

PRESENT CONDITIONS OF HUMAN RIGHTS IN MONGOLIAN PRISONS

Survey Report

This survey has been conducted by “Caritas Czech Republic” within the scope of the project “Supporting Civil Society to Promote Human Rights and Democratization in Mongolian Prisons” funded by the European Union and the Czech Development Agency.

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This survey “Present conditions of human rights in Mongolian prisons” has been successfully conducted by Caritas Czech Republic” in the scope of the project “Supporting Civil Society to Promote Human Rights and Democratization in Mongolian Prisons”.

It is my pleasure to share this report which is the result of extensive literature study, quantitative and qualitative data analysis and processing.

Many thanks to the consultant team that contributed to the development of the questionnaire material which complies with international rules and standards: Alzbeta Stropnicka, Officer in Charge of Gender Issues at UNICEF; Amaraa D., Child and Family Specialist of the Child Welfare Program, UNICEF ; and Khurelmaa D., Evaluation Specialist, UNICEF. Also on behalf of the project team of CCR, I’d like to thank the General Prosecutor’s Office of Mongolia, General Court Decision Enforcement Agency and Prison Fellowship Mongolia for their support and assistance in successfully carrying out the survey data collection.

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Thibault Chapoy

Head of Mission
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EXECUTIVE SUMMARY

This study, conducted in 23 prisons in Mongolia, is the first comprehensive research dedicated to prisoners' human rights in Mongolia.

The goal of this research was to determine the human rights situation of prisoners in Mongolia and compare it with existing international and national standards.

From the total of 25 prisons in Mongolia, 23 participated in this survey. 488 prisoners, 23 prison directors, 43 social workers, 17 psychologists, 36 doctors and hospital personnel and 129 guards were interviewed. To ensure credibility of the sampling, the persons consulted were divided into eight different target groups. For each target group data was collected using four different survey techniques adapted to the specific characteristics of each group. Also, a total of 230 different documents were analysed in the scope of a literature study related to prison legal framework, rules and regulations.

Survey questions were developed according to the UN prisoner's human rights conventions and rules in order to:

- I. determine the current situation of human rights in Mongolian prisons;
- II. determine whether or not the current situation meets the UN provisions on prisoner's human rights;
- III. determine the implementation of Mongolian legal provisions and regulations;
- IV. compare how UN prisoner's human rights provisions are reflected and regulated in Mongolian laws and legal framework.

A three-day training session was organized prior to survey data collection to introduce and explain the goals, the purpose of the survey and to create a common understanding of the objectives, scope and methodology of the survey among the researchers. The training aimed at ensuring reliability of the data collection during the survey.

Thus the following key findings were pointed out in the survey process:

In the entire country there are a total of 40 detention facilities (including 25 prisons). Out of these, 45% or 21 prison facilities are not designated detention facility buildings. They were initially built as hospitals, warehouses, barracks, business venues, music halls or auto service garages. 22.5% of all buildings have been used for more than 50 years. Out of the 16 buildings operating for 20-years, only one building was initially built as a prison facility. However, since 2002, an increasing number of buildings have been erected and commissioned as prison facilities.

In detention, prisoners are not sorted or classified according to the type of offence or crime, first or repeat-offences status or violent or non-violent offenders. If any

separations or allocations are made they do not follow any regulation or principle and are based on subjective criteria. This does not only affect the rehabilitation of some inmates but also constitutes a human rights violation.

Depending upon the geographical location of the prisons, drinking water quality does not meet health and quality standards. The drinking water for each person in prison depends on the prison's water resources, and therefore, in some detention facilities, less than 50% of the required daily-quantity of water is supplied to the prisoners.

Also, the economic environment and management capacity of the prison administration depends on the specific geographic location of a prison. Therefore, some prisons are unable to provide jobs for the prisoners during their imprisonment.

Development of an after-release re-entry plan for prisoners does not receive required support and involvement from the prison management. This issue needs more focus and commitment from prison administration and staff.

There's a significant shortage of doctors and medical supplies in prison.

Prison staff and officials often participate and receive regular trainings but most of them are organized by the Court Decision Enforcement Agency (CDEA). Additional training for staff on human rights, as well as developing communication and relationship skills to work with prisoners is more essential at this point.

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ABBREVIATIONS

CATOCIDTP	The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CR	Czech Republic
CCR	Caritas Czech Republic
CDEA	Court Decision Enforcement Agency
CRC	Convention on the Rights of the Child
CSO	Civil Society Organizations
DC	Detention Centres
DID	Decision Implementing Department
GES	General Education Schools
GOV	Government
INGO	International Non-Government Organizations
IO	International Organizations
LICD	Law on Implementation of Court Decisions
MG	Mongolian Government
NHRC	National Human Rights Commission of Mongolia
NGO	Non-Governmental Organizations
PLB	Prison Bylaw
RPJDL	Rules for the Protection of Juveniles Deprived of their Liberty
SMRTP	Standard Minimum Rules for the Treatment of Prisoners
UN	United Nations

TERMS OF
REFERENCE

Terms	Definitions
Bailiff	Enforce all judicial decisions made by the CDEA, voluntarily or involuntarily executed by the parties. A Mongolian citizen, without conviction passed the CDEA selection process.
Civil society organizations	A human rights organization that is non-governmental and non-profit and operates according to some system.
Crime	An action or omission that constitutes an offense that may be prosecuted by the state and is punishable by the Mongolian law.
Criminal activity	Action against social order or unwritten moral code that is followed by the general population.
Damage	The loss caused by one person to another, or to the rights of others, the life, the health, the honour, the reputation, the business reputation, and the property, either with the design, or with negligence and carelessness, or by inevitable accident that is punishable by Criminal Code and is socially dangerous.
Disciplinary measures	The measures taken when prisoner commits misconduct according to the prison bylaw. Disciplinary action types and orders are: writing violation report, changing employment conditions, deduction of bonus days and solitary confinement.
Discrimination	The unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, gender, religion or other factors except individual skills.
Ethics	Moral principles and values that the officers and staff should adhere to in all of the aspects of their job performance. The fundamental principle is that fairness and professional boundary must be kept at all times.
Family and relatives	It is understood that the suspect's, accused's, defendant's or victim's wife, husband, father, mother, grandfather, grandmother, birth or adopted children, brothers and sisters; or other relatives who live with them; as well as family members that are separated such as father, mother, grandfather, grandmother or birth or adopted children, grandchildren, great grandchildren, great great grandchildren; brothers, sisters, uncles, cousins and their children.
Human rights	Human rights are freedoms established by custom or international agreement to freedom from discrimination on the basis of race, religion, age, language, and sex; to basic education; to employment; and to property. Particularly, this study focused on inherent human rights of prisoners outside of their criminal act.
Maximum security	The solitary penitentiary facility where a male, at the age of 18 or above, under strict security, and with minimum visitation and contact rights, counted as recidivist, sentenced for more than 15 years for an aggravated crime.
Penal institution officer	Prison officer is a Mongolian citizen, adult of 18 years of age or above, has never been convicted, attended appropriate professional training.
Penal Institution/ prison	A government special directive organization that has legal entity rights and used to house, detain, and implement court decision to involuntarily confine for punishment persons such as suspects, detainees, and those who are convicted of a crime. The bylaw of such institution is approved by cabinet member in charge of legal proceedings.
Prison regime/ security level	A conviction is the outcome of a trial in which a criminal defendant is found guilty for the time specified in the Criminal Code of Mongolia to restrict the freedom and social exclusion imprisonment. Depending on the classification of the crimes committed by the guilty, a sentence of imprisonment, penalties and personal profile following regimes are considered: regular, strict, or special prisons.

Prisoner	An individual who has been tried and found guilty of committing crimes under the Criminal Code of Mongolia and has received court decision to serve time in imprisonment facility.
Rehabilitation	The process where an individual adapts and merges to other people' norms and values.
Regular regime	The sentencing type where males and females that committed less serious crimes, as well as not convicted of aggravated crimes, serve their time, eligible for parole.
Reintegration	Type of individual's change of behaviour; an adult individual show cases different pattern of behaviour than previously.
Social work	Professional activities that support social reforms and renewal help in solving relationship problems between parties, expand the opportunities for the good of the people and their freedom, and build their capacity.
Special regime	The prisoner who committed two or more times an aggravating crime, considered a recidivist serves his sentencing in this regime.
Strict regime	For males, one who committed a serious crime, or previously had been serving a prison sentence and for the first time committed a grave crime; or a female who committed a grave crime and counted as a recidivist is housed in this regime prison.
Torture	Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him, or a third person, information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

1.1 Brief Project Introduction

Caritas Czech Republic, a non-governmental organization of the Czech Republic with funding from the European Union and the Czech Development Agency (CDA) began implementing in October 2012 the project “Supporting Civil Society to Promote Human Rights and Democratisation in Mongolian Prisons”. The project will phase out in April 2015 and aims at protecting and supporting the rights of the Mongolian prisoners, and preventing any forms of torture, cruel and inhumane or degrading treatments.

In the scope of this project the following four activities have been initiated:

1. To create a training material focused on prison social work, developed by academics and international and professional experts in the field. To organize theoretical and practical training for prison social workers through such curriculum with specific focus on understanding prisoners and helping in their reintegration process.
2. To conduct a survey on the human rights situation in the prisons and publish the results. Based on the results, develop recommendations for further improvement.
3. In partnership with the National Human Rights Commission (NHRC) of Mongolia, organize information and training sessions for prison staff on the topic of “Human Rights-Based Approach”. Also, prepare informative material for prisoners about their rights and compilation of international human right documents, recommendations and resolutions for CDEA and prison staff.
4. Specialised legal counselling for the prisoners: Selection and capacity building of a local NGO provided with a sub grant to conduct legal counselling for the prisoners inside the prison.

This survey has been invaluable as it not only assesses the human rights situation of prisoners in comparison with international resolutions, but it also reflects the representative thoughts of prisoners and prison staff point of views. In 2013, there were 24 prisons in Mongolia hosting a total of 6,772 prisoners and approximately 2,000 prison staff.

In the scope of the survey the following four international instruments were used to determine the basic human rights :

1. “Convention Against Torture And Other Cruel, Inhumane Or Degrading Treatment Of Punishment” (CATOCIDTP) adopted by the General Assembly of the UN on December 10, 1984¹.

2. "Standard Minimum Rules for the Treatment of Prisoners" (SMRTP) adopted by the UN in 1955.
3. "Rules for the Protection of Juveniles Deprived of Their Liberty" (RPJDL) adopted by the UN on December 14, 1990.
4. "Convention on the Rights of the Child"(CRC) adopted in November 20, 1989 by the General Assembly of the UN².

The implementation of human right was verified according to the above listed resolutions. Mongolia has a Constitution which endorses human rights and is a member country of the UN, therefore, the Mongolian authorities are required to protect the human rights of prisoners.

Following are the six main categories of human rights considered basic or fundamental for prisoners:

1. Prison conditions
2. Food
3. Sufficiency of health care services
4. Imprisoning process
5. Education in prison
6. Reintegration/socialization process in prison

Each category of rights has been assessed and presented in a sub-chapter format. In addition, prison staff work conditions and workload were evaluated in a separate sub-chapter.

The assessment of these different human rights was processed by comparing the current prison situation with the main principles identified in the above mentioned four international legal instruments in order to see if they were transposed in relevant Mongolian laws, regulation and practise.

1.2. Survey goals and purposes

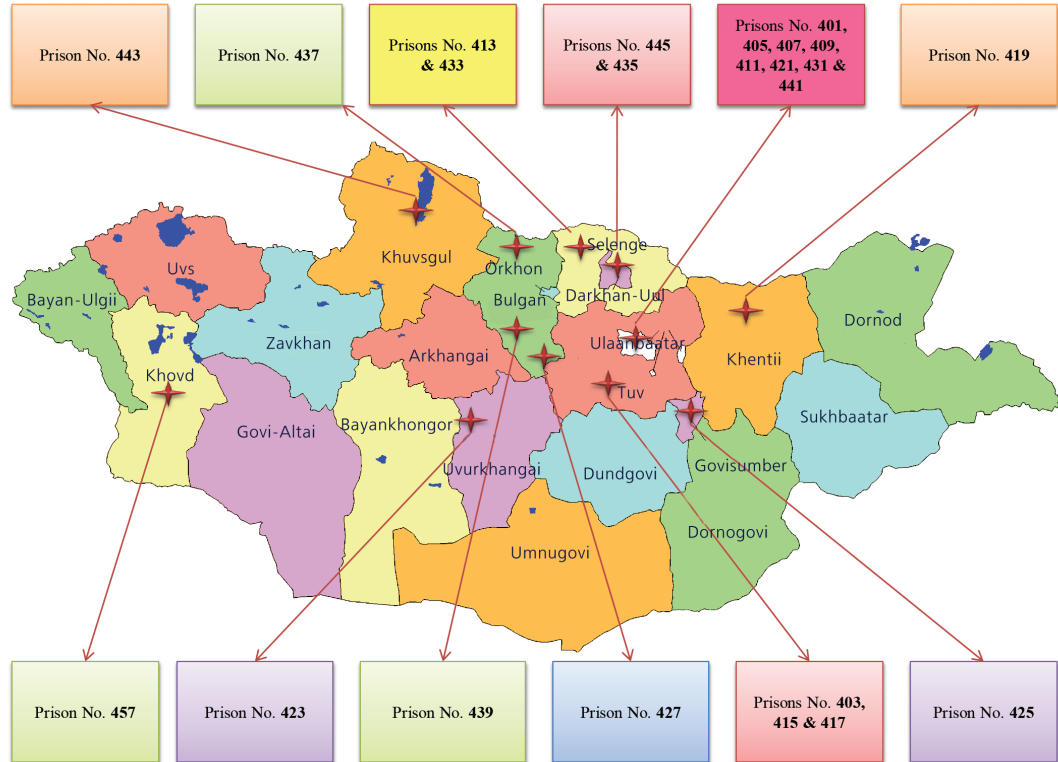
The purpose of the survey is to assess the human rights situation in Mongolian prisons and compare its implementation with international conventions and resolutions. In the scope of this purpose, the following objectives have been set:

- To assess the current situation of human rights in prisons. Therefore, evaluate prisoners, staff and prison management, as well as appraise the prison environment, health care services, food, and imprisoning process.
- To determine issues which need to be improved for protecting and supporting human rights of prisons in Mongolia.
- Develop suggestions to further increase the role, monitoring and participation of different stakeholders (government agencies, NGOs and civil society organizations)

1.3. Scope of survey

There are a total of 24 prisons and one detention centre in Mongolia out of which 23 participated in this survey. Prison administrative staff, social workers, psychologists, doctors and medical officers and security staff were interviewed for the survey, with the exception of one prison that could not be surveyed.

Figure 1. Scope of the survey



The regimes of prisons surveyed were:

- Short term imprisoning detention centre – 1
- Normal level of security (minimum security) – 10
- High level of security – 10
- Special level of security – 1
- Penitentiary or maximum security – 1.

1.4. Target group divisions

Regarding the specifics of the survey, the target groups were divided into two main categories: prisoners and prison staff and officials. Within each category they were also divided into specific targets:

Table 1. Target group divisions

Survey target groups	Target group divisions
Prisoners	Adult male prisoners
	Adult female prisoners
	Juvenile prisoners
Prison staff and officials	Prison directors/management
	Social workers
	Psychologists
	Doctors and medical staff
	Prison security staff

1.5. Survey methods

The eight specific target groups were then assessed and primary information was collected using the following four survey methods: quantitative, qualitative, documentation and observation.

Table 2. Description of survey methods

Nº	Survey methods	Target divisions and documents studied
1	Standardized questionnaire	Prisoners
2	Individual interviews	Prison directors, social workers, psychologists, guards, and medical staff
3	Documentation	All the available documentation and record keeping used in prison
4	Observation	Prisons and their environment

1.6. Survey sampling structure and size

In 2013 there were a total of 6,772 people incarcerated in 25 prisons and 1,958 prison staff³. In the survey, 488 prisoners (7.2 % of all prisoners), and 248 prison staff, (9.1 %) were sampled.

To calculate the sampling size, the methodology developed by the Creative Research Systems was used. This system is recognized not only in Europe, but is an internationally acknowledged and accepted methodology. The system calculates sampling size using the following formula:

$$ss = \frac{Z^2 * (p) * (1 - p)}{c^2}$$

According to this methodology the reliability level is determined to be at 95% for this survey with the possibility of error at 4.27 % for this sampling size.

Table 3. Survey sampling size

	Population		Sample set	
	Quantity	%	Quantity	%
Prisoners, out of which:	6772	100%	488	100%
First time offenders	3373	49.8%	243	49.7%
Repeated offenders	3399	50.2%	245	50.3%
Prison staff, out of which:	1958	100%	248	100%
Directors	25	1.2%	23	9.3%
Medical staff	40	2.1%	36	14.5%
Security staff	1791	91.5%	129	52%
Social workers	77	4%	43	17.4%
Psychologists	25	1.2%	17	6.8%

The reliability of the sample was ensured by being developed according to the most appropriate sample, size, and structure and prison location. Therefore, the sample structure for each target division was determined as follows:

Table 4. Sample structure according to the survey methodology

№	Target divisions	Survey methods			
		Interviews /Expert interviews/	Questionnaire	Observation	Documentation study
1	Prisoners	-	488	-	-
2	Prison directors	22	-	-	-
3	Social workers	43	-	-	-
4	Psychologists	17	-	-	-
5	Doctors and medical staff	36	-	-	-
6	Guards	129	-	-	-
7	Documentation	-	-	-	230
8	Prison environment	-	-	23 ⁴	-
	Total	247	488	23	230

1.7. Survey principle

The “Law of Individual’s Confidentiality” and CDEA’s internal rules and regulations were observed during the survey process. Information gathering was conducted according to each prison’s safety and security level⁵.

1.8. Survey preparations

Prior to data collection, a total of nine researchers attended a three-day training session to learn about the purpose and objectives of the survey, as well as create a common understanding of the objectives, scope and methodology of the survey. The training was conducted by Ms. Alzbeta Stropnicka, a Czech research specialist from UNICEF, and Mrs. Tungalag D., Manager of “Prison Fellowship of Mongolia (PFM).”

The training session had two main parts. First, staff from CCR and PFM provided

specifics of the prison and prisoners, noting what or what not to do when working in prisons and how to communicate with prisoners. Ethical principles were also presented and discussed. Second, to ensure reliability of the data collection during the survey, different information gathering techniques were taught and practiced.

These two sessions were then combined to create a detailed manual for researchers. During these training sessions the questionnaires were discussed, improved and finalized to ensure a common understanding and purpose all throughout the survey process.

1.9. Obstacles encountered during data collection

The following obstacles and complaints were presented and received during data collection by the various groups:

From prisoners:

- Confused the survey with annual NCHR human rights monitoring
- Questioned sampling selections, i.e. why some were called and some were not
- Asked researchers to send correspondence and/or complaints

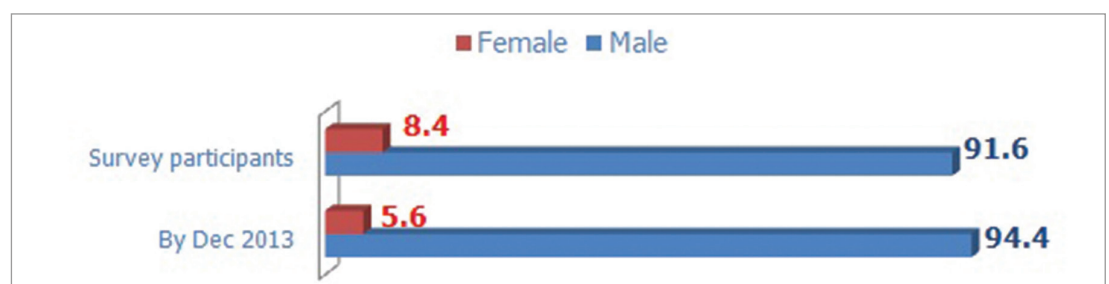
From prison staff or prison situation:

- Expressed their discontent on the fact that NGOs or CSOs all focus on prisoners' human rights issues and that this is unfair considering the working condition of the prison staff
- The survey sometimes coincided with unscheduled internal appraisal actions from CDEA that disrupted short research time at prisons or forced staff to work over-time,
- At the maximum security prison, the guards were present all throughout the interview with the prisoners which influenced their answers. The research team concluded that it reduced access to accurate information.

1.10. Respondents general characteristics

52.2 % of total prisoners participating in the survey were first-time offenders, and 47.8 % were repeat-offenders. By gender, 91.6 % were male and 8.4 % were female. Out of the 25 Mongolian prisons there is only one female prison in the country. Currently in that prison there is a total of 374 female prisoners carrying out their sentences which is 5.6 % of the total prison population.

