

MONGOLIA 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution recognizes “freedom of conscience and religion” as a fundamental freedom of citizens and prohibits state institutions from engaging in religious activities and religious institutions from pursuing political activities. The religion law requires religious institutions to register with authorities and broadly describes registration procedures, leaving most specifics of implementation to the discretion of local authorities. Registration practices varied across the country. Some religious groups complained of difficulties obtaining and renewing registration, with the absence of clear rules leaving the process subject to the personal biases of individual officials.

Christian leaders reported the public viewed Christians in an increasingly positive light, although they also reported instances of discrimination and harassment stemming from a view that Christianity was “foreign.”

U.S. embassy officials discussed religious freedom with government officials at all levels, including during meetings with high-level officials in the president’s office, parliamentarians, and other authorities in the capital city. Embassy officials met regularly with religious leaders across the country to discuss religious freedom.

Section I. Religious Demography

The U.S. government estimates the total population at 3 million (July 2014 estimate). Buddhism remains closely linked with the country’s cultural traditions, with 53 percent of citizens self-identifying as Buddhist, according to the 2010 national census. In the census, 38.6 percent of citizens self-identified as atheists. Local scholars, however, assert that more than 90 percent of the population subscribes in some degree to Buddhism. Tibetan Buddhism is the traditional and dominant religion.

According to the census, 3 percent of citizens nationwide self-identify as Muslim, and Muslims constitute 80 percent of the population of the primarily ethnic Kazakh western province of Bayan-Olgii. The Mongolian Muslim Association states there are approximately 130,000 Kazakh Muslims (mostly in Bayan-Olgii) and 20,000 Khoton Muslims residing primarily in the province of Uvs, which in total would constitute approximately 5 percent of the country’s population.

MONGOLIA

There is a small but growing population of Christians. According to the 2010 national census, 2 percent of the population is Christian. At the time of a 2011 governmental national study, 4.7 percent of the 2,500 individuals surveyed were Christian. The majority of Christians are Protestant. Other Christians include members of The Church of Jesus Christ of Latter-day Saints (Mormons) and very small communities of Roman Catholics and Orthodox Christians.

Some citizens practice the spiritual healing traditions of shamanism, often in tandem with another religion. The 2010 census estimated that 2.9 percent of the population practiced shamanism. According to a 2011 government survey of 2,500 people, 6 percent of those surveyed self-identified as shamanists, while 8.6 percent responded they practiced shamanism alongside Buddhism. Some scholars suggest the practice of shamanism has increased significantly in recent years, particularly in Ulaanbaatar, although many Mongolians have long practiced elements of traditional shamanist practice in combination with other religions.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution states that “freedom of conscience and religion” are among the fundamental rights and freedoms of citizens. Exercising this and other rights may not infringe on national security or the rights of others or violate public order. The constitution clarifies that: “(1) the State shall respect religions and religions shall honor the State; (2) State institutions shall not engage in religious activities and religious institutions shall not pursue political activities; (3) the relationship between the State and religious institutions shall be regulated by law.” The religion law states “the State shall respect the dominance of the Buddhist religion in Mongolia, in order to uphold the solidarity and cultural and civilization heritage of the people of Mongolia. This will not hinder a citizen to practice another religion.”

Religious groups must register with local and provincial authorities, as well as with the General Authority of State Registration (General Authority), to function legally. National law provides little detail on registration procedures for religious institutions and does not stipulate the duration of a registration’s validity, allowing local authorities to set rules to govern the registration process and to determine the duration of registrations. Religious groups must renew their registrations (in most

MONGOLIA

cases annually) with multiple government institutions across local, provincial, and national levels.

