life in prison if the victim dies as a result of torture. Although officials are liable for intentional infliction of severe bodily injury, prosecutions of this crime were rare. The law states that prohibited acts do not constitute a crime when committed in accordance with an order given by a superior in the course of official duties and without knowledge the act was prohibited. A person who knowingly enforces an illegal order is considered an accomplice to the crime. The law provides that the person who gives an illegal order is criminally liable for the harm caused, but prosecutions

were rare.

As of August, the National Police Agency reported investigating 11 complaints of rape by public officials, among them two police officers. Police also investigated 22 complaints of causing intentional damage to others' health committed by public officials, including by three police and two prison officers. Police also received 10 complaints of torture of suspects by public officials, including five police officers.

Impunity was not a significant problem in the security forces. The NHRC, lawyers, human rights activists, and NGOs continued to raise concerns regarding impunity for law enforcement officials. They noted that investigations of criminal acts committed by security forces and law enforcement personnel were frequently handled internally, with the most serious penalty being termination of employment rather than criminal conviction. In June a commissioner in charge of torture prevention was appointed and given the authority to make unannounced inspections of places of detention and interrogation.

Prison and Detention Center Conditions

There were some reports regarding prison or detention center conditions that raised human rights concerns.

Abusive Physical Conditions: The UN Working Group on Arbitrary Detention (WGAD) in a preliminary report in October raised concerns about poor provision of food across prison facilities, individuals serving life sentences being held in solitary confinement for 15 years, and prisoners being subjected to a "very strict behavioral regime."

Administration: The Prosecutor General's Office monitors conditions in prisons, arrest centers, and detention centers; it and the NHRC conducted multiple scheduled, surprise, and complaint-based inspections of prisons, pretrial detention centers, arrest centers, and police-run detoxification centers. The NHRC also conducted investigations of credible reports of human rights abuses.

Independent Monitoring: The government allowed access by independent nongovernmental observers and the NHRC. The NHRC conducted inspections at 12 prisons and detention facilities during the year. The WGAD visited 21

facilities, both prisons and other detention facilities, and reported unimpeded access to facilities.

Improvements: Authorities spent 1.8 billion tugrik (\$550,000) to improve living conditions for prisoners in detention centers in Tuv and Khentii provinces.

d. Arbitrary Arrest or Detention

The law provides that no person shall be arrested, detained, or deprived of liberty except by specified procedures and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. Government agencies generally observed these requirements. The General Intelligence Agency sometimes detained suspects for questioning without charge, but the criminal code requires that a prosecutor supervise all detentions.

Arrest Procedures and Treatment of Detainees

An evidence-based, prosecutor-approved warrant is generally required to arrest a suspect on criminal grounds. Within 24 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 six hours of an arrest. A "pressing circumstances" exception in the law allows police to arrest suspects without a warrant. Examples of exceptions include murder or grave bodily injury, serious property damage, hot pursuit of a fleeing suspect, and suspicion that destruction of evidence would occur. 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, police must release the suspect. Upon release, authorities must inform the suspect of the reasons for the arrest and detention. There is a bail system that ties the amount to be charged to the severity of the crime and the personal situation of the defendant.

Authorities generally charged and informed detainees of the charges promptly and advised them of their right to counsel; however, authorities routinely ignored the requirement for judicial review within 48 hours of arrest, a problem noted by the WGAD. For example, authorities would change the place of detention from a

detoxification unit to a police station, to reset the 48-hour clock. In addition, individuals were summoned to police stations as witnesses, made to wait all day, and then subjected to questioning that made it apparent they were considered suspects.

Maximum pretrial detention with a court order is 18 months. Detainees generally had prompt access to family members, although repeated transfers or detention in remote locations undermined 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 does not engage an attorney, the government must appoint one if the defendant has a physical or mental disability that would hinder self-defense, is a minor, or is not proficient in the Mongolian language. The law allows the government to provide a lawyer upon request for an indigent defendant. Detainees were generally aware of their right to legal counsel, but misperceptions limited their use of this right. For example, detainees were frequently unaware they could exercise this right from the start of the legal process and frequently did not assert it unless and until their cases reached trial. The NHRC also reported that authorities sometimes made obtaining legal counsel difficult (see section 1.c.).