Figure 2. Ratio of prisoners by gender



Within the participating prisons there were a total of 62 social workers and 25 psychologists which amounts to 100 to 200 prisoners per social worker and 200 to 300 prisoners per psychologist, on average.

Among all social workers, 72% were paralegals, 12% social workers, 7% teachers and 7% were from other backgrounds. This shows that only 12% of social workers were professionally trained to provide social work services to the prisoners. Several reasons could be mentioned:

- The specifics of this field does not attract trained professionals
- The general lack of trained professionals
- Another reason is that the University of Internal Affairs (Recently renamed University of Law Enforcement of Mongolia) under the Ministry of Justice is mandated to provide job positions to all its graduates. Therefore, all the job openings in different executive organizations are typically filled with graduates who majored as paralegals⁶.

Among prison staff participating in the survey, 20.8% were in the 18-25 age range, 28.8% in the 26-33 range, 24% in the 34-41 range, 14.5% in the 42-49 range and 11.9% in the above 50 year-old age range respectively.

As can be seen from this general information regarding respondents the survey sample has been calculated to accurately represent the prison population.

HUMAN RIGHTS IMPLEMENTATION IN PRISONS

The implementation of human rights in prisons is assessed based on the six above mentioned rights categories. The UN resolutions and Mongolian laws and their implementation in practice were used to determine prisoners' human rights support.

2.1. PRISON ENVIRONMENT

The prison environment was studied through surveying three main factors: any system or structure of sorting, classification of prisoners into wards, room conditions and sports equipment situation in prisons.

Table 5. Prisoners' first day impressions

Impressions of the first day in prison		Prisoner	
		Number	%
1	It was very hard	282	58.7 %
2	Everything was normal	163	33.9 %
3	Nothing new or different, no new impressions	32	6.7 %
4	Can't recall	4	0.8 %

The first day in prison for 58.7% of prisoners was very hard and depressing. 33.9% of the respondents felt like everything were normal and 6.7% had no new impressions. For the first-time offenders, their first interaction with the guards caused them to feel shocked and depressed whereas repeat-offenders didn't feel anything different.

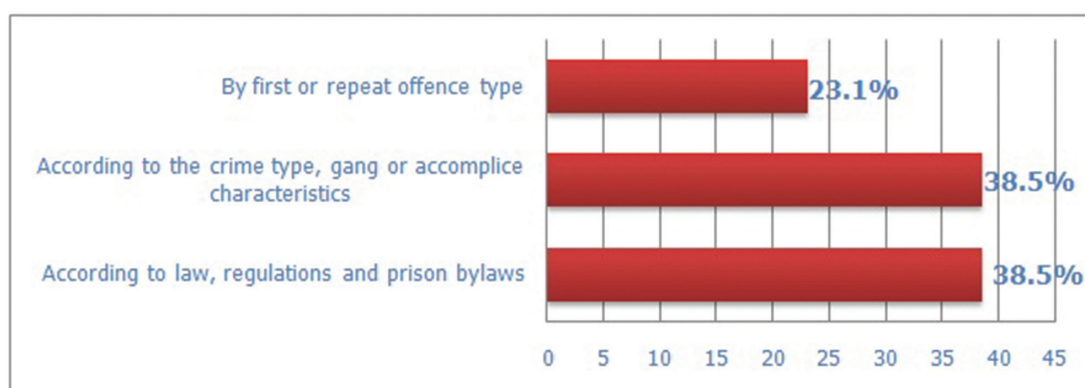
2.1.1. Principles/ system of prisoner classification and placement

Table 6. Are prisoners classified and placed into rooms according to their crime or using other criteria

Empirical study results				Relevant International Provisions	Relevant Mongolian Provisions
Prisoners placed according to ...		Directors	Prisoner		
Type of committed crime; yes or no	Yes	18.2%	2.3%	1. SMRTP, Provision (8) ⁷ .	LICD, Article 118.
	No	81.8%	97.7%		
Any principle exists in classifying; yes or no	A principle exists	59.1%	66.7%	2. RPJDL, Provision(28) ⁸ .	LICD, Article 118.
	No principle	40.9%	16.7%		
	Don't know	-	16.7%		

According to Table 6, “Do principles/rules exist for prisoner classification,” the results indicate that 59.1% of the directors stated that there were some principles in use and 66.7% of prisoners agreed. The remainder of the prisoners expressed that they were not aware that any such principle or rule existed. However, 81.8% of the prison directors and 97.7% of prisoners consider that the actual placement does not follow any classification and it is apparent that prisoners were not separated into different cells according to the types of crime committed.

Figure 3. Principle of classification according to the directors



Among the directors who positively acknowledged the existence of principles, 38.5% expressed that they classify and sort out prisoners according to law, regulations and Prison bylaws (PBL). The same percentage applies for placement according to the crime type, gang or accomplice characteristics. In addition, 23.1% sort out prisoners by first or repeat offence type. This reveals that when prisoners get classified and placed into different cells it follows PBL, and/or legal provisions regarding crime types.

Table 7. Whether prisoners are segregated due to infectious/contagious diseases

Empirical study results				Relevant International Provisions	Relevant Mongolian Provisions
Directors					
	Segregated	Not segregated	Unable to answer		
On the basis of contagious diseases	90%	5%	5%	SMRTP, Provision 24 ⁹ .	LICD, Article 118

From Table 7 it is clear that 90% of the directors segregate prisoners due to sicknesses, which is a positive sign.

As a practical observation, it came to the researchers' attention that at times prisoners were classified and placed based on subjective criteria, or as a result of a decision by the prison management and social workers.

In the “Law of Implementing Court Decision,” Article 118 states¹⁰ that: “Adult females and males should be held in separate facilities. Prisoners sick with evident tuberculosis and confirmed with HIV/AIDS infection must be separated from others. When detained at the same regime prisons, the following types of prisoners shall be kept separate: first-time offenders from repeat offenders, reformed prisoners from

non-reformed ones and civil offenders from criminal offenders.” According to the study some provisions are not implemented in actual practice.

2.1.2. Accommodations

According to the prison bylaws, rooms should not be used to accommodate six or more persons. International standards in the SMRTP of the UN state “cells for individuals should not be used to accommodate two or more persons overnight”. However, the results according to the prison directors study show that in one room six to nine (average of 8) persons are accommodated in Mongolia. And prisoners answered that each room even hosts anywhere from ten to twenty persons.

Table 8. Number of individuals accommodated per room

Empirical study results			Directors	Prisoner	Relevant International Provisions	Relevant Mongolian Provisions
Number of individuals accommodated per room	1 – 2	4.5%	5.3%	1. SMRTP, Provision 9: Accommodations ¹¹ . RPJDL, Provision 33 ¹² .	PBL, Article 3.3 ¹³	
	3 – 5	9.1%	11.1%			
	6 – 9	54.5%	31.8%			
	10 – 20	13.6%	21.7%			
	21 – 30		1.6%			
	31 – 40	9.1%	1%			
	41 – 50	0	1.6%			
	51 – 60	4.5%	4.1%			
	61 – 70	4.5%	20.9%			
	More than 71	-	0.8%			

Country-specific conditions play a huge role on the implementation of these basic human rights. In Mongolia, according to the study, lack of specifically built prison facilities makes it challenging to compare accommodation requirements prison-by-prison. The existing accommodations could be divided into two main types:

- Medium-sized rooms which can hold from one to ten prisoners
- Communal-type accommodations, similar to barracks which can potentially hold more than twenty people.

Special cases are:

- The maximum security regime prisoners who are kept in individual- to two-person rooms
- And most prisoners on work duty who stay alone or with a shift partner at the service location.

Quote 1.

- There is a significant lack of space available at the prisons. Currently, a facility built for 240 individuals is hosting 400 prisoners, thus making living conditions very challenging /Case220_A12/.

Quote 1, shows that prison facilities are not designated detention buildings. They were initially built as hospitals, warehouses, barracks, business venues, music halls,

or auto service garages. Most of all the buildings have been used for more than 50 years and the living conditions have been deteriorating due to over-population.

Table 9. If each prisoner has individual beds

Empirical study results			Directors	Prisoner	Relevant International Provisions	Relevant Mongolian Provisions
Individual beds available or not	Yes	No				
	Yes		100%	97.7%	1. SMRTP, Provision 10 ¹⁴ & 19 ¹⁵ . 2. RPJDL, Provision 33 ¹⁶	PLB. Articles 3.6 ¹⁷ &3.9
	No		-	1.6%		
	Unable to answer		-	0.6%		

It is clear from Table 9 that each prisoner is provided with his/her own bed.

Table 10. Are adequate standards for space, ventilation, lighting and sanitary facilities known and implemented

Empirical study results				Directors	Medical staff	Relevant International Provisions	Relevant Mongolian Provisions
Are adequate standards for space, ventilation, lightning and sanitary facilities per person known?	Known	Do not know	Unable to answer				
	Known			81.8%	55.6%	1. SMRTP, Provision 10 & 11 ¹⁸ . 2. RPJDL, Provision 31 ¹⁹ .	PLB, Articles 3.3&3.4.
	Do not know			9.1%	44.4%		
	Unable to answer			9.1%	-		
Are adequate standards per person implemented?	Yes			57.9%	43.5%		
	No			36.8%	43.5%		
	Unable to answer			5.3	13%		

The results in Table 10 show that 81.8% of directors and 55.6% of medical staff know about prison ventilation, space, lighting and sanitary facility standards per prisoner. This shows that prison directors are aware about the different standards.

However, when a follow-up question as to whether these known standards are implemented, only 57.9% of directors and 43.5% of medical staff consider them to be implemented. The directors who responded that the standards are not implemented cited several reasons: 75% stated that it is due to lack of proper detention facility and space, while 12.5% explained that it is not a budgeted expense.

In PBL Article 3.3, it is stated that "Prisoners should be placed in as few numbers as possible in the dormitories, and rooms should have windows that provide sufficient natural light during the day and artificial light sufficient for the guards to perform their duties; the light switches have to be under control of guards." Article 3.4 states "Prisoner accommodations, heating, ventilation, and the area specified shall be in compliance with required legislation and international standards".

Quote 2.

- Our prison facility is not built for detention of prisoners; therefore, prisoner lighting standards are not fulfilled. /Case 216_A12/

These cases indicate that even strict prison directors already acknowledged those standards and that the designation and usage of the prison facility determines the implementation of the international and domestic standards. This lack of compliance indicates some forms of human rights violations.

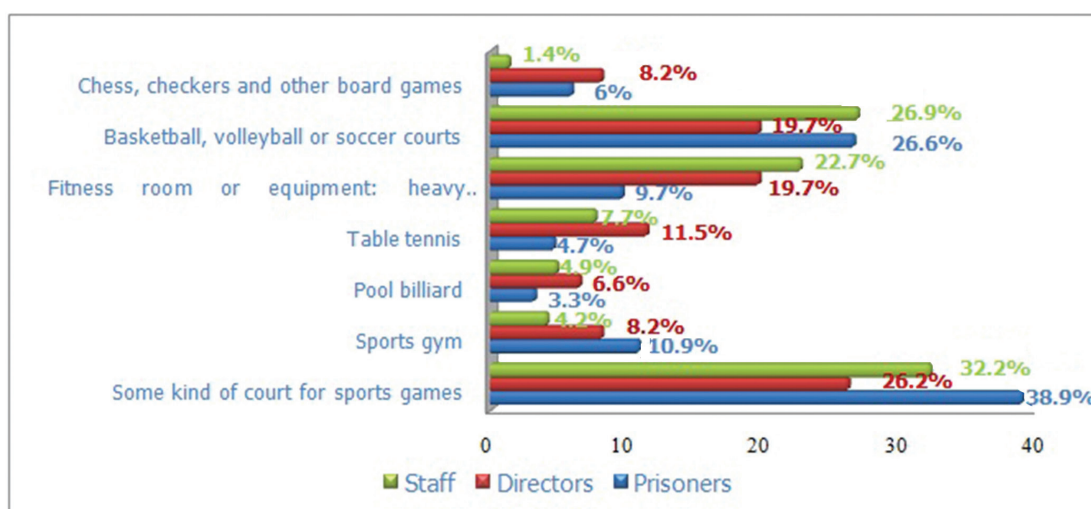
2.1.3. Sufficiency and access to sports equipment

Table 11. Outdoor and indoor sports equipment situation

Empirical study results			Directors	Prisoner	Relevant International Provisions	Relevant Mongolian Provisions
Outdoor and indoor sports equipment situation in prisons	Outdoor	Have	95.5%	47.3%	RPJDL, Provision 32 ²⁰	LICD, Article 123; PLB Article 15.2
		Don't have	4.5%	50.8%		
		Unable to answer	-	1.9%		
	Indoor	Have	71.4%	28.1%		
		Don't have	28.6%	70.6%		
		Unable to answer	-	1.2%		

Table 11 shows that the directors of prisons consider the current outdoor sports equipment situation satisfactory which is in contradiction with the prisoners' view that equipment is almost non-existent. This is similar to the indoor sports equipment situation. In other words, the directors and prisoners' views differ.

Figure 4. Prison outdoor sports equipment



It is clear from Figure 4 that prisons have at least some kind of sports court, most having a basketball court, volleyball or football nets, fitness room and other weight-lifting equipment such as cross-bar or heavy weights.

In the prisons with a sports gym, 85.3% of the prisoners use it according to the schedule set by the management, and 13.5% said that while a gym exists, prisoners

are not permitted to use it. However, at times prisoners are allowed to use the staff gym during national holidays.

Figure 5. Prison indoor sports equipment

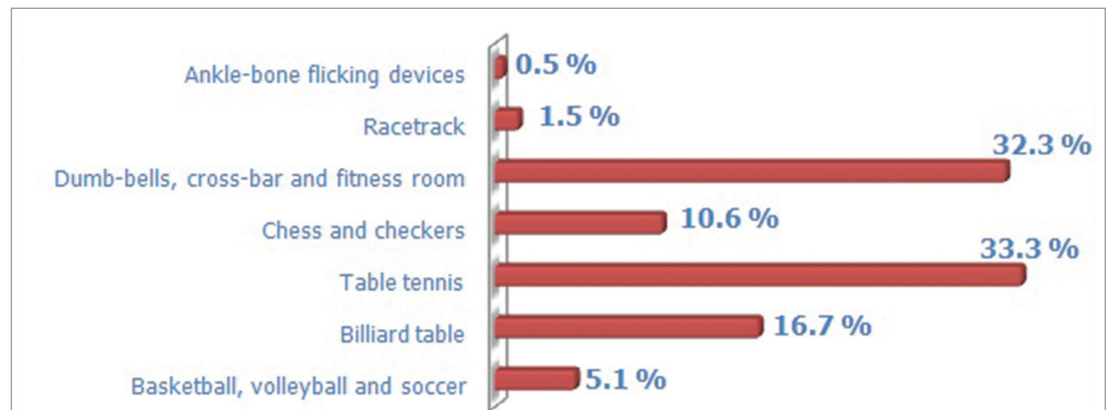


Figure 5 clearly shows that the majority of prisons have dumb-bells, cross-bars, tennis and billiard tables, and some type of fitness room.

The legal regulations pertaining to the organization of recreational activities mandate that to reach incarceration goals and to educate about the social hazards of crime, educational activities should be carried out. These educational activities shall be diverse according to the prisoners' ages, gender, profile and sentencing. Articles 123 and 124 of the LICD on educational activity forms and types state that "Educational activities should provide legal information, vocational assistance, employment practice and possibilities to finish education institutes; furthermore, the offering of traditional exercises and other rehabilitation activities should be organized".

Quote 3.

- The prisons located in rural areas don't have sports gyms designated for prisoners but there are gyms which exist for staff. Prisoners are allowed to use these gyms twice a week or during national holiday competitions. /Case 328_B15/
- Our prison is located in Ulaanbaatar city but the prison management doesn't provide any sports equipment for the prisoners' use. So the prisoners themselves fashioned and use their own dumb-bells or cross-bars. /Case 3122_B15/

These cases show that prison sports equipment is insufficient in number and that not everyone can or are able to use the equipment. Therefore, it is almost the same as being non-existent.

According to information provided by the CDEA: "Throughout, the prisons' different leisure and recreational activities are organized consistently with the goal of spending prisoners' free time effectively and correctly. Among all prisoners, board games are allowed, and according to the conditions, basketball and volleyball courts, billiards, and tennis tables are available. For the security of all prisoners some sports equipment is used at a set schedule under the guards' monitoring²¹".

These results indicate that even though sports equipment is available in differing amounts, the prisoners' satisfaction level is low. The equipment is used under guards' supervision to meet safety regulations.

Quote 4.

- Our prison has separated educational and cultural halls. We sometimes hold aerobic exercises. /Case 1367_D10/
- Our prison is located in the countryside. The prison has a separate gym and under special monitoring, competitions are organized. /Case 312_B15/

From Quote 4, it's clear that prisons do have prisoners' gym facilities and prisoners are allowed to use the facilities in specific ways.

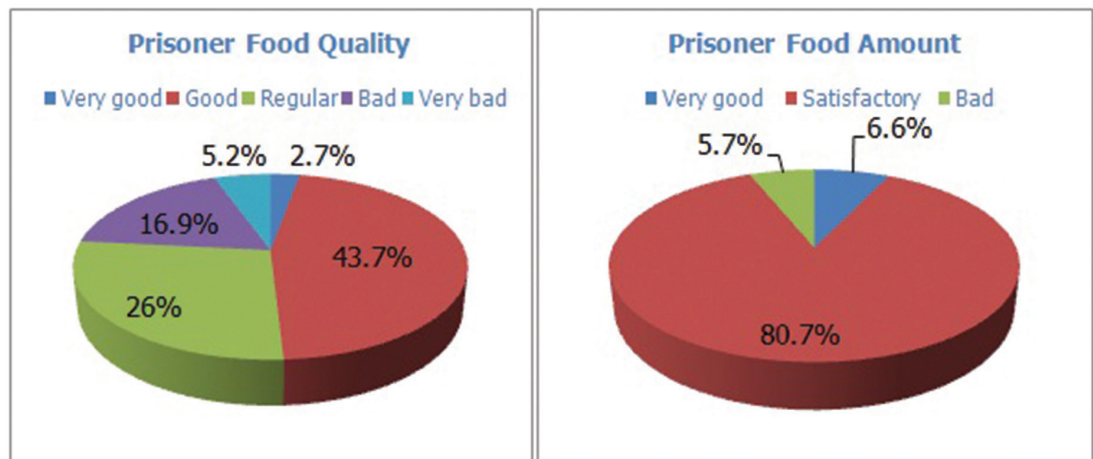
2.2. FOOD

This category has been studied through three different factors: food quality and amount, drinking water availability/access and deprivation/reduction of food as a punishment.

2.2.1. Food quality and amount; and drinking water availability

The prisoner food quality and amount has been specifically detailed in PLB's Provision 5, "Feeding prisoners" which states, "Prisoners shall receive breakfast tea and bread, lunch, supper and tea. On a daily basis, the medical staff shall inspect: food preparation, processing and distribution, grocery storage and protection, the hygiene of the kitchen and cooking utensils, cleaning and sanitation. Discovered breaches should be followed-up. The food has to be sampled daily and thrown away on the next day. The prisoner food samples should be tested on a quarterly basis to confirm if calorie intake prescribed by law is conformed to, or needs to be increased. Also, the prison should provide the necessary amount of drinking water to the prisoner."

Figure 6. Prisoner food quality and amount of satisfaction



One prisoner who has been sentenced many years commented "The last few years the quality of prison food has improved and they provide now three consistent meals a day." Also, prisoners are allowed to cook their own meals. They use their own wages or ask their families to bring groceries. It becomes a huge burden for their families to bring groceries to the prison. Therefore, the major reason prisoners responded satisfactorily to the question about food quality was because they were cooking their own meals.

According to the information from the CDEA, The CDEA Director's Decree No. A/123 "The Suspects, Accused, Convicts' Food Production and Services; Samples and Menu" of June 21, 2013 has been distributed and implemented throughout the prisons. In all the prisons and detention centres the kitchen conditions have been improved and food preparation, storage and distribution facilities have been renovated and cooking equipment has been replaced.²² This shows that the work to improve food quality is being undertaken and that prisoner satisfaction with public food is expected to rise.

Table 12. Drinking water availability for 24-hours

Empirical study results				Relevant International Provisions	Relevant Mongolian Provisions
		Staff	Prisoner		
Drinking water availability for 24-hours	Available	93.6%	84.5%	1. SMRTP, Provision 20.(2) ²³ . 2. RPJDL, Provision 37 ²⁴ .	PLB, Article 5.9
	Unavailable	5.6%	15.3%		
	Unable to answer	0.8%	0.2%		

Table 12 shows that 93.6% of prison staff and 84.5% of prisoners responded that there is 24-hour access to drinking water. Based on this table, it seems that most prisons provide sufficient drinking water. However, 82.5% of the respondents who answered “unavailable” explained that water is unavailable because it is delivered from far away and 13.4% responded that water is provided but is insufficient.