A religious group must provide the following documentation to the General Authority when applying to register: a letter requesting registration, a letter from the citizens' representative assembly or other local authority granting approval to conduct religious services, a brief description of the group, the group's charter, documentation on the group's founding, a list of leaders, financial information, a declaration of assets (including any real estate owned), a lease or rental agreement (if applicable), brief biographic information of individuals wishing to conduct religious services, and the expected number of worshippers. The renewal process requires a religious institution obtain a reference letter from the local administration. The religious institution then submits this reference letter, along with other documents, to the Ulaanbaatar Citizens' Representative Assembly (Ulaanbaatar Assembly) or the relevant provincial assembly. The Ulaanbaatar or provincial assembly issues a resolution granting the religious institution permission to continue operations, and the religious institution then sends a copy of the approval resolution to the General Authority. The General Authority then enters the new validity dates on the back of the religious institution's original registration document.

By law, all foreign organizations must hire a certain ratio of nationals to every foreign employee hired. All industries not specified in the annual quota list (including most religious groups, which have no separate quota list category) fall under the quota in which 95 percent of employees must be nationals. Any unlisted group with fewer than 20 national employees is allowed one foreign worker.

National law limits proselytizing. The law forbids spreading religious views by "force, pressure, material incentives, deception, or means which harm health or morals or are psychologically damaging." Groups involved in providing childcare, child welfare, or child protection services may not promote religion or religious customs counter to the child's "national traditional religion." The law prohibits the use of gifts for religious recruitment.

The law regulating foreign citizens prohibits foreigners from advertising, promoting, and practicing "inhumane" religions that could cause damage to the national culture. The penalty for violating this provision is a fine between three and six times the minimum monthly salary of 192,000 tugrugs (MNT) (for a fine of MNT 576,000 to MNT 1,152,000, or \$305 to \$611). There have been no reports of

MONGOLIA

any individual or organization being penalized under this provision. The religion law, which applies to all religious institutions, includes a similar prohibition on conducting such “inhumane” or culturally damaging activities. Foreigners seeking to conduct religious activities must apply for religious visas. Only registered religious groups can sponsor applicants for religious visas. Foreigners who enter on other classes of visas are not allowed to undertake activities that advertise or promote religion (as distinct from personal worship, which is permitted). Under the law, “engag[ing] in business other than one’s purpose for coming” constitutes grounds for deportation.

All private religious schools are entitled to state funding for their secular curricula. The government is prohibited from giving state funds to religious schools for religious education.

The education law prohibits educational institutions from conducting religious training, rituals, or activities that have a negative impact on society, civic interest, health, or safety. According to officials from the Ministry of Education, Culture, and Science, this prohibition applies to both public and private schools. A ministry directive bans religious instruction in public schools. The government may deny registration extension requests from a religious group that violates the ban by teaching religion in a public school.

The law regulating civil and military service specifies that all male citizens between 18 and 25 years of age are subject to one year of compulsory military service, and there is no exception on religious grounds or for conscientious objectors. There is a provision for alternative service, however, including service with the Border Forces, the National Emergency Management Agency, or a humanitarian organization, or paying the cost of one year’s training and upkeep for a soldier.

Government Practices

Certain Christian groups reported no problems in registering their churches/facilities, while others said the government inconsistently applied procedural rules for their registration and oversight, which resulted in burdensome bureaucratic requirements and significant delays. According to some Christian leaders, the inability to register was due to a combination of outdated bureaucracy and discrimination against Christians.

MONGOLIA

Several religious groups commented that renewing registration took so long that they had to start the next renewal almost as soon as one was granted, and that renewal required just as much documentation as the initial registration. Non-Buddhist religious groups were the most affected by these restrictions.

Problems with registration and operation reportedly varied significantly across the country, largely depending upon the practices of local government officials. Registration requirements changed frequently and without public announcement. Even when requirements remained the same, changes in staffing sometimes led to new interpretations of existing rules since interpretation of local regulations is left to the official taking action, rather than guided by precedence.

The length of the application process, varying from two weeks to several years, may have deterred some religious groups wishing to register. According to the General Authority, of 656 registered places of worship, 289 were Buddhist and 266 were Christian. In addition, there were 28 Muslim registered places of worship, 21 shamanist, and 52 belonging to other registered groups. According to estimates by the Mongolian Evangelical Alliance, a confederation of evangelical Christian churches throughout the country, there were more than 600 evangelical churches, approximately 20 percent of which were registered, presumably counted among the 266 Christian churches cited above.

