

Mongolia 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Mongolia during the year.

Significant human rights issues included credible reports of: enforcement of criminal libel and similar laws that constituted a serious restriction on freedom of expression and political speech; serious government corruption; and extensive gender-based violence.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

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, including extrajudicial killings, during the year.

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 prohibited 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 was assigned to either local police or the Independent Authority Against Corruption, with the anti-corruption authority generally responsible for crimes committed while on duty. The prosecutor's office oversaw 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 were subject to prosecution for

abuse or torture, including both physical and psychological abuse. The maximum punishment for torture was a five-year prison sentence, or life in prison if the victim died as a result of torture. Although officials were liable for intentional infliction of severe bodily injury, prosecutions of this crime were rare. The law stated that prohibited acts did 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 enforced an illegal order was considered an accomplice to the crime. The law provided that the person giving an illegal order was criminally liable for the harm caused, but prosecutions were rare.

Impunity was sometimes a problem in the security forces. As of September, the National Police Agency reported investigating nine complaints of rape, 32 complaints of causing intentional injury to others' health, and one complaint of torture perpetrated by public officials. The NHRC, lawyers, human rights activists, and NGOs 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 April cases against two individuals found guilty of S. Zorig's 1998 assassination and sentenced to 20 years imprisonment, were dismissed by a judge on the grounds of insufficient evidence. In 2016, four members of the security services were found guilty of torturing the two individuals. The

Ministry of Justice stated the case against the two seriously violated human rights.

Prison and Detention Center Conditions

Some reports regarding prison or detention center conditions raised human rights concerns.

Abusive Physical Conditions: In July the UN Working Group on Arbitrary Detention’s (WGAD) final report on prison conditions in the country 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 monitored 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 investigated credible reports of human rights abuses.

Independent Monitoring: The government allowed access by independent nongovernmental observers and the NHRC. The WGAD visited 21 prison and other detention facilities in 2022 and reported unimpeded access to

facilities.

d. Arbitrary Arrest or Detention

The law provided that no person shall be arrested, detained, or deprived of liberty except by specified procedures and provided for the right of persons to challenge the lawfulness of their 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 required that a prosecutor supervise all detentions.

Arrest Procedures and Treatment of Detainees

An evidence-based, prosecutor-approved warrant was generally required to arrest a suspect on criminal grounds. Within 24 hours of an arrest, a prosecutor had to present a request stating the grounds and reasons for the arrest to a judge, who was required to decide within 48 hours whether to prolong the detention or release the suspect. The arresting authority had to notify a suspect's family within six hours of an arrest. A "pressing circumstances" exception in the law allowed police to arrest suspects without a warrant. Examples of exceptions included 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 had to approve the arrest within 24 hours, and a judge had to

approve the arrest within the normal 48-hour period. If 72 hours passed after an arrest and a judge had not made a decision, police were required to release the suspect. Upon release, authorities had to inform the suspect of the reasons for the arrest and detention. There was a bail system that tied 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 was 18 months. Detainees generally had prompt access to family members, although repeated transfers or detention in remote locations sometimes undermined this right.

A detainee had the right to an attorney during pretrial detention and all subsequent stages of the legal process, including after sentencing. If a defendant did not engage an attorney, the government had to appoint one if the defendant had a physical or mental disability that would hinder self-defense, was a child, or was not proficient in the Mongolian language. The

law allowed 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 authorities sometimes made obtaining legal counsel difficult.

Arbitrary Arrest: The NHRC 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 and another person's personal guarantee. According to the WGAD, data provided by the government showed arrests were often performed without warrants. The personal guarantee system allowed relatives to vouch for an accused family member.

e. Denial of Fair Public Trial

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

The law required all trials to be open to the public and the press, except for cases involving state secrets, underage defendants, or underage victims. In some cases, the WGAD stated suspects were 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 to 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 were provided, their quality and experience were inconsistent, and many defendants lacked adequate legal representation. While the law gave defense lawyers full access to prosecutors' case files, defense lawyers were often given limited time to review those files and were precluded from photocopying or taking photographs of prosecution 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 highlighted chronic procedural inefficiency and delays. In some cases, they suspected that nepotism and bribery of judges, prosecutors, and expert witnesses contributed to unwarranted convictions, dismissals, or reductions of sentences.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

According to NGOs, the government sometimes forced residents to move from land designated for redevelopment without adequate compensation and with little opportunity to contest the order administratively or judicially. After severe floods, then Ulaanbaatar Mayor D. Sumyabazar directed that an apartment building and water park complex still under construction (widely believed to have received permits through corruption) be demolished without mention of compensation to improve water flow and prevent future flooding. The mayor claimed the complex did not meet regulations, but the construction company's CEO and apartment owners protested the mayoral

decision, noting they had been granted a building permit. The case was ongoing as of November.

