

CHANGES IN THE STATE OF DEMOCRATIC GOVERNANCE IN MONGOLIA

2009-2010





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**INSTITUTE OF PHILOSOPHY, SOCIOLOGY AND LAW,
MONGOLIAN ACADEMY OF SCIENCES**

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CHANGES IN THE STATE OF DEMOCRATIC GOVERNANCE IN MONGOLIA 2009-2010 (Summary Translation)

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This survey is conducted within the scope of the Support in Achieving MDG-9 on Human Rights and Democratic Governance project jointly implemented by the Institute of Philosophy, Sociological and Law of the Mongolian Academy of Sciences and the United Nations Development Program and Oslo Governance Center. Researchers of the Sociology Department, Institute of Philosophy, Sociology, gathered initial data for the survey and a team of experts prepared the survey report.

Evaluations, opinions and recommendations expressed in the survey are solely of the experts.

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ACRONYMS

APDP	Asia-Pacific Democracy Partnership
CC	Constitutional Court
CMTU	Confederation of Mongolian Trade Unions
GAICD	General Authority for Implementing Court Decision
GEC	General Election Committee
GPD	General Police Department
HDCC	Health Department of the Capital City
IAAC	Independent Authority against Corruption
ILO	International Labor Organization
INS	Immigration and Naturalization Service
IPSL	Institute of Philosophy, Sociological and Law
MAS	Mongolian Academy of Sciences
MECS	Ministry of Education Culture and Sciences
MNB	Mongolian National Broadcasting
MoFE	Ministry of Fuel and Energy
MoH	Ministry of Health
MoJHA	Ministry of Justice and Home Affairs
MSWL	Ministry of Social Welfare and Labor
NGO	Non-Governmental Organization
NHRC	National Human Rights Commission
NSO	National Statistical Office
SCCRI	State Center for Civil Registration and Information
SGH	State Great Hural
SSIA	State Special Inspection Agency
SSIA	State Specialized Inspection Agency
UN	United Nations
UNDEF	United Nations Democracy Fund
UNDP	United Nations Development Program
WHO	World Health Organization

GLOSSARY

State Great Hural	Parliament of Mongolia
Undsen Huuliin Tsets	Constitutional Court of Mongolia
Aimag	The biggest administrative and territorial unit in Mongolia. The country is divided into 21 aimags and the capital city – Ulaanbaatar .
Soum	Medium-level administrative and territorial unit, of which there are 340 in Mongolia.
Bagh	First-line administrative and territorial unit, of which there are 1670 baghs ¹ in Mongolia.
District	Urban administrative and territorial unit, of which there are 9 districts in Ulaanbaatar.
Horoo	First-line urban administrative and territorial unit, of which there are 132 in Ulaanbaatar.

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¹ Mongolia Statistical Bulletin -2009, NSO, Ulaanbaatar, 2010. p.73.

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² Ibid. pp.66-67.

FOREWORD

Surveys of the state of democratic governance in Mongolia, with decision makers and general public as targets, have been conducted three times in 2005-2006, 2007-2008 and 2009-2010.

The first survey was conducted within the scope of the Follow-up to the Fifth International Conference of New or Restored Democracies (ICNRD-5) project jointly implemented by the Government of Mongolia (Ministry of Foreign Affairs of Mongolia) and the UNDP Mongolia. The second and third surveys were carried out by the team of the two phase project on Support in Achieving MDG-9 on Human Rights and Democratic Governance (2007-2008 and 2009-2010) based at the Institute of Philosophy, Sociology and Law (IPSL) of the Mongolian Academy of Sciences (MAS) with the support of the United Nations Democracy Fund (UNDEF). The project aimed at assisting the Government to develop specific target indicators for tracking the progress made towards achieving MDG-9 and evaluate dynamics of democratic governance in Mongolia based upon survey results. Consequently, consolidated results of the second survey were launched in 2008 under the title of “Changes in the State of Democratic Governance in Mongolia 2007-2008.”

The Support in Achieving MDG-9 on Human Rights and Democratic Governance Project has undertaken an extensive program of training, research and monitoring activities. One of the main achievements of the project is the third report on “Changes in the State of Democratic Governance in Mongolia 2009-2010.” Methodology and techniques used for the previous two reports were also used for this report.

The 2009-2010 report highlights recent changes with focus on legal environment and public opinion, as it was done in the previous surveys, instead of attempting to cover every single governance issue.

Main inputs for the survey report include national laws and legal documents, reports and information from state institutions, surveys and reports issued by researchers and from research and information NGOs, and results of the public opinion survey conducted in 2010 by researchers of the IPSL upon the request of the project team.

In the current report, results of some related surveys, such as the Third National Report on MDGs, the 2010 National Human Rights Commission Report, and some outputs of the Support in Achieving MDG-9 on Human Rights and Democratic Governance project, including information extracted from related organizations based on the State Great Hural approved indicators, expert survey of Land Governance Indicators and results of other meetings and discussions, were mentioned briefly, as they have already been published at different stages of the project implementation.

The Country Information Notes (CIN) was updated using results of an expert survey conducted according to the methodology of the previous two surveys.

The team of the Support in Achieving MDG-9 on Human Rights and Democratic Governance Project and IPSL, MAS would like to express sincere gratitude to Mr. Joachim Nahem, expert, UNDP Oslo Governance Center, Ms. Ts. Davaadulam, Governance Cluster Manager, UNDP Mongolia, Ms.L.Barkhas, Governance Officer, UNDP Mongolia, Ms. H.Hulan, national advisor, Mr. P.Dorjsuren, team leader, Ms. Ts.Tsesenbileg, national project manager, Mr. O.Khatanbold, administrative assistant, Mr. D.Bold-Erdene, researcher, and other individuals and institutions who contributed to the success of our project greatly.

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I. CITIZENSHIP, LAW AND RIGHTS

NATIONHOOD AND CITIZENSHIP

The Law of Mongolia on the Legal Status of Foreign Citizens was amended on July 8, 2010 and has been in force as of September 1, 2010. The Law specified 12 reasons for deportation of foreign citizens from Mongolia and actions/activities prohibited for foreign citizens. The Law also enlisted some activities that can be carried out by foreign citizens with the prior permission of the Immigration and Naturalization Service.

As of December 1, 2010, 26 140 foreigners were residing in Mongolia. Among them, 1 360 are temporary residents, 20 192 - long-term residents for official purposes, 1 267 - long-term residents for private purposes (999 of them are children), 2 299 – immigrants (488 of them children) and 58 – stateless persons.³

In 2009 and 2010, altogether 15 (12 persons in 2009 and 3 persons in the first 11 months of 2010) foreigners and stateless persons have been granted Mongolian citizenship. On the contrary, in 2009 and 2010, altogether 17 555 (252 persons in 2009 and 17 503 persons in the first 11 months of 2010) persons had left Mongolia's citizenship. Meantime, 239 persons re-instated their Mongolian citizenship.⁴ Four and 11 Mongolian children were adopted by foreigners in 2009 and 2010, respectively.⁵

RULE OF LAW AND ACCESS TO JUSTICE

As of December 1, 2010, in Mongolia, 429 national laws and 145 international treaties approved by Mongolia or to which Mongolia is a party are in force.⁶ Currently, “General Guidelines for Improving Legislation of Mongolia till 2012” approved by the State Great Hural Resolution No. 38 of May 14, 2009 are being implemented. No particular changes have been observed in knowledge and understanding of the public about basic laws between the surveys. Approximately one out of 10 respondents is not knowledgeable about basic human rights laws.

Table 1. Citizens' Knowledge of Basic Human Rights Laws⁷

Laws	Know well			Don't know			Indicators		
	2005	2008	2010	2005	2008	2010	2005	2008	2010
Constitution	25.7	24.9	26.9	22.4	20.1	20.0	52	55	60.5
Human Rights Law	23.3	18.5	24.6	23.8	22.4	24.1	49.5	45	50.5
Election Law	26.0	15.9	23.5	27.1	35.9	28.7	49	44	45.0

The public is concerned about weak control mechanisms (21.6 percent), low accountability (16.4 percent), corruption (15.7 percent), and incompetence of civil servants (13.8 percent). More specifically, when asked what the major obstacles to enforcing the law were, 13.8 percent of respondents believed that officials themselves violated the law, 21.6 percent replied that control mechanisms were weak, 16.4 percent viewed that accountability was unsatisfactory, and 15.7 percent saw corruption as widespread.

³ Official letter dated 2010.12.06. №5/2252 received from the Immigration and Naturalization Agency

⁴ Ibid.,

⁵ Immigration and Naturalization Agency Information. 2010.

⁶ www.legalinfo.mn

⁷ Assessment Report of the Strategic Plan for Justice System of Mongolia, Judicial Reform Program, USAID (2006)

Following the 2009 Presidential elections, the Chief Judge and the Chief Prosecutor, the main representatives of the state judiciary, were dismissed. The public tends to see these dismissals as having party or political influences.

According to the survey, negative evaluations, such as “Judiciary serves more those who have money and authority (48.3%), an official can influence the decision-making of the judiciary (39.9%), and “Enforcement of legal verdicts can be manipulated (25.1%)”, prevailed.

Table 2. Public Perception of the Judiciary (Yearly comparisons⁸)

	Completely agree			Partly agree			Disagree completely			Don't know		
	2005	2008	2010	2005	2008	2010	2005	2008	2010	2005	2008	2010
Judiciary gives priority to state interests	24.3	16.9	21,0	40.2	47.7	44,3	9.3	6.3	9,8	24.9	29.1	24,9
Judiciary serves more those who have money and authority	53.2	45.4	48,3	30.4	35.7	33,0	4.0	6.4	5,5	11.7	12.4	13,2
Judiciary may not follow legal rules in order to sentence a person	12.0	11.5	15,0	24.5	30.0	29,1	29.1	18.3	21,0	33.3	40.2	34,9
An official can influence the decision-making of the judiciary	30.7	33.3	39,9	37.6	41.2	38,4	7.5	6.5	5,2	23.6	19.0	16,5
Enforcement of legal verdicts can be manipulated	20.4	20.6	25,1	30.4	32.9	32,2	20.7	14.0	13,3	27.8	32.5	29,4

As reported in the Performance Review of the Strategic Plan of Mongolia’s Judicial System, unimplemented or failed measures were mostly those related to judicial independence, securing financial security of judicial organizations and activities that should have been financed from internal sources of the judiciary.⁹

According to the survey of “Judicial Reform Index” the internationally applied methodology developed by The United States Bar Association and modified in accordance with the Mongolian context, barely 19 percent of experts “agreed” with the statement “Court decisions are respected and enforced by other branches of government”, 43 percent “disagreed” and 38 percent “didn’t know.”¹⁰

Cross comparison of this and the State of Democratic Governance (2005 and 2008) surveys shows no positive changes in the public perception.

CIVIL AND POLITICAL RIGHTS

Most cases of violation of citizens’ rights occur in the process of the Criminal Code application. Some amendments to the Criminal Code went into force in 2009.

⁸ Ibid.,

⁹ Ibid, p. 31.

¹⁰ Brent T. White. Report on the Status of Court Reform in Mongolia, Ulaanbaatar. 2009, p. 16.

Judging by recent surveys and criminal statistics, incidents of forceful testimonies and confessions have been increasing. Moreover, methods and techniques employed during such incidents have become more sophisticated and secret. Officers get confessions by beating, emotional and psychological pressure and detaining for longer period of time.¹¹

The following evidence of tortures are present in Mongolia:¹²

- Keep without food and drink for long time in order to make suspects confess in crimes;
- Prohibit sleeping and laying down;
- Kick and beat (with wooden plank or something else);
- Change suspects' cells several times, so that they could be tortured by different prisoners;
- Use electric shock;
- Keep standing up on cold stone floor for long time;
- Detain intentionally for a long time without investigation;
- Put emotional and psychological pressure;
- Transfer to other camps with stricter regime;
- Use handcuffs for a long time without written record.

The Human Rights Report (2010) produced by the Mongolian NGO Forum for the UN Human Rights Council underlined that a total of 139 victims of sexual exploitation received assistance of the Gender Equality Center from 2003 to 2009.¹³ It is common that victims and witnesses face the risk of falling under the threat of retaliation by perpetrators and suffer from emotional and psychological damage as they are not provided legal protection.¹⁴

Implementation of the UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage is poor. There is no legal provision that regulates marriage intermediary activities, and legislation on licensing does not foresee any authority responsible for these matters.