Arbitrary Arrest: The NHRC had received 14 complaints of illegal arrest, arbitrary detention, and extended imprisonment as of October, all of which were referred for prosecution. It reported that when conducting investigations, investigative agencies occasionally detained suspects without judicial authorization, sometimes secretly, and police employed such practices despite the availability of other methods of restraint, including bail, another person's personal guarantee, and military surveillance. The personal guarantee system allows relatives to vouch for an accused family member.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary. Investigators, prosecutors, and judges faced heavy caseloads, resulting in frequent failure to adhere to time limits and other adverse impacts on cases. Some NGOs and private

businesses reported continuing judicial corruption and third-party influence.

Trial Procedures

The law provides for the right to a fair and public trial, and the judiciary generally enforced this right.

The law requires all trials to be open to the public and the press, except for cases involving state secrets, underage defendants, or underage victims. In several cases, however, courts rejected defendants' requests to open their trials to the public and media, citing lack of space, COVID-19-related social distancing requirements, or both. In such cases the courts generally allowed selected representatives of the press to attend the opening and closing sessions of the trial. While the law recognizes the suspect's right to have access to a lawyer, the WGAD stated suspects were frequently coerced to confess based on statements taken while the suspect believed themselves to be a witness or by authorities promising an expedited review of the case. Many confessions occurred prior to receiving legal assistance. Of 12,000-13,000 cases yearly, 40 percent reportedly involved confessions.

Although the number of government-provided defense lawyers was adequate given the limited circumstances in which they are provided, their quality and experience were inconsistent, and many defendants lacked adequate legal representation. While the law gives defense lawyers full access to case files, defense lawyers were often given limited time to review files and were precluded from photocopying or taking photographs of the evidence. Judges often relied on confessions with little corroborating evidence. Furthermore, NGOs reported witness intimidation by government authorities and police and a lack of transparency in courts' decision-making processes.

NGOs and observers suspected that nepotism and bribery of judges, prosecutors, and expert witnesses sometimes contributed to unwarranted convictions,

dismissals, or reductions of sentences.

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. The government sometimes failed to enforce court orders pertaining to human rights.

Property Seizure and Restitution

According to NGOs, the government sometimes forced residents to move off land for redevelopment without adequate compensation.

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

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

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The law provides for freedom of expression, including for members of the press, but the government did not always respect this right. The government enforced criminal penalties for “spreading false information” and there was reported harassment of journalists.

Freedom of Expression: NGOs and journalists said that a law intended to mitigate the impact of the COVID-19 pandemic and laws on spreading false information were sometimes used by officials to intimidate critics of the

government.

An individual who started a solo, peaceful protest in April encouraging the government to improve economic policies and combat corruption, which developed over the course of two days into a demonstration by thousands of youths, reported that he was summoned by police nine times and fined nearly one million tugriks (\$320) for defamation due to his protests and Facebook posts.

In November a court convicted No War movement leader E. Odbayar for spreading false information and failure to comply with law enforcement orders. The ruling political party filed a police complaint against Odbayar after he posted a video of what he claimed was a close associate of the prime minister driving drunk and recklessly, resulting in the first charge. Odbayar was a codefendant with four others on the second charge, which stemmed from holding a protest against Russia's full-scale invasion of Ukraine despite COVID-19 restrictions. Odbayar was sentenced to staying in his residential district for 1.2 years. The other defendants were prohibited from leaving their districts for one year.

Violence and Harassment: The Globe International Center reported continued pressure on media from police, politicians, and large business entities. In a survey of 233 journalists on safety concerns, 20 percent reported summonses from courts, the police, or prosecutors, and 18 percent reported threats by email and telephone.

In June a journalist from privately owned Parliament TV was detained by police for six hours for failing to comply with police while reporting live on a dispute between the city government and ger camp owners. A police officer allegedly took her camera and mobile phone and deleted video from the devices before temporarily detaining her at a police station. As of July, her complaint to the police for hindering the performance of her professional duty, abuse of power, and arrest without basis, was unresolved.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: The law sets forth the principle that the state should not control or censor public information. Media organizations and NGOs representing journalists, however, reported pressure from the government which penalized media organizations for published items by limiting advertising and

denying some outlets access to information. Individual journalists report self-censorship due to fears of being summoned by police, courts, or prosecutors, or of losing employment due to the political affiliations of managers within their media organizations.

Libel/Slander Laws: The law treats libel and slander as petty offenses, except during an election campaign period (typically 18 days), when they are treated as crimes. Libel and slander, when prosecuted as petty offenses, are punishable by moderate fines. When prosecuted as crimes, they are punishable by more substantial fines or imprisonment from one month to one year. If a media organization is found guilty of libel or slander during an election campaign period, its license can be suspended for six months.

