MONGOLIA: Extended Bulletin 1/2003

August 2003

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1. Scope of the Document

1.1 This Bulletin has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The Bulletin has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

1.3 The Bulletin is referenced throughout. It is intended for use by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 This bulletin and the accompanying source material are publicly disclosable

2. Geography

2.1. The Republic of Mongolia, known as Outer Mongolia, and to its natives as "Blue Mongolia" is located in central Asia, with the Russian Federation to the North, and the People's Republic of China to the South and East. Capital city is Ulaanbaatar (literally, "red hero"), pop. 813,500 (2002). The country's geography ranges from the Gobi Desert in the South, the Great Eastern Plains - the main pasture area for grazing, lake districts and mountainous areas. **[4b][6p][6r]**

2.2. The northern border between Mongolia and the autonomic Tuva republic of Russia is an area of relative lawlessness, with cattle rustling, trafficking in women and children, and illegal border crossing. **[4e]** Mongolia is divided administratively into 21 provinces (*aimag/aymag*). **[4h][6p][6r]**

2.3. The Mongolian population of about 2.5 million (2,510,000 according to a recent estimate in January 2003) **[5be]** quadrupled from half a million at the beginning of the 20th century. The former communist regime encouraged population growth, particularly in the 1960s. 70% of the population is under 35, and the average age nationally is 21 years old. 47% of the population live as nomads. **[2m]** One third of the population live in Ulaanbaatar. **[4b][4d]**

2.4. There are around 6 million Mongolian speakers worldwide. They are mainly spread over 3 countries - 2m in Mongolia, 3.5m in China (2.5m in Inner Mongolia, with another million scattered through the western provinces of China, down to the Vietnamese border), and 0.5m in Russia. **[4a]**

2.5. Around 95% of people within the Republic of Mongolia are Mongol speakers, the predominant ethnic group being the Khalkha Mongols, who constitute around 77.5% of total population. A number of small communities scattered throughout the country, such as the Dariganga, speak dialects of standard Mongolian. The largest single ethnic minority group is the Kazakhs, who constitute 4% of the population. Kazakh is an official literary language in Mongolia. There are also about 3000 Russians either as temporary workers or residing in Mongolia **[4a][5e][6c][6e].**

2.6. Mongolians traditionally like to be known only by one name. [2a][2d][2e]

3. Economy

3.1 The Mongolian economy is heavily dependent upon agriculture, in the form of livestock herding, and mineral deposit extraction. **[5at][6p]**

3.2 Mongolia was hit by exceptionally harsh climatic conditions over 1999 and 2000. In summer 1999 it suffered the worst drought in the century, followed by an exceptionally harsh winter, with unprecedented snowfall. Nomadic tribes' livestock were wiped out completely, and hardship was exacerbated by the

swift post-1990 transition to a market economy, with little by way of social welfare infrastructure left. **[2d][2e][2g]** A second bad winter in 2000/2001 has exacerbated the situation. **[5y]**

3.3 Since 1991, the Mongolian economy has been assisted by loans from developed countries and international organisations, for use in the country's transition to democracy and a market economy. Of the US\$2.6bn promised over the years, by April 2001, \$1.9bn had been used up: over 37% has been used in infrastructural development. **[5aj]**

3.4 In May 2001, further financial aid was promised from a Swiss/Russian Governments joint initiative. **[5al]** In October 2001, the International Monetary Fund (IMF) also announced further low interest rate loans worth US\$40m over a three year period. **[21]**

3.5 Russia and Mongolia have been developing closer ties; in March 2002, the Russian Prime Minister M. Kasyanov and other Russian ministers secured a number of agreements with the Mongolian Government, mainly on trade and healthcare fronts. **[5ar]** In 2002, the Mongolian Government has been improving trading by agreement with a number of neighbouring and regional countries. South Korea and Mongolia have formalised work permit regulations for Mongolian workers to work in South Korea, raising permits from 900 to 3,200. **[5as]** (See below, *Freedom of Movement*)

3.6 The number of unemployed people increased over the late 1990s to peak at 41,855 in early 2001. There has been some reversal of this trend in 2002, with a figure of 40,321 for February 2002. **[6u]** The Government has attempted a reversal of unemployment by embarking on major infrastructure projects, such as the "Millennium Road" of upgrading 2,668 km of road by 2015. **[5at]** The Government has been concerned in late 2002 with an attempt to regulate the informal economy (bartering, the black market) and smaller businesses into the infrastructure of the main economy. **[5ba]**

4. History

4.1 Before 1911, Mongolia was the Manchu province of Outer Mongolia, and was a republic under the influence of Mongolian princes. **[5at]** Between 1917 and 1921, Mongolia was involved in a spill-over of the Russian Revolution, with the White Guards (the anti-Communists) hanging on as a military force in Mongolia until 1921. **[6a][6p]** From 1921, with creation of the Mongolian People's Party, the Communists gained ground in Mongolia, culminating in the Communist declaration of the Mongolian People's Republic in 1924. **[5at][6a] [6p]** By historical anomaly, Taiwan (Republic of China) continued to recognise Mongolia formally as a Chinese province until recently.