Citizens, who use the services of intermediary companies and marry citizens of South Korea, are required to sign a very strict agreement with clauses of penalties up to 10,000 USD for fictitious marriage or divorce without any specific reason, 4,000 USD for rejection of marriage after submitting the application, and a penalty of 3,190 USD imposed on their parents if they run away after arriving in South Korea.¹⁵

In 2008, 300 cases of human trafficking were recorded and investigated whereas only 1 case was recorded in 2001. In 2008-2010 (in the first 9 months), 16 persons were sentenced for 9 human trafficking crimes.¹⁶

In 2010, the National Center against Violence conducted a survey on the state of rehabilitation and judicial procedures of under-aged victims of sexual abuse and exploitation in Mongolia. The Center concluded that sexual abuse of children had the following reasons:

1. Family and relative factor (Family members or relatives are engaged);
2. Dating abuse (Friends and acquaintances are engaged);
3. Sexual exploitation (Force children into paid sexual relations);
4. Casual factor (Unknown person engaged).

39.1 percent¹⁷ of migrants settling in the capital city outweigh the capacity of local authorities to provide basic social and economic services. The rapid population growth is

¹¹ Oyunchimeg. P. Combatting Tortures and Torments: Theory and Practice, Ph. D Dissertation. Ulaanbaatar. 2009. p. 2.

¹² Ibid, p.146.

¹³ Human Trafficking and Human Rights, UPR-UNIVERSAL PERIODIC REVIEW Factsheet on Mongolia. 2010.

¹⁴ Ibid.,

¹⁵ Survey of National Legislation on Human Trafficking (brochure), Ulaanbaatar. 2010. p. 26.

¹⁶ Ibid.,

¹⁷ Migrants and Refugees' Rights. UPR-UNIVERSAL PERIODIC REVIEW Factsheet on Mongolia. 2010.

followed by negative impacts such as increased workload of local kindergartens and schools. Classroom capacity at schools in suburban areas overcrowded with migrants is overloaded. Schools work in 3 shifts with 40-53¹⁸ pupils per class in each shift.

The most common difficulties faced by migrants are a/ issues related to registration and lengthy and bureaucratic registration processes; b/ land ownership and land-related matters; c/ out fashioned professions, lack of job places and being neglected in terms of employment; and d/ financial problems.

Mongolia is a country which provides religious freedom to its citizens. There is no legal restriction for penetration and spread of other religions. Today, there are 463 entities of Buddhist, Christian, Islamic, Bahai, Shamanist and Moon religions officially registered in Mongolia, of which 50 percent is Buddhist monasteries and about 40 percent – Christian organizations and churches.¹⁹

In November, 2010, the NGO Forum prepared a joint report for the review of the human rights status in Mongolia by the UN Human Rights Council. The Forum consisted of NGOs working in the following fields:

- Mining and Environment-Human rights;
- The Rights to Elect and Being Elected;
- Coalition “July 1” and Human Rights Violations;
- Food Safety and Sovereignty-Human Rights;
- Migrants and Refugees’ Rights;
- Human Trafficking and Human Rights;
- Minorities’ Rights;
- The Rights of Persons with Disabilities.

ECONOMIC AND SOCIAL RIGHTS

The State Great Hural approved the Law of Mongolia on Human Development Fund in November 2009. Law on Unemployment Benefits payable from the Fund of Social Insurance and Law on Social Insurance were amended on July 16, 2009 and November 25, 2009, respectively.

In 2009, the labor force reached 1704.4 thousands and the number of economically active population – 1137.9 thousands.²⁰ Main difficulties to getting employed include “can’t find a job,” “no jobs at local labor market,” “lack of skills and experience,” and “no one else to look after children.”

Table 3. Main difficulties to getting employed (Yearly comparisons)

	2005		2008		2010		
	Count	Percent of responses	Count	Percent of responses	Count	Percent of responses	Percent of responses
Family connections	27.0	45.6	27.8	71.6	686	25,8	68,2
Corruption	15.7	26.8	15.5	40.6	443	16,7	44,0
Discrimination based on party affiliation	8.4	14.2	8.8	22.8	281	10,6	27,9
Tribal connections	-	-	-	-	36	1,4	3,6
Gender discrimination		10.9	6.7	15.9	165	6,2	16,4

¹⁸ Ibid.,

¹⁹ National Human Rights Review (The Government Report to UN Human Rights Council). 2010. p.14.

²⁰ Mongolia Statistical Bulletin-2009. NSO, Ulaanbaatar., 2010. p.108.

Discrimination by age and physical appearance	21.4	36.2	22.0	56.4	484	18,2	48,1
Health (physical disability etc.) discrimination	-	-	-	-	79	3,0	7,9
Lack of jobs at local labor market	11.5	19.4	11.6	30.0	233	8,8	23,2
Unavailability of jobs	-	-	-	-	188	7,1	18,7
Outdated profession/specialization		10.8		22.8	-	-	-
Others		1.0	0.4	15.9	11	0.4	1.1

Responses on gender discrimination (15.9:16.4), corruption (40.6:44.0), discrimination based on party affiliation (22.8:27.9) increased by 0.5-5.1 percent as compared to 2008 whereas responses about nepotism (71.6-68.2), discrimination by age and physical appearance (56.4:48.1), lack of jobs at local labor market (30.0:23.2) decreased by 3.4-8.3 percent.

As of 2009, 21.3 thousands business entities and 2174.7 thousands individuals were covered by social insurance. It makes 79.5 percent of the total population and 65.9 percent of the total number of business entities.

Table 4. Unemployment Benefits: Beneficiaries and Allocated Funds

Type of benefits	2007		2008		2009	
	Beneficiaries	Allocated fund	Beneficiaries	Allocated fund	Beneficiaries	Allocated fund
Unemployment benefits	7189	1910.6	7943	3161.0	11203	6079.1
Tuition fee	805	38.7	819	39.7	665	33.2
Cost of employment regulation office		44.0		48.4		48.4
Total	7994	1993.3	8762	3249.1	11868	6160.7

Source: Info of the General Authority of State Social Insurance

In 2009, MNT 21.2 billions were spent from the benefit insurance fund for covering temporary loss of working disability, pregnancy and maternity leave and burial expenses of 112.4 thousand people. Also, MNT 6160.7 million was allocated to 11868 beneficiaries from the unemployment insurance fund.

As of 2009, there were 66 kinds of social assistance services. The budget of MNT 266 billions amounted to 11.5 percent of the state total budget expenditure and 4.3 percent of the annual GDP.

According to the Law on Human Development Fund, each citizen is entitled to receive grants from the revenue of using natural resources. The grant will be issued in cash on monthly basis (21000 tugriks) to each citizen. Additionally, starting from 2011, the Fund will take up other measures such as covering health and pension insurance of unemployed citizens and supporting tuition fees of students.

Out of MNT 99 billions budgeted for social assistance in 2010, 46 percent was spent on general cash assistances (including annual monetary grant for mothers with “Mother’s Glory” medals, monthly monetary benefits for pregnant and breast feeding mothers, monthly benefits for seniors with state honors or awards and apartments of veterans) and 54 percent – on pensions,

benefits and other assistances to vulnerable groups in the society, such as single seniors unable to live independently, disabled persons, orphans, single mothers or fathers etc.²¹

Despite the fact that Mongolia possesses self-reliance in the production of meat, milk and potatoes, dependency on seasonal factors and discrepancy between food consumption in urban and rural areas are huge. For example, when urban inhabitants consume 1.5 times less meat and 3.9 times less milk than rural inhabitants, the latter consumes 2 times less potatoes and 9.5 times less eggs than urban residents.²²

According to a survey, monthly food expenditure per person was 100 865 tugriks and food share in total personal consumption was 36 percent in 2007-2008. The latter is 33 percent in urban settlements and 43 percent in rural areas.²³ Meat and flour products have been dominating food consumption whereas fruits and vegetables, the main sources of minerals and vitamins, have been under consumed. The daily calorie intake per person in poor households is 33 percent below the daily norm.²⁴

A nationwide measure was taken to iodize 96.3 percent of annual salt consumption and to enrich domestically produced flour with iron and other minerals.

Food security in Mongolia is directly related to poverty. Citizens' right to safer and nutritious food is not provided. For example, one out of four children up to five years is underdeveloped or underweight, one out of 8 children is malnourished, and 43.2 percent is in vitamin D deficiency. In addition, 37.1 percent of pregnant women and 30.5 percent of breast feeding mothers are experiencing vitamin D deficiency. 57.9 percent of households are undernourished with minimum daily intake of calories.

In order to achieve adequate daily intake of calories, at least US\$4.20 a day or US\$126 a month is to be spent on food. However, the minimum wage level set at US\$60.80 (net amount), is far too low to cover the cost.²⁵

Tests and inspections at the State Special Inspection Agency (SSIA) determined that 17 percent of 97,451 samples tested and 39 percent of 463 raw food materials were contaminated. Of a total of 70,926 samples of food products tested at the bacteriological laboratories of SSIA, 9.6 percent were contaminated with bacteria, 4 percent were determined to be poisonous, and 10 percent to contain heavy metal. A mere 40 percent of imported food products are tested at laboratories at border zones and central customs.²⁶

As of 2010, water resource in over 200 urban settlements has not been ensured and 38 percent of urban inhabitants have been using hygienically unsafe drinking water.

46 percent of the total population live in ger (traditional felt dwellings), one third - in separate houses and one fifth - in modern apartments. In urban areas, nearly one out of five persons lives in separate houses, three out of ten inhabitants - in apartments and three out of ten inhabitants – in gers.²⁷

²¹ MSWL. Social Assistance Reform, Ulaanbaatar. 2010. p. 4.

²² Please refer to "National Program on Food Security" approved by the Resolution No. 32 of the Government of Mongolia on February 4, 2009.

²³ Poverty Profile in Mongolia (Results of Annual Household Socio-Economic Survey, 2007-2008), Ulaanbaatar. 2010, p.28.

²⁴ Ibid.

²⁵ Food Sovereignty, Security and Human Rights, UPR-UNIVERSAL PERIODIC REVIEW Factsheet on Mongolia. 2010.

²⁶ Food Sovereignty, Security and Human Rights, UPR-UNIVERSAL PERIODIC REVIEW Factsheet on Mongolia. 2010.

²⁷ Poverty in Mongolia (Household Income and Expenditure Survey, 2007-2008), Ulaanbaatar. 2010. p. 47.

*Table 5. Total Apartment Space (thous.m²)²⁸
(Excluding ger dwellings)*

	2006	2007	2008	2009
Total	7742.1	8105.1	8483.2	8913.0

Poverty level is higher among ger dwellers, lower among separate house dwellers and lowest among modern apartment dwellers. This fact differs in urban and local areas. For example, almost half of ger dwellers are poor both in cities and countryside; while 7 percent of modern apartment dwellers in cities are poor, the number is 22 percent in countryside.²⁹

Mongolia has a serious road traffic safety problem. Recently, an increase in the number of vehicles and road density has been coupled with an increase in the number of road accidents and undesirable consequences. (According to State Vehicle Inspection, in 2009, 224.909 vehicles were registered).

According to a survey of the International Road Safety Organization conducted among 180 countries, Mongolia ranked 16th from the top in terms of traffic fatality rate per 10,000 vehicles (or 48.6 percent), and death per 10,000 vehicles was 7 times higher than in other countries, but, in terms of number of vehicles per 1000 people, the country ranked 23rd from the bottom.³⁰

As to population health, Mongolia is experiencing difficulties of both contagious diseases common in developing countries, and cancer and accidents common in developed countries.³¹ Mongolia has witnessed a dynamic decrease in infant and under-five child mortality rates since 1990 and its target for 2015 was achieved in 2006.³² Infant and under-five child mortality rates are lower in Ulaanbaatar and the central region, and higher in other regions.

Healthcare services are mostly provided through three tiers (primary, secondary and tertiary levels) of public hospitals. About 85 percent of population accesses primary health service at soum hospitals and family group practices.

Although Mongolia is at the same level with other countries with regard to number of people per doctor (as of 2009, 379 persons per doctor), doctors are still needed in rural areas. This influences negatively implementation of the national policy to provide the population with accessible and equitable health care. As to unofficial data, annually, over 30 thousand people head abroad to seek medical care. This fact testifies to the fact that the national health care system still experiences a lack of resources and low capacity of diagnosis and treatment.³³

In the academic year of 2009-2010, 736.8 thousand pupils studied at 775 secondary education institutions and 210.2 thousand students – at 114 colleges, universities and other tertiary (vocational and technical) education institutions.

Gross enrollment ratio in 2009/2010 was 94.7, of which 99.2 percent was for primary education, 93.2 percent – for secondary education, and 4.4 thousand children aged from 6 to 14 years old were school drop-outs.³⁴

Gross enrollment ratio per primary education has been stable in previous years. However, a slight decrease witnessed in 2008/2009 was related to the first grade enrollment starting at age of

²⁸ Mongolia Statistical Yearbook. NSO, Ulaanbaatar. 2009, p. 283.