The law also makes spreading “evidently false information thereby causing damage to others’ honor, dignity, or the business reputation of legal entities” (an offense distinct from libel or slander) a crime punishable by a fine, 240 to 720 hours of community service, revocation of the right to travel for one to three months, or some combination of these. The Globe International Center noted the broad definition of what constitutes “evidently false information” and “the spread of false information” allows those in power to use the law arbitrarily.

Internet Freedom

By law individuals and groups may engage in peaceful expression of views on the internet. The government maintained a list of blocked websites and added sites to the list for alleged violations of relevant laws and regulations, including those relating to intellectual property.

A regulation places broad restrictions on inappropriate content without defining objectionable content explicitly. The regulation requires websites with heavy traffic to use filtering software that makes the internet addresses of those commenting or sharing content publicly visible. In one incident, government ministers threatened to investigate citizens for spreading false information online.

One individual reported six cases against him as of December 2021 for criticizing the government on his social media account. He was questioned by the police and fined for libel and slander. He filed a complaint with the court, continuing as of

September.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights, although they were curtailed during the period of heightened emergency due to state-imposed social distancing requirements.

Freedom of Peaceful Assembly: Five individuals were convicted for failure to comply with law enforcement orders and sentenced to a one-year movement restriction due to participating in protests during COVID-19 restrictions (see section 2, Freedom of Expression). Protesters stated that the restrictions were enforced unequally.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Protection of Refugees

The government 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.

Access to Asylum: Although the law provides for granting asylum, the process was slow and seldom implemented. Rather, the government provided limited protections to foreign nationals in the country while UNHCR adjudicated their refugee claims.

Employment: The law does not afford specific legal status to asylum seekers or

UNHCR-recognized refugees. The former were protected from deportation, but they and asylum seekers were not entitled to work permits.

Access to Basic Services: Because legal provisions for granting refugee status were effectively in abeyance, asylum seekers generally did not have access to government-provided 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 held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Presidential elections were held in June 2021; the most recent parliamentary elections were held in 2020. The Organization for Security and Cooperation in Europe sent a small team of international observers to the presidential election. They concluded, “The candidates could campaign freely even though the pandemic largely ruled out face-to-face campaigning, but the stringent rules on candidate eligibility, campaigning and editorial freedom are out of sync with international standards, and the lack of campaign finance transparency remained a matter of concern.” Although observers acknowledged the election process was well administered and organized, they noted that an apparent inequality of resources and the involvement of public officials in the campaign increased the advantages of the ruling party.

Whereas citizens residing abroad were excluded from voting in the 2020 parliamentary elections, they were able to vote in the 2021 presidential election through the country’s diplomatic missions.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of historically marginalized groups in the political process, and they did participate. According to election law, at least 20 percent of candidates nominated by a political party or coalition for local and national political office must be women; political parties generally complied with this requirement. For example, in the 2020 parliamentary election, approximately

25 percent of the candidates nominated by the various political parties and coalitions were women. In August the country's first woman governor was appointed to Khovd Province.

Section 4. Corruption and Lack of Transparency in Government

Corruption at all levels of government remained widespread. The politicization of anticorruption efforts (some observers believed accusations of corruption were pretexts used to remove political opponents) presented an obstacle to effectively addressing corruption. The law provides criminal penalties for corruption by officials, but the government did not always implement the law effectively. Some officials engaged in corrupt practices with impunity. The criminal code contains liability provisions for corruption and corruption-related offenses for public servants and government officials. For example, the code dictates that those sentenced for corruption may not work in public service for a specified period.

Corruption: In December 2021 a criminal court charged the executive director of state-owned Erdenes Mongol with abuse of power, taking a bribe, and hiding illicit income. The Independent Authority against Corruption confiscated over \$900,000 in tugriks and foreign currency from his private office. He was fined 40 million tugriks (\$12,800), banned from leaving the country for five years, and prohibited from holding public office for eight years.

As of September, several members of parliament were under investigation for corruption involving the allegedly improper issuance and misuse of loans by the state-owned Development Bank of Mongolia.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses 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 were sometimes cooperative and

responsive to their views. The law establishes a mechanism for recognizing, promoting, and protecting human rights defenders.

