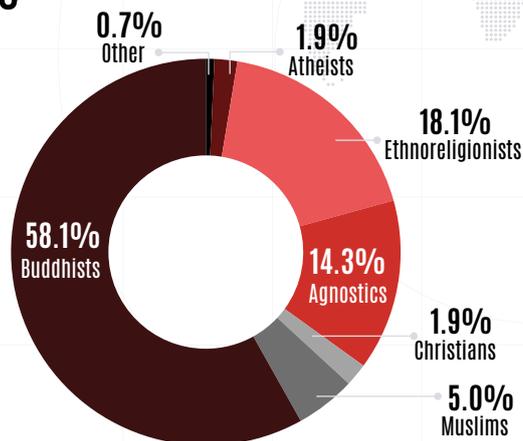




MONGOLIA

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

In the period under review, Mongolia has seen little constitutional or legal change with respect to freedom of religion. Following the collapse of the USSR in 1989, the end of Soviet domination brought a return to religious freedom. Mongolia's constitution, adopted on 13th January 1992, guarantees all fundamental freedoms, including the freedom of religion, and officially upholds the principle of separation of the state and religion. Although the Buddhism practised by Mongolians has no status as an official religion, Mongolian law nevertheless asserts that the government must "respect" Buddhism as the majority religion – an affirmation justified by the need to preserve the unity of the country and defend Mongolian history and culture. The law also states that the respect due to Buddhism by the state "cannot prevent a citizen from practising another religion". According to the criminal code, if a person is found to hinder activities of religious organizations, the fine would range from 450,000 to 2.7 million tugriks. If acts of proselytization are found to be done by force, pressure or deception, then the fine would range from 450,000 to 5.4 million tugrik.¹

The promise of religious freedom, seen when the country came into being in the 1990s, has not been realised. Instead, a restric-

tive and intrusive bureaucracy has sought to restrain religious communities deemed "foreign" to the national culture. Mongolia's Christians have suffered particularly.

Religious communities in Mongolia are treated in the same way as NGOs. They are forced to meet many complex regulations and administrative requirements. They must register with a state agency, the General Authority for Intellectual Property and State Registration. Because the law is unclear about how long registration certificates issued by this body remain valid, it is, in fact, local governments that determine their duration.

In practice, religious organisations are obliged to renew their registration certificates every year. To do so, they must apply to six different administrative bodies at the local and national levels. This process is long, tedious and unpredictable, as some provinces are more reluctant than others to provide registration certificates.

Another extremely restrictive condition which applies to all foreign organisations, and thus to religious communities, is the requirement of a minimum percentage of Mongolian employees among their staff. This percentage varies between 25 percent and 95 percent depending on the sector of activity. Each year, a list of required percentages is published; most religious organisations are automatically subjected to the maximum quota of 95 percent of local employees. Many religious organisations

have objected to this system as much of their staff and funding originate largely outside of Mongolia. The Catholic Church is an exception because, unlike almost all other religious organisations with NGO status and mandatory 95 percent local staffing, the Catholic Church has managed to obtain a quota of only 75 percent.

The criminal code also bans any activities that are inhumane and dangerous to the culture and traditions of the people of Mongolia.

According to USCIRF, the law regulating civil and military service specifies that all male citizens between ages 18 and 25 must complete one year of compulsory military service. The law provides for alternatives to military service for citizens who submit an objection based on ethical or religious grounds. Alternative service with the Border Forces, the National Emergency Management Agency, or a humanitarian organization is available to all who submit an ethical or religious objection. There is also a provision for, in lieu of service, paying the cost of one year's training and upkeep for a soldier.

INCIDENTS AND DEVELOPMENTS

In December 2018, the AsiaNews.it reported that the Chinese Communist Party (CCP) was influencing the process of finding successor for Jebtsundamba Khutugtu - spiritual head of the Gelug school of Tibetan Buddhism in Mongolia. It has been reported that the CCP has been influencing senior lamas to cause internal divisions and counter Dharmasala's influence on the Buddhist discourse.²

Under Mongolian law, the head of a religious organisation must be a Mongolian national. Religious communities, especially Christian ones, without native Mongolian clergy, can own land only if the title deed is held by a Mongolian citizen. Registering these titles and religious depends at least in part on the goodwill of the administration. The Central Province, with its strong Buddhist tradition, seems less disposed to allow the opening of Christian churches, whereas other provinces, such as that of Erdenet,³ remain more open to foreigners.

SOURCES / ENDNOTES

1 United State Commission on International Religious Freedom Report 2018, <https://www.state.gov/wp-content/uploads/2019/05/MONGOLIA-2018-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>, (accessed 25th February 2020).

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3 'Ouverture d'une mission catholique à Erdenet', *Églises d'Asie*, 15th June 2016 <http://eglise.mepasie.org/asia-du-nord-est/mongolie/2016-06-15-ouverture-d2019une-mission-catholique-a-erdenet>, (accessed 21st February 2018).

4 Mongolia and the Holy See open to cultural and scholarly exchanges – AsiaNews.it; January 15, 2020 - <http://www.asianews.it/news-en/Mongolia-and-the-Holy-See-open-to-cultural-and-scholarly-exchanges-49036.html>, ((accessed 25th February 2020).

5 Gendengarjaa Baigalimaa, "Lessons from Mongolia's COVID-19 Containment Strategy," Stanford University, May 19, 2020, <https://fsi.stanford.edu/news/lessons-mongolia%E2%80%99s-covid-19-containment-strategy>.

6 Johns Hopkins CSSE, "Coronavirus COVID19 (2019-nCoV)" (ArcGIS). Coronavirus COVID-19 Global Cases, <https://www.arcgis.com/apps/opsdashboard/index.html#/bda7594740fd40299423467b48e9ecf6> (Accessed on June 21, 2020).

In January 2020, Mongolian scholars have been permitted to use the Vatican Secret archive. This was a step towards intensifying their cultural domain. The agreement was signed by L Purevsuren, ambassador of Mongolia to the Holy See and Permanent Representative to the United Nations and other international organisations, and Mgr Paul Richard Gallagher, Vatican Secretary for Relations with States. This may also lead to photo exhibition and a scientific conference at the Holy See, on 6-8 May, 2020.⁴

According the USCIRF, a Christian church reported that a Facebook posting of baptism photographs received many negative comments. The USCIRF report also wrote about representatives of a minority religious group who said that employers sometimes recruited its members, who were widely seen as "honest and ethical" based on religious affiliation. Some Christians, however, reported that a negative perception among the public about the growing influence of Christianity continued.

Mongolia acted swiftly to control the Covid-19 pandemic, adopting decisive preventative measures in January such as quarantining travel from China and shutting down potential super-spreader events such as national holiday gatherings.⁵ As such, out of its 293 total cases, only three remained active by August 2020.⁶

PROSPECTS FOR RELIGIOUS FREEDOM

As it faces serious economic difficulties, Mongolia cannot escape the influence of its neighbour, China. Freedoms gained in the aftermath of the fall of communism seem to be well established and in this respect, freedom of religion seems to be safer in Mongolia than in China. However, economic difficulties and rapid social change have prompted local authorities to distrust religions deemed new to the country, such as Christianity, both Protestant and Catholic. Despite these institutional and cultural obstructions, and even in the face of rapid secularisation in Mongolia, Christian communities in particular continue to expand.