²⁹ Ibid.,

³⁰ General Police Department of Mongolia. The Traffic Safety Issues, Ulaanbaatar. 2010. p. 51.

³¹ Ibid., p. 31.

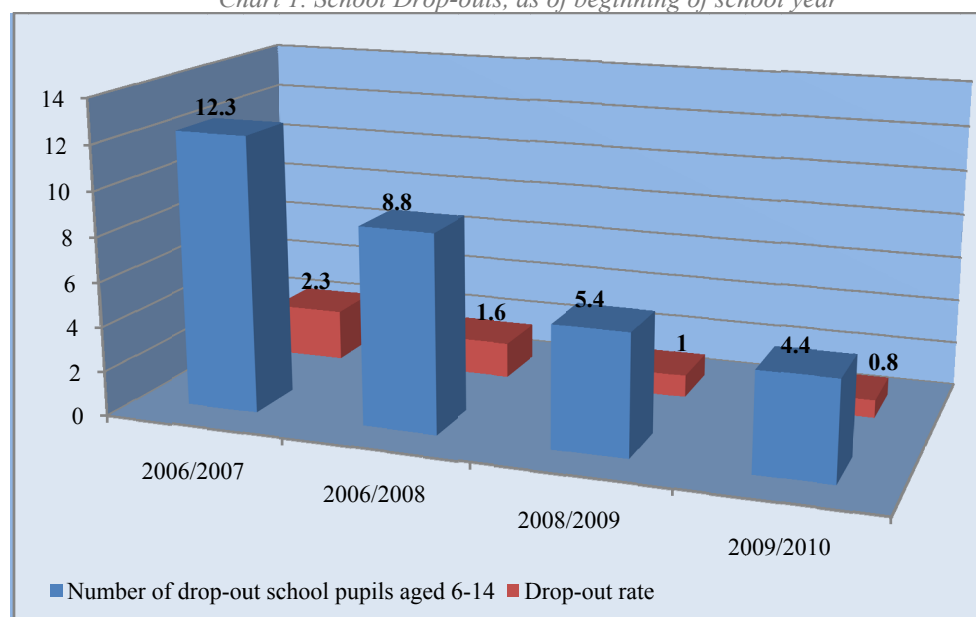
³² Implementation of the Millennium Development Goals. Third Country Report. Ulaanbaatar. 2009. p. 50.

³³ Health Service Financing in Mongolia (Sectorial Review), Ulaanbaatar. 2008, p. 34.

³⁴ Mongolia Statistical Yearbook-2009, NSO, Ulaanbaatar. 2010, p.313.

6 years old which was an essential part of a program to shift the secondary education to 12 year structure.³⁵

Chart 1. School Drop-outs, as of beginning of school year



In the school year of 2009-2010, gross enrollment ratio per primary education increased by 2.8 percent against the previous year and reached 94.3 percent. In the same year, gross enrollment ratio was the highest in the east region (96.4 percent) and the lowest in the capital city of Ulaanbaatar (92.9 percent).

In terms of age groups, gross enrollment ratio among 6, 8 and 11 years old was lower; drop-outs were more common among 1st, 3d and 5th graders, and many children were not able to enter the first grade on time.

Enrollment of 86.8 percent in 1-5 grades in 2006 increased to 92.8 percent in 2010. Pre-school and kindergarten enrollment increased by 14.2 and 13.2 percent respectively. Nationwide, 42.1 thousand children live in 502 dorms.

Researchers underlined that national legislation on education rights of persons with disabilities³⁶ was not able to create a favorable environment for them: laws lacked provisions on equal access of persons with disabilities to education, prohibition of any kind of discrimination, building of physical environment for handicapped people, availability of special books and manuals and development of special training programs for blind, deaf and deaf-blind citizens.³⁷

By the end of the year of 2009, 22966³⁸ disabled children studied at secondary schools³⁹ and 2400 children – at special schools.⁴⁰ However, research works revealed school enrollment of citizens with disabilities as being very low or barely 16 percent of them between 7 and 29 years

³⁵ Implementation of the Millennium Development Goals. Third Country Report. Ulaanbaatar. 2009.

³⁶ By the end of 2009, 7900 persons with disability were registered in Mongolia which occupied 3.2 percent of the total population. 44.9 percent of them resided in urban areas and 50.1 percent in rural areas. (For detailed information please refer to handbook "Rights of Persons with Disabilities to Labor and Education," Ulaanbaatar., 2010)

³⁷ Rights of Persons with Disabilities to Education and Labor (Survey Report), Ulaanbaatar. 2010, p. 8.

³⁸ 17582 (49%) children with seeing disability, 7822 (22%) – with hearing disability, 4196 (12%) – with talking disability, 2726 (7%) – with mental disability, 3573 (10%) - with physical disability study at schools.

³⁹ Mongolia Statistical Yearbook-2009, NSO, Ulaanbaatar, 2010, p.325.

⁴⁰ Special school is an education institution where children with disabilities are trained through special training programs depending on their disability type or level.

old were enrolled at schools.⁴¹ This situation is influenced by absence of physical environment accessible by the disabled/wheelchair persons, insufficiency of book/manuals and lack of specialized teachers and parents' care.

As of December 15, 2010, Confederation of Mongolian Trade Unions (CMTU) had 35 member organizations of which 13 were trade unions of professional and industrial organizations and 22 - local trade unions.

In Mongolia, some 2000 first-line trade unions representing 209000 members are registered. There are 47 state authorized inspectors who monitor labor relations related laws and regulations and approximately 2000 trade union authorized representatives who monitor labor safety and health issues. In 2010, implementation of labor relations legislation was reviewed among 21108 employees of 132 kindergartens, 122 secondary schools, 18 tertiary education institutions from 19 aimag and 9 districts.⁴²

Activities of the Confederation of Mongolian Trade Unions in 2009-2010, such as meetings, marches and other requirements, have considerably influenced the government decisions to increase salary of civil servants and social assistance by 30 percent and reinstatement of social insurance money.

Judging by recent trends, the main focus of national tri-partite agreements on labor and social issues has been on the following:

- Economic issues related to labor relations;
- Issues related to employment, labor safety and health;
- Issues related to wages, salaries and social protection;
- Issues related to labor management and social partnership.

The surveys continue to testify to the weak practice of the citizens' right to freedom of unions and consequently, social partnership is underdeveloped.⁴³

The Committee of Labor Dispute Resolution was able to reinstate employment of 170 employees, who were illegally fired, within 5-15 days. If the disputes had been taken to the court, it would have lasted for at least 6 months to one year. This fact proves effectiveness of the current system of labor dispute resolution.⁴⁴

Mongolia was ranked 117th place among 133 countries in the Global Competitiveness Index 2009-2010 issued by the World Economic Forum, 60th among 182 countries in the 2010 Doing Business survey conducted by the World Bank, and 69th place among 179 countries in the Index of Economic Freedom 2009 (88th in 2010) released from the Heritage Foundation.⁴⁵

⁴¹ Main Outcomes – Registration of Citizens with Disabilities, NSO Random Survey. Ulaanbaatar. 2004.

⁴² The fact was mentioned in CMTU information release of December 12, 2010.

⁴³ From CMTU presentation at the Forum on Private Sector Engagement into Implementation of National Human Rights Program organized by the Ministry of Justice and Home Affairs, National Committee on Human Rights and UNDP project on Legal Service Accessibility and Human Rights. Ulaanbaatar, December 10, 2010.

⁴⁴ Ibid.,

⁴⁵ Ibid.,



II. RESPONSIBLE AND REPRESENTATIVE GOVERNMENT

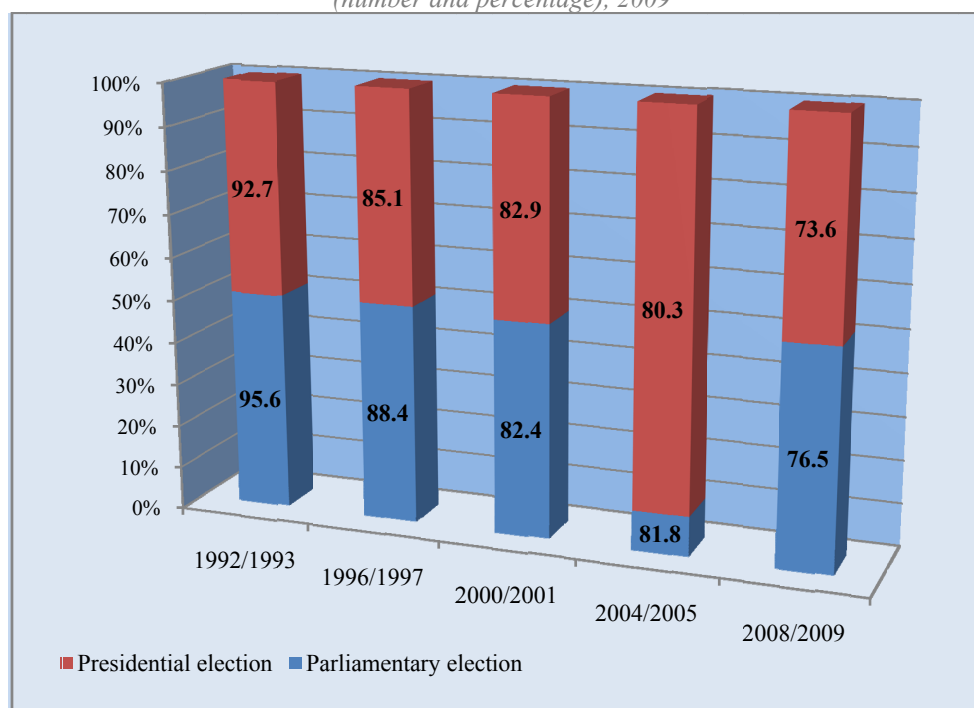
FREE AND FAIR ELECTIONS

Electoral legislation has not been changed since 2007. However, recently, a draft amendment to the Election Law of Mongolia was submitted to the State Great Hural and is now under review.

The 2008 local elections and the 2009 presidential elections were held in a legal manner, and there were no significant disputes around political appointments following the elections. In 2008, the Mongolian People's Revolutionary Party (MPRP) won 45 seats, the Democratic Party – 28 seats, the Citizens' Will Party – 1 seat, the Citizens' Alliance – 1 seat and an independent candidate – 1 seat. Although the MPRP had won the majority of seats, it decided to cooperate with its opposition force, the Democratic Party, and established a coalition (or unity) government.

It was surveyed that for the elections of 2008, about 100 thousand eligible voters had not been registered in the voter register because of problems with their identification documents, lack of identification documents, lack of residential registration, duplicity of residential registration, or residence abroad.

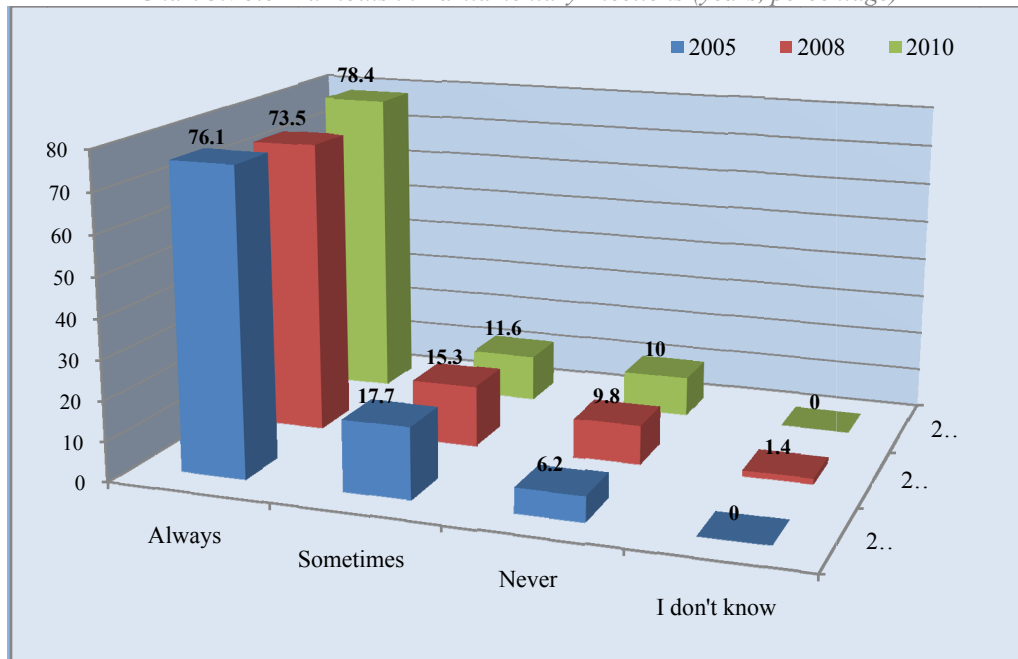
*Chart 2. Voter Turnover: The State Great Hural and Presidential Elections
(number and percentage), 2009*



Source: General Election Committee Data

Elections of the Aimag, Capital City, Soum and District Assemblies of Citizen Representatives were held on 12 October 2008. Repeat voting was required for some electoral districts in the capital city and two soums owing to less than 50 percent turnout of the registered voters in the initial round. Voter turnouts in the State Great Hural and local elections held in the last five years between 2005 and 2010 are compared in Chart 3.