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

The law prohibited 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 provided for freedom of expression, including for media members, 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 reported the government used a clause in the criminal code on the dissemination of false information to intimidate critics of the government.

In April after the government built an iron fence around the presidential residence, an individual named O. Banzragch used a meme to criticize the

president for closing the state palace to the public. Banzragch was convicted for disseminating defamatory information after pleading guilty in a criminal case and was fined 450,000 tugrik (\$130).

Violence and Harassment: The Globe International Center reported continued pressure on media from police, politicians, and large business entities. In a survey released in May of 284 journalists on safety concerns, 38 percent reported summonses from courts, the police, or prosecutors, an increase from 20 percent in 2022; 17 percent reported confiscation of work equipment and belongings; and 14 percent reported threats by email and telephone, a decrease from 18 percent in 2022.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: The law set 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 publishing disfavored items by limiting advertising and denying some outlets access to information. Individual journalists reported 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 treated libel and slander as petty offenses, except during an election campaign period (typically 18 days), when they were treated as crimes. Libel and slander, when prosecuted as petty

offenses, were punishable by moderate fines. When prosecuted as crimes, they were punishable by more substantial fines or imprisonment from one month to one year. If a media organization was found guilty of libel or slander during an election campaign period, its license could be suspended for six months.

The law also made 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 constituted “evidently false information” and “the spread of false information” allowed those in power to use the law arbitrarily.

In July after floods in Ulaanbaatar, a youth aged 19 created a meme of the president that blamed the government for mismanagement. The individual received threatening telephone calls and was questioned by the police for several hours. Police publicly confirmed initiating an investigation for defamation, although no charges were filed.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, except in rare circumstances involving illegal content such as

copyright violations or child pornography.

b. Freedoms of Peaceful Assembly and Association

The law provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

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 provided 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. In most cases asylum seekers were protected

from deportation.

Access to Asylum: Although the law provided 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 did not afford specific legal status to asylum seekers or UNHCR-recognized refugees, and they 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 provided 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

Abuses or Irregularities in Recent Elections: National elections were widely

reported to be fair and free of abuses. Presidential elections were held in 2021 and parliamentary elections in 2020.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, and the government sometimes implemented the law effectively. There were numerous reports of government corruption.

Corruption: Corruption at all levels of government remained widespread.

Some officials engaged in corrupt practices with impunity. The criminal code contained liability provisions for corruption and corruption-related offenses for public servants and government officials. The BTI

Transformation Index report noted the widespread suspicion in the country that corruption investigations were politically motivated and failed to prosecute high-profile and political corruption.

In late 2022, media reports revealed secret offtake agreements and the theft of 44 trillion tugrik (\$12.9 billion) worth of coal from state-owned coal mine Erdenes Tavan Tolgoi. Members of parliament, mine operators, customs officials, and other public officials were implicated in the scandal.

Preliminary hearings for 11 persons began in September.

In another case, several members of parliament, government officials, and private individuals were accused of improper issuance and misuse of

Development Bank of Mongolia loans. In June four legal entities and 32 individuals were found guilty.

In response to these high-profile cases, the government launched an anti-corruption campaign in February, including measures to protect whistleblowers, identify corrupt politicians, extradite corrupt officials from overseas, repatriate stolen funds hidden offshore, and increase transparency in the government. Parliament adopted a “National Action Plan for Combating Corruption, 2023-2030” and amended the law to prohibit high-ranking officials and their close associates from: 1) benefiting from government funded programs, scholarships, concessional loans, and grants; and 2) holding management positions in public service entities or executive management positions in state-owned companies while in office.

For additional information about corruption in the country, please see the Department of State’s *Investment Climate Statement* for the country, and the Department of State’s *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally

operated without government restriction, monitoring or investigating human rights conditions or cases and publicizing their findings. Government officials were somewhat cooperative and responsive to their views. The law established 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 was responsible for monitoring human rights abuses, initiating and reviewing policy changes, and coordinating with human rights NGOs. The NHRC’s six commissioners were 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 supported politically contentious human rights issues, such as the rights of human rights defenders, persons with disabilities, and ethnic and religious minorities. In its annual report on human rights, the NHRC recommended amendments to the law to better protect press and media independence after noting the public perception that the media was “used for politics,” influenced through economic pressure, and dependent on the

government financially.

