

11 December 2003

MONGOLIA: No changes to religion law - for now

By Geraldine Fagan, Forum 18 (<https://www.forum18.org>)

At present there are no official plans to change Mongolia's 1993 religion law, Forum 18 News Service has been told. Some of its existing restrictive provisions are apparently unenforced, such as the article prohibiting religious activities organised outside Mongolia "to introduce foreign religions within Mongolia." Reportedly Buddhist-backed proposals, however, have included a ban on all unregistered religious activity and authority given to local councils to determine the percentage of minority religious organisations in relation to Buddhist organisations. Concerns have been expressed about Christian activity in Mongolia, partially due to suggestions from some Buddhists that "Christians teach that if someone commits suicide they receive eternal life." A Mongolian member of parliament commented to Forum 18 "So what can be done? Be concerned, that's all."

Mongolia's 13-member consultative Council for Religious Affairs believes the country's existing law on religion to be "relatively fair," that body's secretary and only full-time paid member, Samdan Tsedendamba, has told Forum 18 News Service. Consequently, there are no current plans to change the law, he remarked in the capital Ulaanbaatar on 19 October. "We want to observe the development of the religious situation before perhaps making proposals."

As soon as the law – entitled "On the Relationship between the State and the Monastery" – was passed in November 1993, Dashzeveg Dashdendev appealed to Mongolia's Constitutional Court against several of its provisions, the Union Bible Training Centre board member and pastor told Forum 18 on 19 October. These described Buddhism as Mongolia's main religion, prohibited religious activity on state-owned premises and banned foreign citizens from conducting "religious propaganda" unless explicitly invited to Mongolia for that purpose, he said. "I argued that the state can't dictate what the main religion should be," Dashdendev explained to Forum 18 at his First Baptist Church, "and that Christians were being discriminated against, since at that time all premises were state-owned, even my home." The Constitutional Court subsequently ruled that this latter provision could not be interpreted so narrowly as to include domestic flats, he added.

The former provision remains in force, however, according to Samdan Tsedendamba. Forum 18 notes that Article 4, Part 2 of the law indeed gives Buddhism state preference "in order to respect national unity and historical traditions" [quotations here and subsequently are from the official English translation of the law], but does not permit "obstacles for the citizens to follow other religions." The provision restricting religious activity by foreigners - the third to be disputed by Dashdendev - was struck down by the Constitutional Court, Tsedendamba maintained, as was a provision requiring permission from the head of a religious organisation in order to register communities of the same confession. "The Christians said that they could not have a single representative body for all of them," he explained.

While the 1993 law still contains several other restrictive provisions notwithstanding Dashdendev's Constitutional Court challenge, Forum 18 has been told that these have not been enforced. Article 4, Part 7, for example, prohibits religious activities organised outside the country "to introduce foreign religions within Mongolia," but foreign missionaries told Forum 18 that they have encountered no restrictions in practice (See F18News 8 December 2003, [part 1]

http://www.forum18.org/Archive.php?article_id=205). Part 8 of the same article states that "the absolute number of clergy and the location of the temples and monasteries are regulated and controlled by the state." On 17 October, however, Deputy Abbot Yo Amgalan of Mongolia's main Gandantegchenlin Buddhist monastery argued that there was no such provision: "We can establish a temple wherever we like." And while Article 7, Part 7 of the law forbids religious organisations "to force and insist... non-believers of the respective religion in order to recruit them into this religion," Tsedendamba maintained that no prosecutions have resulted from it. Defining "force" as action against a person's will, he explained to Forum 18 that the individual concerned must state clearly that his or her will has been violated in order for a prosecution to be sought.

According to Dashzeveg Dashdendev, there have been many attempts to change Mongolia's religion law since his 1993 appeal, particularly by Buddhists who "have an interest in making it harder for Christians to register." Tsedendamba confirmed that some Buddhist representatives "have a strong desire to include amendments in the law which would give them special privileges." Forum 18 has received an English translation of the most recent such proposals from a Mongolian-based Protestant source. Drawn up by the country's Ministry of Justice in late 1999, the more far-reaching are as follows:

a ban on all unregistered religious activity;

registration subject to ownership of a worship building, a minimum of 500 members and sufficient clergy and religious books for them;

a ban on religious activity outside a temple or church;

refusal to register a religious organisation if it belongs to a confession which has been made illegal in any other country, or if it shares the title of an already registered religious organisation;

and authority given to khurals (local councils) to determine the percentage of minority religious organisations in relation to Buddhist organisations.

An accompanying proposed amendment to Mongolia's law on the security services would give them the authority "to prevent, detect and stop any operation which could possibly create serious disadvantage to national security, such as the intrusion of religion from abroad... ." Since there are 27 Christian churches in Ulaanbaatar as against 15 Buddhist monasteries [1999 figures], explain the Justice Ministry notes, "there is a basis for saying that there has been an organised intrusion of religion." None of these proposals has been formally adopted.

Currently, however, there is concern in Mongolia based upon "a widespread belief that Christians have suicidal tendencies" following an incident in which a Bible was found among the possessions of a teenage boy who committed suicide in Ulaanbaatar in August 2003, according to Aгаа Lkhaasuren ("Luke"), a Christian lawyer at the Rule of Law Institute of Mongolia. Forum 18 found apparent confirmation of this when two Buddhist representatives and Professor Dojoogiin Tsedev of the Mongolian University of Arts and Culture all raised this point independently of one another. "Christians teach that if someone commits suicide they receive eternal life," claimed Deputy Abbot Yo Amgalan. Suggesting that missionaries interfered in Mongolia's domestic affairs and used compulsion to convert the population, the Buddhist representative asked why Korean church representatives came to Mongolia instead of trying to help the poor in Korea. Religious believers should stay in the country where their confession predominates, he maintained to Forum 18. "A plant growing in the forest can't grow in the Gobi Desert, it won't be the same plant but some sort of hybrid."

While some of the unadopted 1999 proposals appear to have been cited as grounds for occasional restrictions mentioned by Mongolian Protestant representatives (See F18News 8 December 2003, [part 2] http://www.forum18.org/Archive.php?article_id=206), Forum 18 found that concern expressed about the consequences of Christian activity is not resulting in government action at the moment. While some are concerned by the growing influence of foreign faiths, the purpose of the law is to guarantee religious freedom for all, Mongolian member of parliament Sendenjav Dulam pointed out to Forum 18 on 18 October. "So what can be done? Be concerned, that's all."

Samdan Tsedendamba said that the presidential Council for Religious Affairs currently has no concrete proposals for amending the religion law, and is "very cautious" about making recommendations, since they "might end up being amendments." Some of the provisions suggested in 1999 - such as a minimum of 500 members or ownership of a worship building as criteria for compulsory registration - "would be difficult for new religions," he acknowledged, so the Council informed the government that it was too early to include them at that time: "They are not recommended for the near future." Tsedendamba explained that Mongolia's principle was to see whether any religion was harmful before possibly taking action. While some countries, such as France, had drawn up lists of banned religious organisations, he said, "we can't just go copying those lists here in Mongolia."

A printer-friendly map of Mongolia is available at

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=mongoli>

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