

Mongolia - Human Rights Scorecard ¹

Mongolia is a country on the Asian continent. It is bordered by Russia in the North and China in the South. The majority of its population is Buddhist, while the second-largest social group is non-religious, and its population of ethnic Kazakhs are Muslim. In 1990, Mongolia led its own peaceful democratic revolution towards a multi-party system, a constitution and a transition into the market economy. Since then, the country has struggled with corruption and domestic violence, largely due to a lack of transparency and the failure of courts to act as independent agents in judicial processes.

Official language: Mongolian

Ethnic groups: 96% Mongol, 4% Kazakh

Government: Unitary semi-presidential republic

- President: Tsakhiagiin Elbegdorj

- Prime Minister: Jargaltulgyn Erdenebat

Death penalty: Abolished in 2015

Population: 3 million

Life expectancy: 67.3 years

Under-5 mortality: 22 per 1000

Adult literacy: 97.8 percent



Section 1: Overall Development

The overall development of a country – considering education, health, income, and other factors – is a strong indicator of whether average citizens have a reasonable chance to enjoy social and economic well-being and mobility.

Human Development (UNDP Human Development Index (HDI)) ²



0.727 – High Human Development ³

According to the UNDP, Mongolians enjoy a gross national income per capita of \$10,729 and could expect to have on average 14.6 years of schooling. Compared to other countries with similar gross national income per capita, this is considered a high HDI.

Section 2: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Respected ⁴

There are no reports that government forces or its agents have committed arbitrary killings.

Freedom from disappearance



Respected ⁵

There are no reports of disappearances in Mongolia.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Partially respected ⁶

Although such practices are legally forbidden, there have been various reports issued by local and international human rights organizations concerning the abuse of prisoners and detainees by police officers, including the use of unnecessary force and torture.

Freedom from arbitrary arrest or detention



Respected⁷

The law prohibits individuals from being arrested, detained or deprived of liberty, with the exception of specified procedures. The government generally observes these prohibitions.

Freedom from denial of fair public trial



Largely disregarded⁸

The constitution and the law provide for an independent judiciary, although NGOs and private businesses claim corruption and outside influences interfere with this process. Acquittal has been largely used in most cases, meaning that significant criminal cases have yet to be resolved.

Freedom from arbitrary interference with privacy, family, home or correspondence



Respected⁹

There are no reports of government failure to respect these freedoms.

Section 3: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)¹⁰



Score: 28.95, Rank: 69 / 179 – Partially free, diverse and independent¹¹

Most of the media are affiliated with political parties, which inhibit the development of independent media. There is a lack of government transparency, with the criminalization of defamation and rampant self-censorship.

Freedom from academic censorship



Respected¹²

There are no reports of government restrictions on academic freedom or cultural events.

Freedom of peaceful assembly and association



Partially respected¹³

There are legal provisions for freedom of assembly and association, which have mostly been respected by the government. Nonetheless, some exceptions are notable, including the refusal of access to public venues for an LGBTI organization.

Freedom of religion



Partially respected¹⁴

The Mongolian constitution guarantees “freedom of conscience and religion”, thus prohibiting discrimination based on religion and ordering the separation of state activities and religious institutions. However, Christians have been victims of harassment and social discrimination.

Freedom of movement



Respected¹⁵

Mongolian law ensures the freedom of internal movement, foreign travel, emigration and repatriation, which overall, the government respects.

Protection of refugees and stateless persons



Largely disregarded¹⁶

The constitution allows the granting of asylum, but not refugee status. Nonetheless, the immigration agency can deport asylum seekers. Without UNHCR support, refugees and asylum seekers would not have access to basic services, such as health care and education in Mongolia.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{17 18}



2 / 7 - Free¹⁹

Mongolia has scored 86 out of 100. Numerous social groups operate without government intervention, however labour rights are restricted.

Section 4: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc.

Overall protection of political rights (*FreedomHouse Political Rights Index*)²⁰



1 / 7 – Free²¹

According to the 1992 Constitution, the president and the parliament are directly elected for four year terms. Mongolia has a dynamic multiparty system that has led to many peaceful transfers of power. Both ethnic and religious minorities benefit from full political rights.

Section 5: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²²



Score: 38%, Rank: 87 / 176 – Limited corruption²³

Recently, controversy arose around a new law whose provisions would grant amnesty to those being investigated for corruption, thus setting back Mongolia's efforts in fighting corruption.

Section 6: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Respected²⁴

Both domestic and international human rights organizations have operated without government restriction, in a generally cooperative and responsive environment.

Section 7: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Endangered Minorities (*Peoples Under Threat – Minority Rights Group International*)²⁵



No threat listed – Limited dangers to minorities²⁶

According to Minorities Rights Group International, Mongolia does not have any ethnic minorities facing an immediate threat of violence.

Rights of women (*World Economic Forum Gender Gap Index*)²⁷



Score: 0.705%, Rank: 58/ 142 – Somewhat Unequal Rights²⁸

The law provides equal status and rights to both men and women, including equal pay and equal access to education. The criminal code formally outlaws rape and domestic violence. However, no law officially forbids spousal rape, and domestic violence remains a widespread problem.

Rights of Children (*KidsRights Index Overall Score*)²⁹



Score: 0.871%, Rank: 58 / 165 – Slightly vulnerable³⁰

There have been some reports of child abuse, primarily in the form of domestic violence and sexual abuse. Child abandonment is also an issue and many children flee their homes due to poverty or abuse. There are no reports of underage marriages, with the minimum age set at 18.