Chart 3. Voter Turnouts in Parliamentary Elections (years, percentage)



Source: State of Democratic Governance in Mongolia, Survey Reports 2005, 2008, 2010

Survey respondents explained reasons for their failure to vote in the 2005, 2008 and 2010 elections as followed. (Table 6)

Table 6. What are reasons for your failure to vote in the SGH elections? (years, percentage)

Answers	2005	2008	2010
Unfair election	0.6	19.3	29.6
Lack of proper documents	1.6	5.5	8.7
Lack of trust in candidates	0.9	11.7	16.1
Was not given a certificate to vote	0.6	2.8	-
Was busy at that time	1.1	4.8	-
Was under age/ not eligible to vote	1.6	27.6	15.1
Bored of politics	0.2	9.0	6.9
Lack of interest	1.2	15.8	7.9
Don't remember	-	0.7	0.8
Others	-	2.8	15.1
No answer	10.7	-	-

According to a prediction survey about voter turnout in 2012, 82.7 percent of citizens responded to the question “If elections were held tomorrow, would you participate?” - “Yes”, 3.9 percent – “No” and 13.5 percent – “Don’t know yet or will decide at that time.”

In the media monitoring report for the 2008 State Great Hural elections, Globe International NGO noted “The principle of balanced coverage was not applied. Mongolian People’s Revolutionary Party (MPRP) and Democratic Party (DP) received the most of the airtime and space in monitored broadcast and print media. Although the two big political parties had similar portions of the election coverage (37% of all the monitored airtime devoted to MPRP and 28% - to DP. 41% of all the monitored print media devoted to DP and 38% - to MPRP.) The airtime

portion shared by other parties and independent candidates was relatively smaller than the portion given to either of the two big political parties. Specifically, 28% of the monitored airtime and 13% of the print media were devoted to the other parties and independent candidates.”⁴⁶

Researchers, political parties, citizens and voters share different opinions on what kind of electoral system is suitable for Mongolia. 18.0 percent of respondents assessed the current electoral system as being suitable for the country, 37.3 percent – unsuitable and 44.7 percent – don’t know. 53.0 percent of respondents giving “unsuitable” answers believed that the current system needed to be changed and 37.1 percent – “did not know.”

Table 7. What kind of electoral system is suitable for Mongolia? (years, percentage)

Responses	2008	2010
Majority - (one constituency, one mandate)	20.4	14.6
Majority – extended constituency (one constituency, multiple mandates)	23.8	13.7
Mixed representation	-	10.1
Proportional representation	11.9	8.4
Don’t know	43.9	53.3
Total	100.0	100.0

DEMOCRATIC ROLE OF POLITICAL PARTIES

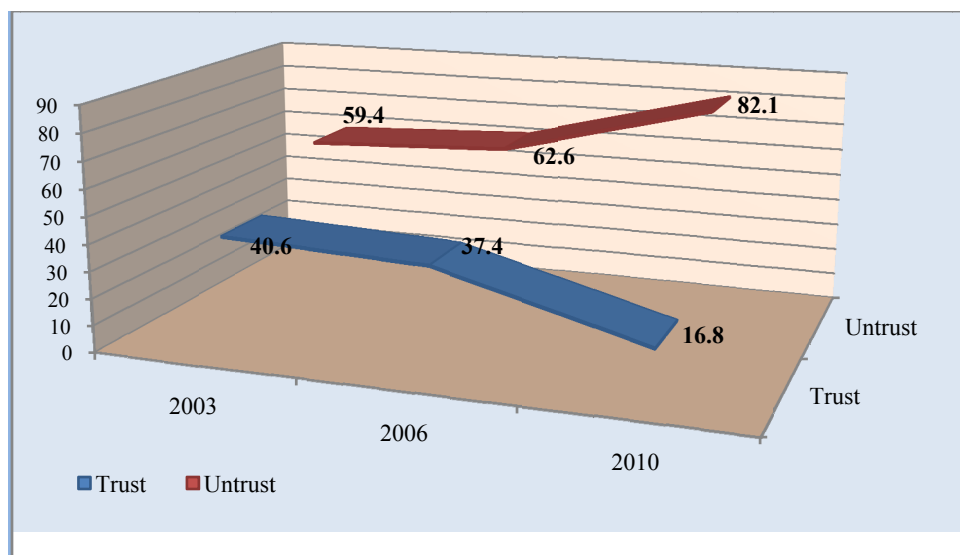
In 2010, there were 17 political parties registered at the Supreme Court. Recently, the Mongolian People’s Revolutionary Party (MPRP) changed its name into the Mongolian People’s Party and was registered at the Supreme Court on November 12, 2010. Following this event, in early 2011, a break-away group called “MPRP Temporary Headquarters” called an emergency assembly at which they announced birth of a new party and submitted its registration request to the Supreme Court.

According to the survey results on trust in institutions (2010), the public identified political parties as the least trustworthy institutions in Mongolia.

Chart 4. Dynamics of Trust in Institutions ⁴⁷

⁴⁶ Media Freedom Report: Mongolia-2008. Published by the Globe International NGO, Ulaanbaatar, 2008. <http://globeinter.org.mn/>

⁴⁷ Political Education Academy, Survey conducted within the scope of East Asia Barometer project. 2010.



In 2010, Law on the State Great Hural was amended with specific requirements to members of parliament to secure smooth functioning of the legislative body. In 2009, Code of Ethics of members of parliament was adopted.

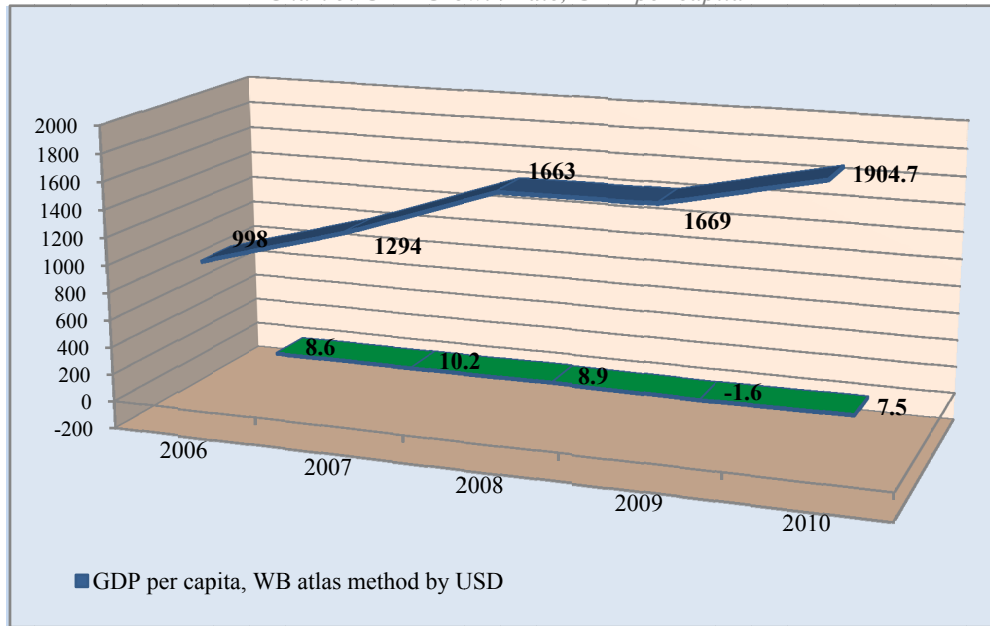
Due to poor implementation of legal provisions regulating financing of political parties and lack of mechanisms to monitor internal practices, there is a chance for political parties to neglect the issue and keep producing false financial reports. Although an auditing practice has recently been introduced, there is no open selection for auditing companies and disclosure of audit reports to the public is unsatisfactory. Disclosure of an audit report has been done by the Democratic Party. Cases of unlawful actions related to financing of electoral campaigns and fundraising issues have continuously been observed and may lead to suspicions of corruption practices.

GOVERNMENT EFFECTIVENESS AND ACCOUNTABILITY

In recent years, Mongolia's economy has shown high growth rates. The GDP has been steadily increasing from MNT 3714952.9 million in 2006 and MNT 6055794.3 million in 2009.⁴⁸ Real GDP growth and per capita rate are summarized in Chart 5.

⁴⁸ Mongolia Statistical Bulletin -2009, NSO, Ulaanbaatar. 2010, p.125.

Chart 5. GDP Growth Rate, GDP per capita



Source: Mongolia Statistical Bulletin - 2008, NSO. Ulaanbaatar, 2009, pp. 125-126.

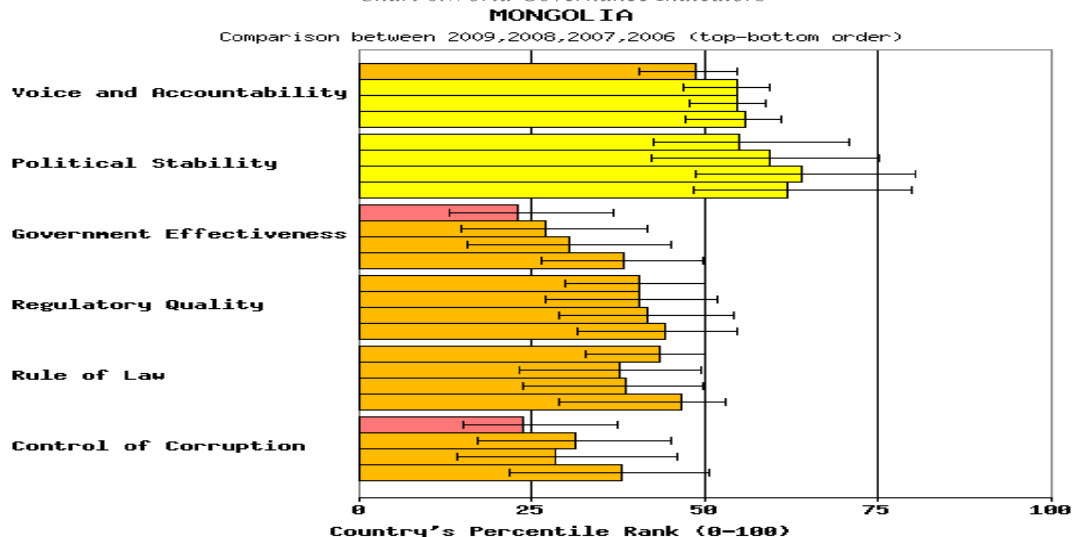
*2011 Budget Introduction, p. 2.

<http://www.iltod.gov.mn/wp-content/uploads/2010/10/2011-budget-taniltsuulga.pdf>

Yet, the relatively high economic growth rates of Mongolia have not been coupled with effective decrease in the poverty rates. “If this trend will last, it would be difficult to meet the poverty reduction goal.”⁴⁹

As per WB “World Governance Indicators”, governance indicators of Mongolia in 2006-2009 have deteriorated. Specifically, indicators of “Government Effectiveness” and “Control of Corruption” have markedly decreased.

Chart 6. World Governance Indicators



Source: Kaufmann D., A. Kraay, and M. Mastruzzi (2010), The Worldwide Governance Indicators: Methodology and Analytical Issues

Note: The governance indicators presented here aggregate the views on the quality of governance provided by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries. These data are gathered from a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The WGI do not reflect the official views of the World Bank, its Executive Directors, or the countries they represent. The WGI are not used by the World Bank Group to allocate resources.

Source: Worldwide Governance Indicators (WGI)

http://info.worldbank.org/governance/wgi/sc_country.asp

⁴⁹ Implementation of the Millennium Development Goals. Third Country Report. Ulaanbaatar, 2009, p.25.