The water is supplied to the prisons but the quality and amount is not adequate. Although PBL Article 5.9 states that “Prisoners should be able to have access to boiled water,” but depending on the prison location, water resource availability and quality, it is not easily implemented. The following cases substantiate this in detail:

Quote 5.

- Our prison is located in the very rural countryside and we transport water from a long distance. Also, the transported water has high concentration of sulphur. /Case 199_C12/
- Prison management distributes water. One hot thermos for 2 prisoners. But the water contains high levels of lime and the quality is bad. At the bottom you can see white sedimentation. As we can only drink this, we feel nauseated and get diarrhoea. /Case 1343_C12/
- Even though our prison is located close to Ulaanbaatar city, there’s a shortage of water. In a room of eight people, only 2 liters of water are allocated which is not enough. /Case 1370_C12/
- The water well is located outside the prison perimeter. Therefore, the position of water carrier is organized. The water carrier transports a 25 liter canister of water twice a day. In one room of eight people, three to four canisters of water are allocated per day. This water is designated to be used not only for drinking but for washing and cleaning too. / Case 376_B6/

According to the observations in some rural prisons, the water wells or water distribution point is located outside the prison perimeter which is the basis of drinking water insufficiency.

Also during observation study, some prison water had high lime and/or sulphur content, and the water had a strong smell. The prisons need to focus on improving drinking water quality and quantity for the prisoners.

2.2.2. Deprivation of food as a disciplinary measure

Table 13. Deprivation of food as a disciplinary measure

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
Medical staff				
Is food deprivation used as a disciplinary measure?	Yes	2.9%	SMRTP, Provision 32.(1) & (3). ²⁵	There are no legal provisions
	No	97.1%		
The need for prior determination of prisoners' condition if the prisoner is able to bear food deprivation as a disciplinary measure	Needed	40%		
	Not needed	60%		

According to Table 13, 97.1% of medical staff cited that prisoners are not deprived of food as a form of punishment. Therefore, it shows that in general, prisons don't use food deprivation as a sanction.

2.3. HEALTH CARE

This category has been examined according to the following two factors: Health care quality and access, hygiene and sanitation conditions.

2.3.1. Prison Health Care Quality And Access

Table 14. Physical and dental check-up status

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
Prisoner				
After admission to prison every prisoner receives physical check-up	Every first timer	94.8%	1. SMRTP, Provision 24 ²⁶ .	PLB, Article 2.6
	Not every one	4.8%		
	Don't know	0.4%		
Dental examination is provided	Provided	50%	2. RPJDL, Provision 50 ²⁷ .	
	Not provided	47.2%		
	Unable to answer	2.8%		

Table 14 shows that 94.8% of prisoners have received physical check-ups when they were first admitted to the prison. But only 50% of the prisoners stated that they had dental check-ups done and 47.2% expressed they didn't. This demonstrates that dental examination is not conducted consistently among prisoners.

Table 15. Prison access to health care and frequency of check-up

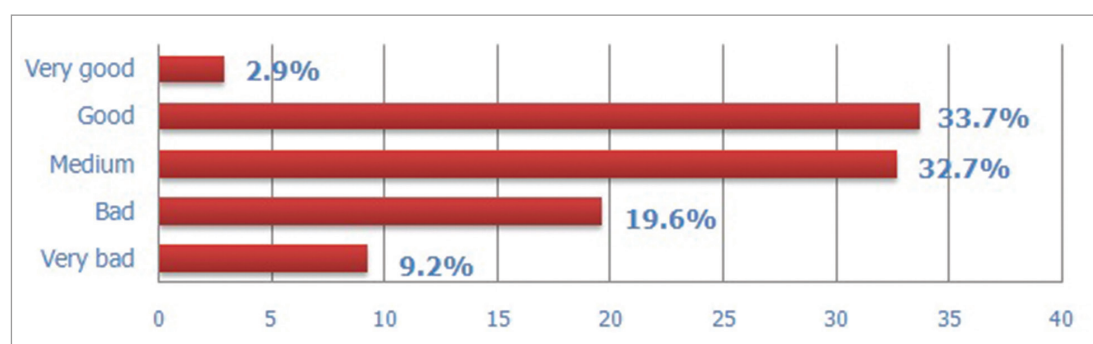
Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
Medical staff				
Frequency of check-ups for patients in prison	Daily	50%	1. SMRTP, Provision 25.(1) ²⁸ . 2. RPJDL, Provision 51 ²⁹ &	LDC Compilation, "List of sicknesses to be pardoned from sentencing and regulation on providing health and other medical organization assistance for seriously ill prisoners"
	Once a month	47.2%		
	Unable to answer	2.8%		
	None	2.9%		
Access to health care in prison	Accessible	87.9%	55 ³⁰ .	
	Inaccessible	10.5%		
	Unable to answer	1.6%		

The above Table shows that medical staff conducts daily and once-a-month check-ups among all prisoners. 87.9% of medical staff expressed that prisoners have access to medical care in prisons.

Table 16. Situations which require medical help and status of access

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
Prisoner				
Situations that required medical help	Had situations that required medical help	65%	1. SMRTP, Provisions 24& 25.(1). 2. RPJDL, Provision 51.	LICD, Article 114
	Did not need one	35%		
Status of access in that situation	Had medical assistance	81.6%		
	Did not receive care	17.7%		
	Unable to answer	0.7%		

Prisoners' response stated that 65% of prisoners faced situations which required medical assistance and 81.6% of them received care. However, due to the prison hospitals' low medicine supply and lack of skilled doctors, adequate care was not provided. This is clear from the results reflected in Figure 7.

Figure 7. Medical care quality and access

These positive results are more reflective of the fact that medical care is available to everyone in the prison despite the fact that the majority of the respondents expressed dissatisfaction with the actual quality of care.

Table 17. Knowledge and information on how to receive medical care in prisons

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
Prisoner				
Knowledge and information on how to receive medical care in prisons	Have information	80.6%	SMRTP, Provision 25.(2) ³¹ .	1. LICD, Article 114. 2. PLB, Article 10.3 ³²
	Is not known	14.4%		
	Unable to answer	5%		

From Table 17, 80.6% of prisoners know how to access medical care in prisons. This leads to the conclusion that prisons do provide information to prisoners regarding access to medical assistance in necessary situations.

The work of improving medical care in prisons, detention centres, and general medical hospitals for prisoners is an ongoing process and according to the CDEA's information, "By 2013, DID's General Medical Hospital for Prisoners had conducted preventative medical examinations for 6,374 prisoners, and 2,760 sick prisoners were transferred from their units to the General Hospital for serious treatment.

Also, the following regulations and standards were approved in 2013 and started to be implemented:

- Regulations regarding “The DID’s General Hospital for Prisoners to provide prisons, detention centres, and specialized hospitals with professional and technical support and management”
- The procedure standards of detention and carrying out sentencing have been directed towards supporting prisoner’s human rights /CS 11-0238:2013/
- The DID’s General Hospital structure and performance standards /CS 11-0235:2013/
- The performance and structure standard for the detention centre hospital /CS 11-0237:2013/
- The performance and structure standards for specialized tuberculosis hospitals / CS 11-0236:2013/
- The performance and structure standards of prison hospitals /CS 11-0234:2013/

2.3.2. Hygiene and sanitation conditions

Table 18. Number of times the bed sheets are changed/washed in a month

Empirical study results				Relevant International Provisions	Relevant Mongolian Provisions
		Prisoner	Director		
Number of times the bed sheets are changed/washed in a month	1 – 2 times	47.8%	68.2%	SMRTP, Provision 19 & 26.(d) ³³ .	PLB, Article 6.3 ³⁴
	3 – 5 times	48%	13.6%		
	More than 6 times	3.1%	13.6%		
	Unable to answer	1%	4.5%		

From the results reflected in Table 18, 48% of prisoners wash/change their linens 3–5 times a month, whereas 68.2% of directors responded that this is accomplished 1–2 times a month. This discrepancy in answers between directors and prisoners could be explained by inconsistency throughout all the prisons in Mongolia.

Table 19. Number of baths/showers of prisoners in a month

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
	Directors			
Number of baths/showers of prisoners in a month	1 – 2 times	45.5%	SMRTP, Provision 26.1.(b) ³⁵ .	PLB, Article 6.2 ³⁶
	3 – 4 times	45.5%		
	Everyday	9.1%		

It is clear that prisoners have a bath or shower 3-4 times a month, or once-a-week, on average.

Table 20. Other types of inspections/ examinations carried out by medical staff

Empirical study results				Relevant International Provisions	Relevant Mongolian Provisions
		Directors	Medical staff		
Other types of inspections/ examinations carried out by medical staff	Yes	95.5%	97.1%	SMRTP, Provision 26.(1) ³⁷ .	PLB, Article 8.
	No	4.5%	2.9%		

From Table 20 it is clear that prison medical staff carry out other types of inspections (i.e., prison staff work environment, prison staff food quality, and sanitation of prisoners' living environment, food quality, sanitation room inspection, etc.).

Table 21. Alcohol and drug abuse prevention measures

Empirical study results						Relevant International Provisions	Relevant Mongolian Provisions
		Directors	Social workers	Psychologists	Medical staff		
Alcohol and drug abuse prevention measures exist in prisons	Prevention measures are taken	95.5%	85.7%	90%	77.8%	RPJDL, Provision 54 ³⁸ .	There are no legal provisions
	Not taken	4.5%	14.3%	10%	13.9%		
Alcohol and drug user rehabilitation organized	Rehabilitation measures are organized	36.4%	24.4%	33.3%	17.6%		
	Not organized	63.6%	73.2%	61.9%	76.5%		

According to Table 21, alcohol and drug abuse prevention measures aimed at prisoners are taken according to the prison directors and staff, but rehabilitation and treatment is not properly organized.

According to the information provided by the CDEA, alcohol and drug usage is off limits at the prisons. According to the Contract Plan approved by the State Secretary of the Ministry of Justice on September 9, 2013, the "Psychological Service Program for Alcoholics" has been developed. It was completed in March of 2014 and in connection with it, the prisoner psychological service standard is also in progress³⁹.

2.4. THE IMPRISONMENT PROCESS

This category is analysed through studying the following ten factors:

1. Prisoner clothing
2. Walking
3. Leisure activities
4. Visitation
5. Employment
6. Submission of complaints and requests
7. Prisoner discipline
8. Incentives
9. Religion
10. Prisoner – staff interactions/ communications

2.4.1. Prisoner clothing

Table 22. Prisoner wearing of personal clothing is allowed

Empirical study results				Relevant International Provisions	Relevant Mongolian Provisions
		Directors	Prisoner		
Wearing personal clothing is allowed	Allowed	54.5%	89.7%	1. SMRTP, Provisions 17&18 ⁴⁰ .	LICD, Article 128.2 ⁴¹ .
	Not allowed	45.5%	8.6%		
	Unable to answer	-	1.7%	2. RPJDL, Provisions 36.	

According to Table 22, for 89.7% of the respondents it is allowable for prisoners to wear their own clothing. This demonstrates a positive attitude of the prison management. However, directors' response to the same question revealed that they observe that the prisoners wear clothing supplied from prison and 45.5% responded that wearing personal clothing is not allowed.

Table 23. When prisoner is moved outside the prison, wearing personal clothing is allowed

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
		Prisoner		
When prisoner is moved outside the prison, wearing personal clothing is allowed	Allowed	77.3%	1. SMRTP, Provision 17.(3) ⁴²	LICD, Article 128.5 ⁴⁴ .
	Not allowed	18.2%		
	Unable to answer	4.5%	2. RPJDL, Provision 36 ⁴³ .	

Whenever a prisoner is moved outside the prison 77.3% percent responded that prisoners are allowed to wear their own clothing. The prison staff explains that because of the sentence, regime type, or prisoner work requirement, that the prisoner would be conspicuous from others if he is not allowed to wear his own clothing.

Table 24. Prison clothes sufficiency

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
		Prisoner		
Prison clothes sufficiency	Sufficient	47.1%	1. SMRTP, Provision 17.(1) &18. 2. RPJDL, Provision 36.	LICD, Article 128.6 ⁴⁵ .
	Not sufficient	49%		
	Unable to answer	3.9%		

The prison regulation states that prisoners should be supplied with winter and summer clothes. But their insufficiency is clear from results in Table 24.

Quote 6.

- ...In 12 years, I have received winter clothing four times and summer clothing once. The winter clothing quality is not good. It easily tears under the arms and the insulation hangs out...

The prisoners expressed that, depending on the prison conditions, sometimes a prisoner wears his given clothing for a full period of three years. They also emphasized that the clothing quality, design and insulation is not adequate.

Table 25. Frequency of clothes supplied to the prisoner

How many times are new clothes distributed?	Percentage
1-2 times a year	51.6%
3-4 times a year	26.4%
More than 5 times	2.2%
Never given any	4.4
Unable to answer	15.4%

The results show that approximately half the prisoners receive seasonal clothing 1-2 times per year. In other words, 78% of prisoners receive clothing once a quarter or once in a half-year. As clothes are considered a basic human requirement, prisons need to improve this situation as there were respondents who were never given any seasonal clothing or were unable to answer.

2.4.2. Walking

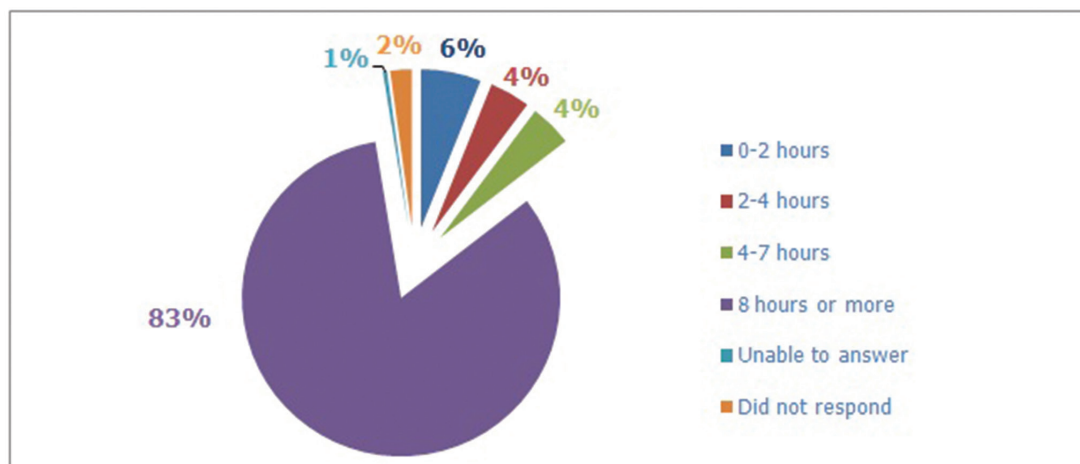
98.8% of the respondents claimed that prison management allows walking.

Table 26. Is it allowed to walk /by security level/

Is walking allowed?	Regular	Strict	Special	Penitentiary
Allowed	97.6%	100%	97.6%	100%
Not allowed	2.4%	-	2.4%	-

According to the results in Table 26 there are few instances where prisoners are not allowed to go out for a scheduled daily walk.

Figure 8. Once out, how long is walking allowed?



83% said that prisoners could potentially walk up to eight hours freely. When a follow-up question asking how many days a month prisoners can walk, 95.8% responded “every day.” The prisons perform well on providing hours of walking. During the walk-time, prisoners spend time talking among themselves and conducting other forms of exercise.

2.4.3. Leisure activities other than sports

85.7% of the directors stated that leisure activities other than sports are undertaken each month in the prisons. However, 24.1% of prisoners responded that no such activities were undertaken. It shows that one out of four prisoners think that opportunities for leisure activities other than sports are rare or non-existent.

Table 27. Opportunities for suggesting leisure activities other than sports and their organization

Empirical study results			Directors	Prisoner	Relevant International Provisions	Relevant Mongolian Provisions
Leisure activities other than sports organized each month	Yes	85.7%	74.5%	RPJDL, Provision 47 ⁴⁶ .	PLB, Article 16 ⁴⁷ .	
	No	-	24.1%			
	Don't know	14.3%	1.4%			
Prisoners are able to suggest different activities	Able	95.5%	63.2%			
	Not able	4.5%	28.6%			
	Don't know	-	8.2%			

In Table 27, 63.2% of the prisoners and 95.4% of the directors responded that prisoners are able to share their suggestions for recreational activities. This shows that prison management makes a certain degree of effort to take prisoners' wishes and desires into consideration when organizing recreational activities. But a significant number (28.6%) expressed that they aren't able to share their suggestions.

Those who are able to do recreational activities list the following activities:

- Watching TV
- Visiting library, reading books
- Participating in different competitions and events
- Involvement in personal hobbies like sewing, drawing or playing music
- Attending trainings
- Cultural events: karaoke, concerts, etc.

Only two of the listed activities, training and cultural events are organized by the prison management. The remainder are activities that prisoners undertake themselves. In other words, five of the activities mostly practiced by the prisoners during their leisure time are things that they are doing on their own.

Table 28. Frequency of recreational activities organized by prison management

Frequency of recreational activities organized by the prison management (according to the prisoners)	Frequency	Percentage
1-3 times a year	198	56.1%
3-5 times a year	47	13.3%
6-10 times a year	12	3.4%
More than 10 times a year	28	7.7%
Don't know or Unable to answer	71	19.5
Total	356	100%

According to Table 28, recreational activities in the prisons are more frequently organized 1-3 times a year. These mainly happen during national holidays or cultural vacations like Lunar New Year or Naadam.

As to whether prisoners want to see other activities being organized, 53.1% responded "yes," 42.1% responded "no," and 4.8% were unable to answer. For those who expressed this need, a follow-up question was addressed on the activities that they wish to see organized (Listed in Table 29, below):

Table 29. Activities prisoners wish to see organized by the prison management

Types of activities	Percentage
Improve the equipment situation in prisons (TV, fitness room equipment, etc.,)	29.6%
Training and seminars	28%
Competitions	16.3%
Work opportunities	9.7%
More concerts and performances	7.8%
Open house for family and friends to visit	4.3%
Improve medical care quality and equipment	1.6%
Don't know or unable to answer	2.7%
Total	100%

A total of 98.2% of prisoners said that it is possible to watch TV in prison. During

the observation, depending on the facility space and organization, the location and number of television sets varied. At the time of survey, most prisons had at least two public television sets and in some prisons with better cell division the rooms had their own sets.

According to the information from CDEA: Following PBL to bring television viewing to the public's consumption a total of two sets of television was decided to be placed and prisoners watch TV according to the prisons' internal rules.

Quote 7.

- In the big hallway we have two television sets. A lot of times prisoners argue over which channels to watch. The older ones want to watch news, but younger ones want movies. Also the voice is muted. This is not exactly "watching" a television./Case19_D26/

Most of unemployed prisoners prefer to watch movies. However, prisons are usually equipped with one or two television sets, access is very limited and the setting is not convenient. For example: they argue over channels, watch it muted, or the music is on low, etc., But during our interviewers' observation, the situation varied in different prisons according to number of prisoners, amount and configuration of space, etc.

The prisons receive newspaper subscriptions but daily news never comes on time.

This study section shows that prisoners have freedom to suggest some recreational activities, can watch television and read newspaper to get new information, but the actual situation or implementation doesn't really meet prisoners' needs.

2.4.4. Visitation

Table 30. Visitation opportunities to meet with family and friends

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
Prisoner				
Possible to receive family or friends for visitation	Yes	96.9%	1. SMRTP, Provision 37 ⁴⁸ .	PLB, Article 11.
	No	2.9%		
	Unable to answer	0.2%	2. RPJDL, Provision 60 ⁴⁹ .	

The study results from prison directors show that the prisons fully support family or friend visitation to the prisoners and 96.9% of prisoners confirmed this information. However, there were a few instances where prisoners shared that they were not able to receive visits according to the time allocated to them by law, which can be a violation of prisoners' rights.

Questioned about the possibility of sending letters, 75.8% replied that it was possible, 13.6% replied that they could not and 10.7% didn't know how to proceed. Asked

how many times a month they are allowed to send letters: 37% responded “every day,” 21.7% responded 1-2 times” 0.7% responded “3-5 times,” 8.7% responded “not possible to send,” and 31.9% were unable to answer or didn’t know. The main reason given by the latter group of prisoners (31.9%) was that with regular visits and communication through phone calls, it is not necessary to send/receive letters.