Progovernment actors sometimes characterized such NGOs as “undesirables,” “troublemakers,” “foreign agents,” or “opponents of the state.”

Government Human Rights Bodies: The NHRC is responsible for monitoring human rights abuses, initiating and reviewing policy changes, and coordinating with human rights NGOs. The NHRC’s six commissioners are selected on a competitive basis and appointed by parliament for six-year terms. Officials reported government funding for the NHRC, provided by parliament, remained inadequate, and inspection, training, and public awareness activities were entirely dependent on external funding sources. The NHRC consistently supported politically contentious human rights issues, such as the rights of lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) individuals, human rights defenders, persons with disabilities, and ethnic minorities.

There was some collaboration between the government and civil society in discussing human rights problems.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The criminal code criminalizes forced or nonconsensual sexual intercourse or sexual acts that involve the use or threat of physical violence; abuse of a position of authority (financial or official); and taking advantage of a person’s incapacity to protect themselves; the code provides for prison sentences of from one year to life, depending on the circumstances. The criminal code criminalizes spousal rape. Domestic violence is also a crime, for which perpetrators can be punished administratively or criminally, in the latter case by a maximum of two years’ imprisonment. The government maintains a nationwide database of domestic violence offenders, and those who commit a second domestic violence offense are automatically charged under criminal law. The government did not enforce laws against rape and domestic violence effectively.

Despite continued attention, domestic violence remained a serious and widespread

problem. Combating domestic violence is included in the accredited training curriculum of the police academy and in all police officer position descriptions.

A special national police unit is dedicated to combating domestic violence. There were 20 shelters and 17 one-stop service centers for domestic violence survivors run by police, NGOs, local government agencies, and hospitals. All shelters followed standard operating procedures developed by the National Center against Violence. The one-stop service centers, located primarily at hospitals, provided emergency shelter for a maximum of 72 hours. The relatively small number of shelters located in rural areas presented a problem for domestic violence victims in those areas.

Sexual Harassment: The criminal code for petty offenses includes fines or compulsory training in cases of sexual harassment. The labor 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. The government enforced the laws on sexual harassment effectively; however, NGOs called the laws insufficient and noted 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. Upon receiving a complaint of sexual harassment, the NHRC may investigate, after which it may send a letter to the employer recommending administrative sanctions be levied against the accused party.

In September the senior coach of the national women's boxing team, B. Purev-Ochir, was fired following a televised investigative report that detailed attempts going back as far as 2017 to file sexual harassment complaints against him, which never resulted in a criminal case. Following the report, multiple former athletes and survivors came forward to accuse him of sexual harassment and threats of reprisal. Minister of Justice and head of the Mongolian Boxing Association Kh. Nyambaatar tweeted that the coach had been fired and the Boxing Association was engaged with police and relevant authorities to investigate the allegations.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Two NGOs confirmed that, despite a directive from the Ministry of Education and Science banning the

practice, girls at some rural schools continued to be subjected to gynecological examinations without prior notification or parental consent in nonmedical environments, such as classrooms. The exams, purportedly to check for signs of sexual abuse and sexually transmitted disease, were colloquially known as virginity tests.

Women have unimpeded access to affordable sexual and reproductive health services, but women in rural areas often had to travel long distances to doctors and health facilities. The government provided access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception for rape survivors is offered within five days.

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 generally observed, although women faced discrimination in employment. The government enforced the law effectively.

In most cases, a divorced wife retained custody of children, but divorced husbands were rarely penalized for failing to pay child support. Women's rights activists said that because family businesses and properties usually were registered under the husband's name, ownership continued to be transferred automatically to the former husband in divorce cases.

The National Committee on Gender Equality, chaired by the prime minister and overseen by the Ministry of Labor and Social Protection, coordinates policy and women's interests among ministries, NGOs, and gender councils at the provincial and local levels.

Systemic Racial or Ethnic Violence and Discrimination

The law protects the rights of members of racial or ethnic minorities or groups from violence and discrimination. The government enforced the laws effectively.

The country is 96 percent ethnic Mongolian. NGOs from the country's small Kazakh minority, concentrated in the far west, sometimes expressed concerns

about employment discrimination.

Children

Birth Registration: Citizenship derives from one's parents. Births are immediately registered, and a registration number is issued through an online system jointly developed by the Ministry of Health, National Statistics Office, and State Registration Agency. Failure to register could result in denial of public services.