Since 2008, a survey entitled “Democratic Governance” has been added as a new module to the Annual Household Socio-Economic Survey conducted by the National Statistical Office, and the 2008 survey encompassed 3744 citizens. Within the scope of this survey, public perception of activities of state organizations was studied. The survey respondents gave a higher satisfaction rate to social insurance and social care organizations whereas political parties and citizens’ representative bodies, such as State Great Hural, Citizens’ Representative Hural and Public Hural, received lower satisfaction scores.

Table 8. Public Perception of Activities of State Organizations

#	Organizations	Answer, percent					
		Very poor	Poor	Moderate	Good	Excellent	Don’t know
1	President of Mongolia	4,0	10,2	34,1	43,4	4,7	3,6
2	State Great Hural (parliament)	10,1	25,9	45,2	15,1	0,8	2,9
3	Government of Mongolia	6,9	18,4	39,7	28,4	1,9	4,7
4	Citizens’ Representative Hurals of Capital/Aimag	5,2	15,2	33,5	19,7	0,8	25,6
5	Citizens’ Representative Hurals of District/Soum	7,1	17,5	35,5	21,9	1,0	17,0
6	Citizens’ Hurals of Bagh/Horoo	10,0	17,9	32,4	22,6	1,7	15,5
7	Governor of Capital/Aimag	4,7	13,0	34,9	29,0	2,3	16,2
8	Governor of District/Soum	6,0	15,7	35,4	28,9	2,2	11,8
9	Governor of Bagh/Horoo	7,2	15,6	31,7	35,9	3,5	6,1
10	Supreme Court	4,4	9,0	21,8	12,3	1,7	51,0
11	Court of Capital/Aimag	3,6	9,8	23,4	13,4	1,0	48,9
12	Court of District/Inter-soum	3,6	10,8	24,5	13,4	1,1	46,7
13	General Authority for Implementing Court Decision	3,2	9,7	22,4	16,0	1,7	46,9
14	Traffic Police	4,5	11,6	29,2	35,4	2,9	16,4
15	Criminal Police	4,0	12,4	31,3	27,1	2,4	22,8
16	Police Patrol	4,7	12,9	31,1	31,8	3,7	15,8
17	Independent Agency Against Corruption	11,1	16,2	23,3	11,1	1,2	37,2
18	State Specialized Inspection Agency	6,4	14,3	26,8	25,0	2,0	25,5
19	National Audit Office	2,2	7,7	20,3	19,2	2,0	48,6
20	General Customs Office	5,4	11,7	23,7	17,2	1,1	40,9
21	Land Authorities	11,2	16,5	28,1	17,9	1,2	25,2
22	Taxation Authorities	3,1	8,4	25,6	35,9	3,5	23,5
23	Social Insurance Authorities	1,2	5,2	24,5	53,2	5,9	10,1
24	Social Assistance/Care Authorities	1,3	5,7	22,4	53,7	7,5	9,3
25	Public Schools	1,5	6,1	30,9	47,8	6,7	7,1
26	Public Health Organizations or Hospitals	4,4	12,3	30,9	43,6	5,2	3,6

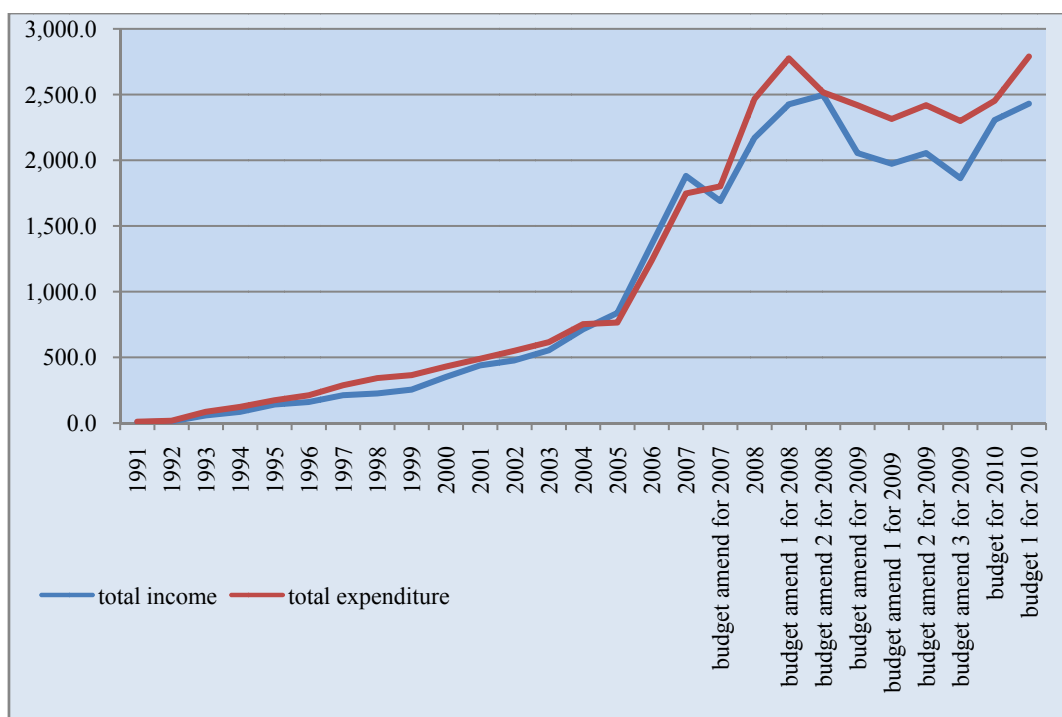
Source: Annual Household Socio-Economic Survey, “Democratic Governance Module”, NSO, 2009.

The SGH is on the lookout for new mechanisms to exercise better its monitoring and oversight roles. For example, a discussion was held in December 2009 at the initiative of the Human Rights Subcommittee of the State Great Hural and raised an issue about whether legal entities or responsible officials violated human rights during the July 1, 2008 riots or not.

Issues of rights, roles and responsibilities of budget authorities and responsible officials, budget monitoring and budget relations among central and local administrative bodies were reflected in Article 151 of the General Directions for Improving Legislation of Mongolia till 2012 approved by the SGH Resolution No.38/2009. Following this spirit, Budget Law has been drafted based on principles of the Public Sector Management and Finance Law and Law on State Consolidated Budget and submitted to the SGH.

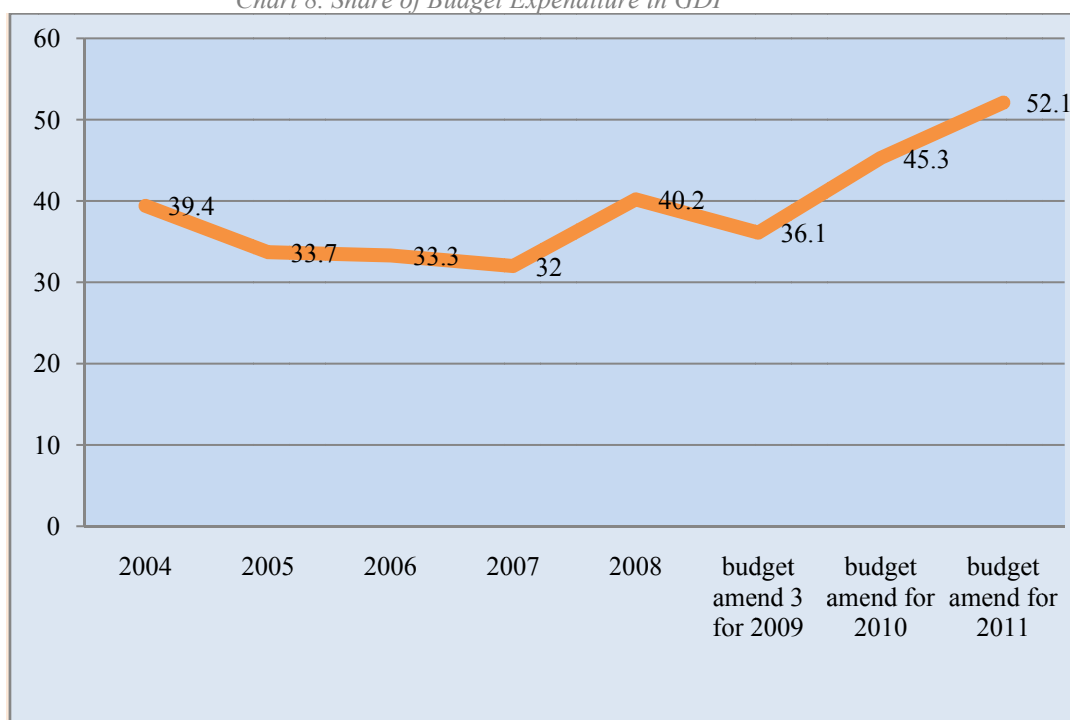
The consolidated budget of Mongolia consists of the state budget, local budget, Mongolia Development Fund budget, and social insurance budget. The State budget is a budget which approved by the SGH and accumulated and administered by the Government. Income and expenditure of the state budget of Mongolia has increased threefold in the last five years. Budget expenditure growth is overwhelming GDP growth.

Chart 7. Income and Expenditure of the State Consolidated Budget



Source: Statistics of the State Budget of Mongolia 2009-2010
<http://www.iltod.gov.mn>

Chart 8. Share of Budget Expenditure in GDP



Source: Statistics of the State Budget of Mongolia 2009-2010.
<http://www.iltod.gov.mn>

Comprehensive budget information is accessible at “Budget Transparency <http://www.iltod.gov.mn>” website run by the Budget Policy Department of the Ministry of Finance. Mongolia’s Open Budget Index (OBI) has shown remarkable progress in recent years.

Its score on the OBI doubled from 18 in the 2006 survey to 36 in 2008 and further increased by 24 points to 60 in the 2010 survey.⁵⁰

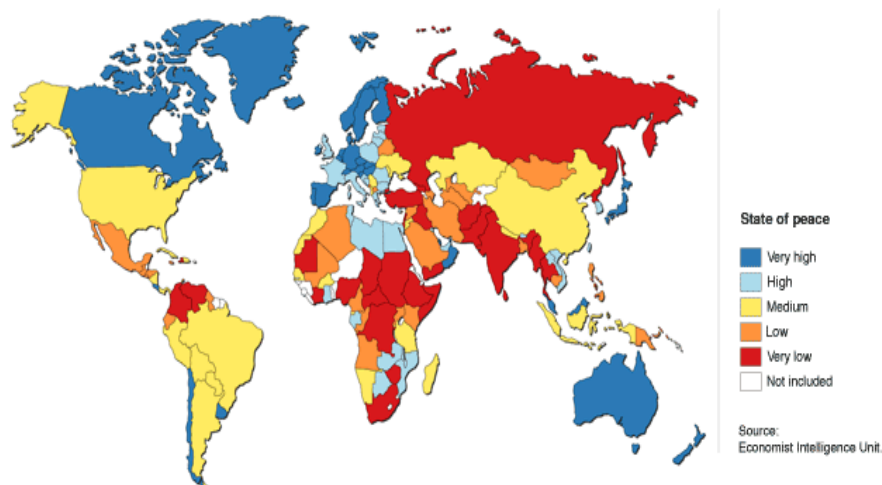
“Transparency Indicators” of central and local government organizations were approved by the Government Resolution No. 143/2009. There are altogether 30 indicators divided into four groups of operations transparency, human resource policy transparency, budget and finance transparency and public procurement transparency. The Resolution also recommended Cabinet members to reflect Transparency Indicators in performance contracts of heads of government agencies and governors and use outcomes in their performance evaluation.

According to a survey by the Sant Maral Foundation (2009), the public rated unemployment 28.8 percent (first place), standard of living - 21.5 percent (second place) and inflation - 13.2 percent (third place) as most important socio-political or economic problems in Mongolia. When respondents were asked “How often do you feel that government policies fail to solve the most important problem you mentioned?” 51 percent of respondents replied “always”, 26.4 percent – “often”, 11.6 percent – “sometimes” and 2.8 percent – “seldom”, 1.2 percent – “never” and 5.8 percent – “don’t know.”⁵¹

CIVILIAN CONTROL OF POLICE AND MILITARY

In Global Peace Index⁵² issued annually by *Vision of Humanity*, Mongolia was ranked 88th in 2008 with 2 155 scores and 89th in 2009 with 2 040 scores out of 144 countries.⁵³

Chart 9. Global Peace Index, 2009



Information related to armed forces is not transparent to the public. Content of websites of military organizations is often limited by introductory and ongoing event-related information. However, in recent years, some positive changes have been introduced in civilian and military relations.

⁵⁰ Open Budget Survey. <http://internationalbudget.org/>

⁵¹ Political Barometer, Sant Maral Foundation №4 (37), October 2009. <http://www.forum.mn/index.php>

⁵² Global Peace Index gauges ongoing domestic and international conflict, safety and security in society and militarization in countries.

