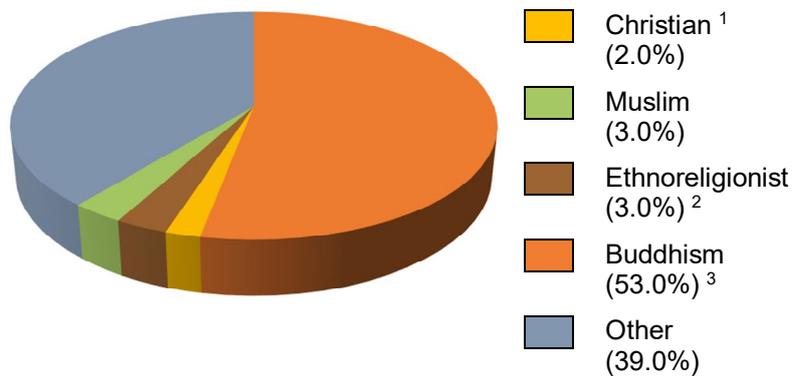


# MONGOLIA



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<b>Area:</b> 1,564,116 km <sup>2</sup>	<b>Population:</b> 2,796,484	<b>Political system:</b> Democracy	<b>Major Language(s):</b> Mongolian
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## Legal framework on Freedom of Religion and actual application

Mongolia is one of the most sparsely populated countries in the world. It is a land of deserts, steppes and mountains. It is also a country undergoing great social upheavals. In 1989, following the collapse of the Soviet Union, Mongolia became a democracy, and its former state planned economy was denationalised in the direction of a liberal market economy. At the time of independence, only 27 percent of Mongols lived in the capital Ulaanbaatar. But in recent years the growing economic strength, stimulated by the exploitation of vast natural resources (coal and various other minerals) and also the fact that several particularly severe winters have decimated their flocks, have drawn a very large number of nomads into the capital. Today almost half the population of 3 million Mongols are living in Ulaanbaatar and around 40,000 people arrive and settle there each year.

In this rapidly changing human, economic and political landscape the religious landscape is also undergoing major changes. The end of Soviet rule brought with it a return to religious freedom, and the Constitution adopted on 13<sup>th</sup> January 1992 guarantees all the basic freedoms, including freedom of religion. The Constitution officially stipulates the principle of the separation between the state and religious groups. However, although Buddhism as practised by the Mongols<sup>4</sup> in no sense holds the status of an official religion, Mongolian law nonetheless affirms that the government should pay Buddhism the respect due to the majority religion of the population – this affirmation of respect being justified by the need to preserve the unity of the country and to defend the Mongolian history and culture.

It does however appear that, quite recently, the broad religious freedom that went hand in hand with the opening up of the country during the 1990s after decades of communism is now being progressively replaced with a restrictive and intrusive bureaucracy that is seeking to check the development of the various different religious communities that are regarded as “alien” to the national culture – as is notably the case with the various Christian communities.

This clamping down is achieved through a myriad of regulations and administrative rules which the various religious organisations have to submit to, as they are treated in the same way as NGOs. Hence, religious organisations cannot function unless they are registered with the General Authority, a state institution. The law does not however stipulate how long the registration

certificates issued by this body are valid for, so that in reality it is the local administrations which determine for themselves the duration of such validity.

In practice, the religious organisations find themselves compelled to renew their registration certificates every year, and in order to do so they have to address themselves to 6 separate administrative bodies, at a local and national level. A lengthy, tedious and to some extent unpredictable process, since some provinces turn out to be more reluctant than others to supply registration certificates.

One of the most restrictive conditions, and one which applies to all foreign organisations present in Mongolia, is the requirement to include a certain minimum percentage of Mongolian employees on their staff. This percentage ranges between 25 percent and 95 percent, depending on the particular sector of activity. Each year a list is published, specifying the required percentage, and those organisations that do not find themselves within the specified sectors find themselves automatically assigned to the maximum quota of 95 percent local employees. This is the situation that affects most religious organisations, in particular the Christian churches and their leaders, whose staff and funding continue to be largely of foreign origin. These religious bodies have raised objections to this system. The Catholic Church is an exception here; for while almost all the religious organisations have the status of NGOs and have to employ 95 percent local staff, the Catholic Church has succeeded in obtaining a quota of just 75 percent.