4.2 From 1924 to 1990, the Mongolian People's Republic was a communist state, dominated by the MPRP (The Mongolian People's Revolutionary Party). Up to 1990, the party followed a strong Stalinist line. The collapse of the

Soviet Union and consequent termination of Soviet subsidies brought down the Government in March 1990, and the party reformed as a political party in a democracy, winning the 1992 elections but suffering defeat in 1996. [2c][6e][6p][6r] In 2000, the MPRP won an overwhelming victory in the legislature - with 72 of the 76 seats - and completely reshuffled the Government. While it continues many of the reform policies, the MPRP is currently focusing on social welfare and public order priorities. [6s]

5. State Structures

The Constitution

5.1 The Constitution was adopted on 13 January 1992, and came into force on the 12 February 1992. The Constitutional title of the country is the Republic of Mongolia. **[6p][6r]**

Political System

5.2 The current political system is of a democratic republic. There are legislature elections to the parliament, the grand Khural, comprising of 76 seats. The Prime Minister is the leader from the party with the most seats. Only 3 of the 20 political parties active in Mongolia were represented in the Khural following the July 2000 elections. **[1a]** In August 2000, the incoming MPRP Government brought a programme of governmental reform for the Khural's approval, and duly passed unopposed. **[5j][51]** The President is elected directly in presidential elections; the most recent were in May 2001. **[2i].**

5.3 *Mongolian People's Revolutionary Party (MPRP)* The communist MPRP was the official opposition since 1996, when it suffered defeat in the face of a coalition of liberal parties. On 3 July 2000, in an election judged generally free and fair by international observers, the MPRP was returned to office, winning 72 seats out of 76. The landslide victory was a reaction to the hardship wrought by four years of economic experimentation, social welfare collapse, and disastrous weather conditions. The party is communist in name but does not intend to go back to one party rule, and has campaigned on a ticket promising slowing down privatisation, and restoring education and some social welfare. **[1a][2b][2c][6p]**

5.4 In October 1999, the ruling Democratic alliance (MNDP) was rocked by the sentencing of three MNDP MPs on corruption charges and bribing officials regulating casinos. **[5c]** The scandal prompted a split in the party, and nine members left in January 2000 to form a new party, appropriating the name Democratic Party (DP) - the old early 1990's name for Zorig's United Party. **[5d]** A splinter organisation (the remnants of the MNDP) tried unsuccessfully to challenge the legal status of the DP. After its defeat in the July 2000

elections the MNDP was exercised in securing the release of one of its former MPs, detained without charge. **[5k]** In May 2002 the membership of the broad-based coalition of centre-left/left parties under the DP umbrella numbered 170,000 nationwide. **[6r]**

5.5 A Mongolia expert contacted by the Canadian Immigration and Refugee Board in June 2001 had not heard of any reports of 'harassment, arrest, detention or other types of mistreatment, outside the channels of the normal and regulated judicial system'. **[3q]**

5.6 The MPRP's Natsagiin Bagabandi was elected president in May 1997. He was re-elected in the May 2001 presidential election, receiving 57.95% of the votes to defeat his main rival, Radnaasumbereliin Gonchigdorj of the Democratic Party. Mr Bagabandi's re-election, on a platform of economic revival, has united control of parliament and the presidency under the MPRP. **[2g][2h][2i].** A MPRP victory at a by-election in January 2002 has been held to show that the MPMR have still retained voter confidence. **[5at]** In February 2003 the structure of Government ministries was amended in accordance with the Law on Government that had been implemented earlier in the year. **[5bf]**

5.7 A key political issue in late 2002 has been the transition of land rights from state to private ownership. Land distribution was taken up as a political issue by the Democratic Party. The party organised demonstrations to back their petition to the Government, **[5az]** to which the Government duly responded. **[5bc]** On 1 May 2003 the law on land ownership came into force. It meant that for the first time in the country's history, Mongolian citizens are entitled to own land. Details of relating to the size of land to be privatised in the capital, the number of households to own the land and the presentation of land ownership certificates were also announced. **[5bs][5bt]**

Judiciary

5.8 The Ministry of Justice is separate from the police and other prosecuting authorities. Prosecutors are appointed by the president through the office of the Prosecutor General. The judicial reform of 1993 abolished the separate military and railway courts. **[3h]** The death penalty is retained. **[6p]**

5.9. A report by the Australia-based Mongolian Centre for Human Rights Development, published in June 2000, criticises the Mongolian judicial system as being corrupt, with poorly paid judges regularly accepting bribes. There is little public legal aid, and the services of the 1200 lawyers in Mongolia are beyond the means of the majority of the population. In April 2001, the General Court Council demanded the resignation of several judges it accused of incompetence, misdemeanours and wrongful use of the law. Since the start of the year, a disciplinary committee had taken action against a number of judges. Changes to the judicial procedure were being discussed in May 2001. **[5h][5w][5x]**