Child Abuse: The criminal code includes a specific chapter on crimes against children, including abandonment, inducing addiction, engaging children in criminal activity or hazardous labor, forced begging, and engaging them in pornography.

Child abuse was a significant problem and consisted principally of domestic violence and sexual abuse. The Family, Child, and Youth Development Authority operated a hotline to report child abuse, an emergency service center, and a shelter for child victims of abuse. The government-run shelter served child victims of domestic violence, sexual abuse, neglect, and abandonment, but it had inadequate capacity to provide separate accommodation for especially vulnerable children. The Development Authority also stated it provided funding to an NGO in Ulaanbaatar to run additional shelters to which it referred child victims of abuse. According to an NGO, space was inadequate for the number of child abuse victims referred for long-term care.

Child abandonment was also a problem. Some children were orphaned or ran away from home because of neglect or parental abuse. Police officials stated they sent children of abusive parents to shelters, but some observers indicated many were returned to abusive parents. Every province and all of Ulaanbaatar's district police offices had a specialized police officer appointed to investigate crimes against, or committed by, juveniles.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18, with court-approved exceptions for minors ages 16 to 18 with the consent of

parents or guardians.

Sexual Exploitation of Children: Although illegal, the commercial sexual exploitation of children younger than 18 was a problem. The minimum age for consensual sex is 16. Violators of the statutory rape law (defined as sexual intercourse with a person younger than 16 not involving physical violence or the threat of violence) are subject to a maximum penalty of five years in prison. Those who subject children to sex trafficking or sexual exploitation are subject to a maximum penalty of 20 years in prison, or life imprisonment if aggravating circumstances are present. The law prohibits child pornography; authorities enforced the law. The maximum penalty for engaging children in pornography is eight years' imprisonment.

Antisemitism

The Jewish population was very small, and there were no reports of antisemitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: There were no laws criminalizing consensual same-sex sexual conduct between adults.

Violence against LGBTQI+ Persons: The NGO LGBT Center received reports of threats and violence against LGBTQI+ persons, most involving young persons disclosing their LGBTQI+ status to their families or whose families discovered they were LGBTQI+. In March an ultranationalist group streamed videos on Facebook Live threatening violence against LGBTQI+ individuals, viewed 69,000

times.

Discrimination: The law prohibits discrimination based on sexual orientation and gender identity, but related cases were rarely registered with the police or prosecutor's office. The law does not recognize same-sex unions. LGBTQI+ individuals faced discrimination both in public and at home and reported a fear of homelessness and domestic violence. There were reports LGBTQI+ persons faced greater discrimination and fear in rural areas than in Ulaanbaatar due to less public awareness and limited online media access. An antidiscrimination case filed by the LGBT Center against the deputy governor of Ulaanbaatar was rejected by the prosecutor's office; the deputy governor in 2021 publicly expressed discriminatory views of LGBTQI+ persons on Facebook and ordered the removal of Pride Day advertisements. There were reports of discrimination against LGBTQI+ persons in employment.

Reports from the LGBTQI+ community suggested a lack of understanding of sexual minorities among health-care providers, as well as a lack of understanding of the physical and psychological problems members of the LGBTQI+ community might face. LGBTQI+ persons said they feared disclosure of their sexuality to health-service providers would lead to ridicule, denial of service, or reporting of their sexuality to other government authorities.

Availability of Legal Gender Recognition: Legal gender recognition is available but requires individuals to provide documentation from a doctor of a medical intervention.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: LGBTQI+ NGOs report that there have been cases of so-called conversion therapy practices including coercive psychological treatment and religious rituals targeting teens and young adults that attempt to change an individual's sexual orientation or gender identity. Advocates report that use of so-called gender normalization surgery and hormone treatments on intersex children when they are very young is standard medical practice.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: The LGBT Center submitted two requests to hold a peaceful demonstration in

Ulaanbaatar for Equality and Pride Days but were refused. The center filed a complaint about the refusal and the court ruled in favor of the center, but only after the Pride Week events had concluded.

Persons with Disabilities

The law requires equal access to education, health services, public buildings, and education for persons with disabilities but they did not have such access. The law prohibits discrimination against persons with disabilities. Most government buildings remained inaccessible to wheelchairs, and only a few intersections in Ulaanbaatar were equipped with auditory crosswalks to aid pedestrians with visual impairments.