The government used the registration and renewal process to assess the applications of religious groups, as well as to monitor the number of places of worship and the number and type of clergy admitted to the country. Officials stated that process allowed the government to know the ratio of foreigners to nationals conducting religious activities. Although the General Authority possessed the ultimate authority to approve a group's application, according to observers, approval was often made difficult by local officials who refused to cooperate with some applicants. Both foreign-based and local Christian groups stated the process for obtaining registration and extensions was arbitrary and there was no appeal mechanism for denials. Officials from the Ulaanbaatar Assembly stated that applications for initial or renewal registration were not denied per se, but rather were not processed because of incomplete documentation, poor physical conditions of the place of worship, or financial issues (e.g., failure to pay property tax or to declare financing from foreign sources). Religious institutions that did not meet the requirements were instructed to correct the deficiency, after which they could resubmit their application. Ulaanbaatar Assembly officials reported that

MONGOLIA

tax issues were the most common reason for registration applications not to be processed.

Local authorities in some parts of the country granted registrations valid for two or three years. The Ulaanbaatar Assembly had a regulation limiting registrations to one year, and some Christian groups reported receiving registrations of even shorter periods of validity.

Christian leaders reported ongoing registration difficulties, with incidences of registrations expiring before they could secure renewals. Delays in renewing registrations prevented foreign citizens from renewing their visas, which then also expired and required the foreign citizen to leave the country. The effects of registration delays varied for different groups. The Mongolian Evangelical Alliance reported that foreigners from some of its member churches had to leave the country because their organizations' registrations expired; some were able to return after the renewal was approved, while others remained outside the country because the renewals were still pending. In some cases, immigration authorities allowed foreign nationals of some groups to remain in the country after their organizations' registrations lapsed, when the Ulaanbaatar Assembly provided information to immigration authorities explaining that the lapse in registration was due to a delay in the Ulaanbaatar Assembly's meeting.

The Ulaanbaatar Assembly granted 13 of 41 new registration requests from religious institutions (the remaining 28 requests were pending at year's end) and extended permits for all 135 religious institutions requesting renewal in Ulaanbaatar. At year's end, the Ulaanbaatar Assembly reported that, within the limits of Ulaanbaatar, there were 90 Buddhist, 148 Christian, 16 Shamanist, ~~6~~six Catholic, ~~two~~2 Muslim, ~~one~~ Bahai, ~~one~~ Hindu, ~~one~~ Shinto, and ~~one~~ Unification religious institution registered. These numbers and this distribution were very similar to those of 2013.

The Ulaanbaatar Assembly declined to recognize branch churches as being affiliated with one religious institution; instead, it required each individual church to register as a separate religious institution. (The law is silent on the question of branches, although according to the law, "religious institution" refers to the "central or governing body" of a religious organization, which holds the license, conducts religious activities, and may in principle administer multiple places of worship). The Ulaanbaatar Assembly's position on branches caused particular problems for Christian denominations seeking to operate multiple churches in

MONGOLIA

Ulaanbaatar, although these denominations were reportedly often able to register multiple individual churches under separate registrations. Some Christian leaders reported that Ulaanbaatar officials invoked yet-to-be-drafted revisions to the law, which the officials said, would not allow branch churches, and used this as grounds for continuing the no-branch policy. Ulaanbaatar authorities reportedly preferred the no-branch system because it allowed the government to collect greater tax revenue. Local authorities in Darkhan-Uul province also reportedly passed a regulation stating that churches could not have branches.

Unregistered religious groups were often still able to function, although at times they encountered opposition from authorities. In certain regions, leaders of unregistered Christian churches reported they did not experience obstacles to conducting religious activities despite their status. Other unregistered churches stated they had experienced harassment in the form of frequent visits by local tax officers, police, and other agencies. The Mongolian Evangelical Alliance expressed concern the unregistered status of many of its member churches left their pastors vulnerable to legal action should the government decide to tighten enforcement. Unregistered churches lacked official documents establishing themselves as legal entities, and as a result were unable to file required tax returns and were otherwise incapable of formally interacting with the government. In addition, unregistered churches could not open bank accounts in their own names, leading pastors to open personal accounts through which they administered church funds. Such pastors may have received donations from foreign churches – sometimes in large amounts – in their personal accounts, leaving them potentially open to investigation for apparent money laundering.