5.10 The Mongolian Foundation for an Open Society (MFOS) in conjunction with the Constitutional and Legal Policy Institute (COLPI) of the Open Society Institute in Budapest, has been involved in a number of reforms of the legal and law enforcement systems. Their most successful efforts in 2000 were in improving access to legal materials through a new law library, and helping to improve police training. **[6i]** In response to an increasing crime rate recorded for 2002, and a series of complaints alleging corruption among high ranking officials, the State General Prosecutor's office established a court with the specific task of investigating disputes rising from illegal acts by officials of Government institutions. **[5bg]**

Military

5.11 All men between the ages of 18 and 28 are eligible for one year's military service. **[60]** The security forces are divided into the military services; responsible for external security, and the General Intelligence Agency (GIA), which is responsible for internal security (see below). A parliamentary committee oversees all the security forces. The defence forces, which have been considerably reduced since 1998, are under the control of a civilian Minister of Defence. Mongolia has signed agreements on defence co-operation with seven countries and it now takes an active part in UN peacekeeping activities. **[1a][5r].**

5.12 *General Intelligence Agency.* The GIA was until recently known as the State Security Agency (SSA) and was originally the Central Intelligence Agency. The head of the GIA holds ministerial status and reports directly to the Prime Minister. Under the new Criminal Code, which came into force on 1 September 2002, the number of types of crimes under the GIA's purview was reduced from 35 to 22. [1a][3k].

Internal Security

5.13 An expert source in 1998 described the Communist era organisation of the police, as was up to 1994, as being headed by a Chief Director of Police, who was necessarily a member of the MPRP. [3e] Security forces are divided among the Ministry of Defense (MOD), the Ministry of Justice and Home Affairs (MOJHA), and the General Intelligence Agency (GIA). Military forces under the MOD are responsible for external security, but border security forces are under MOJHA control during peacetime. Civil defence is subordinate to the MOD, giving the MOD a role in internal security. National police, with primary responsibility for law enforcement, operate under the MOJHA. The GIA, formerly the State Security Agency, is responsible for internal security; its civilian head has ministerial status and reports directly to the Prime Minister. Reduced Government spending continued to force downsizing of the military forces and all security forces operated on a minimal budget. The security forces were under civilian control. The Minister of Defense was a civilian (who retired from the military to accept the position). Some police committed human rights abuses. [1a]

5.14 The police are divided into two structures: a national organisation and a provincial (*aimag*) organisation. The national organisation has two sections - a "central police department" and a criminal police agency. It publishes a widely read tabloid newspaper called "Vice and Virtue". Under legislation passed in 1991, police (and other security officials) are prohibited from joining political parties. **[3e]**

5.15 Chinese official news agency reports state a 2.9% year-on-year increase, in the period January to May 2000, of the crime rate. Organised crimes, reportedly, increased by 113%. **[5g]** The Mongolian Government figures released for up to February 2002 indicate that the crime wave has been reversed, with a fall of 4.9% on the previous year's figures. **[8a]**

Legal Rights/Detention

5.16 According to law, all accused persons are provided due process, legal defence, and a public trial, although closed proceedings are permitted in cases involving state secrets, rape cases involving minors, and other cases provided by law. Defendants do not enjoy a presumption of innocence. Defendants may question witnesses and appeal decisions. The US State Department report for 2002 notes "...while reports of such actions diminished, the police in rural areas occasionally beat prisoners and detainees, and the use of unnecessary force in the arrest process is not uncommon." **[1a]**

5.17 The Constitution provides that no person shall be searched, arrested, detained, or deprived of liberty except by law, and these protections have been incorporated into the Criminal Code; however, arbitrary arrest and detention remained problems. General public awareness of basic rights and judicial procedures was limited. For example, citizens were not always aware of their rights in regard to arrest and detention procedures. Police may arrest those suspected of a crime and hold them for up to 72 hours before a decision is made to prosecute or release. Under the revised Criminal Code, which came into effect on 1 September 2002, a court order must be requested to continue holding a suspect after 24 hours have elapsed. **[1a]** NGOs have complained of cases of torture used by police interrogators in pre-trial detention centres, particularly the Gants Hudag detention centre. A Government investigation, via the State Prosecutor General's Office, was launched in September 2001 into the allegations, and reported back to the Great Hural (Parliament), and cases of torture were admitted. **[6k]**

Prisons and Prison Conditions

5.18 The total prison population is around 6,600. Pre-trial detention can last up to 36 months, but in the year 2000 the number of suspects detained over six months decreased. Prisons are overcrowded and facilities are generally poor. In July 2000, an amnesty was introduced, releasing non-violent first-time convicts serving sentences of up to five years. About 700 prisoners were

released, with sentence reductions of up to 20-30% for other prisoners. [1a] [5i]

