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**STATUS OF HUMAN RIGHTS IN MONGOLIA
FOR THE 50TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative Status before the United Nations Economic and Social Council. This report discusses the status of human rights in Mongolia for the 50th session of the Universal Periodic Review (UPR).

Background

2. Mongolia is a country in eastern Central Asia with a population of 3,481,000.¹ The predominant religion in Mongolia is Buddhism, with 58.1% of the population identifying as Buddhists.² 18.3% of the population belong to ethnic religions, 16% identify as nonreligious, 5% as Muslim, and 1.9% as Christian.³

3. Mongolia's last review was held on November 4, 2020.⁴ As a result of the review, Mongolia received 190 recommendations, 170 of which it supported.⁵ It was recommended by the United States of America, and supported by Mongolia, that the government “[p]romote freedom of religion or belief, including by ensuring the legal and regulatory environment allows religious groups and organizations to register and operate freely.”⁶ In our previous UPR for Mongolia we echoed a similar concern as well as urged Mongolia to lift its ban on proselytizing.

4. Additionally, Mongolia received eleven recommendations dealing with human trafficking.⁷ It supported all of those recommendations. Notably, Belarus recommended the government take steps to “further efforts to combat human trafficking, especially of women and children, including by carrying out specialized training for government officials, to enhance law enforcement practices to make sure that perpetrators are punished and to ensure comprehensive care and rehabilitation for the victims of trafficking.”⁸ It was also recommended by Canada, and supported by Mongolia, that the government “[s]trengthen law enforcement

¹ *Mongolia: Major World Religions (1900-2050)*, THE ASSOCIATION OF RELIGION DATA ARCHIVES, <https://www.thearda.com/world-religion/national-profiles?u=153c> (last visited Apr. 2, 2025).

² *Id.*

³ *Id.*

⁴ *Universal Periodic Review – Mongolia*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/mn-index> (last visited Apr. 2, 2025).

⁵ *Mongolia Infographic*, OHCHR, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session36/MN/infographic-MONGOLIA.pdf> (last visited Apr. 2, 2025).

⁶ OHCHR, UPR of Mongolia (3rd Cycle – 36th Session): Thematic List of Recommendations, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session36/MN/UPR36_Mongolia_Thematic_List_of_Recommendations.docx (last visited Apr. 2, 2025).

⁷ *Id.*

⁸ *Id.*

and the judicial system to ensure effective investigations and prosecutions in cases of human trafficking and provide better services to victims.”⁹

Legal Framework

Religious Persecution

5. Under Article 9 of the Constitution of Mongolia, “[t]he State shall respect the religion, whereas the religion shall honor the State in Mongolia.”¹⁰ Article 14 prohibits the discrimination of people based on religion and conscience.¹¹ Additionally, Article 16 guarantees the right to “[f]reedom of conscience and religion” and the “[f]reedom of thought, opinion and expression, speech, press, and peaceful assembly.”¹²

6. Article 4.2 of the Law on Relations Between the State and Church recognizes the importance Buddhism but still guarantees protections for other religions. It states, “[t]he state shall respect the dominant position of Buddhism in Mongolia in order to uphold the unity of the Mongolian people and the historical traditions of civilization. This shall not prevent citizens from practicing other religions.”¹³

7. However, Article 7.7 of the same law effectively bans proselytizing. Under Article 7.7:

Any religious organization or clergy is prohibited from imposing their ideology on those who do not practice their religion, from exerting pressure, from using money to lure them, from deceiving them, from harming their health or morals, or from disturbing their thoughts and feelings.¹⁴

8. Additionally, the government requires that religious groups register with the Ministry of Justice in order to operate in the country legally.¹⁵ Each individual church is required to register, even if they belong to or are affiliated with a larger religious organization.¹⁶

9. Mongolia is a party to the International Covenant on Civil and Political Rights (ICCPR).¹⁷ Under Article 18 of the ICCPR:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or

⁹ *Id.*

¹⁰ CONST. OF MONGOLIA art. 9, https://legislationline.org/sites/default/files/documents/44/MONG_constitution.pdf.

¹¹ *Id.* art. 14.

¹² *Id.* art. 16.

¹³ ON RELATIONS BETWEEN THE STATE AND CHURCH art. 4.2, <https://legalinfo.mn/mn/detail/485> (unofficial internal translation).

¹⁴ *Id.* art. 7.7.

¹⁵ *Mongolia*, HUMANISTS INTERNATIONAL (Sept. 6, 2021), <https://fot.humanists.international/countries/asia-eastern-asia/mongolia/>.

