

Religious Freedom in Mongolia

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ holds Special Consultative Status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations in Mongolia for the 2020 Universal Periodic Review (UPR). These violations primarily stem from bureaucratic procedures being inconsistently applied during the registration process for religious organisations as well as law prohibiting proselytisation.

Background

2. According to the Mongolian Constitution, no person shall be discriminated against on the basis of “ethnic origin, language, race, age, sex, social origin or status, property, occupation or post, *religion*, opinion, or education”¹. The Constitution also establishes that “[e]veryone is a person before the law”². Furthermore, under Article 16 paragraphs 15 and 16 of the Constitution, all citizens enjoy:

15. Freedom of conscience and religion

16. Freedom of thought, opinion and expression, speech, press, and peaceful assembly. The rules of procedures for conduct of public meetings shall be determined by law.

3. As a party to the International Covenant on Civil and Political Rights (ICCPR), Mongolia has promised to uphold the principles set forth in that document. Article 18 of the ICCPR states that:

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 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.

No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice³.

4. However, despite these established legal means of protecting religious freedom, government practices provide difficulty for religious organisations to obtain legal registration as well as criminalise proselytisation.

¹ THE CONSTITUTION OF MONGOLIA, art. 14.

² *Id.*

³ International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art. 18.

5. During the previous UPR cycle for Mongolia, the United States recommended that Mongolia, “Establish clear national guidelines that allow all faiths equal access to registration”⁴.

Difficulties Obtaining Legal Registering

6. Again, according to the Mongolian Constitution, Christians are permitted to freely exercise their religion. In practice, however, due to lack of a uniform and transparent registration process, some religious organisations face bureaucratic harassment and barriers to registration. For a religious organisation to obtain legal status it must register with local and provincial authorities as well as with the General Authority on State Registration⁵.

7. The registration process requires a religious organisation to submit detailed information to the government including a list of founders, financial information, biographical information of those who will conduct religious services, as well the expected size of the congregation⁶. Additionally, each individual church is required to seek registration, even if it is affiliated with or a branch of an already registered church⁷.

8. The national government provides little detail on the procedure for registering religious groups and therefore leaves many decisions, such as length of registration process, up to the local authorities. Because part of the registration is done at the provincial level, some organisations have little to no problem, while others have reported that the government inconsistently applies regulations and frequently changes requirements with little to no notice. As a result, some religious organisations face greater difficulty obtaining registration than others, simply based on their location⁸.

9. Moreover, some religious organisations have reported that their application was rejected completely, and that they were not afforded a way to appeal the decision⁹. Due to the varying degree of difficulty in registering, some churches have forgone seeking registration altogether.

10. In Ulaanbaatar, the capital city of Mongolia, as part of the registration requirements, a team of officials are sent out to inspect the organisation that is seeking legal status. This team consists of officials from the National Police Agency, General Intelligence Agency, and the Generalized Agency for Specialized Inspection, all to determine whether or not the applying organisation met the requirements for religious registration¹⁰. This policy goes way beyond the requirements established by national law. The national law only requires that provincial governments grant

⁴ UPR of Mongolia Second Cycle Thematic List of Recommendations A/HRC/30/6/Add.1.

⁵ *Registration of Religious Organization*, IMPLEMENTING AGENCY OF MONGOLIAN GOVERNMENT GENERAL AUTHORITY FOR STATE REGISTRATION, available at <http://burtgel.gov.mn/eng/index.php/service-menu/legal-entities-registration>.

⁶ BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP'T OF STATE, MONGOLIA 2018 INTERNATIONAL RELIGIOUS FREEDOM REPORT (2018) [hereinafter MONGOLIA REPORT].

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

permission to a religious organisation to carry out religious activity¹¹. This is a form of harassment and shows the lengths provincial governments can go to in order to restrict religious liberty in their province.

Criminalising Proselytization

11. In addition, the government also places restrictions on proselytisation, which is a violation of Article 18 of the ICCPR. Criminalising proselytising greatly impairs a person's ability to adopt a religion or belief of his choice, as well as prohibits practitioners of the Christian faith in particular from exercising a key component of their religious beliefs.

12. The law punishes acts of proselytising through the use of force, pressure, coercion, or using gifts for religious recruitment¹². This vague law can be used to target certain religious groups. While there are no ready reports of this law yet being enforced, it is similar to laws in other countries whose laws are enforced. For example, under Russia's anti-evangelism laws, two Baptists were punished for simply offering religious literature to bystanders at a bus stop¹³. Due to the nature of Mongolia's anti-proselytising law, offering religious literature to an individual could potentially be interpreted as offering a gift for purposes of religious recruitment. Clearly this is problematic, as it greatly restricts the freedom of religious practitioners, especially Christians, to practice a key component of their faith.

Conclusion

13. We respectfully urge the government of Mongolia to review its current method for registering religious organisations within the country. In order to ensure that religious organisations are able to freely operate and to prevent the stifling of religious growth within the country, we ask that the Government implement a more transparent and uniform registration process across Mongolia. The government should also repeal its restrictions on proselytising so that it no longer infringes on its citizens' rights to freely practice their religion.

¹¹ *Registration of Religious Organization*, IMPLEMENTING AGENCY OF MONGOLIAN GOVERNMENT GENERAL AUTHORITY FOR STATE REGISTRATION, available at <http://burtgel.gov.mn/eng/index.php/service-menu/legal-entities-registration>.

¹² *On the Relationship between the State and the Monastery* (1993) art. 7 sec. 7.

¹³ Victoria Arnold, *Russia: 159 Known "Anti-Missionary" Prosecutions in 2018*, FORUM 18, (6 May. 2019). http://www.forum18.org/archive.php?article_id=2474.