5.19 Many inmates entered prison already infected with tuberculosis or contracted it in prison. In 2001 the Government, with the aid of foreign donors, concluded a program begun in 1997 for surveying and determining methods of treatment of tuberculosis among inmates. As a result of the program, the Government established a tuberculosis hospital that provided treatment for a large number of prisoners and better isolated infected persons from the general prison population. The number of inmates who died of the disease continued to decline significantly from previous years. **[1a]**

5.20 The Government does permit prison/detention centre visits by human rights monitors, such as Amnesty International, on occasion. In recent years, reforms undertaken by the Ministry of Justice and Home Affairs upon Parliament's recommendation, following reports by international human rights observers have changed significantly the way that accused persons and prisoners are treated. The introduction of Human rights training for prison management and some police guards was implemented in 2001. A training centre was established under the Court Decision Enforcement Agency (prison administration). During 2002, 250 prison guards received training at the centre and 10 went abroad for training. The Ministry's Department for the Enforcement of Court Decisions also monitored conditions, but the new laws and procedures were not publicised widely, especially in the countryside, and citizens were not always aware of their rights with respect to detention and arrest. In general pre-trial detention and prison facilities were poor, providing insufficient food, heat, and medical care and thereby threatening the health and life of inmates. Overcrowding declined in prisons but remained common in detention centres. [1a][5aq]

5.21 Under the continuing reform process, prison inmates in the capital were divided into smaller groups managed by trained personnel and provided health and hygiene instructions. In 2001 a separate facility for juvenile prisoners was established in Ulaanbaatar and designated a training centre. As of September, there were 94 children in the facility. Outside of Ulaanbaatar, juveniles between the ages of 14 and 18 who were charged with crimes were kept in the same detention centres as adults. Improvements in detention and prison conditions outside of the capital were minimal or non-existent due to lack of funding. However, families gained better access to inmates, alleviating some of the hardship in obtaining food and clothing. At least two national and six foreign non-governmental organisations (NGOs) worked to improve conditions in prisons and detention centres, distributing clothing, food, books, and textbooks, and providing English-language instruction and training in computers and trades. All female prisoners were held separately in one central prison in Ulaanbaatar. **[1a][5aa]**

Medical Services

5.22 *Infectious diseases.* Mongolia is apt to suffer from periodic outbreaks of infectious diseases, both in the animal and human populations. Early 2002 has been particularly severe, with a recorded 22% increase in all infectious disease cases compared with early 2001. **[6u]**

5.23 Animal infections are highly significant in the pastoral nomadic existence, and may act as reservoirs of infection for human infections. Significant animal epidemics have included a foot and mouth disease (FMD) epidemic in March 2001 which involved rigidly cordoned areas, throwing the healthcare system into emergency measures as large parts of the population were cut off from hospitals and other healthcare centres. **[5ai]** Likewise, cholera and anthrax scares in 1996 brought in emergency disinfection and quarantine of humans. **[5z]**

5.24 The Mongolian authorities announced in 2000 that they were worried about plague infection sources amongst the wild mammal population, particularly marmots. **[5ad]** The same news article raised the authorities' concern that the main Hospital of Infectious Disease in Ulaanbaatar is located next to the main market in the city. **[5ad]**

5.25 *Hepatitis* is a concern, but in February 2002, Mongolian scientists announced the local development of a new anti Hepatitis B vaccine. **[5ap]**

5.26 *Tuberculosis* is a particular problem in the Mongolian prison system, with an estimated 75 to 80% of the 1,580 prisoner deaths in the period 1991-99 as a result of TB. **[1a][5ab]**

5.27 *HIV/AIDS.* The Government in January 2001 indicated that it was concerned by the growth in HIV/AIDS infections and would assist any NGO in tackling health promotion in this area. It was reported there were over 1,500 NGOs existing in Mongolia in 2001. **[5ag]**

5.28 In May 2001, the Health Minister sent an appeal out to Mongolian youth to be aware of AIDS/HIV. **[5ak]** In July 2001, Medicine Sans Frontiers, the international health NGO, completed a 2 year project on AIDS/HIV prevention in Mongolia. **[5an]**

5.29 *Healthcare system* has been held to be in crisis by the Minister of Health, as reported in January 2001. The Minister noted inadequate coordination of activities of medicine supply, medical insurance, clinics, and obsolete medical equipment. **[5ah]**

5.30 The Mongolian Government is looking to regional neighbours for healthcare co-operation, such as with Vietnam in July 2001 **[5ao]** and Russia in March 2002 **[5ar]**.