¹⁶ *Id.*

¹⁷ *Ratification Status for Mongolia*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=115&Lang=EN (last visited Apr. 2, 2025).

belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.¹⁸

10. Additionally, under Article 27 of the ICCPR:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.¹⁹

Human Trafficking

11. Article 16 of the Constitution of Mongolia guarantees “the right to free choice of employment, favorable conditions of work, remuneration, rest and private farming. No one shall be subjected to forced labor.”²⁰

12. Article 12.3 of the Criminal Code of Mongolia deals with sexual exploitation and human trafficking. It states:

1. The act involving the use of physical force, or threat or taking advantage of the defenseless state of the victim; or forced to engage into sexual intercourse with other persons not limiting free travel right but using victim’s state of material, occupational or other form of dependence shall be punishable by imprisonment for a term from one to five years.

2. It shall be punishable by imprisonment for a term from eight to twelve years if this crime was committed with intent to gain profit, forcing the victim to engage in prostitution in the following ways:

2.1 forceful engagement of a person aged fourteen to eighteen years;

2.2 made by a person with a previous conviction for having committed offences specified in this chapter;

2.3. with forced use of narcotic drugs and psychotropic substances;

2.4. made the victim pregnant;

2.5. committed against two or more persons;

¹⁸ International Covenant on Civil and Political Rights art. 18, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

¹⁹ *Id.* art. 27.

²⁰ CONST. OF MONGOLIA art. 16, https://legislationline.org/sites/default/files/documents/44/MONG_constitution.pdf.

2.6. acted regularly, permanently.²¹

13. Article 13.13 of the Criminal Code of Mongolia deals with forced labor and states:

Forced labor with the use of violence or threat of such, coercion of obviously detrimental condition, or subduing others by taking advantages of their wealth, health, disability, notorious family condition or other difficulties shall be punishable by a fine equal to from five thousand four hundred to twenty seven thousand units of amount, or from two hundred and forty to seven hundred and twenty hours of community service, or a penalty of limitation of free travel right for a term from one to five years, or imprisonment for a term from one to five years.²²

14. Article 16.6 deals specifically with the trafficking of children and states:

Sale of own born, adopted or raised child, in the absence of the signs of crime specified in article 13.1 of this Code shall be punishable by a fine equal to from ten thousand to forty thousand units of amount, or imprisonment for a term from two to eight years.²³

15. Additionally, Mongolia is a party to the International Covenant on Civil and Political Rights (ICCPR).²⁴ Article 8 of the ICCPR states that “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”²⁵

16. Mongolia is also a party to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.²⁶ Under Article 3 sec. 1 of this Protocol:

Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether these offences are committed domestically or transnationally or on an individual or organized basis:

(a) In the context of sale of children . . . ;

(i) The offering, delivering or accepting, by whatever means, a child for the purpose of:

a. Sexual exploitation of the child;

²¹ CRIM. CODE OF MONGOLIA art. 12.3,

https://legislationline.org/sites/default/files/documents/56/MONG_CC_as%20of%202019.pdf.

²² *Id.* art. 13.13.

²³ *Id.* art. 16.6.

²⁴ *Ratification Status for Mongolia, supra* note 17.

²⁵ ICCPR, *supra* note 18, art. 8.

²⁶ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/doc/Treaties/2000/05/20000525%2003-16%20AM/Ch_IV_11_cp.pdf.

- b. Transfer of organs of the child for profit;
- c. Engagement of the child in forced labour[.]²⁷

17. Mongolia is a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).²⁸ Under Article 6 of the CEDAW, “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”²⁹

18. Moreover, Mongolia is a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.³⁰ Under Article 9 sec. 1 of this Protocol:

I. States Parties shall establish comprehensive policies, programmes and other measures:

- (a) To prevent and combat trafficking in persons; and
- (b) To protect victims of trafficking in persons, especially women and children, from revictimization.³¹

Religious Persecution

19. Despite Mongolia guaranteeing religious freedom in its Constitution, its laws and practices make it difficult for Christians to practice their faith in the country. In our last UPR we expressed concern over Mongolia’s law regarding church registration. Unfortunately, nothing has changed since then. In Mongolia, Christians continue to face barriers in applying for registration.³² Unfortunately, the rules for registration are vague and the government can deny registration for arbitrary reasons. For example, one Christian reported that they were denied registration simply because there were too many registered churches.³³ Being able to arbitrarily deny registration to certain religious groups allows the government to control which religions are permitted to be practiced in the country. In fact, Mongolia’s own laws suggest that it is denying registration in order to preserve Buddhism. The Mongolian law claims that Buddhism is important in maintaining unity.

²⁷ *Id.* at art. 3 § 1.

²⁸ *Ratification Status for Mongolia*, *supra* note 17.