Registration problems were particularly serious in Tuv province, which had no registered churches. Data from the National Statistical Organization indicated that in 2013 (the most recent statistics available) there were eight provinces with no registered churches, including Tuv province, which is centrally located and surrounds Ulaanbaatar, the country's largest population center. In addition, numerous religious leaders previously reported that the chief of the Tuv provincial legislature explicitly stated his opposition to registering any churches. According to evangelical leaders, multiple unregistered evangelical churches operated in the province and continued to experience difficulties with local authorities.

Religious groups reported continued difficulties in Darkhan-Uul province, where authorities in late 2013 reportedly stated their intent not to register new religious institutions. At year's end, local authorities had not yet granted registration to two

MONGOLIA

mosques that had submitted registration documents in late 2013, although the mosques were able to operate normally without registration. The leaders of one Christian church reported a delay of over a year in renewing its registration. Christian leaders attributed the delays to bureaucratic foot-dragging on the part of the Darkhan authorities, although it was unclear whether such actions specifically targeted religious groups. Reportedly, more general antiforeigner attitudes might have been a contributing factor, along with low-level corruption. Some religious organizations run by foreigners in the province reported receiving multiple audits from a variety of local authorities inspecting their membership, registration, building permits, and tax records.

Christian groups also reported barriers to registration or registration renewal in other provinces. According to the Mongolian Evangelical Alliance, of 10 churches in Khuvsgul province, only one has been able to register. In one case, local officials in Khuvsgul reportedly told the leaders of a church to remove a cross from the building, and to remove banners and boards promoting Christianity from the inside of the church. The local administration reportedly said that if the church did this, the local authorities would consider renewing the church's license. In some instances, Christian groups linked registration difficulties to the presence of important Buddhist sites in the vicinity of the church involved. For example, the Mongolian Evangelical Alliance reported that none of its member churches in Dornogobi province were able to register or renew permits. Dornogobi is home to the influential Khamariin Monastery, which is adjacent to an important spiritual site, and the Mongolian Evangelical Alliance attributed the influence of this monastery to its member churches' inability to register or renew permits.

Registered churches reported harassment by local authorities, including requiring, at times without clear legal justification, that the churches present official documentation and rosters of church members and, in some cases, pay bribes to secure registration. Since secular businesses and other nonreligious groups reported similar treatment, it was not possible to determine definitively whether this treatment was due to the religious affiliation of a given group.

In some areas, local authorities reportedly placed restrictions on participation in church activities by minors. According to one Christian group in Uvs province, there was a local rule that minors under the age of 16 were not allowed to participate in church activities, although written permission from their parents could supersede this rule. The local administration reportedly wanted churches to include a similar prohibition in their internal rules.

MONGOLIA

Religious groups continued to experience periodic audits, usually by officers from tax, immigration, local government, intelligence, and other agencies. In some cases, Christian groups reported they received audits less frequently compared to previous years and they experienced no unannounced audits. Other Christian groups continued to receive unannounced inspections.

Foreign nationals faced difficulties obtaining religious visas, although some religious groups reported the visa situation had improved compared to previous years. As most religious groups were bound by the 95 percent local-hire requirement, groups that could not afford to hire enough local employees could not sponsor additional religious visas. Although the Catholic Church was an exception, with a quota of 75 percent Mongolian staff, Catholic leaders also reported financial barriers to hiring additional local staff. It was possible to pay a fee to exceed the quota restrictions, but most churches reported that they could not afford this cost. Unregistered churches also could not sponsor religious visa applicants. Christian groups reported that foreign missionaries seeking to enter the country often did non-religious work and applied for the corresponding type of visa (such as student or business). As a result, the missionaries could legally participate in only limited religious activities and were more vulnerable to deportation due to inconsistent interpretation in different jurisdictions over what they could legally do. In general, most visa problems religious groups reported were related to registration difficulties. Due to the sensitivity of these visa issues, individual religious groups were reluctant to criticize local authorities publicly.