5.31 *People with disabilities.* The 1999 Labour Law prohibits discrimination against persons with disabilities in employment and education, and requires the Government to provide benefits according to the nature and severity of the disability, which it did. There was no official discrimination against persons

with disabilities in employment and education. In 2001 the Government began to implement a section of the 1999 Labour Law that requires companies employing more than 50 persons to hire at least 3 persons with disabilities. [1a] On 25 February 2003, a Government sponsored seminar was held on employment prospects for the disabled. About 79,900 of total 128,000 disabled persons registered in 2001 are the people of labour age. About 21,400 of them lost 50-70% of their labour ability, but are able to work. 350 disabled persons found job places in 2002, applying to the Labour Employment Centres. There are 708 economic entities, most of which in Ulaanbaatar, which can provide the handicapped with job place. [5bh]

Educational System

5.32 The Government provides children with free, compulsory public education through the age of 16, although family economic needs and state budgetary difficulties made it difficult for some children to attend school. In practice female children over the age of 15 have better opportunities to complete their education than male children, because teenage males often were required to work at home and schools generally were located far from homes. In addition, there continued to be a severe shortage of teachers and teaching materials at all educational levels. **[1a][6p]**

5.33 In October 2002, the Government announced a programme of "denationalisation" of education, culture and scientific research to begin in 2003. Initially, it will start with the higher education sector, where national institutions will be permitted to be self-managing and rural, regional institutions will merge managerial responsibilities. **[5aw]**

6. Human Rights

6.A Human Rights Issues

Overview

6.A.1 The Government since 1998 has generally respected the human rights of its citizens. According to the US State Department report for 2002, there have been no reports of political prisoners, political killings or politically motivated disappearances, nor does the Government use forced exile. However, the murder of Sanjaasurengiin Zorig, the Minister of Infrastructure on 2 October 1998, is suspected to have been politically motivated. The investigation is still continuing. **[1a][5b][5f][5k]**

Freedom of Speech and the Media

6.A.2 The Mongolian media is held to be free, and is often outspoken in criticism of the Government. **[2m]** Commentators have pointed to the dissevering and expansion of the press and other media as the main triumph of Mongolia's transition towards a democratic state. There is much legislation protecting the media from Government interference. **[6n]** From the Constitution to individual laws, the country has developed an under-girding that promotes a robust and free press. **[1a]**

6.A.3 Newspapers and other print media. 'There are many newspapers, but circulations and editions are mostly small. State-owned newspapers were privatised only recently, others are published by political parties.' The news agency Montsame is the official, state-owned news agency, [2m] that runs an English language website [6m]. The Government monitors all media for compliance with anti-violence, anti-pornography, anti-alcohol, and tax laws. Journalists accused the Government of overzealous prosecution of the case and believed the trial was an assault on freedom of the press. No newspapers were closed since 2000. In 2000 two newspapers were closed as a result of Government inspections, which journalists viewed as an attempt at intimidation and control. While there was no direct Government censorship, the press perceived indirect censorship in various forms of Government harassment such as frequent libel lawsuits and tax audits following an inflammatory article. In July 2002, a Ulaanbaatar Court found the editor-inchief of "Word" newspaper guilty of libel and sentenced her to 1 year in prison. [1a][6v]

6.A.4 According to reports by the Udriin Sonin newspaper, on 5 March 2003 around 4,000 people staged a protest demonstration in Bayan-Olgiy Aymag province against the 'unfair activities of the law enforcement organisations' and demanded freedom of the press and an end to ideological discrimination. **[5bj]** On 29 January 2003 the same newspaper had featured a critical article on the way the Government dealt with the licensing of broadcasting frequencies. **[5bl]** At a press conference with around 100 journalists on 27 May 2003, the President called for a more responsible media. He stressed that though most newspapers were now independent, journalists did not observe the balance of information and, though the newspapers claim to be of the national scope, in fact, they have been turned into the capital city newspapers. **[5bi]**

6.A.5 *Electronic media.* There were several television stations, including a government-financed television station with countrywide broadcasting capability, a limited-operation international joint venture private television channel and a second private television station (which did not broadcast nationwide). The local television station, Mongolteleviz, and a state radio station, Mongolradio are controlled by the Ulaanbaatar mayor's office. State-owned radio was particularly important as the major source of news in the countryside; however, one independent radio station broadcast widely and there were an increasing number of small local FM stations. The Voice of America and the British Broadcasting Company broadcast in English only,

over FM radio frequencies leased from private media interests. The media presented both opposition and government views. **[1a][2m]** On 10 February 2003 the Infrastructure ministry announced an expansion in the number of radio and television channels in local areas for the purpose of implementing the Government's activities. **[5bk]**

Freedom of Religion

6.A.6 Sources state that traditionalists in Mongolia regard Buddhism as being the "natural religion" of Mongolia. Post-Communist governments have contributed to the restoration of several Buddhist sites, but the source states that this is because they are important religious, historical and cultural assets to the country. Religious groups must register with the Ministry of Justice and Home Affairs. While the Ministry of Justice and Home Affairs is responsible for registrations, local assemblies have the authority to approve applications at the local level. **[1a]**

6.A.7 The Government permitted and welcomed a visit from the Dalai Lama in November 2002. **[5bd]**

