

Harmonise its national legislation regarding freedom of expression with the International Covenant on Civil and Political Rights, and ensure the independence of the Regulations Commission of Communications (Switzerland,108.131); Ensure that laws and regulations related to freedom of expression fully comply with Mongolia's obligations under the ICCPR (USA 108.132)

Not implemented.

The Parliament of Mongolia has passed the Amendment to the Law on Telecommunications on 30 May 2019, but it does not guarantee the independence of the regulatory body.

Decriminalise defamation, USA (108.132), Czech Republic (108.136), Ireland (108.137), Austria (108.138)

Not implemented.

The 2017 amendments to Criminal law has reintroduced defamation in Para 14.8 and it claims to target the distribution of obviously false information during the election and outlines it as a criminal offense with the penalty of fine, restriction of travel and impose community service works in the case of distributing obviously false information defaming the reputation of political parties, coalitions or candidates.

Defamation is covered by Article 6.21 titled Libel of the Law on Administrative Offence. Article 16.21 reads "In case, if false information defaming honor, dignity and business reputation is disclosed to the public, or disseminated through media and social media, a person shall be fined with two thousands unity (MNT 2,000,000) and legal entity shall be fined with twenty thousands unity (MNT 20,000,000).

Ensure that journalists, media workers as well as civil society activists are able to practice their activities freely without any fear for punishment. Put in place safeguards ensuring that criticism of or reporting on the activities of state and regional authorities do not lead, Estonia (108,135), Czech Republic (108.136)

Not implemented.

Safety of journalists remains our deepest concern. 67 percent of 300 journalists surveyed reported that they, or family members, faced pressure, intimidation and harassment at least once in their career . For 58 percent, their professional equipment was damaged. 36 percent experienced legal pressure from the courts and law enforcement officials. 18 percent were physically attacked. These violations are experienced most commonly by journalists under the age of 35 employed by TV, news websites, and newspapers.

Protect journalists' sources and whistle-blowers, Austria (108.138)

Not implemented.

No actions have been taken towards implementing the relevant provisions of the National Anti-corruption Program that pledged to provide legal protection of confidential sources and whistleblowers. 51 percent of out of 300 journalists surveyed said they were still demanded to repeal their confidential sources.

Guarantee freedom of expression, including on the Internet, France (108.133)

Not implemented.

Practically, word filtering is not used, even so the CRC's procedure "General Conditions and Requirements of Digital Content Services" is still in place. Procedure remains unregistered with the Ministry of Justice and Home Affairs.

Adherence of any restrictions of those rights to the principles of legality, necessity and proportionality, Germany (108.134)

Not implemented.

The new Law on State and Official Secrecy was enacted in 1 December 2016 and became effective in 1 September 2017 replacing the Law on State Secrecy and Law on the List of State Secret Information.

Ensure full respect of human rights, including the right to privacy and the right to freedom of expression, in all aspects of internet regulation Germany (108.134)

Not implemented.

IP addresses of the Internet users still remain open.

NEW CHALLENGES

Challenges

Mongolia is missing any data protection legislation. The Law on Privacy has not been amended since its passage in 1995.

Implementation of the Law on Information Transparency and Right to Information is poor

- Regime of exceptions is too broad
- No nodal agency responsible for the monitoring of law implementation
- No designated Information officers

The 2016 new Law on State and Official Secrecy obligates the Government to approve the Rule and List of Secret Information by its resolution and according to this Government Rule, public bodies are allowed to internally approve their organization's rules on secret information and list of secret information.

Para 26.2 of the new Law on the Procedure on the Criminal Law provides conditions for taking control over a telecommunication network. Police investigations can begin based on a Prosecutor's permission, with no judicial decision.

Parliament is considering to abate the current Law on Election passed in 2015 and three drafts on parliamentary, presidential and local elections are available.

It prohibits to distribute information that is libelous, insulting, or false, and carry out any activities with the purpose of determining political ranking by media outlets via online space and messages, to call people not to vote, to libel and insult others and to disseminate false information and news of any type, etc

Facts, Cases, Comments

The private companies and banks have started using the fingerprints in their services.

One of the biggest nation-wide supermarkets 'Nomin' requires their discount card holders to use fingerprints.

After sending 16 information requests to public bodies, GIC received only five responses that provided full information.

A citizen living in the Capital sent a letter to the Mayor's Office of Darkhan Uul province requesting information on the bidding process, selection and contract information for the procurement of measuring equipment of air and soil contaminants, no response was received within 14 days working days. When a citizen called to remind them of the request, they said the requester should personally come to Darkhan Uul province in order to find the information.

The Law contradicts the Constitutional declaration that secret information shall be protected by law. Number of state secret information has radically increased from 60 in 2017 to 565 in 2019.

A detective is authorized to demand the organizations to provide information on owners and users, their locations, date of connection, reach, techniques and equipment and any other information and assign to restrict to access telecommunication channels, and take control by accessing telecommunication channels and demand information from the relevant organizations on content disseminated via telecommunication channels.

Sanctions against media are harsh saying that operations will be stopped until the voting day, broadcast licenses shall be terminated or withdrawn, website shall be blocked in Mongolian territory.

11 news and information web sites were blocked during the 2018 Parliamentary Election.

Recommendations

The Government of Mongolia should take immediate actions implementing the accepted recommendations on safeguarding freedom of information as stated in Article 10 of the Constitution and in fulfilling the nation's pledges before the international community. In addition, new recommendations are suggested as follows:

1. Abolish Article 6.21 entitled Libel of the Law on Administrative Offense.
2. Initiate legislation recognizing and categorizing public figures, so that they are tolerant to open criticism and are under the public control by their own choice.
3. RTI Law should be amended to narrow the regimes of exceptions and as appoint a nodal agency to monitor implementation of the law
4. The Law on State and Office Secrecy should be revised and provide the restrictions only by law, not by Government resolution and internal rules of the public bodies. It should to be based on three-part test of legitimacy, necessity and proportionality. All secrecy laws should incorporate a substantial harm test as well as requirement that this harm is greater than public interest in override.
5. Revise Para 19.11 titled "Illegal Access to the State Secret Information" of the Criminal Law
6. Consider adopting legislation on data protection
7. The provisions on election campaign included in the current drafts of three election laws should be revised in consistence with international standards, and sanctions on the termination and withdrawal of broadcast media should be abolished.