Although the law mandates standards for physical access to new public buildings, most new buildings were not constructed in compliance with the law. Public transport remained largely inaccessible to persons with disabilities. According to the Mongolian National Association of Wheelchair Users, only 38 of approximately 1,000 public buses in Ulaanbaatar were equipped for wheelchair users. Emergency services were often inaccessible to blind and deaf persons because service providers lacked trained personnel and appropriate technologies.

There is no explicit prohibition of discrimination in education and the law charges the government with creating conditions to provide students with disabilities with an education. Children with disabilities are by law allowed to attend preschools and mainstream schools but faced significant barriers. According to 2021-2022 statistics from the Ministry of Education and Science, 5,606 children with disabilities attended school during the academic year. Schools often lacked trained staff and the infrastructure to accommodate children with disabilities. A survey conducted in 2021 by the Mongolian National Association of Wheelchair Users revealed that only 18 percent of the 25 public schools surveyed were accessible for children with physical disabilities.

Although increasing numbers of mainstream schools accepted children with disabilities, some schools reportedly rejected such children. The Down Syndrome Association of Mongolia reported that moving from mainstream primary to secondary school was challenging for children with disabilities and some parents

seek education at specialized schools, but may face barriers to registration because their children previously attended mainstream schools.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The revised labor law entered into force January 1. The law provides for the right of workers to form or join independent unions and professional organizations of their choosing without previous authorization or excessive requirements. The law provides for the rights of all workers except those employed in essential services to participate in union activities without discrimination, conduct strikes, and bargain collectively. The law requires reinstatement of workers fired for union activity.

The right to strike has several constraints. The law prohibits third parties from organizing strikes. The decision to strike must be supported by a majority of trade union members and a notice of the date, duration, and number of strikers should be delivered to management at least five days before the intended date of strike. The law prohibits strikes unrelated to matters regulated by a collective agreement.

The government inconsistently enforced laws providing for the rights of collective bargaining and freedom of association. Penalties, largely fines, were not commensurate with those for similar violations of civil rights and penalties were sometimes applied against violators. Labor dispute settlement committees resolved most disputes between individual workers and management. These committees comprise representatives of the local government, the employer, and the employee, who is joined by a representative of the Confederation of Mongolian Trade Unions (CMTU). The CMTU reported the court process was so lengthy many workers abandoned their cases due to time and expense. The CMTU reported that some union organizers did not feel thoroughly protected by the law and that some individuals had faced retaliation for union activity.

In March state-employed low-wage service workers peacefully demonstrated in Ulaanbaatar to protest the government's decision to outsource some state services to private companies which resulted in the reclassification of some government workers as contractors. Demonstrators, with the support of the CMTU, demanded

a transfer of their full salaries, including add-ons and bonuses, and a further increase of salaries and pensions through a change in the related law.

Although foreign migrant workers enjoy the same rights as citizens according to the law, they reported that they did not receive the same level of protection against labor law violations as the general population.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced or compulsory labor, except as part of a legally imposed sentence. The criminal code provides for a fine or imprisonment for forced labor offenses. The government did not effectively enforce the law. Inspection was not adequate, and inspectors did not perform unannounced inspections or enforce the law in the informal sector.

There were isolated reports of forced child labor, including in forced begging, but there were no prosecutions for child forced labor during the year; see section 7.c. There was one prosecution of an alleged adult forced labor crime.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment and occupation based on national origin, language, race, age, gender, sexual orientation, sex or marital status, social origin or status, wealth, religion, ideology, education, or medical status. It also prohibits employers from refusing to employ a person with disabilities but provides broad exceptions, applying "unless the condition of such person prevents him from performing a specified activity or would otherwise be contrary to established working conditions in the workplace." The law prohibits employers from refusing employment to or dismissing an individual diagnosed with HIV or AIDS unless the

condition makes it difficult to perform job duties. The law also prohibits women from working in occupations that require heavy labor or exposure to chemicals that could affect infant and maternal health. The law does not recognize refugee status so there are no laws protecting refugees or stateless persons from employment discrimination.

The government enforced the law inconsistently, and discrimination occurred in employment and occupation based on sex and disability, as well as on sexual orientation, gender identity, and HIV status. Penalties were not commensurate with those for similar violations and penalties were rarely applied against violators. Workers had the right to take discrimination cases to court, but the judicial process was slow and ineffective. The NHRC reported it received 13 complaints of sexual harassment in the workplace and conducted inspections at one of the workplaces. The NHRC referred one case to police for investigation.