⁵³ For more information please refer to the website of Vision of Humanity <http://www.visionofhumanity.org/gpi/results/mongolia/2009/>.

Information on police and intelligence activities is not accessible enough to the public. Police officers in charge of media and public relations make statements regularly through media outlets. An open discussion held in 2009 at the SGH on investigation processes of the July 1, 2008 riots could be seen as a form of public oversight over police and special service activities. But, it should be noted that the discussion ran into conflict with the current legislation and work style, thus, it had both positive and negative consequences on social life.

In the 2010 survey “State of Democratic Governance in Mongolia”, there were questions aimed to define service quality of law-enforcing organizations and the police. The public assessment was dominated by negative answers of 27.3 percent that was followed by positive answers of 21.8 percent.

Table 9. How your problem/request was solved at the police and law-enforcing organizations?

№		Number	Percentage
1	Solved in compliance with the law in a timely manner	25	11,7
2	Solved, but, in a time-consuming and burdening manner	43	20,2
3	Left the issue aside, as no decisions were made	62	29,1
4	Went to many organizations at different hierarchical levels	11	5,2
5	Decision was unfair	25	11,7
6	No loss recovery	33	15,5
7	Decision was influenced by corruption.	5	2,3
8	Used my connections to have my issue resolved.	8	3,8
9	It is under review.	1	0,5

Source: The State of Democracy in Mongolia. Sociological Survey Report. 2010

In Mongolia, no data were registered on organized, armed and military groups and there are no reports about attacks and pressure of such groups.

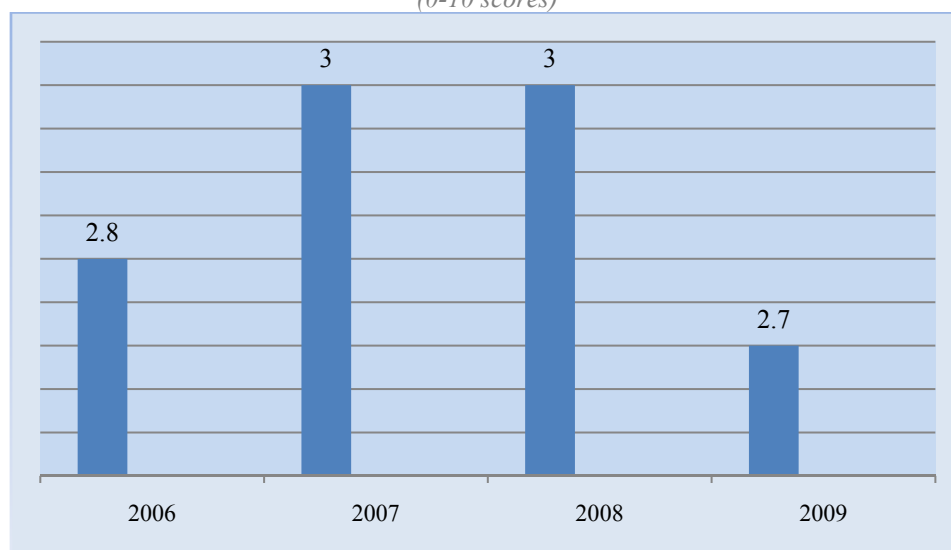
MINIMIZING CORRUPTION

81.1 percent of citizens, 77.1 percent of civil servants, 79.2 percent of businessmen and 72.3 percent of experts believe that corruption is widespread in Mongolia.⁵⁴ Furthermore, Mongolia’s control of corruption and Corruption Perceptions Index went down to 2.7 on a scale of 1 to 10 or shifted to “uncontrollable” ranking.⁵⁵

⁵⁴ Corruption Perception Index. 2009 Report, IAAC, Ulaanbaatar, 2009., pp.123, 204, 237 and 266 (3000 citizens /household/, 2000 civil servants, 1000 businessmen, 350 experts participated in the survey)

⁵⁵ WB Institute. Control of Corruption. http://info.worldbank.org/governance/wgi/sc_country.asp

Chart10. Mongolia's Annual Corruption Perception Index⁵⁶
(0-10 scores)



Although Mongolians consider corruption as one of the most problematic issues, Mongolia's ranking in international corruption surveys has slightly improved.⁵⁷

As the Anti-Corruption Law dictates, in order to implement corruption prevention and enlightening activities through a consolidated national policy, the Prime-Minister organized a joint working group with the Independent Agency against Corruption by his Resolutions No. 9/2008 and 14/2009 and approved "Cooperation Plan in Corruption Prevention and Enlightening Activities." Following the action plan, in 2009, 55 state organizations developed and implemented their respective Corruption Prevention Plans.⁵⁸

One of the effective measures to combat corruption is to collect statements on assets and income of public servants and to impose legal responsibilities on law-breakers. Collection rate of assets and income statements reached 95-99 percent.⁵⁹

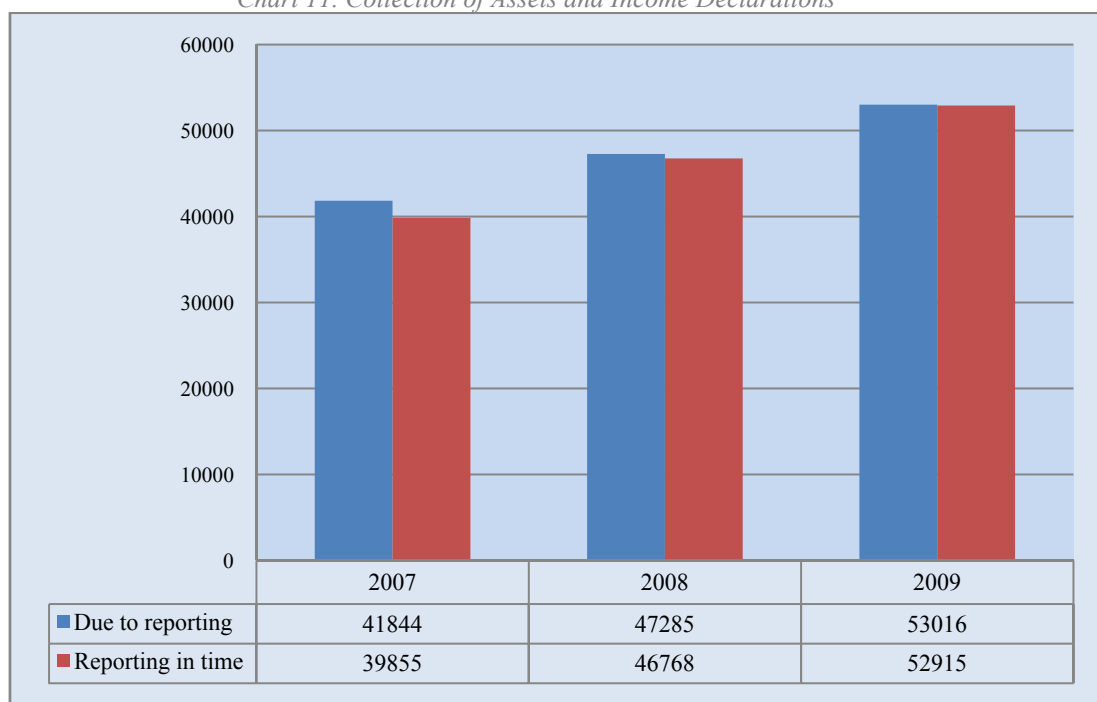
⁵⁶ Transparency International Survey // <http://www.transparency.org/>

⁵⁷ Mongolia Corruption Benchmarking Survey. Asia Foundation. Ulaanbaatar. 2009. p. 5.

⁵⁸ IAAC Activity Report-2009, Ulaanbaatar. 2009. p.6.

⁵⁹ IAAC Activity Report 2009, Ulaanbaatar. 2009. pp.16-17.

Chart 11. Collection of Assets and Income Declarations

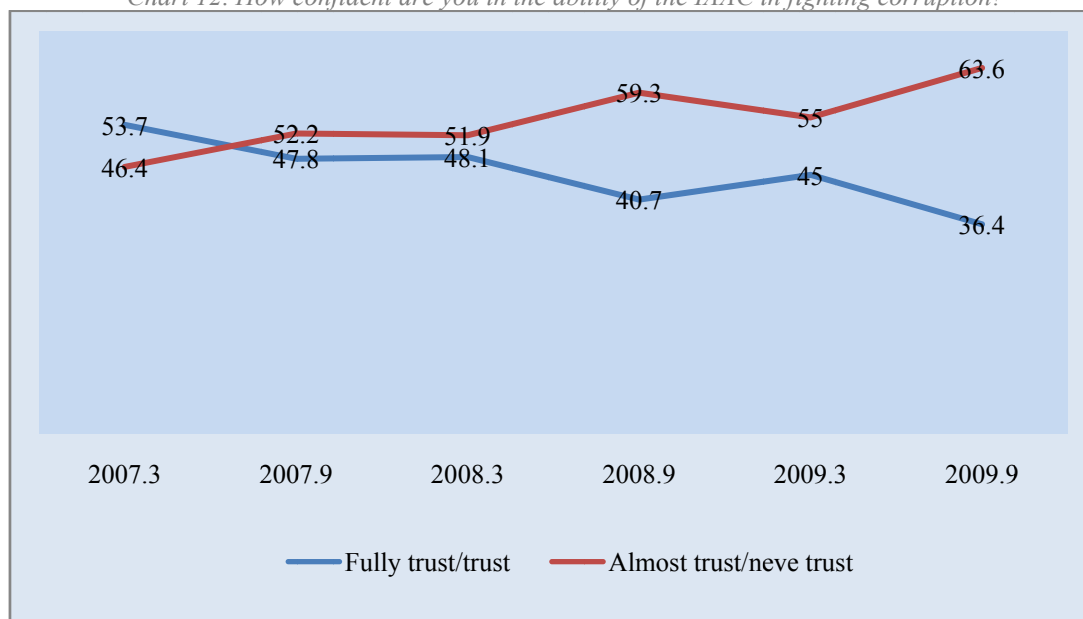


Factors hindering full control of corruption include unconformity of Mongolia's Anti-Corruption Law with the UN Anti-Corruption Convention and IAAC's disability to register and investigate all corruption-related crimes.⁶⁰ Although the public evaluation of IAAC activity has changed insignificantly, the public confidence in IAAC has decreased significantly. Nevertheless, "IAAC continues to lead as the top organization to fight corruption, despite a continuing drop of public confidence in this organization."⁶¹

⁶⁰ An IAAC inquirer has right to investigate the following crimes specified in the Criminal Law of Mongolia. These are 263/ Abuse of power or of office by a state official 264/ Excess of authority by a state official, 265/ Abuse of authority by an official of an NGO or a business entity, 266/ Excess of authority by an official of an NGO or a business entity, 268/ Receiving of a bribe, 269/ Giving of a bribe, 270/ Intermediation in bribery, and 273/ Spending of the budget funds contrary to their designation.

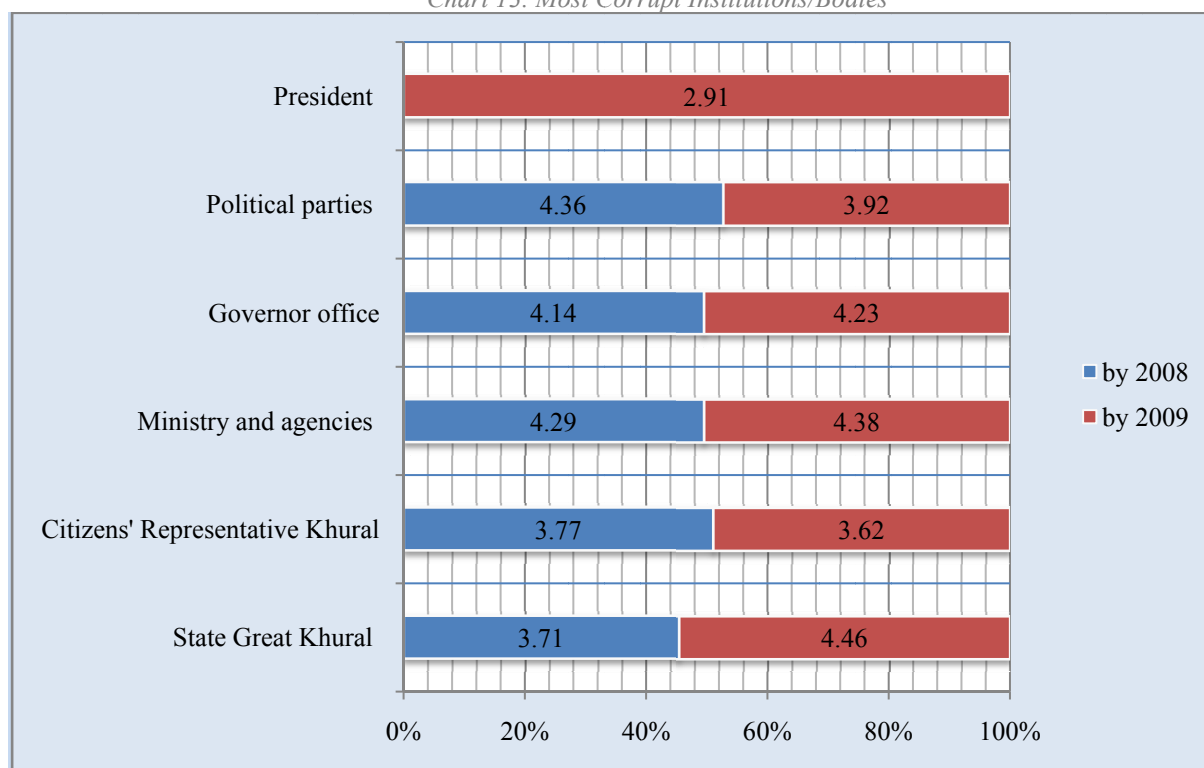
⁶¹ Mongolia Corruption Benchmarking Survey, Asia Foundation, Ulaanbaatar. 2009. p. 5.