Freedom of Assembly & Association

6.A.8 The US State Department report for 2002 states "The Constitution provides for freedom of assembly and association and the Government generally respects those rights in practice." **[1a]**

Employment Rights

6.A.9 There is a minimum wage, originally 25,000 Tugrik (about £12) a month, which is less than the cost of a decent standard of living. The minimum wage applies within both public and private sectors and most employees earn more than this minimum. **[1a]**

People Trafficking

6.A.10 There are no specific laws against trafficking people. However, there are indications that Mongolia is both a source country and transit point for trafficking, with reports of some women and teenagers working in the sex industries in Asia and Western Europe. The Government, police and NGOs are beginning to focus on the issue, and are aware of trafficking scheme that basically involve duping middle-class girls, aged between 14 and mid-twenties, with study and work offers abroad. One NGO has started training police and local officials to develop strategies to deal with the issue. **[1a]**

Freedom of Movement

6.A.11 A news report of December 2000 talked of a Mongolian "brain drain" whereby Mongolian students were not returning back to Mongolia upon completion of their studies. **[5ac]**

6.A.12 There has been rationalising of management of border posts between China and Mongolia, with the transfer of a border post complex to the Mongolian side. The agreement was signed in October 2002. **[5ax]** Border posts between Mongolia and Russia, which had been closed in response to the SARS epidemic, were reopened on 2 July 2003. **[5bm]** Following the containment of the epidemic, the main train link between Mongolia and China was restored, having been temporarily suspended, on 3 June 2003. **[5bn]**

6.A.13 In October 2002, the Government announced changes to the passport system, with the issuing of new passports to prevent forgery. The new passports were announced as having been devised to incorporate international standards on anti-fraud measures. The new passports are to be issued from November 2002 onwards, with holders of current (old-style) passports invited to change their passports if they wish. **[5av]**

6.A.14 There is an estimated 15,000 illegal Mongolian workers in South Korea who face a deadline for automatic deportation in March 2003. **[5au]** (See above, *Economy*)

6.B Human Rights - Specific Groups

Women

6.B.1 Women have equal rights under the law and this provision is respected. However, domestic violence against women remains a serious problem. There are few statistics, most information being anecdotal. Some statistics indicate that 70% of cases of family abuse are related to alcohol abuse. Alcoholism is widespread, with 20.000 people estimated to be alcoholics, 80% of whom are young men and the remaining 20% women. [3f] A new family law came into force on 1 July 1999, setting out alimony arrangements and parents' rights. There are approximately 36 women's groups, and the National Centre Against Violence (NCAV) has made progress in providing hot line services, shelters and training for police dealing in family situations. The NCAV has document abstracts and contact details recorded in English on the UNIFEM East and South East Asia website. [6]][1a] A further Family Development Act was passed by Parliament on 16 May 2003. The main objectives of the law are to ensure the equal rights and obligations of parents for supporting education, health and care for children, to support the family for having their own dwelling so that the family could live together. The law also contains special provisions for supporting the young families, solving their housing problems, and generating family incomes. [5br]

6.B.2 The Mongolian women's groups are amongst the most successful and popular campaigning for social change. The Liberal Women's Brain Pool (LEOS) is very active and widespread. Women for Social Progress (WSP) is another group, rapidly gaining support from men as well as women. Women are relatively independent, have a high level of education compared to men, and head a large number of households relative to comparable countries. **[2a][6b]**

6.B.3 The Government has ratified a number of major international conventions regarding women's rights. The Committee on the Elimination of Discrimination against Women is foremost amongst the government monitoring bodies. In its combined third and fourth periodic reports, published January 2001, many problems were highlighted but general progress in terms of legal protection was emphasised. **[5af][5ag]** A report by the Zuuny Medee newspaper in March 2003 noted that more than 15 women have been elected to public office since 1992, and that currently 63% of lawyers are women. **[5bo]**

6.B.4 Women make up a large segment of the work force, and have been disproportionately affected by the decline of state sector employment. **[3f]**

6.B.5 Marriage customs traditionally include common-law marriages as common practice and without stigma, with couples living in a marriage-like state but without formal ceremony or registration. Fathers in common-law relationships are held to be responsible for their children; women in these relationships are accorded full property rights, and children full inheritance rights. Inter-ethnic and inter-religious marriages are permitted by law, but rarely happen. [3d] For kinship, marriage customs, and family structure, refer to source [6a].

Children

6.B.6 The Government is in principle committed to improving child welfare, but has very few resources to spare. Child abuse, often associated with parental alcoholism, is a problem. **[1a][4c].**

6.B.7 Mongols have had a long tradition of support for communal raising of children. As for children outside or inadequately cared for by the community, NGO groups vary in estimates of street children, ranging from 400 to 3000, many of who live in the sewers under the streets of the capital. According to the 2002 census, the maximum number of street children was 1,300. **[1a]** Adoption rules are set out in Article 7 of the Family Law 1973. **[3m]** The Government permits foreign charities to operate independent orphanages and supplement child welfare. **[5bb]**

6.B.8 *General welfare initiatives.* Begun in March 1996, the Programme for Poverty Alleviation was reported in June 2001 to have assisted 30,000 families, with 13,000 small projects being carried out to a cost of US \$12.7m.