²⁹ Convention on the Elimination of All Forms of Discrimination Against Women art. 6, *adopted* Dec. 18, 1979, 1249 U.N.T.S. 13 [hereinafter CEDAW].

³⁰ *Chapter XVIII Penal Matters: 12. A Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18 (last visited Apr. 2, 2025).

³¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime art. 9 § 1, Nov. 15, 2000, 2237 U.N.T.S. 319.

³² Angela Lu Fulton, *As Mongolia Catholics Welcome Francis, Evangelicals Wrestle with Growing Pains*, CHRISTIANITY TODAY (Aug. 31, 2023), <https://www.christianitytoday.com/2023/08/mongolia-pope-francis-visit-christian-church-growth/>.

³³ *Id.*

20. We are also concerned about Mongolia's laws effectively banning proselyting. Prohibiting proselytizing contravenes the ICCPR which guarantees the right for everyone to "either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."³⁴ Many faiths, like Christianity, call on its adherents to go out and peacefully share their faith with others so that non-believers may hear the truth. Under Mongolia's vague law, sharing ones faith with a Buddhist could be a violation of the law because it could "disturb[] their thoughts and feelings."³⁵ In fact, one priest shared how they were not allowed to have crosses in the schools and orphanages that they operated because they would be questioned by authorities:

We now run schools and orphanages. In these places, we are still not allowed to put religious objects like crosses or images of Jesus. The worst is that our religious sisters are not allowed to wear their habits. The authorities from time to time come to check our schools and orphanages, even asking our orphans if we talk about Jesus with them.³⁶

Human Trafficking

21. Human traffickers exploit vulnerable individuals who are unemployed and living in poverty.³⁷ Traffickers use violence and deception to control their victims and traffic them either within Mongolia or abroad to other countries.³⁸ Women are the most commonly identified victims of trafficking in Mongolia (58% of the victims are women). However, men are also at a high risk for labor exploitation and make up 42% of individuals who are trafficked.³⁹ Women forced into sex trafficking often find themselves working in massage parlors, hotels, bars, and karaoke clubs.⁴⁰

22. Additionally, in Mongolia child trafficking is increasingly becoming discreet and organized.⁴¹ However, only few cases have been identified and prosecuted as a result of law enforcement and judicial officials lacking the resources needed to effectively combat child trafficking.⁴² According to the National Police Agency of Mongolia, forty-nine children were identified as victims of human trafficking between 2021 and 2023.⁴³

³⁴ ICCPR, *supra* note 18, art. 18.

³⁵ ON RELATIONS BETWEEN THE STATE AND CHURCH, *supra* note 13, art. 7.7.

³⁶ Cristian Grimaldi, *Mongolia Missioners Mull Challenges to Religious Freedom*, UNION OF CATHOLIC ASIAN NEWS (Sept. 1, 2023, 11:41 AM), <https://www.ucanews.com/news/mongolia-missioners-mull-challenges-to-religious-freedom/102457>.

³⁷ *Let's Prevent the Crimes of Gift Exploitation and Human Trafficking*, POLICE HEADQUARTERS (Aug. 22, 2022, 4:51 PM), <https://police.gov.mn/a/6098>.

³⁸ *Id.*

³⁹ *Baseline Assessment into the Causes, Dynamics, Vulnerability and Resilience Levels to Human Trafficking in Mongolia*, IOM UN MIGRATION 15 (2022), <https://mongolia.iom.int/sites/g/files/tmzbd11611/files/documents/baseline-assessment-on-causes-dynamics-vulnerability-and-resilience-levels-to-human-trafficking-in-mongolia.pdf>.

⁴⁰ *Unbound Now Mongolia*, UNBOUND NOW, <https://unboundnow.org/mongolia/> (last visited Apr. 2, 2025).

⁴¹ *Ending Child Trafficking in Mongolia*, THE ASIA FOUNDATION (2021), https://asiafoundation.org/wp-content/uploads/2024/08/Ending-Child-Trafficking-in-Mongolia_2021.pdf.

⁴² *Id.*

⁴³ "Let's Know and Inform" Campaign to Prevent From Human Trafficking Has Started, GO GO MONGOLIA (Sept. 15, 2023), <https://mongolia.gogo.mn/r/08y6o>.