Table 31. Phone calls and sending/writing letters

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
Prisoner				
Possible to make a phone call	Yes	88.9%	1. SMRTP, Provisions 37& 38.(1) ⁵⁰ . 2. RPJDL, Provision 61 ⁵¹ .	PLB, Article 12.
	No	10.1%		
	Don't know	1%		
Possible to write letters	Yes	75.8%		
	No	13.6%		
	Don't know	10.7%		

The possibility of communication through letters and phone calls lowers the percentage of visitations. Some explanation: exchanging letters is no longer the preferred or common means of communication. The following are some reasons explaining phone communication challenges:

- There is a fee to use a phone and the rate is per minute. On average, the rate can be from 150 to 200MNTs/minute. The queue to use the phone is long so sometimes it is not available on the allocated day
- Reception is poor
- The guard is present during these talks which makes it difficult to openly communicate
- Once- or twice-a-week on approved days, 5 minutes per person are scheduled as “phone time.” Due to significant overcrowding in prisons, not everyone has an opportunity to use the phone during these days

Those who expressed that phone communication works well shared that there is no fee when calling a G-Mobile carrier number. Also, if one is able to pay there is no limit on how long the phone may be used. At the minimum, according to the majority of the prisoners, they can make phone calls from 2-8 times a week. These situations depend on the financial situation of each prisoner. While it is sometimes easy to make contact using phones, sometimes it is rather difficult.

Figure 9. How many times a month can prisoners make a phone call

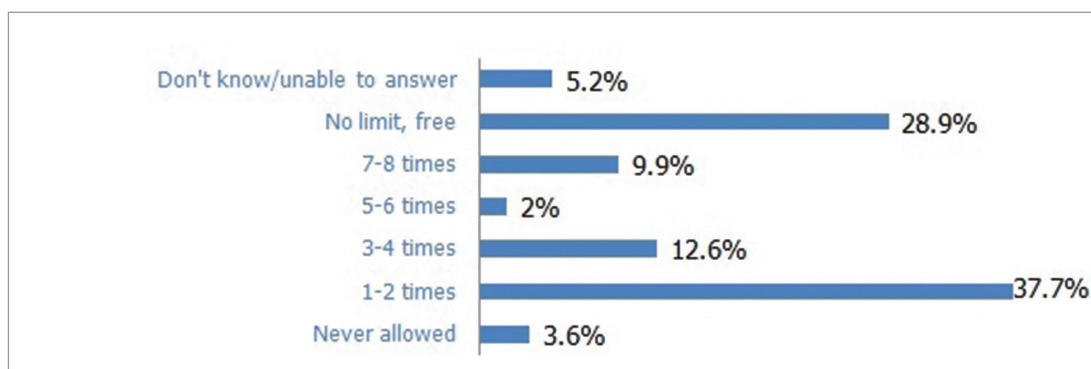


Figure 9 shows that 28.9% of prisoners can freely make a phone call, 37.7% from 1-2 times per month, and 24.5% can make a phone call 3-8 times per month. This means that 91.2% of all respondents could make a phone call at least once a month. However, the quality and duration of the call is dependent upon prison location (network connection) or prisoner ability to pay the per-minute charges.

2.4.5. Employment

Depending on each prison's characteristics, the employment situation of prisoners differs greatly. In prisons with factories (lime or brick) or mines, unless the prisoner has a health condition making him unable to work, everyone works. In prisons which do not have such working facilities or factories only some prisoners are employed. Such prisons provide non-shift work for prisoners such as prison kitchen duty, cleaning, boiler fireman, guarding, and working at prison garage, etc., Prisoners working in these positions receive a reduction of their jail sentence.

Questioned about employment in prisons, 89.1% of respondents replied that it is possible to work. 86.4% of prison directors provided the same answer. The remainder expressed that there is no access to work.

Table 32. Prisoners' employment possibilities and whether equitable remuneration is received

Empirical study results			Directors	Prisoner	Relevant International Provisions	Relevant Mongolian Provisions
	Yes	No				
Possible to work	Yes	86.4%	89.1%	1. SMRTP, Provisions 71.(1)-(4) ⁵² & 76 ⁵³ .	1. PLB, Article 17&19	
	No	13.6%	9.7%			
	Don't know	-	1.2%			
Receive equitable remuneration	Receive	86.9%	85.4%	2. RPJDL, Provisions 45& 46 ⁵⁴ .	2. LICD, Article 121	
	Do not receive	9.9%				
	Unable to answer	4.5%	14.6%			

When a follow-up question regarding whether employed prisoners receive equitable remuneration was asked, 85.4% of prisoners and 86.9% of prison directors replied that this was the case. The answers "do not receive" or unable to answer were given

from prisoners employed in non-shift work for the prison and who only receive a reduction of their sentencing as a remuneration.

Regarding their type of remuneration, 22% receive cash-on-hand, 29.3% receive cash via a bank transfer, 34.1% receive payment in both cash and bank transfer, and 14.6% were unable to answer. This shows that most prisoners receive their pay primarily in cash and via bank transfers.

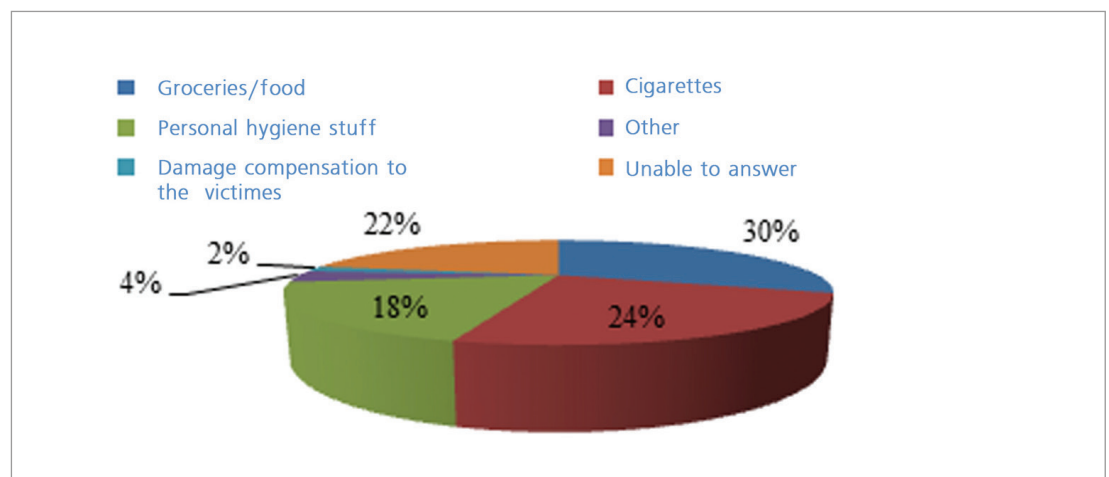
LICD Article 121 addresses the equitable remuneration of prisoners' work. In section 121.4 the provision states that "...the prisoner has a right to use up to 10 percent of total monthly pay and the remainder will be placed in their bank account until the day they are released at which time they can take the total left-over amount."

Information from the CDEA states: By 2013, in duplicated information 16,568 prisoners were employed, and in-total 1,121,432,200 tugrugs of pay has been calculated. From this population, 3,596 prisoners have received 215,500,342 tugrugs of pay which has been transferred. Compared with the previous year, the prisoners' pay has doubled to reach 464 million tugrugs and the number of prisoners employed increased by 47.5%.

At the time of this survey, the minimum wage was 144,400⁵⁵ MNT/month and 10 percent of this amount (14,400 MNT) has been available for prisoners' use, according to the law.

When asked about the amount of cash-on-hand they receive, 16.6% of respondents said they receive up to 14,400MNT/month, 22.9% said they receive exactly 14,400MNT, 37.7% said they receive more than 14,400MNT, and the remaining 22.9% said they don't know exactly how much they receive a month, and thus are unable to answer.

Figure 10. What prisoners spend their earnings for



According to the responses, 72% of prisoners' total spending is mainly on groceries, cigarettes, and personal hygiene articles.

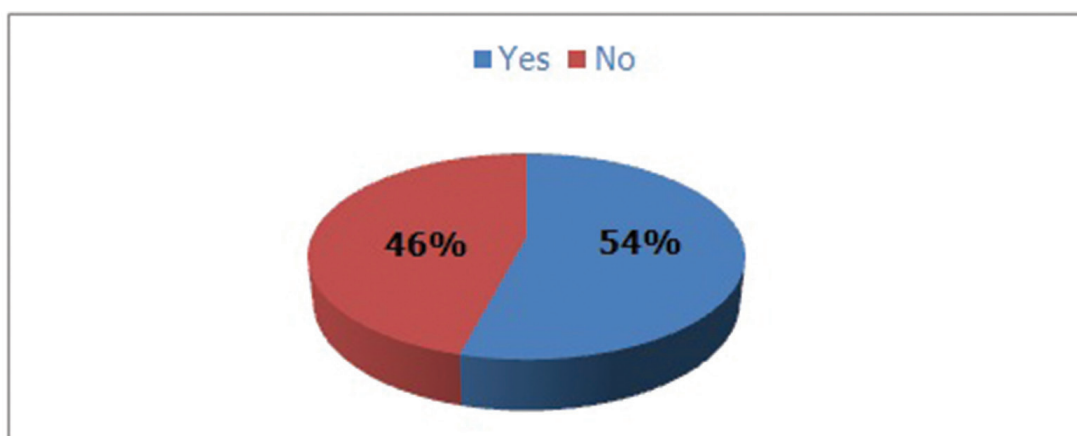
Quote 8.

- In prison the most important thing is that the prisoner is occupied or working. When they are free and have nothing to do they think of escaping, cause arguments and fights break out among them. This results in disciplinary actions against them. International practice tries to rehabilitate prisoners by having them constantly occupied with labour or other activities. Of course, legal punishment for crime should be present but we need to focus in creating more work opportunities for inmates in Mongolia.

Prison officials

Quote 8 shows that prison officials' desire to keep prisoners occupied by taking different measures in this direction. However, the economic environment and management capacity of the prison administration depend on the geographic location of each specific prison. Therefore, some prisons are unable to provide jobs for the prisoners during their detention.

Figure 11. Employment of survey participants



Fifty-four percent of the survey participants are employed and the remaining (46%) are not.

Table 33. Prisoners' employment /by security level/

Respondents	Regular	Strict	Special	Penitentiary
Employed	55.2%	52.4%	41.2%	100%
Not working	44.8%	47.6%	58.8%	
Total	100%	100%	100%	100%

It is clear from the survey results that employment opportunities do not depend on prison regime but on prison location. If the prison has many employment opportunities then approximately half of the prisoners are able to work. In addition, the types of available work opportunities are limited to the number of able-bodied prisoners. The respondents who were not currently employed all expressed a desire to work, but the lack of positions available hindered their access to employment.

Table 34. Prisoners have the option to choose work options or can decline if desired

Empirical study results			Directors	Prisoners	Relevant International Provisions	Relevant Mongolian Provisions
Can choose work according to their interest/desire	Can	59.1%	30.3%	1. SMRTP, 71.(6) ⁵⁶ & 72.(2) ⁵⁷ . 2. RPJDL, Provision 43 ⁵⁸ .	PLB, Article 17&19 ⁵⁹ .	
	Cannot	40.9%	62.9%			
	Unable to answer	-	6.8%			
Can decline if don't want to work	Can	22.7%	41.8%			
	Cannot	77.3%	51.1%			
	Unable to answer	-	7%			

59.1% of prison officials asserted that prisoners can choose the type of work they do according to their interest. However, 62.9% of prisoners responded that this is not the case and that most of the time they have to do what is available and according to the director's directives. As to whether it is possible to decline the positions, 51.1% said it is not possible. This shows that prisons don't consider prisoners' skills and interests in employment decisions.

Also, when a prisoner breached PBL, some prisoners are forced to work or their work is taken away from them as a disciplinary action. The fact that prison management uses employment as a disciplinary measure was a discovery made during this survey.

Table 35. Force labor as a disciplinary measure

Empirical study result			Directors	Relevant International Provisions	Relevant Mongolian Provisions
Is force labor used as a disciplinary measure?	Yes	72.7%			
	No	27.3%			

Directors stated that 14% of prisoners are employed out of prison, 59.3% inside prison and 22.3% work at the same time inside and outside of prison. That shows most of the prisoners work inside prison.

Working hour standard in prison is 40 hours a week.

2.4.6. Submission of complaints and requests

In LICD Article 115.1.2 it states that “The prisoner has a right to approach and submit complaints and requests to any organization and officials concerning his/her issues.”

Table 36. Possibility of submitting complaints and requests; and occurrence of submitted complaints or requests

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
		Prisoner		
Possible to submit complaints & requests	Yes	88.1%	1. SMRTP, Provision 36. (1)- (4) ⁶⁰ .	PLB, Article 14.
	No	8.2%		
	Don't know	3.2%		
Has ever submitted complaints or requests	Yes	20.5%	2. CATOCIDTP, Provision 13 ⁶¹ .	
	No	78.6%	3. RPJDL, Provisions 75, 76, &78 ⁶² .	
	Don't know	0.8%		

Per Table 36, when asked about the possibility of submitting complaints and requests, 88.1% of the respondent said it is possible, 8.2% responded that it is not possible and 3.2% said they did not know.

An appeal for their trial court decision was open for 83.2% of the respondents. However, 78.7% did not submit any complaints or requests. Therefore, even though prisoners have the full right to submit complaints and requests, not all prisoners take advantage of such rights.

The prisoners’ right to submit complaints and requests is regulated according to the PBL, Article 15 which states: “The convict can submit requests or complaints about the sentenced crime, prison performance treatment by staff and other violated rights to prison administration, other organizations and officers. The prisoners’ complaints or requests are first registered with the social worker or bookkeeper, then presented to the prison director, and from there sent to the relevant authorities. The resolutions and replies to the complaint or request shall be presented back through the social worker, then acknowledged by signature of prisoner. Finally, the form is archived in his/her personal profile.”

Quote 8.

- I sent a complaint to the prison director and still haven’t heard anything. The reason I complained was because I was given a mistaken disciplinary report. I tried to explain it to the director but he just brushed me off and didn’t want to hear about it. Therefore, I was given disciplinary punishment and my parole hearing was delayed by one more year. I could have been released last year./Case 1272_E17/
- My request letter addressed to an international organization was not sent. The social workers and psychologist say that they will help but have never followed-through on that. /Case 1375_E17/

- I have submitted the same complaint to the prison administration two or three times now. The replies to these complaints never come quickly and on the third try they said it's not possible. /Case 1488_E17/

The above cases show that prisoners' complaints and requests do not all get resolved depending upon prison administration and staff.

50.7% of the prisoners who submitted complaints say that prison administration or staff have replied in some manner. In other words, approximately half of the prisoners had complaints which were then dealt with. If the prison administration decides to improve this slow processing and promptly deal with complaints or requests, the number of prisoners' complaints could decrease over time.

Also it wasn't clear during the study if requests or complaints and their results are archived into prisoners' personal files. Although, the CDEA has informed us that the complaints and results do get added to their files. This leads to the conclusion that PBL Articles 7 and 14 are not being well implemented in actual practice.

Table 37. What is your attitude towards submitting other complaints or requests if they are not dealt with?

Prisoner's thoughts and attitudes	Percent
I need to choose well to whom I submit my complaints, because prison staff show favouritism	17.5%
At the end they might reply, even though its taking a long time	12.4%
There is no reason to submit anything	29.4%
Do not know/unable to answer	22.7%

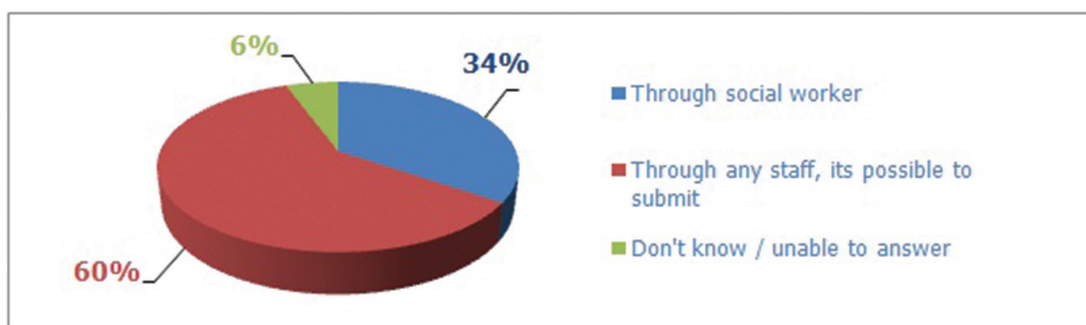
From Table 37, 29.4% of prisoners don't believe that their complaints or requests will bring any change, and 22.7% were unable to answer because even if their requests were dealt with, the prisoners never hear the results. Of the respondents, 17.5% also guess that if some of the complaints are against prison staff their complaints will not be processed.

Table 38. Do prisoners know how to submit complaints or requests?

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
Prisoner				
Do prisoners know how to submit complaints or requests	Yes	66.5%	1. SMRTP, Provision 36. (1)- (4). 2. CATOCIDTP, Provision 13. 3. RPJDL, Provisions 75, 76, &78.	PLB, Article 14.
	No	21.5%		
	Don't know	11%		

66.5% of the respondents know how to submit complaints or requests. However, 33.4% do not know or are unable to answer. This shows that knowledge on how to proceed with complaints and requests is not sufficiently known. Therefore, prisoners need to receive more information about this process.

Figure 12. Through whom do you convey/send/submit complaints or requests?



When prisoners tried to submit their complaints and requests, 6% encountered a negative response from staff, i.e. staff would not receive it or would not convey it. However, 89% of the staff self-reported that they convey and forward prisoners' complaints and requests. The conclusion is that prisoners' complaints or requests are usually delivered to the intended entities.

When a follow-up question regarding whether prisoners can receive assistance from their family or from any other NGOs or CSOs, the following Table 39 reports their response:

Table 39. Is it possible to get outside assistance when submitting complaints or requests

Nº	Possible assistance from outside	Yes	No	Don't know
1	From family	65.8%	26%	8.1%
2	From any other NGOs or CSOs	34.4%	27.4%	38.1%
3	Other organization lawyer or advocate, not from the prison	25.7%	42.9%	31.4%

65.8% responded that they can get assistance from their families; 34.4% responded that they can receive assistance from outside NGOs or CSOs and 25.7% stated that they can receive assistance from other organizational advocates. Most prisoners may receive assistance from their families and it is the likeliest possibility. Yet legal assistance from other advocates and other organizations is the least known and thus least likely option, which means the CDEA needs to make access to legal counselling from specialized external organizations more available in order to assist prisoners.

2.4.7. Prisoner discipline and punishment

The CDEA has a legal right to conduct and implement disciplinary and punishment actions towards prisoner misconduct and this sub-chapter records prisoners' experience and understanding of this role.

According to LICD Article 127.1., "If the prisoners' misconduct is not criminal and is against prison bylaw and regulations, according to the prison director's decree, the following disciplinary measures can be taken:

1. 127.1.1. Non-scheduled work;
2. 127.1.2. Changing employment conditions;
3. 127.1.3. Solitary confinement;

4. 127.1.4. Deduction of quarterly or yearly bonus days (i.e. number of reduced days from sentencing).

71.8% expressed that they are familiar with the Punishment and Disciplinary Regulations, with 25.6% stating that they do not have any knowledge about it.

40.9% of the directors agree that the Punishment and Disciplinary Regulations have not been introduced and explained. This means that new prisoners are not informed and often remain unaware of the Punishment and Disciplinary Regulations. The prisoners' orientation does not provide such information.

Table 40. Prisoner punishment and disciplinary measures and prisoners' knowledge of such

Empirical study results				Relevant International Provisions	Relevant Mongolian Provisions
		Directors	Prisoner		
Disciplinary and punishment measures implemented	Implemented	100%	98.6%	1. SMRTP, Provisions 27 ⁶³ , 28, 29, 30, 31 2. RPJDL, Provisions 66 ⁶⁴ , 68& 71.	PLB, Article 22.
	Not implemented	-	0.4%		
	Do not know	-	1%		
Prisoners familiarized with disciplinary regulations	Familiarized	59.1%	71.8%		
	Not familiar	40.9%	25.6%		
	Do not know	-	2.5%		

18.4% of the survey participants have experienced some form of disciplinary measure in the last year while 81.6% have not experienced any. The following is the list of disciplinary measures meted out for misconduct by frequency and number:

- Solitary confinement - 47.8%
- Non-scheduled work - 22.1%
- Deduction of bonus days - 15.4%
- Change of employment conditions - 14.7%

When compared between prison regimes only regular and special regime prisoners received these types of measures.

When the follow-up question regarding whether the prisoner was punished/disciplined in any other form other than these four in the last year, 72.7% responded "yes," 14.2% said "no," and 13.1% said they did not know or were unable to answer. Among these measures, 42.9% were prohibited types of measures according to the prison administration.