Chart 12. How confident are you in the ability of the IAAC in fighting corruption? ⁶²



“Global Corruption Barometer 2009” reports that state capture is perceived by the general public as a particularly serious problem in Newly Independent States and Mongolia, where more than 7 in 10 respondents claimed that bribery is often used by the private sector to shape laws and regulations.⁶³ Experts assessed corruption in political (4.54)⁶⁴, judicial and law enforcement institutions as being very high (3.92).

Chart 13. Most Corrupt Institutions/Bodies



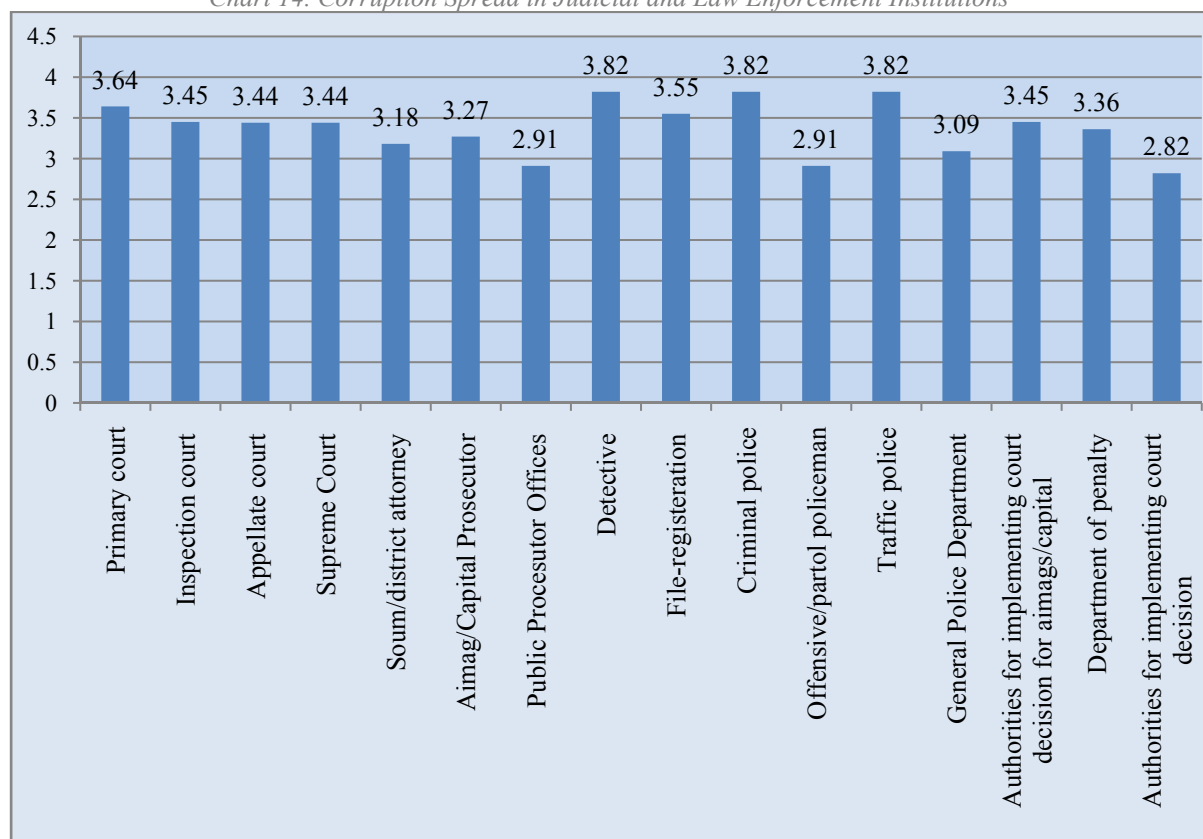
⁶² Asia Foundation Survey // <http://asiafoundation.org/publications/>

⁶³ Global Corruption Barometer 2009. Justice, Theory and Methodology Periodical. 2009. № 1. p.83.

⁶⁴ Experts assessed within the scale of 1-5 scores (1- no corruption at all and 5-high level of corruption).

Among judicial and law enforcement institutions, experts gave 3.49 scores to the judiciary, 3.12 - to prosecutor's offices, 3.50 - to the police and 3.21 - to entities implementing court decisions.

Chart 14. Corruption Spread in Judicial and Law Enforcement Institutions





III. CIVIL SOCIETY AND POPULAR PARTICIPATION

MEDIA IN DEMOCRATIC SOCIETY

Recently, there has been an upsurge in media dependency, especially from politics. Survey respondents assessed the degree of media independence as follows.

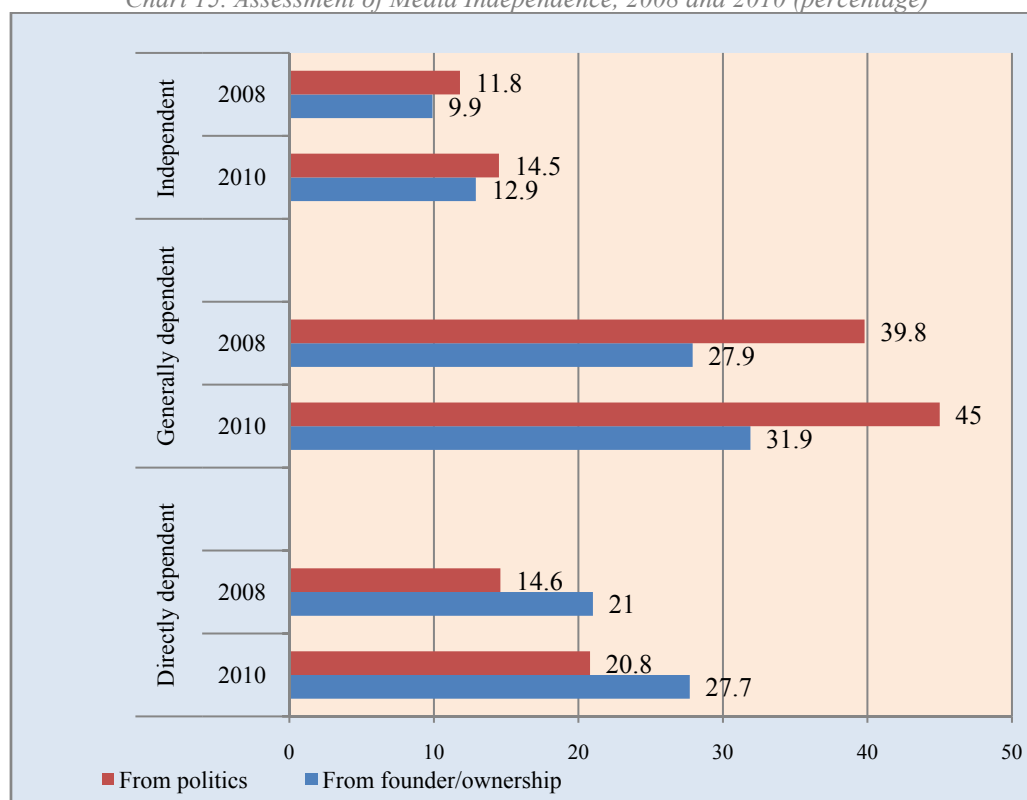
Table 10. How media is dependent on the following factors? (2010)

Factor Types	Totally dependent	Generally dependent	Independent	Don't know	Average
Politics	20,8	45,0	14,5	19,6	2.08
Business groups	13,0	43,5	18,0	25,5	1.93
Founders and sponsors	27,7	31,9	12,9	27,5	2.20

*Source: State of Democracy in Mongolia.
Sociological Survey Report. 2010*

According to cross comparison of media independence levels of 2008 and 2010, in 2010, “totally dependent on politics” answers grew up by 6.2 percent, “generally dependent” answers – by 5.2 percent and “independent” answers – by 2.7 percent. Alternatively, “totally dependent on founders and owners” answers grew up by 6.7 percent, “generally dependent” answers – by 4.0 percent and “independent” answers – by 3.0 percent.

Chart 15. Assessment of Media Independence, 2008 and 2010 (percentage)

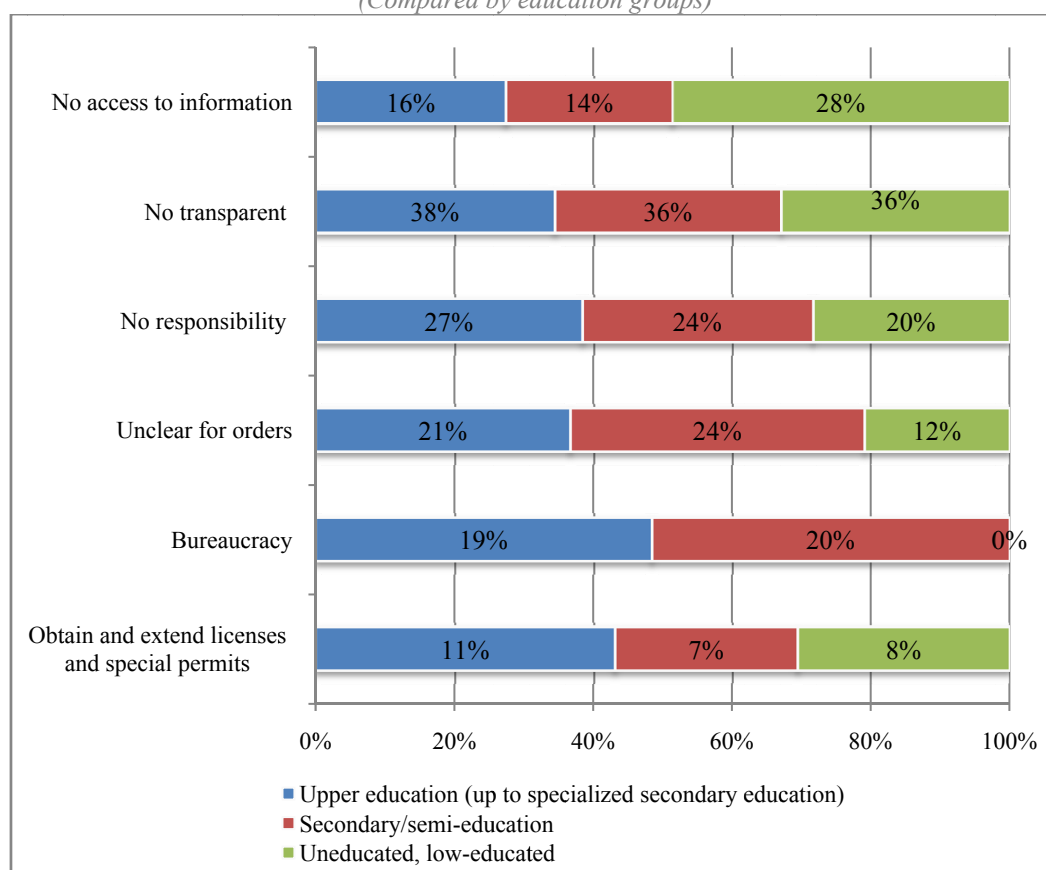


*Source: State of Democracy in Mongolia.
Sociological Survey Report. 2010*

At present, 28.0 percent of citizens are not able to obtain timely information from government agencies, 23.6 percent of citizens do not need to obtain information, 26.7 percent obtain information with difficulties or after search and inquiries, and one out of five citizens access information easily. This fact exposes a low level of government openness and government information services.