## Incidents

However, even this quota system poses a real problem for the Catholic Church. In 2014 Bishop Wenceslas Padilla, the apostolic prefect of Ulaanbaatar, who is a Filipino missionary of the Congregation of the Immaculate Heart of Mary (CICM), while expressing satisfaction at the religious freedom guaranteed by the government, at the same time deplored the burdens imposed by this regulation. "According to these quotas, the Catholic Church should in theory employ an additional 60 people, but we do not have the money to pay their salaries", he observed, adding that if the law were to be applied *stricto sensu*, "then 13 missionaries (out of a total of barely more than 80) would be forced to leave".

This situation was confirmed by a Western businessman who has been established in Ulaanbaatar for a number of years and who explained, speaking anonymously: <sup>5</sup> "Around 18 Protestant temples have been officially closed in the province of Darkhan-Uul alone", for various breaches of this ruling. He adds that while the country is broadly open to foreign investment, when it comes to staffing, this restriction is a heavy burden for the Christian organisations. "For one foreign pastor, it becomes necessary to employ 19 Mongols, something that is beyond the capacity of most of the Christian communities... A considerable number of [South] Korean pastors have obtained a business visa, whereas in reality they are coming to evangelise – something that is less and less tolerated by the authorities", explained the businessman.

One of the first communities to have been targeted by this legislation, which is still somewhat unevenly applied, was the Church of Jesus Christ of Latter-Day Saints, who claim to have 10,000 followers in the country. Several of their American missionaries have been forced to leave the country as a result of this law governing the quotas of Mongolian employees.<sup>6</sup>

Quite apart from this question of quotas for native-born employees, the religious organisations, and in particular the Christian ones, encounter recurrent difficulties in obtaining the necessary permits for building and operating places of worship. According to the register of the General Authority, in 2014 the country had a total of 656 places of worship, of which 289 were Buddhist, 266 Christian (of all denominations), while the remainder were divided between 28 Muslim places of worship, 21 shamanist and 52 belonging to other religious groups.<sup>7</sup> In a country where Christians represent just three percent of the population and certainly do not exceed five percent of the three million or so Mongols, some state officials have let it be known to the leaders of the Christian communities that,

in their view, there were already “too many” churches in the country and that therefore they would not be granting any more permits for new Christian places of worship.

For the Catholic Church, which celebrated the 20<sup>th</sup> anniversary of its presence in the country in 2012 and which has risen from no adherents in 1992 to a thousand or so today, these bureaucratic hurdles represent real difficulties. The Catholic Church runs several centres for Mongolia’s street children, young people, the elderly and the handicapped and also runs clinics and medical centres in a country where the social and healthcare infrastructure is lacking. Nonetheless, it has no more than 10 places of worship and is proceeding very prudently in its requests to the administration. Out of the 21 provinces in Mongolia 17 have no Catholic place of worship. This is the case, for example, in the central province, where the Sisters of Saint Paul of Chartres have been running a school for 15 years but have still been unable to obtain permission to build a place of worship, despite the numerous requests for this from the Christians of the region.

On 18<sup>th</sup> January 2016, Enkh (whose name means “peace” in Mongol) Baatar, aged 29, returned to Mongolia after spending several years studying for the priesthood in South Korea.<sup>8</sup> He will be ordained to the priesthood on 28<sup>th</sup> August 2016, thereby becoming the first ever Mongolian Catholic priest.<sup>9</sup> Quite apart from the ecclesiastical and apostolic importance of his ordination for the Catholic Church, it will also have immediate practical consequences – since for the first time the apostolic vicariate of Ulaanbataar will have the right to own property and to be its own legal representative. For under the existing legislation, only a Mongol citizen may own land or direct a religious organisation. This is why the chief official of the Catholic Church in Mongolia is the secretary of the apostolic prefect: she officially owns most of the land belonging to the apostolic prefecture in Ulaanbaatar.