Table 41. If prohibited measures used

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
Administration				
If prohibited measures used	Yes	42.9%	1. SMRTP, Provisions 27-31. 2. RPJDL, Provisions 66, 68 ⁶⁵ & 71.	No legal provisions
	No	57.1%		

The following type of prohibited measures were used:

Table 42. Types of prohibited punishment/disciplinary measures

Nº	Types	Yes, personally experienced	Yes, others experienced	No	Do not know/ unable to answer	Total
1	Solitary confinement	7%	28.5%	57.5%	7%	100%
2	Beating	14.2%	20.3%	56.7%	8.8%	100%
3	Punishment measures administered without following proper procedures (i.e., without official decree).	11.8%	46%	32.7%	9.5%	100%
4	Denial of contact with family or relatives	5.4%	21.4%	59.9%	13.8%	100%
5	Instruments of restraint, such as handcuffs, chains, irons applied as a punishment	6.2%	24.2%	58.3%	11.3%	100%
6	Beating with sticks or clubs	15%	25.3%	50.9%	8.8%	100%
7	Strait-jackets applied as a punishment	-	3.9%	89.3%	6.8%	100%

Table 42 reflects that even though the respondent did not personally experience these prohibited forms of punishment, they may have witnessed them being administered to others. Also, approximately half of the prisoners replied that prohibited forms of punishment have been used in prisons. Moreover, some of the data collection was conducted under monitoring by guards or prison staff which could have influenced the respondents' answers.

Quote 9.

- It all depends on each person. Sometimes the staff use profanity when a prisoner with bad legs cannot comply with their command fast enough. Sometimes staff makes us do their personal chores. They treat our visitors badly. /Case 12/

Quote 9 and the above noted results show that prisons still use some prohibited forms of punishment. However, this survey was not designed to take an inventory of the number or frequency of these violations.

2.4.8. Incentives

LICD Article 126.1 states that "The prisoner who follows the PBL diligently and successfully fulfils employment responsibilities shall be encouraged according to the

prison director's decree". The following types of incentives are used:

1. 126.1.1.Changing employment conditions;
2. 126.1.2. Clearing past disciplinary reports before the completion date;
3. 126.1.3. Giving extra bonus days.

One hundred percent of prison directors, and 80.2% of prisoners acknowledge that a prison incentive system exists.

Table 43. Whether an incentive or encouragement system exists in prisons

Empirical study results			Directors	Prisoner	Relevant International Provisions	Relevant Mongolian Provisions
If incentive system exists	Exists		100%	80.2%	SMRTP, Provision 70 ⁶⁶ .	PLB, Article 19.
	Non-existent			11.7%		
	Do not know			8%		

The documentation about the prison incentive system is familiar to 85%, and not familiar or known to 15% of prisoners. When clarification was requested as whether a copy of these documents exists, 19% said they do, 72.1% said they do not, and 8.9% said they do not know. The prisoners who said that there is a copy saw the information from the documents which were placed on prison bulletin and notice boards. This shows that 19% of prisoners are capable of getting necessary information for themselves from bulletin or notice boards, but 81% of all prisoners do not have that knowledge or skill.

The incentive system is very important for prisoners and has a positive effect. This is acknowledged by 100% of the prison administration and 86% of the prisoners. This shows that incentive system has an impact on prisoners.

From the information given by the CDEA: In 2013, the badge "Best Disciplinary" has been awarded to eleven prisoners according to the information and report from prison administration.

Table 44. Does the incentive system have an impact?

Does the incentive system have an impact on prisoners	Percentage
Has impact	86%
No impact	10%
Unable to answer	4%

53% of the participants have received some type of incentive in the last year, and 46.6% did not receive any, with 0.4% unable to answer. Regarding the types of incentives they received, 73.7% received bonus days, and 26.3% received a monetary prize, a congratulatory certificate or other official forms of acknowledgement. When clarification as to whether any other forms of incentives were implemented, 69.7% said "yes," 19.5% said "no," and 10.8% were unable to answer. What type of incentive used is recorded in the following Figure 13:

Figure 13. Types of incentives implemented



When asked if prisoners' assessment was a consideration in presenting incentive decisions, 30.3% of prisoners said "yes," 53% said "no," and 16.7% did not know. The following figure shows the participation levels of prisoners in awarding incentives.

Figure 14. The level of participation from prisoners in different incentive forms

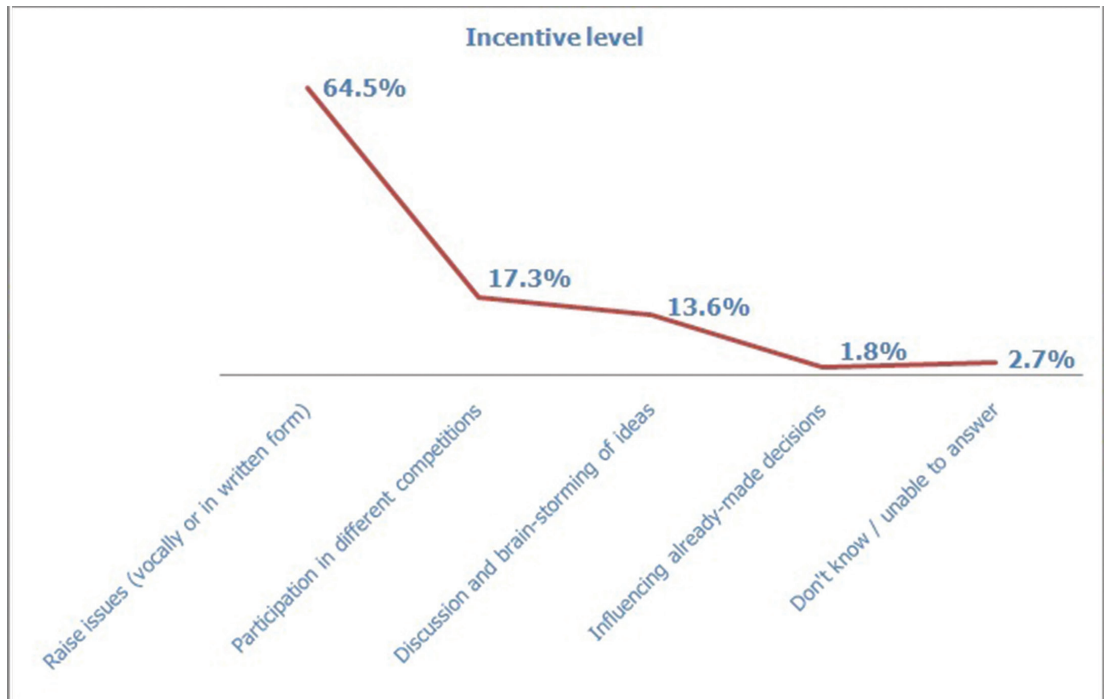


Figure 14 shows different ways prisoners participate and influence incentive awarding decision-making. But it is unclear how definitive the impact of these endeavours are.

2.4.9. Religion

In most prisons there are separated rooms for the inmates to practise religion. 42.1% of the prisoners have religious beliefs. Among these 69.2% are Buddhists, 16.7% are Christians, and 14.1% are Shamans, Muslims or others.

Table 45. Prisoners' religious belief

Empirical study results				Relevant International Provisions	Relevant Mongolian Provisions
		Directors	Prisoner		
Prisoners with religious beliefs	Have	95.5%	42.1%	1. SMRTP, Provision 41 & 42 ⁶⁷ . 2. RPJDL, Provision 48 ⁶⁸ .	PLB, Article 15.2
	Don't have	4.5%	57.5%		
	Don't know	-	0.4%		

The prison administration expressed that they support prisoners' religious services and beliefs in every way possible. Of the directors, 92.3% say that it is possible for prisoners to invite and meet with religious leaders from their religion. However, only 43.9% of prisoners agreed. The prison directors' and prisoners' views differ greatly. This indicates that directors' support does not translate into practical action.

Table 46. Possibility to invite and meet with religious teachers or leaders

Empirical study results				Relevant International Provisions	Relevant Mongolian Provisions
		Directors	Prisoner		
Possibility to invite and meet with religious teachers or leaders in prison	Exists	92.3%	43.9%	1. SMRTP, Provision 41.(3) & 42 2. RPJDL, Provision 48	PLB, Article 15.2
	Non-existent	7.7%	34.6%		
	Do not know	-	21.5%		

If the possibility of inviting religious leaders exists, then when clarified if it is possible to meet regularly, 57.1% of directors, and 30.8% of prisoners said that it is possible to meet regularly. 42.3% of the prisoners said it is not possible and 26.9% were unable to answer. Even though the prisons are open to religious practices it is still not enough for the prisoners.

Table 47. If the prisoner can invite their religious teachers regularly

Empirical study results				Relevant International Provisions	Relevant Mongolian Provisions
		Directors	Prisoner		
If possible to meet regularly with religious leaders	Possible	57.1%	30.8%	1. SMRTP, Provision 41 & 42. 2. RPJDL, Provision 48.	
	Not possible	38.1%	42.3%		
	Do not know	4.8%	26.9%		

2.4.10. Prisoner – staff interactions/ communications

Table 48. Staff's attitude towards prisoners

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
Prisoner				
If staff ever disrespected and inflicted inhumane or degrading treatment on prisoners	Yes	42.2%	1. SMRTP, Provision 54.(1)-(3). ⁶⁹ 2. CATOCIDTP, Provision 16 ⁷⁰ . 3. RPJDL, Provision 87 ⁷¹ .	1. PLB, Article 7.1. 2. LD Compilation, 3. CDPO's staff service principle
	No	55.3%		
	Unable to answer	2.3%		
The directors and administration deal with staff according to prisoners' complaints	Yes	50.7%		
	No	27.7%		
	Do not know	21.6%		

The results in Table 48 show that 44.7% of participants of the study responded that staff disrespect and showed inhumane or degrading treatment towards prisoners, while 55.3% said they have not witnessed this type of treatment. In other words, 4.5 prisoners out of 10 have experienced inhumane or degrading treatment from staff.

In “The Court Decision Performing Organization’s Staff Service Principle” it states that, “Prison officers in their daily operations should uphold the reputation and ethics of the organization as a public official of the CDEA; observe common procedures, CDEA employee ethics and corporate culture and in the performance of their duties do not discriminate against anyone, respect the rights of the clients and create favourable service environment for business; emphasizing and valuing formal, well-mannered and speedy service and constantly develop self and skills⁷².”

PBL Article 7 states that “7.1. Officer shall be committed to treat prisoners in a humane and compassionate way; respect human rights and freedom and treat in accordance with the principles of respect. Also he/she shall not discriminate against prisoners according to conviction, race, nationality, religion, opinion and education. The prisoner when communicating with the official should address him/her with their military rank, and his/her name. They should state their convicted criminal sentence and present their requests and complaints in a clear and concise way.”

These are the main legal documents that Mongolian laws cover concerning staff-prisoner interactions.

However, the number of cases in which the prison staff violate the “The Court Decision Performing Organization’s Staff Service Principle” and PBL are quiet significant. This can be illustrated from the following quote.

Quote 10.

- Among prison staff the ones with higher military rank treat us with dignity but the ones with lower rank or junior staff sometimes behave even worse than we prisoners./Case 1271_F25/
- The prison staff discriminate among prisoners. It's hardest for poor people and they are treated according to their financial situation and image. The ones with money solve their problems faster and seem to receive parole sooner./Case 1440_F25/
- Because I argued with the shift leader he got bitter with me and influenced the changing of my work conditions. I have one lung after surgery, but he scheduled me to do cement work. /Case 1448_F25/

The prison staff who have daily interactions with prisoners exhibit more inhumane and degrading treatment of prisoners.

During the observation portion of this study long-term prisoners shared that "as I've been in this prison many years the staff treat me nicely." This shows that if the prisoner is serving a long-term sentence in one prison they may win the staff's trust. Therefore, the new or transferred prisoners tend to get higher amounts of disciplinary reports or punishment. The survey results, interviews and case studies illustrate that among prison staff there is exercising of discrimination, inhumane or degrading treatment, and unprofessional misconduct from the staff.

2.5. EDUCATION IN PRISONS

The category of education in the prisons is studied in the perspective of three factors: educational opportunities, vocational training opportunities and prison library and book availability. This aspect was studied through a 14-question questionnaire.

2.5.1. Prisoners' educational opportunities

In Mongolia, there is currently only one juvenile detention centre for underage prisoners. According to the Capital City Governor's Decree No.: 258 of August 10, 2000 a "Basic Education Special School" with vocational training was established, and in 2009, its status was changed to middle school. However, in May 30, 2013 the status of the school was upgraded to a "General Education School" for juveniles and established the necessary conditions to offer General Education.

Table 49. Training offering education for illiterate prisoners

Prison directors response		Percentage
Education of illiterate prisoners	Public, NGO, or Vocational training centre representatives come and teach	57.9%
	Use other prisoners to teach	21.1%
	Social workers offer the training	5.3%
	Do not know / Unable to answer	15.8%

The education issue of illiterate prisoners has special attention from prison administration. 57.9% of the illiterate prisoners receive training from teachers from the public, other NGOs or vocation training centres, while 21.1% receive training from fellow prisoners.

LICD Article 125.1 states that "Every juvenile should attend General Education training and other prisoners shall receive support in further learning and developing their knowledge." This provision is fully implemented in the current conditions.

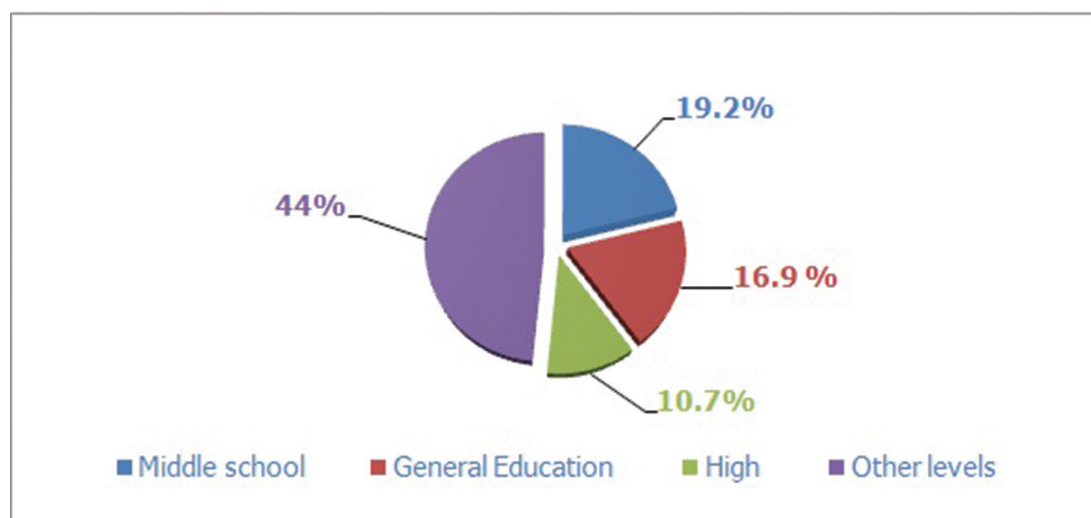
Quote 11.

- The juveniles serving their time in juvenile prison receive training organized by Christina Noble Children's Foundation (CNCF). This program performs similar to the General Education program and is currently hosted at juvenile prison. /Case 215_C4/

Training for illiterate prisoners is facilitated by fellow prisoners or volunteers from other NGOs who come to hold these sessions.

From the information provided from the CDEA: In 2013, the training for illiterate prisoners hosted 223 prisoners and in 2012, 9 prisoners graduated from the General Education program. In 2013, 30 prisoners received their General Education diploma, which is an increase of 21 students, a growth of three times the previous year⁷³.

Figure 15. At what level can prisoners attend training and attain education?



The Figure above shows the different levels of education which prisoners can reach in Mongolia.

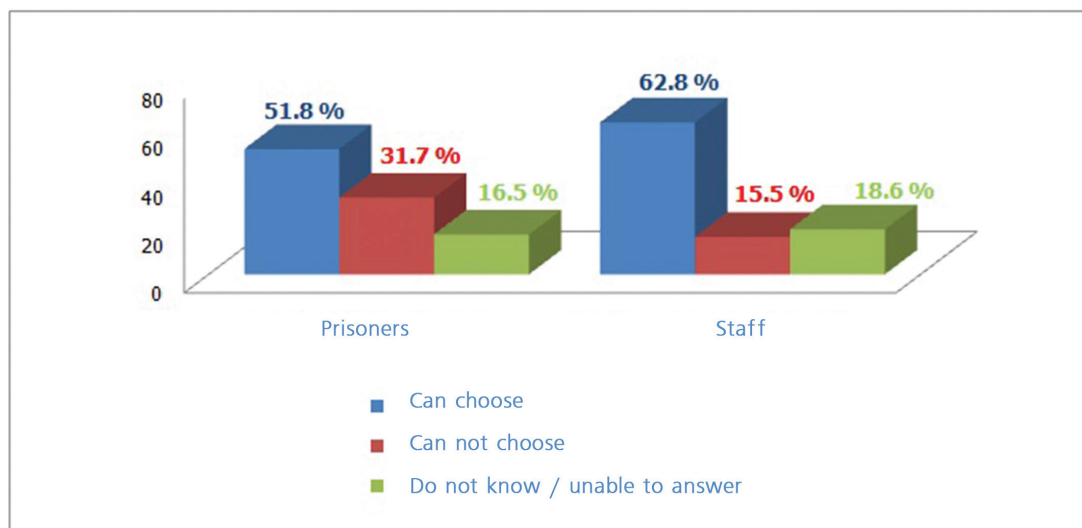
The survey conducted among prison staff showed that detention facilities do not initiate or organize programs to teach the illiterate or further progress prisoners' education. It is only prisoners' own desire and initiative which begins the process with 56.7% of these prisoners paying the cost themselves and 31.3% of these prisoners attending other types of training organized by outside entities.

Table 50. Education in prisons

Empirical study results					Relevant International Provisions	Relevant Mongolian Provisions
		Directors	Prison staff	Prisoners		
Possibilities to further one's education level in prisons	Possible	100%	59.8%	44.5%	SMRTP, provision 77. (2). ⁷⁴	PLB, Articles 18, 13.1.2&13.2.
	Not possible		18.1%	39.2%		
	Do not know		22%	16.2%		

The above Table summarizes the possibility to further ones' education in prison. When a follow-up question regarding whether prisoners can pursue education in the field of their interest, 95.5% of the directors, 64.8% of the staff, and 51.8% of the prisoners answered "yes."

Figure 16. Can prisoners choose training based on their interest?



It is clear from Figure 16, that prisoners can choose their field of interest. The prison administration approached 58% of the prisoners with different training opportunities in prison.

Table 51. Where do prisoners study/train?

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions	
	Directors	Prisoners			
Where do prisoners study?	Outside prison		3.1%	SMRTP, provision 77. (1) ⁷⁵ .	PLB, Articles 18.3
	Inside prison	100%	85.5%		
	Both inside and outside of prison		2.2%		
	Do not know		9.3%		

Table 51 shows that 100% of prison directors and 85.5% of prisoners say that it is fully possible to study inside the prisons. This coincides with PLB Articles 14.3 and 20.3 which state that training and educational endeavours should happen inside prisons.

2.5.2. Vocational training opportunities

Table 52. Vocational training possibilities

Empirical study results		Directors	Staff	Prisoners	Relevant International Provisions	Relevant Mongolian Provisions
Possible to receive vocational training	Possible	86.4%	89.9%	58.2%	1. SMRTO, provision 71. (5) ⁷⁶ . 2. RPJDL, Provisions 42 & 43 ⁷⁷ .	1. PLB, Article 13.2. 2. LICD, Article 125.3-4 3. CDEA Decree No.: A/115 Appendix: "Regulation about enrolling prisoners in short-term vocational training, testing, and awarding vocation training certificate" ⁷⁸ .
	Not possible	13.6%	6.2%	40.9%		
	Do not know	-	3.9%	0.8%		

Table 52 shows that 86.4% of directors fully support vocational training for prisoners. 58.2% of the prisoner respondents have used this opportunity, while 40.9% said they could not. In this case, some prisons are initially unable to provide vocational training due to location and resources. Therefore, the answers of the prisoners in these locations increased the percentage of the negative responses. Also, according to the CDEA regulations regarding vocational training, Article 2.1 sets the following conditions: "Prisoner must have finished the general education program, have a history of good conduct, have already served 6 months out of his/her sentencing in-person, have an interest in continuing to work in the chosen field in the future; considering the health and conducted crime category according to the reference from prison officials and social workers, the DID of the CDEA will approve the list of prisoners to attend vocation training." In other words, prisoners must fulfil the requirements of this regulation to attend any specialized training.