According to the latest census conducted by the National Statistical Office in 2020, monthly wages for men were, on average, 20 percent higher than those for women.

Although the law requires workplaces with more than 25 employees to employ a minimum of 4 percent of persons with disabilities or pay a fine, NGOs reported reluctance to hire them persisted. They also noted the government itself failed to meet the quota. 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).

The Labor Ministry's Department for the Development of Persons with Disabilities is responsible for developing and implementing employment policies and projects for persons with disabilities. Government organizations and NGOs reported employers' attitude toward employing persons with disabilities had not improved and that many employers still preferred to pay fines to the Employment Support Fund maintained by the Labor Ministry rather than employ persons with disabilities.

NGOs, the NHRC, and members of the LGBTQI+ community reported companies rarely hired LGBTQI+ persons who were open about their sexual orientation or gender identity, and LGBTQI+ persons who revealed their status in the workplace

frequently faced discrimination, including the possibility of dismissal. Illegally dismissed LGBTQI+ persons rarely sought legal redress to avoid disclosing their status and increasing the risk of discrimination.

e. Acceptable Conditions of Work

Wage and Hour Laws: The National Tripartite Committee, which comprises the government, the CMTU, and the Federation of Employers, annually establishes a national minimum wage that is above the poverty line. The law provides for a standard workweek of 40 hours and the payment of overtime, but payment of overtime was rarely enforced. The revised labor law covers workers in the informal sector, although it was inconsistently enforced.

Occupational Safety and Health: Laws on labor, cooperatives, and enterprises establish occupational safety and health (OSH) standards, which apply equally to local and foreign workers. GASI noted many standards were outdated and no longer appropriate for the main industries in the country. It was not reported if OSH experts actively identified unsafe conditions in addition to responding to workers' complaints.

Workers have the right to remove themselves from situations that endanger safety without jeopardy to their employment. The CMTU raised concerns that, due to restrictions at the border, coal-truck drivers often faced very poor labor conditions caused by waiting at the border in their trucks, sometimes for a month, without proper lodging. The government stated it has continued to improve the conditions in the area.

As of August, 232 persons have been involved in industrial accidents, 31 of which resulted in death, representing an increase of 88 and 17, respectively, from the previous year.

Following the death of five construction workers at construction sites in the same week in June, CMTU held a press conference highlighting the lack of occupational safety protocols and demanding additional oversight from government agencies like GASI.

Wage, Hour, and OSH Enforcement: The government did not effectively

enforce minimum wage, overtime, and OSH laws. The Ministry of Labor and Social Protection enforced the law in the public sector, but the CMTU reported that many workers in the private sector received less than the wage promised by their employers, particularly at smaller companies in rural areas. Workers in the construction sector, in which work is constrained to a few months each year due to extreme winters, were sometimes pressured to work long hours, increasing the risk of accidents and injuries.

GASI acknowledged that fines imposed on companies for not complying with labor standards or for concealing accidents were not commensurate with those for similar violations and did not compel management compliance. Penalties were sometimes applied against violators.

Labor inspectors assigned to GASI's regional and local offices were responsible for enforcement of all labor regulations and had the authority to compel immediate compliance. Inspectors generally did not conduct inspections in the informal sector. GASI reported its inspectors, faced with large investigative workloads, needed better training on investigative techniques and evidence collection. GASI reported some of the planned inspections for the year were not conducted on time due to lack of authority and instructions. Following the deputy prime minister's order in May, GASI increased the number of labor inspectors analyzing and assessing workplace conditions and producing recommendations. As of August, there were a total of 86 labor inspectors in the country, a number that was insufficient to enforce compliance. GASI lacked the authority to perform unannounced inspections and initiate sanctions and the law requires it to give 48 hours advance notification to employers before conducting an inspection.

Through August, GASI provided 321 training sessions, forums, and public awareness sessions to more than 9,642 employees of 1,378 companies and private enterprises.

Informal Sector: The law applies to the informal sector, but it was not enforced, and workers in it have no assured rights. According to the ILO, the informal sector employed 480,000 persons, or 46 percent of all employed workers. Subsistence agriculture, herding, and artisanal mining make up the biggest components of the informal sector. The law on pensions allows small family businesses and workers

in the informal economy, such as herders, to participate in pension and social benefit programs. These categories of workers were able to access health care, education, social entitlements, and an optional form of social security.