A second stage in the programme will be carried out between 2001 and 2006. [5am] In 2002, the Government established a National Committee for Children to address child welfare issues. The Government supported two private shelters, one for children from birth to age 3, and the other for children from 3 to 16 years of age. While Government facilities received Government funding, finances were inadequate and the Government used foreign aid to help sustain the orphanages. [1a]

Ethnic Groups

6.B.9 Ethnic minorities constitute a very small proportion of the population. There are no reports of inter-ethnic conflict. The main minority is the 120,500 strong community of Kazakhs (alt. sp. Khazaks), who are traditionally Sunni Muslims. Most live a nomadic lifestyle in the western side of the country, in the province of Bayan-Olgiy, but there are also Kazakhs in Choybalsan to the east [6e]. Akin to Uighurs of China, they speak a turkic language, and in Mongolia, use a Cyrillic ("Russian") script. [6o][5ay] On 16 May 2003, new legislation on state language was adopted. Under the law the street names, squares and organisations would be written in the official Mongolian language. [5bp]

6.B.10 *Kazakhs.* "Bayan-Olgiy is a largely Kazakh administrative unit, where the Kazakh language is used in the primary schools and in local administrative offices... Kazakhs of the Altai traditionally have hunted from horseback with trained golden eagles on their wrists and greyhounds slung across the saddle-both to be launched at game - and pictures of eagle-bearing Kazakhs are common in Mongolian tourist literature. Mongol is taught as the second language and Russian as the third in Kazakh schools, and bilingual Kazakhs appear to participate in the Mongolian professional and bureaucratic elite on an equal footing with Mongols. Kazakhs also make up a disproportionate number of the relatively highly paid workers in the coal mines of north-central Mongolia; this situation may indicate either limited opportunities in the narrow valleys of Bayan-Olgiy Aymag or government efforts to favour a potentially restive minority, or both." **[6a]**

6.B.11 Between the Mongols and the Kazakhs, there are traditional prejudices and nationalist sentiments on both sides; though one source has stated that there are no reports of specific tension between the two groups. **[6q]** A research report for the Kazakhstan government in the mid-1990s highlighted that the Kazakh minority in Bayan-Olgiy Aimag felt that the aimag was poorly served in terms of social welfare, but expressed hope for future improvement. **[6d]** On 16 May 2003 the Government passed legislation on family development policy and state language. Under the main objectives of the latter bill, the Government is obliged to take measures for helping the national minority learn the Mongolian language. **[5bp][5br]**

6.B.12 Relations between the Mongolian and the Kazakhstan Governments are good. In recent years, thousands of ethnic Kazakhs from Mongolia have relocated to Kazakhstan, where they have been granted citizenship.

[5n][5p][5q][6c] In June 2000, it was reported that 30,000 Kazakhs from Mongolia were living in Kazakhstan awaiting Kazakhstani nationality, with 1,882 having been granted citizenship on 21 June 2000. [6e] The Kazakhstan Government is following a policy of open invitation to all ethnic Kazakhstan to migrate to Kazakhstan - President Nazarbayrev has stated in November 2002 that every ethnic Kazakh is welcome to return to their homeland. [5at] (But has set a quota of 5,000 citizens per year [6e], mindful of the financial concerns raised in the mid-1990s research report [6d]) Over 1.5 million ethnic Kazakhs worldwide have reportedly returned to Kazakhstan in recent years. [5at]

6.B.13 *Chinese*. Relations with China were poor in the 1970s and early 1980s; Mongolia criticised China's treatment of its Mongolian citizens and was in turn accused by Beijing of seeking to expel its estimated 7,000 Chinese community **[6e]**. One source states that in 1984, the Mongolian Government did in fact expel 1,700 Chinese, but did not bother nationalised, integrated ethnic Chinese citizens. **[6a]** The animosity may account for the absence of any reference to a Chinese minority in the 1989 census. **[6a][6c]** One more recent source indicates that there are 35,000 Chinese in Mongolia **[6c]**. Mongolian police are reported to have arrested illegal immigrants from China (including ethnic Mongolians), some of whom were carrying false Mongolian passports **[5m]**.