The following is an example of how prison directors' support those prisoners who meet the requirements to attend vocational training:

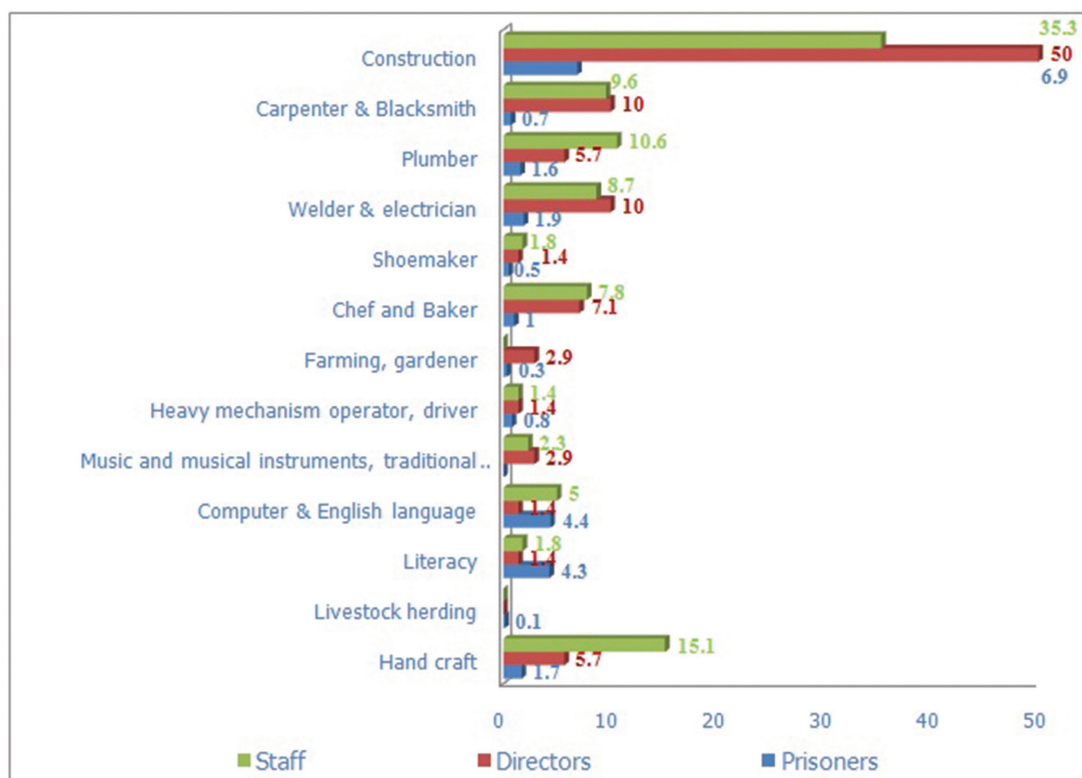
Quote 12.

- Our prison is located in Ulaanbaatar city. Therefore, the prisoners have an opportunity to attend Amgalan Vocational Education Training Centre (VETC) in the field of construction as an interior finisher, mason, carpenter or welder for three months. At this point there are 85 graduates and 16 prisoners who are currently studying. /Case 223_C9/

Prisons support these and other types of vocational training for their prisoners. However, the location, administration initiative and management play a big role as can be seen from Quote 12.

The prisoners can choose vocations according to their interest and choice, but the available specification categories are limited at the prisons.

Figure 17. Types of vocational training offered in prisons



It is clear from Figure 17, that there are 13 types of vocational training available for prisoners: Handicraft; Livestock Herding; Literacy; Computer and English Language; Music And Musical Instruments; Traditional Dancing; Heavy Machine Operator; Driver; Farming And Gardener; Chef And Baker; Shoemaker; Welder and Electrician; Plumber; Carpenter and Blacksmith; and Construction. Most prisoners attend Construction, Computer & English Language, Literacy, Welder, Electrician and Plumber training.

According to the “Regulation about enrolling prisoners in short-term vocational training, testing, and awarding vocation training certificate”, CDEA’s vocational education training centres should conduct the training only after the Labour and Social Welfare Services Agency approval.

From the information of the CDEA: By 2013, there were 930 prisoners graduated and awarded a vocational education certificate and 409 prisoners received a professional license.

The detention centre with prisoners enrolled in short-term vocational training should prepare the following documents for each participant a month before the start of the program: sentencing court decision; personal records; education certificates; and, four copies of a passport photo. These documents have to be submitted to the DID of CDEA. The VETCs shall train prisoners in the following fields as listed in Article 2.3:

- 2.3.1. Construction designer and finisher
- 2.3.2. Reinforced construction concrete
- 2.3.3. Construction mason and bricklayer
- 2.3.4. Electrician
- 2.3.5. Welder
- 2.3.6. Plumber
- 2.3.7. Sewer and tailor
- 2.3.8. Gold and silver smith
- 2.3.9. Carver
- 2.3.10. Carpenter
- 2.3.11. Shoemaker
- 2.3.12. Small detail fixer
- 2.3.13. Forestry and tree nursery

The short-term training could be anywhere from 30 to 45 days according to the vocation specification. If the prisoners want to certify their vocation they can attend the testing for the professional license organized by the Labour and Social Services Agency.

These provisions and survey findings show that prisons welcome and support professional training within the legal framework.

In addition, the number of prisoners who wanted to continue their higher education during the detention was two in 2012, but this number has increased over twofold to five prisoners in 2013₇₉.

The following cases illustrate different attitudes that prisoners have about training: sometimes prisoners are forced to attend training organized by religious or humanitarian organizations. Some of the prisoners dislike that.

Quote 13.

- We are strongly pressured to attend religious training or training about different vegan diets. If a prisoner expresses his dislike he gets a misconduct report.
- No matter how many vocational training sessions I attended here (in prison), when looking for employment after release no one really cares about our certifications and licenses.

The prison staff explain that, in hopes of providing new information to prisoners and increase their understanding and professional capacities, they try to have all prisoners attend every training opportunity. The CDEA is focused more on offering specialized and professional training for prisoners to prepare them for life after release. This clearly indicates a positive approach from prison administration.

Table 53. If diplomas or certificates awarded in prison indicate that the degree was earned in prison

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
Directors				
If diplomas or certificates awarded in prison indicate that the degree was earned in prison	Does indicate	13.6%	RPJDL, Provision 40 ⁸⁰ .	CDEA Decree No.: A/115 Appendix, Article 3.4 ⁸¹ .
	Does not indicate	86.4%		

86.4% of the prison directors asserted that certificates or diplomas granted in prison do not indicate in any way that the prisoner has been institutionalized.

In the “Regulation concerning the enrolment of prisoners in short-term vocational training, testing, and awarding vocation training certificates”, Article 3.4 states: Trainees successfully passing the final examination would be considered as fully meeting the requirements of professional proficiency according to Final Examination Committee, and would be awarded a professional certificate by the VETC director’s decree.

The legal regulations do not carry any provision regarding the indication of special information included in the earned degree, such as whether it was earned while in detention. The documentation check-up of the General Education program diploma awarded to illiterate prisoners also does not differ from the regular diploma. This illustrates that diplomas or certificates awarded from training centres affiliated with the detention agency do not delineate the circumstances in which the diploma was earned.

2.5.3. Prison library and book availability

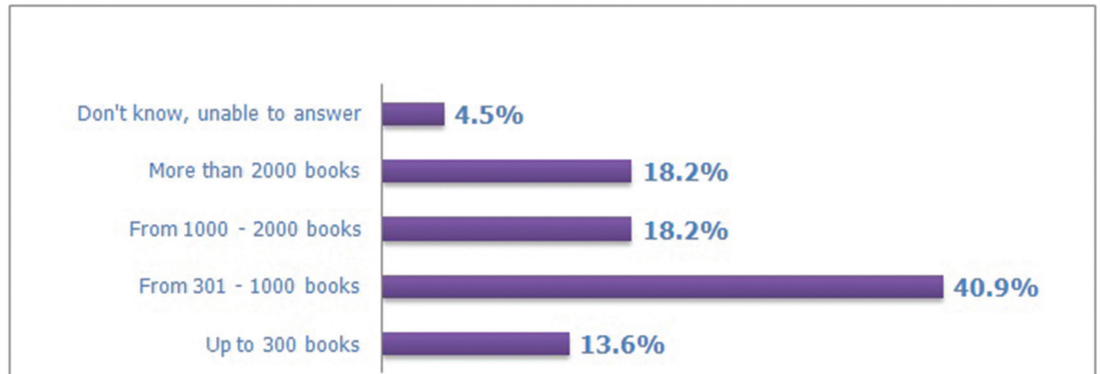
Table 54. Reading books in prison

Empirical study results					Relevant International Provisions	Relevant Mongolian Provisions
		Directors	Staff	Prisoners		
Possible to read books	Possible	100%	100%	87.1%	1. SMRTP, Provisions 39 &40 ⁸² . 2. RPJDL, Provisions 41 ⁸³ , 48 &62.	PLB, Article 3.10
	Not possible			11.1%		
	Do not know			1.8%		
Have a library	Yes	100%	99.2%	95.1%		
	No		0.8%	4.3%		
	Do not know			0.6%		
Prisoners can check out books from the library	Yes			75.6%		
	No			23.6%		
	Do not know			0.8%		

Table 54 shows that every prison has a library and they are accessible to all prisoners. 75.6% of the prisoners surveyed use the library to read books. Of the

prison directors and staff, 77.3 and 82.8% respectively, said that prisoners are able to read newspapers every day. To a follow-up question on whether prisoners can check out books from the library, 90.9% of directors and 75.6% of prisoners said this was possible.

Figure 18. Number of books available in prisons



When asked about the average number of books their library currently holds, 40.9% of directors said from 301 to 1,000 books.

According to PBL Article 3.11, "Prison Internal Procedures": "Prison internal process schedule shall have a specific time allocated for watching television, reading books and newspapers, and using information technology."

However, in practice delivery of up-to-date subscription newspapers and magazines is slow; therefore information is already outdated by the time it reaches the prison. Because of this, most prisoners ask their family or relatives for the latest newspapers and magazines.

From the documentation study of prisons, it was found that the library book fund is poor, there are no engaging or interesting books, and many books have ripped and missing pages. On the other hand, there are many religious books which are distributed for free.

2.6. REINTEGRATION PROCESS

This category was studied according to three factors using ten questionnaires. The three factors are: contact with the outside world, reintegration activities implemented by the prisons and information about and cooperation with other organizations which provide reintegration activities.

2.6.1. Contact with the outside world

Table 55. Do prisons support prisoners' communication with families and friends

Empirical study results			Directors	Staff	Relevant International Provisions	Relevant Mongolian Provisions
Does prison administration support prisoners' communication with family	Supports	100%	91.5%	1. SMRTP, Provision 37& 38 ⁸⁴ . 2. Provision 60 ⁸⁵ .	1. PLB, Article 12. 2. LICD, Article 119.	
	Does not support		2.3%			
	Unable to answer		6.2%			

Table 55 shows that prison directors and administration support prisoners' communication with family and friends.

Table 56. What type of support is employed by the prison administration?

Type of support	Directors	Staff
Organize open house events	52.2%	47.9%
Officiate marriages	4.3%	1.7%
In the scope of job description	43.5%	46.2%
Unable to answer	-	4.3%

Table 56 clearly shows that prison administration supports prisoners' communication with their families through the organization of open house events, officiating marriages, and monitoring the visitation of family in the scope of everyday job performance. They especially attempt to increase the number of open house events held annually and to have flexible visitation schedules. The family and friends of the prisoners can primarily contact the prisoner during visitation and scheduled phone-call days.

As to the question "If the family member or close relative is sick, is the prisoner able to visit them outside?" 63.6% of directors said "yes," and 36.4% answered "not possible." The prisoners at the penitentiary or maximum security facilities and special regimes are not allowed to exit the prison. Only prisoners with a regular regime may exit for specific reasons. This condition is clearly described in LICD Article 107.5 and PBL Article 18.1: "Prisoners in regular regime at the death, critical illness or injury due to unforeseen situations or accidents of any immediate family member should be provided with a leave of absence for seven days."

Quote 14.

- In our prison the relationship between the prisoner and his/her family is maintained through the triangle partnership of “Prisoner – Family – Administration.” It is not only the responsibility of the social worker or psychologist, but the entire administration should be involved. /Case 25_B25/
- If prison staff would contact a prisoner’s family by writing letters or calling them with news such as, “Your son has had good conduct and will return soon,” this would bring a lot of encouragement to the family.

Some examples in Quote 14 show that prison administration focus on supporting prisoners’ communication with their families.

2.6.2. Reintegration activities implemented by prisons

Table 57. Staff support in developing re-entry plans and prisoner attitude towards the effectiveness of such tools

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
Prisoners				
Does staff talk or discuss with the prisoner to help develop re-entry plans?	Yes	26.7%	SMRTP, Provision 80 ⁸⁶ .	PLB, Article 22.
	No	71.2%		
	Do not know	2.1%		
Does staff actively help in developing a re-entry plan?	Yes	26.3%		
	No	69.1%		
	Do not know	4.6%		
Impact of having such a plan	Effective	79.1%		
	No impact	9.3%		
	Do not know	11.6%		

The above Table shows that staff does not talk about or discuss either possible re-entry plans or helping develop them with the prisoner. Only 26.3-26.7% of prisoners have received such help. However, these prisoners confused their own personal thoughts with re-entry plans. The concept and practice of developing re-entry plans has not been fully implemented.

During survey data collection prisoners on probation or close to release shared that staff helps with obtaining official documentation and calculating sentencing days. However, suggestions and recommendations on what to do, how to live, what society is like, or other helpful information is rare. Mainly, prisoners discuss these issues with their family members.

Quote 15.

- I don’t think it’s necessary to develop re-entry plans. Because actual life will be different from what I can guess, and if society and the public do not accept me, then my plans will also fail.

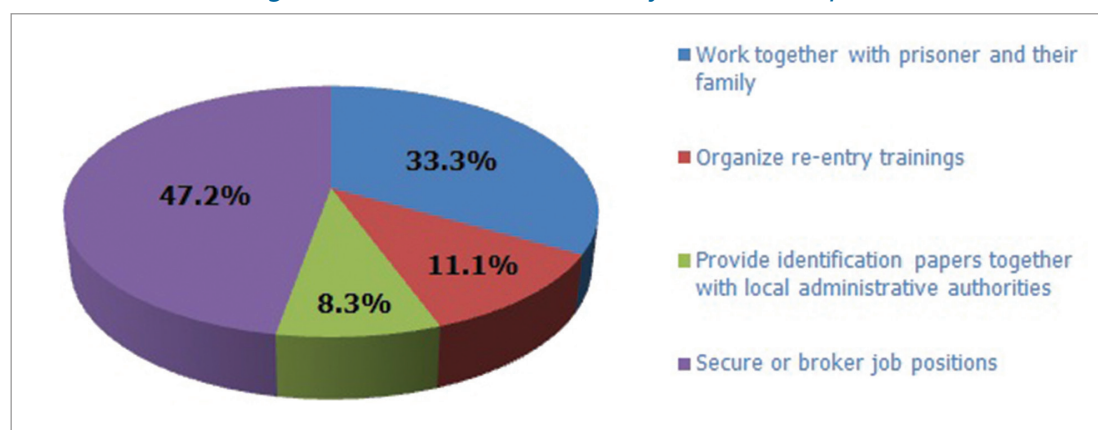
The idea that the development of a re-entry plan could be effective was expressed by 79.1% of the respondents. However, 20.9% doubted its effectiveness. The prisoners who had doubts expressed views similar to what is presented in Quote 15.

Table 58. Do prisons organize re-entry activities for prisoners after release

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
Social workers				
Do prisons organize re-entry activities after release for prisoners	Yes	92.5%	SMRTP, Provision 79 ⁸⁷ .	LICD, Article 129.
	No	7.5%		

Table 58 shows that social workers organize re-entry activities after prisoner's release.

Figure 19. Social workers re-entry activities for prisoners after release



Social workers organize different activities within the scope of helping prisoners' reintegration into society by working together with the prisoner and his/her family; organizing re-entry training; providing identification papers with the aid of local administrative authorities; and, securing or brokering job positions for prisoners.

Figure 19 shows that securing or brokering jobs and helping obtain necessary identification papers are the main assistance the social workers provide to prisoners.

According to information from the CDEA: The results of the comprehensive prisoner and inmates identification paper study show that there are 1016 prisoners who have not received their new identification card after being registered in the data base and 1099 who have never been registered. Therefore, measures have begun in prisons to complete the registration of all citizens in detention together with local/rural administrative authorities and the elimination of vital records violations.

Quote 16.

- In our prison we mainly focus on finding jobs for prisoners who are released. Therefore, we work together with district Labour Departments (LD). As a result, four prisoners found jobs through the Bayanzurkh district LD. Also, companies which employed prisoners on a contract basis were provided with experienced workers, some of which were able to continue their employment after release with the same company. / Case 223_F2/

The prison administration works together with the labour market and other employment brokerage entities to proposition current prison worker contractors to secure work opportunities for prisoners. However, it should be noted that very few of the prisoners acquire jobs through these measures.

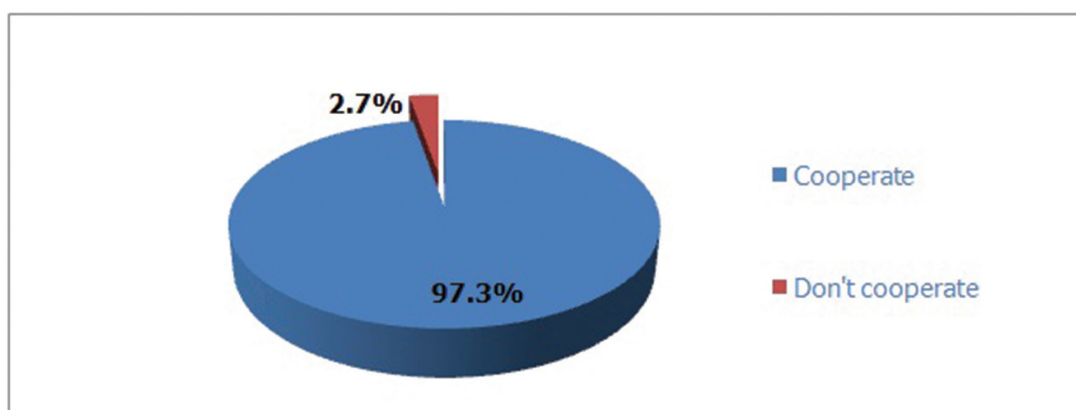
2.6.3. Information about and cooperation with other organizations which provide reintegration/re-entry activities

Table 59. Any public, NGOs or IOs which provide re-entry services with prisoners

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
Social workers				
Have information	Yes	92.7%	1. SMRTP, Provision 81 ⁸⁸ .	
	No	4.9%		
	Unable to answer	2.4%	2. RPJDL, Provision 80 ⁸⁹ .	

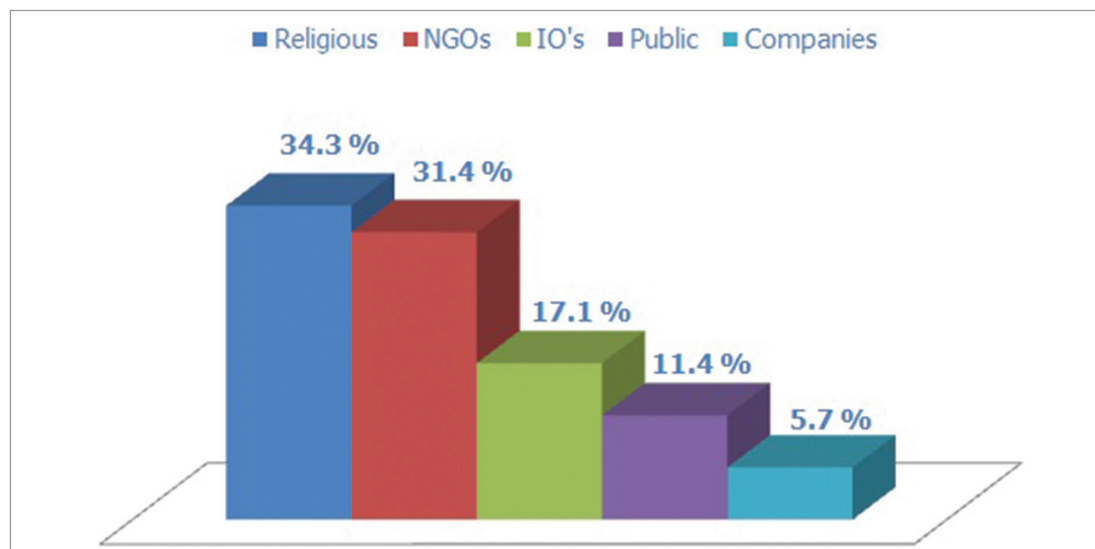
Most (92.7%) of the prison social workers have information about different public, IOs, or NGOs which offer re-entry services for prisoners.

Figure 20. Is there cooperation or partnership with such entities?