Rights of persons with disabilities



Largely disrespected³¹

Enforcement of prohibitions against the discrimination of people with disabilities in the workplace remains limited, despite the government's obligation to accommodate the needs of disabled persons. Nonetheless, it has been reviewing its current policies regarding their protection.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Partially respected³²

There have been reports involving ultra-national groups that commit isolated acts of violence and discrimination, most often directed at Chinese nationals.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Largely disrespected^{33 34}

There exists no specific law prohibiting discrimination on the basis of sexual orientation and gender identity. However, there have been reports of violence and discrimination against individuals based on sexual orientation and gender identity.

Section 8: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Partially respected³⁵

The law allows for workers to join unions and professional organizations, and protects the right to collective bargaining and strike action. Nonetheless, the rights of foreign workers, public servants, and workers without formal employment contracts are restricted.

Freedom from forced or compulsory labour



Partially respected³⁶

The Mongolian constitution forbids forced or compulsory labor, with the exception of legally imposed sentences. The government does not outline penalties for violation of this provision and there have been isolated reports of forced labour.

Freedom from forced labour for children, and a minimum age of employment



Largely disrespected³⁷

The law forbids children under the age of 14 from working. Many employers do not abide by the law; they employ underage children and pay them less than the minimum wage.

Right to acceptable conditions of work



Largely disrespected³⁸

The minimum wage in Mongolia is deemed insufficient to sustain an acceptable standard of living, with many workers not even receiving minimum wage.

Right to employment



4.88% - Reasonable unemployment³⁹

The unemployment rate in Mongolia is low.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² The UN Development Program HDI was created to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone. The HDI can also be used to question national policy choices, asking how two countries with the same level of GNI per capita can

end up with different human development outcomes. These contrasts can stimulate debate about government policy priorities. The Human Development Index (HDI) is a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living. Accessed Jan. 23, 2017 <http://hdr.undp.org/en/composite/HDI>

³ "Table 1: Human Development Index and its components, Mongolia" UNDP, based on 2014 or the most recent year available. Accessed Jan. 23, 2017. <http://hdr.undp.org/en/composite/HDI>.

⁴ "Country Reports on Human Rights Practices for 2016 Mongolia." U.S Department of State. January 1, 2016. Accessed January 23, 2017. <https://www.state.gov/documents/organization/265568.pdf>.

⁵ Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

⁶ Ibid. U.S Department of State.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ Ibid. U.S Department of State.

¹⁰ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

¹¹ "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2017. Accessed January 23rd, 2017. <https://rsf.org/en/ranking>.

¹² "Country Reports on Human Rights Practices for 2016 Mongolia." U.S Department of State. January 1, 2016. Accessed January 23, 2017. <https://www.state.gov/documents/organization/265568.pdf>.

¹³ "Mongolia." World Report 2017: Mongolia. January 1, 2017. Accessed January 23rd, 2017. <https://www.hrw.org/asia/mongolia>.

¹⁴ "Country Reports on Human Rights Practices for 2016 Mongolia." U.S Department of State. January 1, 2016. Accessed January 23, 2017. <https://www.state.gov/documents/organization/265568.pdf>.

¹⁵ "Mongolia." World Report 2017: Mongolia. January 1, 2017. Accessed January 23rd, 2017. <https://www.hrw.org/asia/mongolia>.

¹⁶ Ibid.

¹⁷ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁸ Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed Dec. 9, 2014

<https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

¹⁹ "Mongolia." Freedom in the World 2014: Bahrain. January 1, 2014. Accessed January 23rd, 2017. <https://freedomhouse.org/report/freedom-world/2014/bahrain-0#.VIHLzGG9e8>.

²⁰ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. January 23rd, 2017 <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

²¹ "Mongolia" Freedom in the World 2017. January 1, 2017. January 23rd, 2017. <https://freedomhouse.org/report/freedom-world/2016/mongolia>.

²² Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²³ "Mongolia." Corruption by Country. January 1, 2017. Accessed January 23rd, 2017. <https://www.transparency.org/country/MNG>.

²⁴ "Country Reports on Human Rights Practices for 2016 Mongolia." U.S Department of State. January 1, 2016. Accessed January 23, 2017. <https://www.state.gov/documents/organization/265568.pdf>.

²⁵ The Peoples under Threat assessment by Minority Rights Group International highlights countries most at risk of genocide and mass killing. The ranking is created by compiling data on the known antecedents to genocide or mass political killing. January 23rd, 2017 <http://peoplesunderthreat.org/>.

²⁶ "Mongolia." Peoples under Threat, Minority Rights Group International. 2015, or most recent data. January 23rd, 2017. <http://peoplesunderthreat.org/>.

²⁷ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁸ "Mongolia." World Economic Forum. January 1, 2016. January 23rd, 2017. <http://reports.weforum.org/global-gender-gap-report-2016/economies/#economy=MNG>.

²⁹ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

³⁰ "The KidsRights Index: Overall Ranking." The KidsRights Index. January 23rd, 2017. <http://www.kidsrightsindex.org/>

³¹ "Country Reports on Human Rights Practices for 2016 Mongolia." U.S Department of State. January 1, 2016. Accessed January 23, 2017. <https://www.state.gov/documents/organization/265568.pdf>.

³² Ibid. U.S Department of State.

³³ "ILGA World Map." International Lesbian Gay and Intersex Association. January 1, 2014. Accessed January 23rd, 2017. <http://ilga.org/>. See also Ibid. U.S Department of State.

³⁴ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³⁵ "Country Reports on Human Rights Practices for 2016 Mongolia." U.S Department of State. January 1, 2016. Accessed January 23, 2017. <https://www.state.gov/documents/organization/265568.pdf>.

³⁶ Ibid. U.S Department of State.

³⁷ Ibid. U.S Department of State.

³⁸ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

³⁹ "Global Employment Trends." International Labour Organization. January 1, 2014. January 23rd, 2017. http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang-en/index.htm.