6.B.14 The *Russian* community is composed of both residents and temporary workers, and is separate in as much as they are accorded voting rights in Russian elections. **[5e]** In the 1980s, there was a large population of Soviet engineers and other specialists working under contract in Mongolia, plus an estimated 55,000 Soviet troops, but they were always viewed as "helpful foreigners" and not included in Mongolian census figures. "Although since 1920, many Russians have settled in the Tannu *Tuva* and Buryat Mongol regions of Siberia across the border from northern Mongolia, there has been no Russian migration to, and settlement in, Mongolia." **[6a]** Agreements reached in March 2002 between the Russian and Mongolian Governments mean that, in theory, nationals of each country resident in the other country can use the other country's healthcare system. **[5ar]**

Religious Groups

6.B.15 The traditional religion of the majority group, the Khalkhas, is Buddhism. The Kazakhs are traditionally Sunni Muslim. During the Communist era, religious affiliation and practice was forbidden. The 1998 Constitution however changed the situation to permitting the right to practice a religious faith. Reports suggest that up to a million Mongolians are atheists **[6c][6f]**, but Buddhism has been re-establishing itself since the 1990s. **[3h][6e]** Of the 150 registered places of worship, 90 are Buddhist, 40 Christian, 4 Baha'i and one is a Muslim mosque. There are no reports of religious detainees or prisoners **[1a]**.

6.B.16 *Traditional faiths, practices and Mongolian Buddhist faith and practice.* Before Buddhism was introduced into Mongolia, the Mongol tribes practised animistic rites involving shamans. Shamanism is still practised by a few Mongol tribes (Darkhad, Tsaatan, Hotgoit, Buryat, Hamnigan, Urianhai, and some Halh) and by a number of non-Mongol groups (the Siberian Tungus). **[6h]** No information has been found yet (as of April 2002) as to whether there is tension or societal discrimination by Buddhist Mongols towards tribes who practise Shaman based faiths.

6.B.17 There is no indictation that there is an institutional persecution or discrimination against shaman-based faith adherents. For instance, Dr Sendenjaviin Dulam, an expert in Darkhad tribal shamanism, heads a centre for the study of Mongolian nomadic culture at the Mongolian National University, indicating academic freedom to study shaman-based groups. **[6h]** Religious group registration as mentioned in the US State Department report for 2002 **[1a]** refers to groups operating from registered places of worship, and thus tribe-based shamans seem to be exempt.

6.B.18 *Christians.* In 1998, there were estimated, by an evangelical protestant organisation, to be up to 7,000 Christians. A Russian Orthodox church was also in operation by 1997. After 1998, evangelical groups have claimed "tens of thousands of Mongolians have joined Christian churches". **[3I][6e]** The new Christian converts have faced some difficulties in practice from the authorities, mainly in relation to the registration of places of worship. Nevertheless, recent reports suggest that Christian groups are proliferating so fast that they now outnumber official Buddhist organisations. **[2n]** Several evangelical groups operate in Mongolia, such as the Mormons, Seventh Day Adventists. In July 2003, a large Catholic church was built in Ulaanbaatar and there are regular Protestant services. **[1a][3h][6e]**

6.B.19 In 2000, there was one case of alleged persecution of an ethnic Kazakh who converted to Christianity. **[6I]** The man, aged in his thirties, claimed that he had been sentenced, in 1999, to 13 years imprisonment in a labour camp for his conversion. Translators and other authoritative human rights monitors in May 2000 dismissed the documents presented as forgeries, and the charge against the Mongolian authorities as having no basis. **[6I]**

6.B.20 Baha'i worshippers have experienced similar problems. However, there are no reports of people being detained due to their religion **[1a]**

Conscientious Objectors & Deserters

6.B.21 In February 1998, alternative military service was introduced for Mongolian males between the ages of 18 and 25. As well as service with the armed forces, conscripts may serve with civil defence units, construction troops, natural disaster response teams, border troops support or work with humanitarian organisations. By February 2000, Mongolian males between 18 and 25 still had to do one years' service. Conscripts were notified of their

conscription through their local government unit (*sum*). Penalties for evasion are not known. **[3a][3j][6o]**

Homosexuals

6.B.22 Although the Constitution does not penalise homosexuality per se and there are no specific laws banning homosexual activity, gay groups believe that Section 113 of the penal Code, which prohibits "immoral gratification of sexual desires", may be used to punish homosexual acts. Limited anecdotal evidence suggests that homosexuals have been detained and questioned about their contacts and it is believed that the police keep files on known homosexuals. There is societal distaste for same sex relationships, with one expert in March 2000 stating that most homosexuality remains deeply hidden and that known homosexuals would quite likely face harassment. A social and advocacy group called *Tavilan* (Destiny) was launched in April 1999 and subsequently received official recognition. *Tavilan*, which currently had 130 members, has opened an office and switchboard in central Ulaanbaatar. It organises safe sex courses and social events. **[3c][3n][4f]**

Political Activists

6.B.23 *Inner Mongolia activists.* China has announced that there are now over 4 million ethnic Mongolians in its northern Inner Mongolia Autonomous Region. Mongolia and China have a pact not to interfere in each other's internal affairs. The Inner Mongolian People's Party (IMPP) is a pro-independence movement founded in the USA in March 1997. It has campaigned against China's 50 year "occupation" of Inner Mongolia. **[3g][5u].**

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