Some Christian churches running social services reported difficulties with local officials because of the officials' purported distrust of the churches' religious orientation. Local officials treated the question of allowing churches to open facilities such as schools or nurseries on church grounds in different ways. Those that did not allow such facilities reportedly suspected the churches would use these facilities to attract converts. In 2013, the Bayanzurkh District government in Ulaanbaatar seized a Catholic organization's school for orphans and street children, essentially canceling its permission to use the land. The authorities cited failure to pay taxes and claimed the organization had not used the land for the last two years. The nuns at the school said both claims were false and they had paid their taxes and had been operating the school continuously since starting it several years ago. The nuns hired local legal representation in their effort to have the school returned and stated they believed the school was taken due to anti-Christian sentiment and greed on the part of authorities who wanted to use the already-

MONGOLIA

improved land. Members of the religious community reported the orphanage was operational again under the leadership of a new Catholic organization and the nuns originally involved in the case were no longer in the country.

Some Christian leaders also reported discrimination in education. The Mongolian Evangelical Alliance stated that Mongolia Trinity Bible College has been unable to receive accreditation from the Ministry of Education, Culture, and Science (MOECS). As a result, other Mongolian educational institutions do not recognize a bachelor's degree from the college. Mongolian Evangelical Alliance leadership attributed the MOECS's refusal to accredit to the absence of a concept of theological education in state education policy.

Although there are nonmilitary ways to fulfill compulsory military service, in practice, the only specifically religious exemption granted was for high-level Buddhist monks (lamas), who must provide documentation proving their status.

One Christian group stated that it encountered issues registering property. In two separate cases, when the church sought permission from local authorities to operate on land it had purchased, local officials reportedly said the church had to put the land up for auction. In one case, local officials reportedly told church leaders that, as an alternative, they could pay \$100,000. Church leaders stated they thought this was a revenue-generating activity for the government.

The government allocated MNT 1.35 billion (\$716,000) for the restoration of several Buddhist sites that were important religious, historical, and cultural centers. The government did not otherwise subsidize Buddhism or any other religious groups.

The Muslim community reported no problems securing government permits for construction of a new Islamic cultural center and mosque in Ulaanbaatar, but construction was suspended several years ago due to reduced funding from sponsoring Arab countries.

Ethnic Kazakhs, the majority of whom are Muslim, were represented in government by two members of parliament and two recently nominated ministerial state secretaries (the third highest position in their relative ministries).

Section III. Status of Societal Respect for Religious Freedom

MONGOLIA

Christian leaders reported the public viewed Christians in an increasingly positive light as their charitable works became more widely recognized. Some local authorities even sought out the services of Christian groups. Some Buddhist leaders said the growing influence of Christianity in the country was of concern. In certain cases there was local harassment of Christians. The Mongolian Evangelical Alliance reported the leaders of one Christian church shut down the church and left a county in Bayankhongor Province under pressure from the local community. According to the Mongolian Evangelical Alliance, the county is home to an influential Buddhist monastery and populated by descendants of a prominent Buddhist leader. The local community reportedly made verbal threats to the Christian church leaders that “if they did not leave, they would be in trouble.”

Section IV. U.S. Government Policy

The Ambassador and other U.S. embassy officials regularly discussed religious freedom with government officials at the local, provincial, and national levels, including in meetings with parliamentarians and high-level officials in the president’s office, the Ministry of Foreign Affairs, and the provinces. Embassy officials shared the U.S. government’s concerns, particularly about the uneven application of visa laws and the registration difficulties Christian groups and others reported. Embassy officials encouraged the Ministry of Foreign Affairs to enhance the government’s efforts to protect religious freedom.

Embassy officials met frequently with religious leaders across the country to discuss ways to combat religious discrimination and promote greater religious freedom. Embassy officials discussed registration procedures with minority religious groups. In addition, the embassy invited Buddhist, Christian, and Muslim leaders to embassy events in order to promote respect for religious freedom and tolerance.