If they have information about these organizations, a follow-up query as to whether prison social workers have a partnership or cooperation with such entities resulted in the data shown in Figure 20. This data reveals that not only do they have information about different organizations, 97.3% work together with those outside organizations.

Figure 21. Different organizations by type



From Figure 21 it is shown that in Mongolia religious organizations and NGOs work actively in assisting with prisoner reintegration into society. From this study's observation, most NGOs which work at prisons or with prisoners are mainly Christian organizations or church preachers.

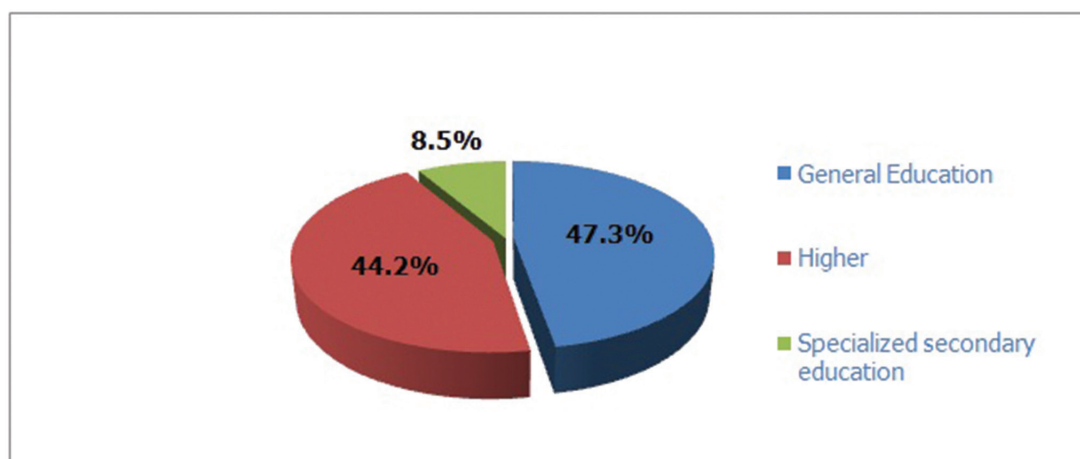
According to CDEA information: Prisons and prison administration have partnership MOUs with 34 different public institutions, international and national NGOs⁹⁰.

2.7. PRISON STAFF AND OFFICIALS

Within the category of prison staff and officials, the educational background, involvement in HR development training, and work facilities were studied for the three main positions of guards; psychologists, social workers and medical staff.

2.7.1. Prison guards

Figure 22. Education background of prison guards



Of the guards surveyed, 47% have General Education, 44% have higher education (college/university) and 9% have specialized vocational education.

Of the total prisons participating in this survey, 64.3% were rural and 35.7% were located within city precincts. The prison guards' education level with respect to prison location reveals that 73.8% of the guards with General Education were from rural areas, and 26.2% were from urban areas. Of those guards with a specialized secondary education, 72.7% were from rural areas, and 27.3% were from a city prison. 52.6% of the guards with a higher education were from rural prisons and 47.7% were from city prisons.

Table 60. Types of training and examinations for staff

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
Staff				
Types of training	Senior training or course	75.9%	SMRTP, Provision 47.(1)-(3) ⁹¹ .	1. LD Compilation, Regulation For Bailiff Selection Procedure, 2. LICD, Article 6, 20&139.
	Different training organized by CDEA	24.1%		
Types of examinations	Practical	1.1%		
	Theoretical	14.9%		
	Practice and theory combined	83.9%		

Table 60 shows that 75.9% of staff attends training for seniors, 24.1% attend CDEA training, and 83.9% take practical and theoretical examinations after each training course.

Figure 23. Time frequency of staff training

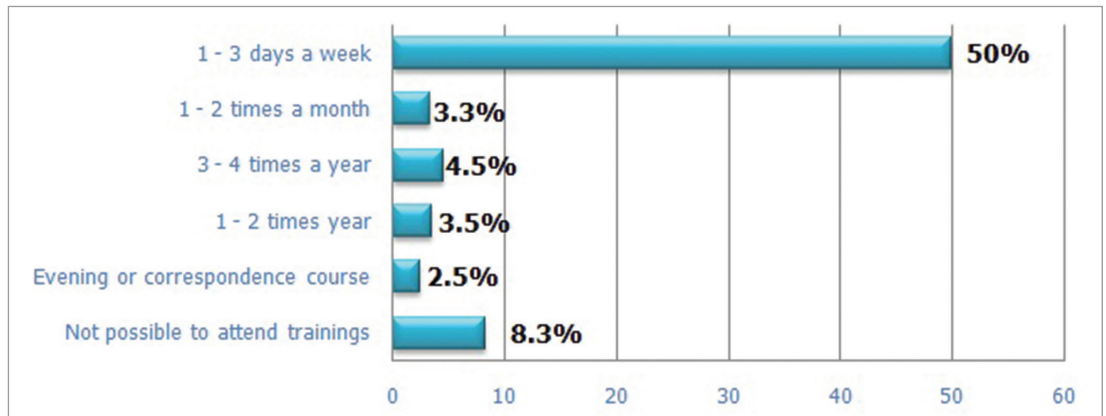
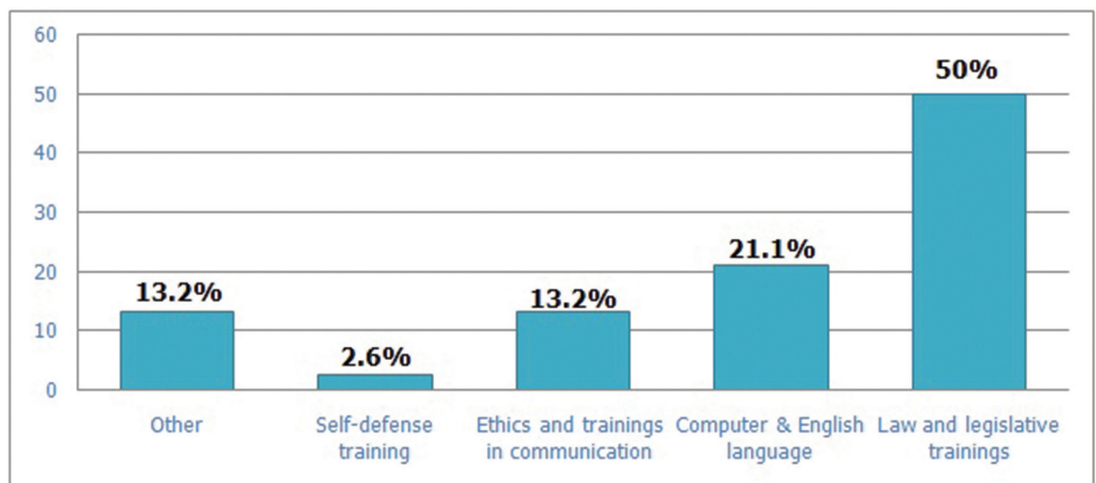


Figure 23 show that 50% of staff attends training 1–3 times a week. This is a high amount of training for staff.

Figure 24. Training preferences of staff



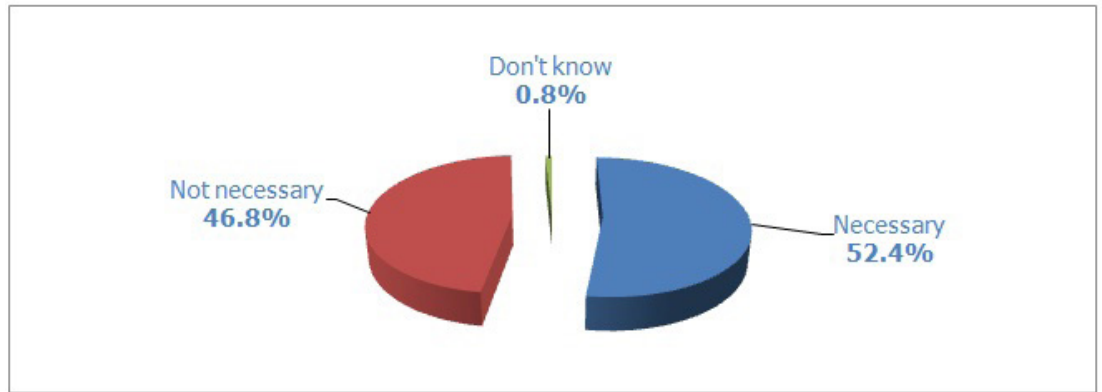
When asked about what other types of training the staff attend other than professional/job related, 50% responded law and legislative training, 21.1% computer and English language, and 13.2% ethics and training in communication. This shows that, depending on their work specifics, the staff can attend either law and legislative training or a computer and language course. The staff have opportunities to attend other types of trainings.

Quote 17.

- Prison staff are also in detention along with prisoners.
- Prison staff are isolated in rural areas and are left behind in social development.
- There's no rotation so work in the isolated areas is for long periods of time.
- The prison management always puts pressure on us. They intimidate us with lay-off if prisoners file complaints about the prison management.
- They didn't give me a leave-of-absence during family emergencies.

Quote 17 demonstrates an important need for executive authorities to focus on the social welfare of staff and improve their work environment.

Figure 25. Is special equipment necessary for job performance?



The prison staff may use special equipment such as foot and handcuffs, restraints, strait-jackets, rubber or shock batons⁹². Figure 25 shows that staff expressed a high need to use this special equipment.

LICD Article 139 states that “Prison staff has a right to use rubber and plastic bullet guns, tear gas.”

According to the study results, the prison staff is not supplied with enough special equipment to perform their work. In most prisons the guards only get a mobile radio for their daily operations. They informed this survey that to fully perform their responsibilities they need to be supplied with basic special equipment such as rubber and plastic bullet guns, tear gas, and handcuffs.

Figure 26. Staff possession of firearms

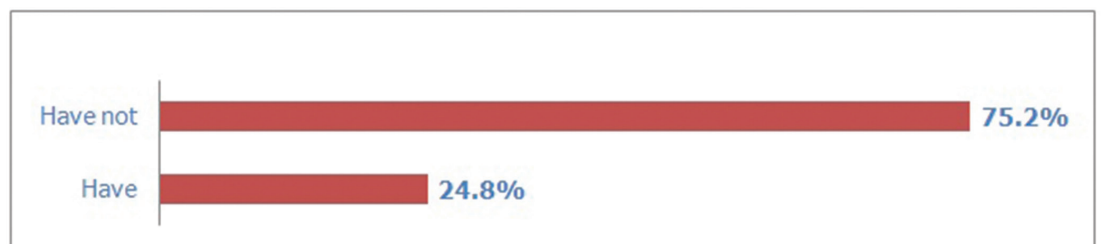


Figure 26 shows that 75.2% of staff do not own a fire arm. However, 24.8% do own fire arms. Of those who own/use a fire arm, 93.8% have attended a course on how to use fire arms. The study shows that staff that are armed with fire arms have been fully trained in special courses.

Table 61. Is special training on fire arms necessary for staff

Is special training on fire arms necessary for staff	Percentage
Necessary	81.8%
Not necessary	13.6%
Do not know	4.5%

Table 61 shows that 81.8% of staff think it is necessary to receive special training on firearms.

*Table 62. Is new staff training/orientation organized?
And what type of follow-up exams are required?*

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
Directors				
Is new staff training/ orientation organized?	Yes	95.5%	1. CATOCIDTP, Provision 10 ⁹³ . 2. RPJDL, Provision 85 ⁹⁴ .	LICD, Articles 20 & 140
	No	4.5%		
What type of exams does training/ orientation require?	Practical	4.8%		
	Theories and practice	90.5%		
	Unable to answer	4.8%		

Table 62 shows that prison administration organizes orientation training for new staff and afterwards provides practical and theoretical examinations.

2.7.2. Prison social workers and psychologists

Table 63. Occupation of prison psychologists and social workers

Empirical study results				Relevant International Provisions	Relevant Mongolian Provisions
		Psychologists	Social workers		
Occupation	Psychologist	61.9%		SMRTP, Provision 49.1 ⁹⁵ .	No legal provision
	Social worker		14%		
	Paralegal	33.3%	74.4%		
	Teacher	4.8%	7%		
	Doctor		2.3%		
	Sociologist		2.3%		

Table 63 shows that of staff who work as prison psychologists, 61.9% are psychologists, 33.3% are paralegals, and 4.8% are teachers. In other words, 61.9% of prison psychologists are professionally prepared. However, 74.4% of social workers have the occupation of paralegal and only 14% are professional social workers. Figure 27 below shows that 76.2% and 81.4% of social workers and psychologists, respectively, have a bachelor's degree.

Figure 27. Prison psychologist and social worker education level



The figure above could be interpreted that prison officials don't consider the impact of professional social workers as having a high effect. It shows that prison administration should consider employing professional people.

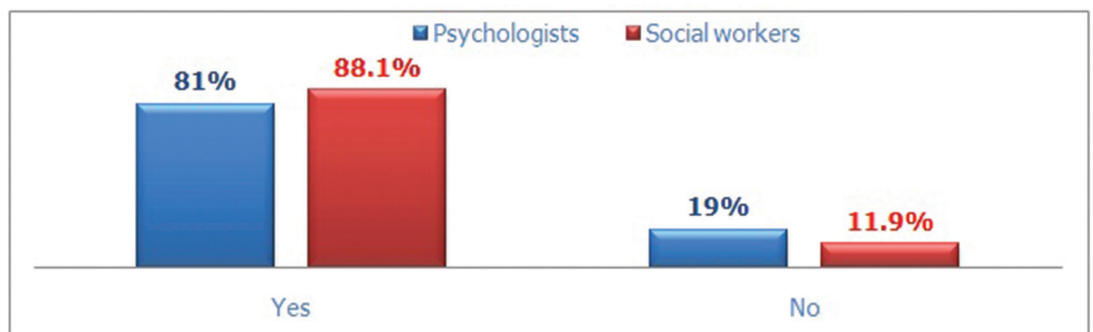
Another factor which can increase this problems is very few professional and qualified psychologists and social workers consider a career in the prison environment, which results in few specialised professionals entering this field. Because social workers are the main subject for human rights and delivering social services, prisoners are not receiving an adequate level of such services.

Table 64. Training attended after being employed in prison

Training attended after being employed in prison	Psychologists	Social workers
Professional training	52.4%	62.9%
Training from administration	33.3%	8.6%
Other	14.3%	28.6%

Prison psychologists and social workers do attend different professional training. The psychologists attend training from administration more than social workers do. Of all psychologists and social workers surveyed, 86% attended professional training with a certificate. This shows that prison officials work closely with their professional staff to provide professional and organizational training to help familiarize them within the field they work.

Figure 28. If prison psychologists and social workers hold group sessions with prisoners



Of social workers with a paralegal background, 84.4% hold group sessions and 15.6% do not. However, 100% of professional social workers with a teaching, medical or sociology background hold group sessions. Both psychologists and social workers work on an individual basis with prisoners 100% of the time.

The research also studied “What type of training do the psychologists’ desire?” The results are listed according to priority:

Psychology in prisons:

1. Adult psychology
2. Psychological techniques
3. Communications skills
4. Life skills approach
5. Adaptive communication skills
6. Interview skills
7. Family psychology
8. Understanding individuals
9. Psychiatric treatment techniques
10. Working with the mentally-handicapped
11. Reintegration activities

This list shows that psychologists want to develop themselves under the four main categories of professional job specifications, technical skills, professional skills, and specifics of prisoners. The prison administration and relevant executive agencies need to focus on involving psychologists.

The social workers participated in this study indicated that 15.4% of their work hours are spent providing professional social work services, but 84.6% is spent on other types of work. Details are shown in Table 65.

Table 65. Daily work performed by prison social workers

Social worker professional services:	Other services social workers are providing:
<ul style="list-style-type: none"> • Organizing cultural, sports and other public events • Supporting prisoner communication with family members • Helping solve prisoner problems • Providing counselling • Organizing informative and other types of training • Work brokering • Intervening in prisoner and staff interactions • Transferring p-Prisoners between prisons • Participating in parole discussion committees • Providing references • Officiating marriages • Helping with the necessary identification documentation for prisoner pension, social welfare and retirement 	<ul style="list-style-type: none"> • Distributing personal items such as shoes, clothes, soap etc. • Providing legal information and counsel • Participating in prisoner damage payment and issues of remuneration • Receiving and processing prisoner complaints and requests • Organizing prisoners’ ‘phone’ day • Referencing in changing work conditions • Providing reference of transfer to specialized hospital and other health care issues • Participating in solving discipline report issues • Involvement in food issues • Involvement in visitation issues • Showing DVDs • Distributing and collecting newspapers and books

Table 65 shows that prison social workers in their daily work duties not only provide social work services, but are involved in administrative, secretarial, legal

and miscellaneous duties. This explains why prison administration hires paralegals for social worker positions, which is to combine two posts: legal counsel with social work. Therefore, almost 75% of prison social workers are paralegals.

Prison social workers face the following challenges when trying to perform professional social work services:

- Organizing prisoner 'phone' day takes a long time
- The amount of paper work to be done per prisoner is significant
- No money is designated in the budget for social work services
- The prison guards and officers use unethical, inhumane and degrading treatment
- No specifically designated and furnished environment/office
- No necessary equipment such as computer or printer, no meeting or seminar rooms, or private meeting rooms are provided. Must use religious or library facilities
- The prisoner per staff ratio is high, which creates work stress
- The prison location is distant from urban centres so that information and official decisions take time reach
- Low information access
- Not enough security staff so that teachers', trainers from public, or NGOs' security is high-risk. The social worker must always present during their training
- Lack of professional preparation

The study determined the desired training prison social workers want to attend and the results are listed in order of priority:

1. Foundations of Social Work, condition assessment, planning, intervention and evaluation etc.
2. Social work in prison
3. Adult social work
4. Social work techniques
5. Working with individuals according to EQ (Emotional Intelligence)
6. Partnering with social workers in other sectors
7. Communications
8. Teaching techniques
9. Ethical norms
10. Opening the inner man, focus on the conscience
11. Understanding of psychology
12. Concepts of stress
13. Psychological assistance
14. Developing humanness, virtues
15. Adaptation to the environment
16. Reintegration work

The list could be divided into two main categories: the social worker profession, and working together with social workers in other fields. In other words, it shows that there is a need to develop unspecialized social workers with social work understanding and skills. Also, the training should be specifically developed to fit

the prison environment and characteristics.

Quote 18.

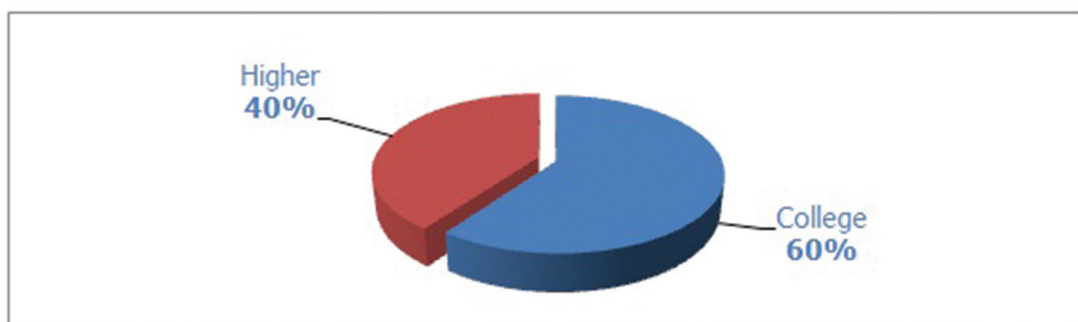
- There's no prison psychological methodology developed and there's a need for current staff to organize such development. /Case 417/

Quote 18 shows that there is an urgent need to develop psychological and social worker methodology specifically aimed at working with prisoners. Also, for these two professions there is a need to organize regular meet-ups of professionals to facilitate experience exchange.

2.7.3. Prison medical staff

The Figure below shows that from the total prison medical staff 60% have a higher education diploma and 40% graduated from professional college.

Figure 29. Prison medical staff education level



From the study done among directors, 95.5% of the medical staff have a professional medical degree. This shows that prisons' medical staff are well-prepared professionals.

Table 66. Types of training prison medical staff attended after starting work in prison

Empirical study results			Relevant International Provisions	Relevant Mongolian Provisions
Medical staff				
Organized training	Controlling infections	6.1%	SMRTP, Provisions 52.(1)-(2) ⁹⁶ .	No provisions
	Cardiovascular course	3%		
	Dental training	3%		
	Administrative training	78.8%		
	Others	9.1%		

From Table 66 it is clear that the most common training the medical staff receives

is administrative training but they don't receive professional courses.

Table 67. Prison medical staff job description

Job description	Percentage
Preventative check-ups	40%
Emergency care	26.7%
Sanitation of accommodations	13.3%
Food sanitation	2.7%
Staff health care	4%
Consulting and information sessions	6.7%
Determining nurse's job description and providing work instructions etc.	6.7%

These results show that the medical staff's job is mainly divided into three categories such as preventative check-ups, emergency care, and hygiene and sanitation.