There was some collaboration between the government and civil society in discussing human rights problems. In contrast to previous years, after the NHRC presented its report to parliament, the Legal Standing Committee discussed the report and its recommendations with civil society representatives and the media.

The National Committee for Human Rights was established in September 2022, under the Cabinet Secretariat. It was responsible for coordinating human rights work across all levels of the national and local government.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The criminal code criminalized forced or nonconsensual sexual intercourse or sexual acts that involved 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 provided for prison sentences of from one year to life, depending on the circumstances. The criminal code criminalized spousal rape. Domestic violence was also a crime, for which perpetrators could be punished administratively or criminally, in the latter case by a maximum of two years' imprisonment. The government maintained a nationwide

database of domestic violence offenders, and those who committed a second domestic violence offense were 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.

A special national police unit was 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 NGO 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.

Other Forms of Gender-based Violence and Harassment: NGOs stated that laws on sexual harassment were inadequate 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 harassment. The criminal code for petty offenses included fines or compulsory training in cases of sexual harassment. The labor law charged employers with taking steps to prevent sexual harassment in the workplace, including by establishing internal rules about sexual harassment and the redress of complaints. Upon

receiving a complaint of sexual harassment, the NHRC could investigate, after which it could send a letter to the employer recommending administrative sanctions be levied against the accused party.

Discrimination: The law provided 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 law prohibited women from working in occupations that required heavy labor or exposure to chemicals that could affect infant and maternal health.

In most cases, a divorced wife retained custody of children, but women were rarely able to collect court-ordered child support and divorced husbands were rarely penalized for failing to pay. Women's rights activists stated that because family businesses and properties usually were registered under the husband's name, ownership transferred automatically to the former husband in divorce cases and women were rarely able to enforce a claim on assets.

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

According to 2020 data (latest available) from the National Statistical Office,

average pay for men was 20 percent greater than for women.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Women had 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, resulting in poorer health outcomes. The government provided access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception for rape survivors was offered within five days. Postexposure prophylaxis was provided if requested by a survivor.

Systemic Racial or Ethnic Violence and Discrimination

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

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

Children

Birth Registration: Failure to register could result in denial of public

services.

Child Abuse: The criminal code included 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 due to limited space it did not provide separate accommodation for especially vulnerable children. The authority provided funding to an NGO in Ulaanbaatar to run additional shelters to which it referred child victims of abuse. According to NGOs, shelter 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 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 was 18, with court-approved exceptions for children ages 16 to 18 with the consent of parents or guardians.

Sexual Exploitation of Children: Although illegal, commercial sexual exploitation of children was a problem. The minimum age for consensual sex was 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) were subject to a maximum penalty of five years in prison. Those who subjected children to sex trafficking or sexual exploitation were subject to a maximum penalty of 20 years in prison, or life imprisonment if aggravating circumstances were present. The law prohibited child pornography; authorities enforced the law. The maximum penalty for engaging children in pornography was eight years' imprisonment.

Antisemitism

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

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 and Harassment: The NGO LGBT Center received reports of threats and violence against lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons, most involving young persons disclosing their LGBTQI+ status to their families or whose families discovered they were LGBTQI+. Activists reported police often failed to investigate reports of violence, harassment, or abuse of LGBTQI+ persons.

Discrimination: The law prohibited discrimination based on sexual orientation and gender identity, but related cases were rarely registered with police or the prosecutor's office. The law did not recognize same-sex unions or grant LGBTQI+ couples and their families rights equal to the rights of other persons. Although public attitudes toward LGBTQI+ persons were improving in central Ulaanbaatar, LGBTQI+ individuals faced discrimination in public and at home and reported a fear of homelessness and domestic violence, especially in rural areas. There were reports of discrimination

against LGBTQI+ persons in employment. NGOs, the NHRC, and members of local LGBTQI+ communities 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.

Reports from LGBTQI+ community members suggested a lack of understanding of LGBTQI+ persons among health-care providers, as well as a lack of understanding of the unique physical and psychological challenges members of the LGBTQI+ community faced. A survey of transgender youth conducted by All for Education and the LGBT Center found transgender youth in schools faced discrimination from teachers and other students.