### **Prospects for Religious Freedom**

In 2012, on the 20<sup>th</sup> anniversary of the arrival of the Catholic Church in Mongolia, Bishop Padilla reviewed the history of the Church, which had originally arrived at the invitation of the Mongolian government in 1992, because of the services she was able to provide in the social and educational fields. 20 years later, he described the Church as a Church “under surveillance”.<sup>10</sup>

It is a conclusion that still holds good four years later, and is further complicated by the risks brought about by an extremely rapid economic modernisation. The profits derived from the extraction of the coal and minerals that abound beneath the soil in Mongolia have brought huge and rapid enrichment to a minority, without this pillaging of the natural resources of the country bringing any real benefit to the majority. Today the principle brake on the expansion of the religions, whether it be at the heart of the local Buddhism or among the expanding Christian communities, appears to be the growing secularisation the country is experiencing, particularly in its capital, Ulaanbaatar, which continues to be swollen by an ill-controlled rural exodus.

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<sup>1</sup> The figure of 2 percent (of whom Catholics number approximately 1000) is again from the 2010 census. However, according to the above-mentioned survey of 2011, Christians would represent 4.7 percent of the population, the great majority of them Protestants.

<sup>2</sup> Followers of shamanism.

<sup>3</sup> Tantric Buddhism.

<sup>4</sup> Mongolian Buddhism is a branch of Tibetan Vajrayana Buddhism, which is strongly mixed with local shamanism. Introduced centuries ago into the country, it became the state religion of the Mongol Empire in the 13th century after the visit by the Tibetan Lama Sakya Pakya. After near eradication, along with all the other religions, under the Stalinist totalitarian regime which seized power in Mongolia in the 1920s, Buddhism is experiencing a revival today and is recognised as being the spirituality of more than half the Mongol people.

<sup>5</sup> *Eglises d’Asie* : “L’Eglise catholique continue sa croissance dans la discrétion”, 25<sup>th</sup> April 2014

(<http://eglise.mepasie.org/asia-du-nord-est/mongolie/2014-04-25-l2019eglise-catholique-continue-sa-croissance-dans-la-discretion> )

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- <sup>6</sup> The Cumorah Project : “Recent Stagnant LDS Growth in Mongolia” de Matt Martinich, 9<sup>th</sup> August 2013 ([http://www.cumorah.com/index.php?target=view\\_other\\_articles&story\\_id=594&cat\\_id=30](http://www.cumorah.com/index.php?target=view_other_articles&story_id=594&cat_id=30) )
- <sup>7</sup> United States Department of State, Bureau of Democracy, Human Rights, and Labor : *International Religious Freedom Report for 2014* : “ Mongolia ” (<http://www.state.gov/documents/organization/238528.pdf> )
- <sup>8</sup> *The Hankoyreh* : “Baatar Enkh prepares to return to Mongolia as its first Catholic priest”, 19<sup>th</sup> January 2016 ([http://english.hani.co.kr/arti/english\\_edition/e\\_international/726882.html](http://english.hani.co.kr/arti/english_edition/e_international/726882.html) )
- <sup>9</sup> *Ucanews* : “ Mongolian seminarian returns home ahead of ordination ”, 20<sup>th</sup> January 2016 (<http://www.ucanews.com/news/mongolian-seminarian-returns-home-ahead-of-ordination/75008> )
- <sup>10</sup> *Eglises d’Asie* : “Le préfet apostolique dresse le bilan des 20 ans d’existence de la jeune Eglise catholique de Mongolie”, 10<sup>th</sup> July 2012 (<http://eglise.mepasie.org/asie-du-nord-est/mongolie/2012-07-10-le-prefet-apostolique-fait-le-bilan-des-20-ans-d2019existence-de-la-jeune-eglise-catholique-de-mongolie> )