CONCLUSION

Detailed specific findings based on the survey results:

1. Prison environment

- » The prison facility buildings, operating conditions and over-population are contributing factors to human rights violations. The existing conditions related to the prison environment in Mongolia do not meet the international and/or Mongolian standards.
- » In detention, prisoners are not separated or sorted according to type of offense or crime, first- or repeat-offense status, or violent- or non-violent offenders. If any separations or allocations are made they do not follow any regulation or principle and are based on subjective criteria. This not only affects the rehabilitation of some inmates, but also contributes as a source of human rights violations.
- » Prison authorities are knowledgeable about related standards of ventilation, room size, lighting, and sanitary facilities per person, but they fail in implementing the standards due to the non- conventional nature of the buildings and construction.

2. Food

- » Prisoners are only satisfied with the food quality in the situations where they are able to cook their own food.
- » In some prisons the quality of drinking water does not meet the recommended standards, and depending on the water source available to the prison, the drinking water supply is below the sufficient amount required per person.

3. Health Care

- » There is a shortage of doctors and medicine in prisons.
- » Prisoner satisfaction with health care quality is at the median level.

4. The imprisonment process

- » The management pays sufficient attention to providing prisoners with regular walks, incentive systems, and permanent jobs.
- » The economic environment and management capacity of the prison administration depends on the geographic location of each prison. Therefore, some prisons are unable to provide jobs for the prisoners during their detention.
- » Provision and availability of warm clothes is inadequate and does not offer sufficient protection against cold.
- » Sports and other outdoor leisure activities are not organized on a regular basis. In some prisons, these activities have been completely stopped and in

some detention centres they are only programmed during holidays.

- » The most common infraction among prisoners is smuggling and possessing of cell-phones to communicate with family.
- » The telephone communication costs vary in each prison. Also, the duration of the communication is limited, and the presence of the prison staff during the phone communication prevents privacy and limits the opportunity to speak freely.
- » The prisoners' primary dissatisfaction is with the lack of free-time activities.
- » The prisoners have a very low level of trust of the prison's complaint system or whether their complaints or petitions will be processed.
- » Some forms of punishment which are prohibited internationally are used in Mongolian prisons.
- » It is very common practice among prison staff and officials to discriminate, show disrespect, administer cruel and unusual punishment to detainees, and violate professional and ethical regulations.

5. Education in the prisons

- » Literacy, vocational training, and general education programs have been running well except in prisons located in rural areas where the levels of these programs are too basic.
- » In recent years, prisons have not updated their libraries and their periodical subscriptions are irregular or sporadic. This situation is particularly common in rural prisons.
- » In Mongolia, when a prisoner has completed vocational training or an educational program, the certificate of completion does not specify where the training was acquired i.e. while in detention. This is a significantly positive aspect and lessens discrimination when job seeking.

6. Reintegration Process

- » Prison authorities are initiating activities which support regular contact with the family of the prisoners.
- » There are no well-developed or elaborated plans for the life and reinsertion process of released prisoners.
- » Reintegration activities are limited to providing necessary documents, certification, and help with job recruitment.

7. Prison Staff and Officials

- » It is unclear whether prisoner's petitions and complaints are updated and recorded in their personal files.
- » Prison staff and officials often participate in and receive regular training, but most are organized by the CDEA. Additional training for staff on human rights,

developing communication and relationship skills to work with prisoners is more essential at this point.

- » The social issues of prison staff and officials need a determined focus from relevant authorities. Some areas of need include: Housing, families, safety, children's education, access to information, quality health care, etc.
- » The prison social workers' job descriptions are too extensive. Out of 26 listed daily responsibilities only four are their main professional duties. Therefore, the relevant authorities supervising social workers need to provide opportunities which would assist in performing basic social worker professional services.
- » The social workers' work load is very heavy with other non-professional duties that provoke burn-out and result in a less than satisfactory interaction with prisoners.

COMMENTS AND RECOMMENDATIONS

Based on the findings of the Survey the following recommendations are proposed:

Human Rights Issues of Prisoners

- » Hold prisoners in facilities specifically built according to Mongolian prison standards
- » Classify and sort prisoners according to the UN's "Standard Minimum Rules for the Treatment of Prisoners"
- » Increase the amount of sports equipment and install gyms in each prison
- » Install water filters in prisons with low drinking water quality to meet health and hygiene standards
- » Provide 24-hour access to drinking water
- » Provide quality primary health care to the prisoners
- » Solve problems and respond to prisoners internal complaints effectively
- » Improve the complaint process for prisoners at all levels and install a feedback system for all requests
- » Increase access to legal services
- » Update library collections of books, and improve delivery of subscribed newspapers, magazines, and other information
- » Provide professional short-time trainings to social workers and psychologists regularly
- » Develop and focus on implementing correctional and rehabilitation curricula and methodology which include reintegration as an integral component (e.g. social workers would help prisoners make reintegration plans)
- » Launch internal FM radio channel for prisoners
- » In order to protect juveniles sentenced to prison, develop specific "Internal prison regulations for minors" according to the guidelines issued by the UN
- » Each prisoner needs to have a customized and individualized reinsertion program – the reinsertion program should be personalized based on individual behaviour and personality in order to identify a suitable type of employment and rehabilitation methodology and approach
- » Include and update personal history files regularly including prisoners' complaints and requests

Human Rights issues of Prison Staff and Officials

- » Provide professional services (e.g. psychological) for staff who work in prisons
- » Develop and implement training programmes on communication and rehabilitation for prison staff tailored to their specific work environment
- » Improve the safety of staff and officials
- » Regularly provide training on a human rights-based approach to prison staff at all levels
- » Focus and improve the social welfare of prison staff
- » Introduce international documents and conventions that Mongolia has become party to, to all prison staff

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2. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the "Torture Convention") was adopted by the General Assembly of the United Nations on 10 December 1984 (resolution 39/46). The Convention entered into force on 26 June 1987 after it had been ratified by 20 States. Accession by Mongolia was on November 2, 2001. Retrieved May 29, 2014, from <http://www.hrweb.org/legal/cat.html>
3. United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Adopted by General Assembly resolution 45/113 of 14 December 1990. Retrieved May 14, 2014, from <http://www.unrol.org/files/TH007.PDF>
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11. Survey Report From Female Officers At CDEA, by NCHR, Ulaanbaatar 2012
12. The Eleventh Report On Human Rights And Freedom In Mongolia, by NCHR, Ulaanbaatar 2012

CITATION

- 1 Accession by Mongolia was on November 2, 2001.
- 2 Mongolia acceded to Convention in 1990.
- 3 Information from "Social Psychology Department" of CDEA, retrieved in December 2013
- 4 All the Mongolian prisons except prisons No. 429 and 461 participated in the survey.
- 5 Security monitoring in all prisons except the maximum security was done through security camera. Thus it was vital in collecting fair and complete information.
- 6 From CCR round table discussion with Head of Social Psychology division, Court Decision Enforcement Department, Gankhuyag N.
- 7 8. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment.
- 8 28. The detention of juveniles should only take place under conditions that take full account of their particular needs, status and special requirements according to their age, personality, sex and type of offence, as well as mental and physical health, and which ensure their protection from harmful influences and risk situations. The principal criterion for the separation of different categories of juveniles deprived of their liberty should be the provision of the type of care best suited to the particular needs of the individuals concerned and the protection of their physical, mental and moral integrity and well-being.
- 9 24. The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.
- 10 LICD, 118th Article
- 11 9.(1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.
- 12 33. Sleeping accommodation should normally consist of small group dormitories or individual bedrooms, while bearing in mind local standards.
- 13 3.3: Rooms should not be used to accommodate six or more persons."
- 14 10. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.
- 15 19. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.
- 16 33. Sleeping accommodation should normally consist of small group dormitories or individual bedrooms, while bearing in mind local standards. Every juvenile should, in accordance with local or national standards, be provided with separate and sufficient bedding.
- 17 3.6: In the prisoners dormitory the bed should be placed as to not obstruct guards' duties.
- 18 11. In all places where prisoners are required to live or work, (a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation; (b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

- 19 31. Juveniles deprived of their liberty have the right to facilities and services that meet all the requirements of health and human dignity.
- 20 32. The design of detention facilities for juveniles and the physical environment should be in keeping with the rehabilitative aim of residential treatment, with due regard for the need of the juvenile for privacy, sensory stimuli, opportunities for association with peers and participation in sports, physical exercise and leisure-time activities.
- 21 Information from Social Psychology department under Decision Enforcement Agency of CDEA, retrieved on March 10, 2014.
- 22 Information from Social Psychology department under Decision Enforcement Agency of CDEA, retrieved on March 10, 2014.
- 23 20.(2) Drinking water shall be available to every prisoner whenever he needs it.
- 24 37. ...Clean drinking water should be available to every juvenile at any time.
- 25 32.(1) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it. ...(3) The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.
- 26 24. The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.
- 27 50. Every juvenile has a right to be examined by a physician immediately upon admission to a detention facility, for the purpose of recording any evidence of prior ill-treatment and identifying any physical or mental condition requiring medical attention.
- 28 25.(1) The medical officer shall have the care of the physical and mental health of the prisoners and should see all sick prisoners daily, all who complain of illness, and any prisoner to whom his attention is specially directed.
- 29 51. The medical services provided to juveniles should seek to detect and should treat any physical or mental illness, substance abuse or other condition that may hinder the integration of the juvenile into society. Every detention facility for juveniles should have immediate access to adequate medical facilities and equipment appropriate to the number and requirements of its residents and staff trained in preventive health care and the handling of medical emergencies. Every juvenile who is ill, who complains of illness or who demonstrates symptoms of physical or mental difficulties, should be examined promptly by a medical officer.
- 30 55. Medicines should be administered only for necessary treatment on medical grounds and, when possible, after having obtained the informed consent of the juvenile concerned. In particular, they must not be administered with a view to eliciting information or a confession, as a punishment or as a means of restraint. Juveniles shall never be tested in the experimental use of drugs and treatment. The administration of any drug should always be authorized and carried out by qualified medical personnel.
- 31 25.(2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.
- 32 10.3. The patients at prison hospitals receiving prolonged stay treatment shall be addressed by name and registered.
- 33 19. Every prisoner shall, in accordance with local national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.
26.(1) The medical officer shall regularly inspect and advise the director upon:(d) The suitability and cleanliness of the prisoners' clothing and bedding;
- 34 6.3. The prisoner shall be provided with room and tools designated for washing, drying and secure ironing of cloths and bedding in their leisure time.

- 35 26.1(b). Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.
- 36 6.2. Open bathing and shower installations shall be provided in the bath units so that according to the set schedule every 2 weeks prisoners have a bath or shower, and log book is kept. Upon employment of the prisoner depending on dirty or dangerous job every week or as frequently as necessary for general hygiene.
- 37 26.(1) The medical officer shall regularly inspect and advise the director upon: (a) The quantity, quality, preparation and service of food; (b) The hygiene and cleanliness of the institution and the prisoners; (c) The sanitation, heating, lighting and ventilation of the institution; (d) The suitability and cleanliness of the prisoners' clothing and bedding; (e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.
- 38 54. Juvenile detention facilities should adopt specialized drug abuse prevention and rehabilitation programmes administered by qualified personnel. These programmes should be adapted to the age, sex and other requirements of the juveniles concerned, and detoxification facilities and services staffed by trained personnel should be available to drug- or alcohol-dependent juveniles.
- 39 Information from Social Psychology department under Decision Implementation Department of CDEA, retrieved on March 10, 2014.
- 40 17.(1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating... 18. If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.
- 41 128.2. Prison shall supply prisoner with bed, bedding, linens and seasonal clothes with unified design twice a year and prisoner is allowed to wear own underclothes, warm vests, warm shirts, gloves and summer/winter shoes.
- 42 17.(3) In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorized purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.
- 43 36. To the extent possible juveniles should have the right to use their own clothing. Detention facilities should ensure that each juvenile has personal clothing suitable for the climate and adequate to ensure good health, and which should in no manner be degrading or humiliating. Juveniles removed from or leaving a facility for any purpose should be allowed to wear their own clothing.
- 44 128.5. If prisoners are working in dirty or dangerous environment the special clothes and personal safety equipment and food shall be provided according to the Labour Law.
- 45 128.6. The government member shall determine according to the professional's recommendation the prison sanitation and hygiene requirements, food calorie amount, number of clothes and its usage.
- 46 47. Every juvenile should have the right to a suitable amount of time for daily free exercise, in the open air whenever weather permits, during which time appropriate recreational and physical training should normally be provided. Adequate space, installations and equipment should be provided for these activities. Every juvenile should have additional time for daily leisure activities, part of which should be devoted, if the juvenile so wishes, to arts and crafts skill development. The detention facility should ensure that each juvenile is physically able to participate in the available programmes of physical education. Remedial physical education and therapy should be offered, under medical supervision, to juveniles needing it.
- 47 16.1. Following the prison director's approved schedule the prisoner shall have recreational hours after work, rest and food hours.
- 48 37. Prisoners shall be allowed under necessary supervision to communicate with their family

- and reputable friends at regular intervals, both by correspondence and by receiving visits.
- 49 60. Every juvenile should have the right to receive regular and frequent visits, in principle once a week and not less than once a month, in circumstances that respect the need of the juvenile for privacy, contact and unrestricted communication with the family and the defence counsel.
- 50 38.(1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.
- 51 61. Every juvenile should have the right to communicate in writing or by telephone at least twice a week with the person of his or her choice, unless legally restricted, and should be assisted as necessary in order effectively to enjoy this right. Every juvenile should have the right to receive correspondence.
- 52 71.(1) Prison labour must not be of an afflictive nature. (2) All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer. (3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day. (4) So far as possible the work provided shall be such as will maintain or increase the prisoners' ability to earn an honest living after release.
- 53 76.(1) There shall be a system of equitable remuneration of the work of prisoners.(2) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family. (3) The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.
- 54 45. Wherever possible, juveniles should be provided with the opportunity to perform remunerated labour, if possible within the local community, as a complement to the vocational training provided in order to enhance the possibility of finding suitable employment when they return to their communities. The type of work should be such as to provide appropriate training that will be of benefit to the juveniles following release. The organization and methods of work offered in detention facilities should resemble as closely as possible those of similar work in the community, so as to prepare juveniles for the conditions of normal occupational life. 46. Every juvenile who performs work should have the right to an equitable remuneration. The interests of the juveniles and of their vocational training should not be subordinated to the purpose of making a profit for the detention facility or a third party. Part of the earnings of a juvenile should normally be set aside to constitute a savings fund to be handed over to the juvenile on release. The juvenile should have the right to use the remainder of those earnings to purchase articles for his or her own use or to indemnify the victim injured by his or her offence or to send it to his or her family or other persons outside the detention facility.
- 55 By March 2013 the minimum wage at prisons was at 144,400MNT and according to the CDEA director's 2013 decree A/32 & 33, there was change made in "Prisoner employment norms and normative; and regulation about determining the payment amount".
- 56 71.(6) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.
- 57 72.(2) The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.
- 58 43. With due regard to proper vocational selection and to the requirements of institutional administration, juveniles should be able to choose the type of work they wish to perform.
- 59 19.1. According to the suggestion by representative, bookkeeper inspector and social worker and following work schedule approved by the prison director the employment is distributed among prisoners.
- 60 36.(1) Every prisoner shall have the opportunity each week day of making requests or complaints to the director of the institution or the officer authorized to represent him. (2) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present. (3) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison

- administration, the judicial authority or other proper authorities through approved channels. (4) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.
- 61 13. Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to and to have his case promptly and impartially examined its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.
- 62 75. Every juvenile should have the opportunity of making requests or complaints to the director of the detention facility and to his or her authorized representative. 76. Every juvenile should have the right to make a request or complaint, without censorship as to substance, to the central administration, the judicial authority or other proper authorities through approved channels, and to be informed of the response without delay. 78. Every juvenile should have the right to request assistance from family members, legal counsellors, humanitarian groups or others where possible, in order to make a complaint. Illiterate juveniles should be provided with assistance should they need to use the services of public or private agencies and organizations which provide legal counsel or which are competent to receive complaints.
- 63 27. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.
- 64 66. Any disciplinary measures and procedures should maintain the interest of safety and an ordered community life and should be consistent with the upholding of the inherent dignity of the juvenile and the fundamental objective of institutional care, namely, instilling a sense of justice, self-respect and respect for the basic rights of every person.
- 65 68. Legislation or regulations adopted by the competent administrative authority should establish norms concerning the following, taking full account of the fundamental characteristics, needs and rights of juveniles: (a) Conduct constituting a disciplinary offence; (b) Type and duration of disciplinary sanctions that may be inflicted; (c) The authority competent to impose such sanctions; (d) The authority competent to consider appeals.
- 66 70. Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and co-operation of the prisoners in their treatment.
- 67 41.(1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis. (2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times. (3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected. 42. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.
- 68 48. Every juvenile should be allowed to satisfy the needs of his or her religious and spiritual life, in particular by attending the services or meetings provided in the detention facility or by conducting his or her own services and having possession of the necessary books or items of religious observance and instruction of his or her denomination. If a detention facility contains a sufficient number of juveniles of a given religion, one or more qualified representatives of that religion should be appointed or approved and allowed to hold regular services and to pay pastoral visits in private to juveniles at their request. Every juvenile should have the right to receive visits from a qualified representative of any religion of his or her choice, as well as the right not to participate in religious services and freely to decline religious education, counselling or indoctrination.
- 69 54.(1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance

- to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution. (2) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners. (3) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.
- 70 16.1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture or references to other forms of cruel, inhumane or degrading treatment or punishment.
- 16.2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibit cruel, inhumane or degrading treatment or punishment or which relate to extradition or expulsion.
- 71 87. In the performance of their duties, personnel of detention facilities should respect and protect the human dignity and fundamental human rights of all juveniles
- 72 ЭЗББ Compilation, CDPO's staff service principle
- 73 Information from Social Psychology department under Decision Implementation Department of CDEA, retrieved on March 10, 2014.
- 74 77.(2) So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.
- 75 77.(1) Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.
- 76 71.(5) Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.
- 77 42. Every juvenile should have the right to receive vocational training in occupations likely to prepare him or her for future employment. 43. With due regard to proper vocational selection and to the requirements of institutional administration, juveniles should be able to choose the type of work they wish to perform.
- 78 The purpose of this regulation is: "Training, developing practical skills and employing prisoners in detention under CDEA. This in the future will contribute for the prisoner to find a self-employment using acquired skills and specification.
- 79 Information from Social Psychology department under Decision Implementation Department of CDEA, retrieved on March 10, 2014.
- 80 40. Diplomas or educational certificates awarded to juveniles while in detention should not indicate in any way that the juvenile has been institutionalized.
- 81 Article 3: Professional final examination and awarding vocational diploma
- 82 39. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration. 40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.
- 83 41. Every detention facility should provide access to a library that is adequately stocked with both instructional and recreational books and periodicals suitable for the juveniles, who should be encouraged and enabled to make full use of it.
- 84 37. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits. 38.(1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.

- 85 60. Every juvenile should have the right to receive regular and frequent visits, in principle once a week and not less than once a month, in circumstances that respect the need of the juvenile for privacy, contact and unrestricted communication with the family and the defence counsel.
- 86 80. From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.
- 87 79. Special attention shall be paid to the maintenance and improvement of social and after-care relations between a prisoner and his family as are desirable in the best interests of both.
- 88 81.(1) Services and agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release. (2) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence. (3) It is desirable that the activities of such agencies shall be centralized or coordinated as far as possible in order to secure the best use of their efforts.
- 89 80. Competent authorities should provide or ensure services to assist juveniles in re-establishing themselves in society and to lessen prejudice against such juveniles. These services should ensure, to the extent possible, that the juvenile is provided with suitable residence, employment, clothing, and sufficient means to maintain himself or herself upon release in order to facilitate successful reintegration. The representatives of agencies providing such services should be consulted and should have access to juveniles while detained, with a view to assisting them in their return to the community.
- 90 Information from Social Psychology department under Decision Implementation Department of CDEA, retrieved on March 10, 2014.
- 91 47.(1) The personnel shall possess an adequate standard of education and intelligence. (2) Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests. (3) After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals.
- 92 LICD, Article 139
- 93 10.1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment. 10.2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such persons.
- 94 85. The personnel should receive such training as will enable them to carry out their responsibilities effectively, in particular training in child psychology, child welfare and international standards and norms of human rights and the rights of the child, including the present Rules. The personnel should maintain and improve their knowledge and professional capacity by attending courses of in-service training, to be organized at suitable intervals throughout their career.
- 95 49.(1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors. (2) The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.
- 96 52.(1) In institutions which are large enough to require the services of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity. (2) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.