Availability of Legal Gender Recognition: Legal gender recognition was available but required individuals to provide documentation from a doctor of gender-affirming surgery.

Involuntary or Coercive Medical or Psychological Practices: LGBTQI+ NGOs reported that there were individual cases of so-called conversion therapy practices including coercive psychological treatment and religious rituals targeting teens and young adults that attempted to change an individual's sexual orientation or gender identity. Advocates reported that use of so-called gender normalization surgery and hormone treatments on very young

intersex children was standard medical practice.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no formal restrictions on these freedoms. The LGBT Center submitted a request to hold a peaceful demonstration in Ulaanbaatar's main square for Equality and Pride Days but was refused. The center filed a complaint, but the court ruled in favor of the government authorities.

Persons with Disabilities

The law required equal access to education, health services, public buildings, and education for persons with disabilities but they did not have such access. The law prohibited 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 mandated 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 (MNAWU), most public buses in Ulaanbaatar were not equipped for wheelchair users. Emergency services were often inaccessible to blind and deaf persons because service providers lacked trained personnel and

appropriate technologies.

The law required 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 persons with disabilities, noted the government itself failed to meet the quota, and stated that many employers still preferred to pay fines rather than employ persons with disabilities.

According to joint research conducted by the MNAWU and Mirim Institute in 2022, 67 percent of 1,017 legal entities surveyed employed persons with disabilities. Only 32 percent of them hired enough persons with disabilities to meet the quota and those not meeting the quota did not usually pay a fine.

There was no explicit prohibition of discrimination in education and the law charged the government with creating conditions to provide students with disabilities with an education. Children with disabilities were allowed to attend preschools and mainstream schools but faced significant barriers. Schools often lacked trained staff and the infrastructure to accommodate children with disabilities. An inspection conducted by the NHRC in April at the only state-funded public school for children with hearing impairments found teachers not adequately trained in sign language, harsh treatment by teachers, poor conditions in a student dormitory, and reports of verbal abuse and staff restricting communication between students and families.

Although increasing numbers of mainstream schools accepted children with

disabilities, some schools reportedly rejected such children. The Down Syndrome Association of Mongolia reported that students moving from mainstream to specialized schools faced barriers to registration.

Other Societal Violence or Discrimination

The law prohibited employers from refusing employment to or dismissing an individual diagnosed with HIV or AIDS unless the condition made it difficult to perform job duties. NGOs reported the law was not always enforced.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The revised labor law entered into force in 2022. The law provided 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 provided 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 required reinstatement of workers fired for union activity.

The right to strike had several constraints. The law prohibited third parties from organizing strikes. The decision to strike had to 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 prohibited 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 but were sometimes applied against violators. Labor dispute settlement committees resolved most disputes between individual workers and management. These committees comprised representatives of the local government, the employer, and the employee, 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 some union organizers did not feel thoroughly protected by the law.

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

b. Prohibition of Forced or Compulsory Labor

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 (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The National Tripartite Committee, which comprised government, CMTU, and Federation of Employers representatives, established an annual national minimum wage that was above the poverty line. The law provided for a standard workweek of 40 hours and the payment of overtime, but payment of overtime was rarely enforced.

Occupational Safety and Health: Laws on labor, cooperatives, and enterprises established occupational safety and health (OSH) standards, which applied equally to local and foreign workers. OSH experts noted many standards were outdated and no longer appropriate for the main industries in the country. It was not reported whether OSH experts proactively identified unsafe conditions or responded to workers' complaints. Workers had the right to remove themselves from situations

that endangered safety without jeopardy to their employment.

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 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 was 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.

Officials 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 the Ministry of Labor and Social Protection's regional and local offices were responsible for enforcement of all labor regulations and had the authority to compel immediate compliance. The ministry reported its inspectors, faced with large investigative workloads, needed better training on investigative techniques and evidence collection. As of September, there were a total of 81 labor inspectors in the country, a number insufficient to enforce compliance. While unannounced inspections were allowed under the labor law, a competing law on inspections required notification to employers at least 48 hours before an inspection. As a result,

inspections were usually done after advance notification, although some preventative assessments were completed without prenotification.

Inspectors had the power to impose sanctions.

According to 2022 statistics from the National Statistics Office, the informal sector employed more than 500,000 persons, or 42 percent of all employed workers. The revised labor law covered workers in the informal sector, although it was inconsistently enforced. The law on pensions allowed 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.