23. While Mongolia has measures in place to help victims, these measures have not materialized into actually helping victims or combatting human trafficking.⁴⁴ One report conducted with the support of the Office of the President of Mongolia and the Swiss Agency for Development and Cooperation found that efforts taken to combat human trafficking amounted to little more than just meetings and gatherings.⁴⁵ This has led to Mongolia being inadequately prepared to deal with human trafficking, as there is a lack of legal services⁴⁶ and support facilities for victims.⁴⁷ This has resulted in few cases of human trafficking being tried and perpetrators not being held accountable.⁴⁸

24. In March 2024, authorities announced that forty-four victims of human trafficking were rescued and were returned to Mongolia.⁴⁹

25. From May to June 2023, nine Mongolian women were rescued from being trafficked to Laos.⁵⁰ The Mongolian Ministry of Foreign Affairs and the Consulate and Central Police Station, worked with the Ministry of Foreign Affairs and the Ministry of Social Security in Laos to return the victims to Mongolia.⁵¹

26. In October 2022, authorities arrested a Singaporean national who trafficked five women out of Mongolia to be sexually exploited.⁵² In Mongolia, the suspect sexually abused the women and made arrangements with foreigners to sell the women.⁵³

27. From January through July 2022, authorities investigated and prosecuted seven criminal groups for their role in human trafficking and sexually exploiting their victims.⁵⁴

28. Between September 2021 and February 2022, human traffickers trafficked five girls between the ages of fourteen and seventeen and forced them into sexual exploitation.⁵⁵ The traffickers deceived the girls by offering them high-paying jobs and threatened to expose the girls' compromising photos and videos.⁵⁶

⁴⁴ *Baseline Assessment into the Causes, Dynamics, Vulnerability and Resilience Levels to Human Trafficking in Mongolia*, *supra* note 39, at 49.

⁴⁵ *Id.*

⁴⁶ *Combatting Human Trafficking in Mongolia*, AMERICAN BAR ASSOCIATION, <https://www.americanbar.org/advocacy/global-programs/what-we-do/programs/combating-human-trafficking-mongolia/> (last visited Apr. 2, 2025).

⁴⁷ *Mongolia*, GLOBAL ORGANIZED CRIME INDEX, <https://ocindex.net/country/mongolia> (last visited Apr. 2, 2025).

⁴⁸ *Ending Child Trafficking in Mongolia*, *supra* note 41.

⁴⁹ *44 Victims of Human Trafficking Have Been Repatriated*, MNB (Mar. 24, 2024, 10:24 AM), <https://www.mnb.mn/i/309065>.

⁵⁰ U. Orgilmaa, *Are the Women Who “Rejected Mongolia” and the Young Men Who Earned Their Living Still Victims of “Human Trafficking”?*, NEWS PRESS (Nov. 13, 2023, 11:26 AM), <https://www.newspress.mn/v1/%D0%9D%D0%B8%D0%B9%D0%B3%D1%8D%D0%BC/news/48730>.

⁵¹ *Id.*

⁵² O. Altangerel, *Will Mongolia Girls Be Victims of Human Violence, Prime Minister H. Nyambaatar?*, ERGELT (Oct. 7, 2022), <https://ergelt.mn/news/65/single/25857>.

⁵³ *Id.*

⁵⁴ *Let's Prevent the Crimes of Gift Exploitation and Human Trafficking*, *supra* note 37.

⁵⁵ *Id.*

⁵⁶ *Id.*

29. From 2019 to 2022, there were a total of forty-six cases recorded of human trafficking.⁵⁷ Out of these cases, 141 individuals were identified as suspects, and ninety-nine faced prosecution.⁵⁸ However, only sixty-one individuals were convicted during this time.⁵⁹ Additionally, there were a total of 150 victims identified, all of whom were victims of sexual exploitation.⁶⁰

Recommendations

30. Mongolia must reform its registration laws for churches either by eliminating them entirely or by allowing all churches who want to be legally registered to do so without being arbitrarily denied. To do this, a good start would be for the government to implement transparent guidelines for registering, and not make arbitrary denials. Additionally, we ask that the government remove its ban on proselytizing so that individuals can peacefully share their faith with others. Again, Mongolia has an obligation to protect religious freedom for all its citizens, including those belonging to minority religious groups.

31. Mongolia has taken some steps to combat human trafficking as shown by the examples of victims being rescued above. However, Mongolia has more work to do. We urge Mongolia to make serious efforts to combat human trafficking by ensuring that it has the capability to thoroughly and effectively investigate and prosecute cases of human trafficking. Further, we urge Mongolia to allocate resources to ensure that it can provide aid and support to the victims of human trafficking, as this will also aid in the ability to prosecute human traffickers.

⁵⁷ *Global Report on Trafficking in Persons 2024: Country Data East Asia and the Pacific*, UNODC RESEARCH 19 (2024), https://www.unodc.org/documents/data-and-analysis/glotip/2024/East_Asia_the_Pacific_GLOTIP2024.pdf.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.* at 20.