24.4 percent of people with higher level of education obtain information easily, 31.2 percent – of them obtain information with difficulties or after search and inquiries and 32.5 percent of them - unable to obtain information. Conversely, information is hardly accessible for 12.8 percent of people with lower level education or with no education, and is totally inaccessible for 53.2 percent of them.

*Chart 16. Reasons for Low Access to Government Information
(Compared by education groups)*



*Source: State of Democracy in Mongolia.
Sociological Survey Report. 2010*

In its 2007 report, Reporters Without Borders⁶⁵ classified Mongolia as 74th among 169 countries with freedom of press index of 23,4⁶⁶ and in 2010, the same organization placed Mongolia 76th among 178 countries with freedom of press index 19,42.

*Table 11. Mongolia's Media Freedom Index,
2006-2010⁶⁷*

Year	2010	2007	2006
Index	19,42	23,40	19,25

In general, there is a tendency of gradual improvement of freedom of press. However, politicians and decision-makers have always been short of political wills to support public information accessibility and refine media legislation and have been very inflexible toward public initiatives. A proof of this fact is that the Law on Information Freedom has remained as a draft for several years. In detail, this Law has been drafted and discussed among the public four years ago

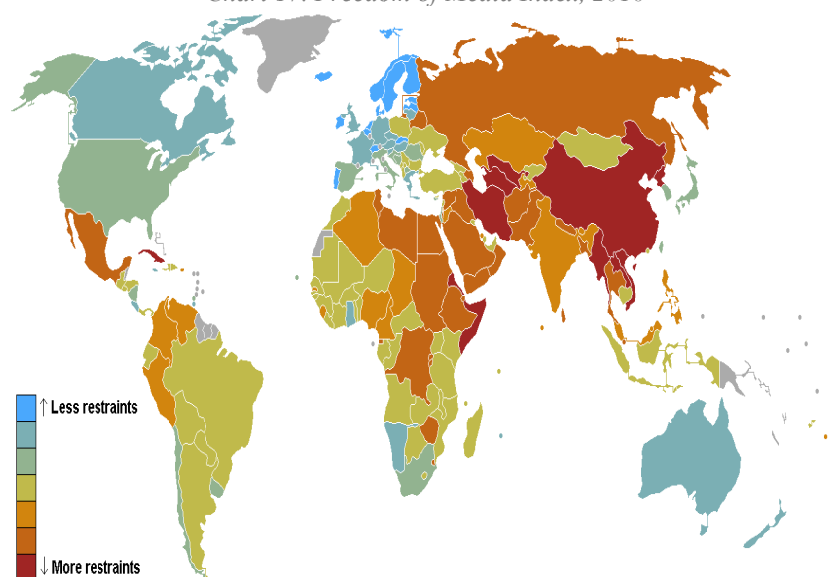
⁶⁵ Reporters Without Borders

⁶⁶ http://www.rsf.org/article.php3?id_article=19388

⁶⁷ <http://www.rsf.org/>

and the draft has been submitted to the SGH two years ago, but, the parliament hearing is still pending.

Chart 17. Freedom of Media Index, 2010



In 2010, the number of Internet users increased threefold (7.4%-23.9%) compared to 2005. There are no significant developments in regard to other sources of information. There is a certain decline in the number of users of some sources of information.

Recently, Internet share has significantly increased among the major sources of information. The most frequently accessed websites are www.news.mn and www.olloo.mn which publish broad-scoped information of social life, www.legalinfo.mn which contains legislative information and www.google.com which is used as search engine to find necessary information. Survey respondents mentioned altogether 12 websites and in the below table, the referred websites are enlisted in order of their frequency.

Table 12. What is your favorite website which provides realistic and quality information? (2010)

Websites	Percent 2008	Websites	Percent 2010
www.olloo.mn	50,0	www.news.mn	21,1
www.google.mn	20,0	www.legalinfo.mn	14,0
www.gogo.mn	10,0	www.olloo.mn	14,0
www.news.mn	6,0	www.shuud.com	10,5
www.yahoo.com	4,0	www.google.com	10,5

Source: State of Democracy in Mongolia.
Sociological Survey Report. 2010

The public has been critical about unethical and unaccountable behavior of journalists, such as going after sensational news, displaying biased opinions or irrational judgments, being engaged with political party/ies, using their professional positions for personal gains, releasing false information and others.

In order to elucidate the reality, public perception on fairness and ethical behavior of journalists and media personnel was surveyed twice in 2008 and 2010. Lately, in 2010, 13.1 percent of survey respondents replied “fair”, 70.8 percent – “it differs” and 6.8 percent – “unfair.” The “unfair” assessment increased by 2.4 percent from 2008.

Table 13. Assessment of Journalism (percent), 2008, 2010

Answer	2008	2010
Fair	14,3	13,1
It differs	81,4	70,8
Unfair	4,4	6,8
Don't know	-	9,2
Total	100,0	100,0

*Source: State of Democracy in Mongolia.
Sociological Survey Report. 2010*

Encroachment by the media on citizens' privacy or reporting on private affairs targets mainly public persons and is done for sensation, publicity and marketing purposes.

POLITICAL PARTICIPATION

Following structural change of the Ministry of Justice and Home Affairs in 2008, a registration department was re-organized and charged with duties to register and issue consolidated information on non-governmental organizations (NGOs). As of April 2010, there were 8329 NGOs registered with the NGO Registration Department of the Ministry of Justice and Home Affairs and 80 percent of them were registered as Public Benefit NGOs and 20 percent as Member Benefit NGOs.⁶⁸ There are no trade unions in most state and local administrative organizations.

Currently, there are 463 entities of Buddhist, Christian, Islamic, Bahai, Shamanist and Moon religions officially registered in Mongolia, of which more than 50 percent is Buddhist monasteries and about 40 percent – Christian organizations and churches. Mongolian legislation affirms the freedom of conscience and religion.⁶⁹

Table 14. Number of NGOs, 2005-2010

Organizational Type	2006	2008	2010
Non-Governmental Organization	5 118	6 858	8329

*Source: Statistical Bulletin. Ulaanbaatar., 2008,
Mongolia Human Rights Report. HNRC, 2010.*

Only 11.7 percent of respondents in the public survey on DGIs believed that NGOs were active ("very good" and "good") in their local areas whereas 31.0 percent replied that there were no NGO activities ("bad" and "too bad"). This image has been fairly stable in the last years. Although assessment of NGO activities varied by regions, in every region, one out of two respondents gave a score below average; hence, it re-affirms the mediocrity of NGO activities in Mongolia.

According to the results of surveys conducted in 2005, 2008 and 2010, the NGO image in the society appears to have slightly improved.

⁶⁸ Mongolia Human Rights Report, NHRC. 2010.

⁶⁹ Ibid.

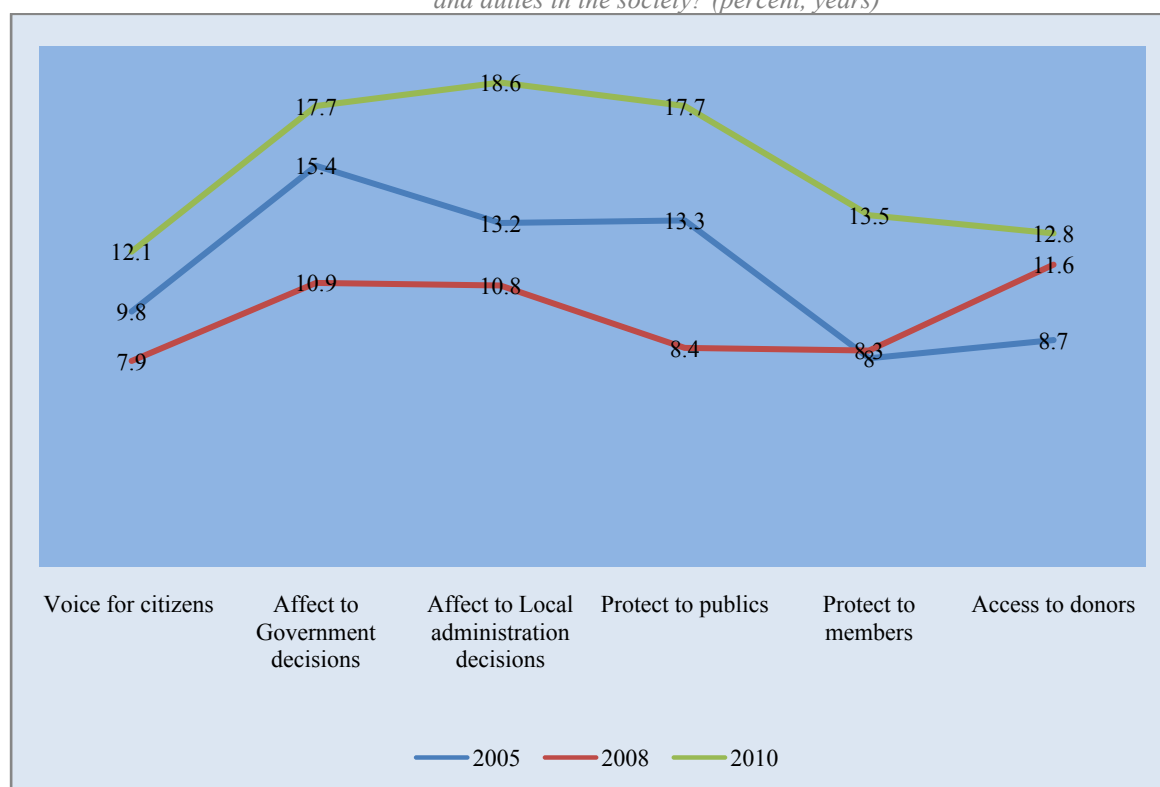
Table 15. Have NGOs been capable to carry out their roles and duties in the society? (percent, years)

Answers	Yes		
	2005	2008	2010
Expression of citizens' voice	25,0	28,3	34,1
Influencing government decisions	17,1	22,6	25,2
Influencing decisions of local government	17,7	13,5	21,6
Protection of public interests	19,9	24,7	26,3
Protection of member interests	31,4	22,7	26,2
Way of benefiting from foreign aid	28,0	13,7	24,7

Source: State of Democracy in Mongolia.
Sociological Survey Report. 2010

Oddly, the same three surveys reveal a tendency of deterioration in the NGO roles and duties. However, the number of people, who did not answer the question, has decreased and this could be viewed as an improvement of NGO's public relations image.

Chart 18. Have NGOs been capable to carry out their roles and duties in the society? (percent, years)



Source: State of Democracy in Mongolia.
Sociological Survey Report. 2010

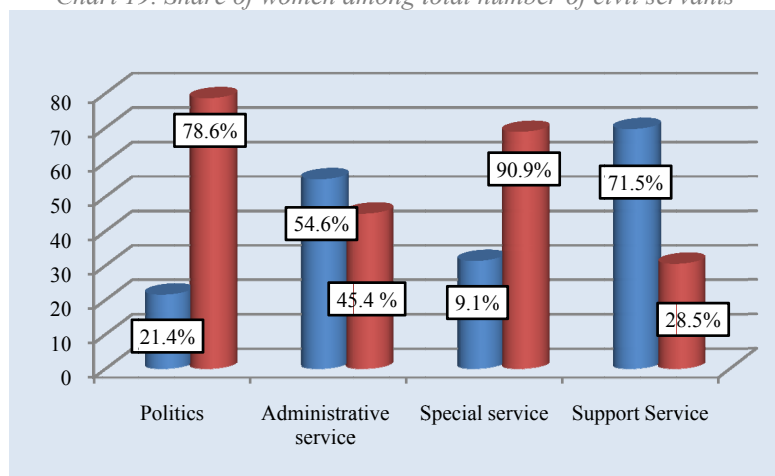
NGOs are able to function independently from the government. There are no reasons for the government to solicitate or pressure NGOs if they are functioning in the framework of laws and regulations. And no such cases have been registered yet.

Results of the 2010 survey showed that 60.5 percent of the survey respondents were interested in politics at above average level and 35.0 percent indicated little or no interest.

The Global Human Development Report placed Mongolia 94th among 140 countries in terms of gender development index. In Mongolia, there are 76,369 disabled persons of which 46 percent are men and 54 percent – women.

Though number of women at managerial positions in first-line and medium levels of administrative and support services is high, this number is low in political and special services.

Chart 19. Share of women among total number of civil servants

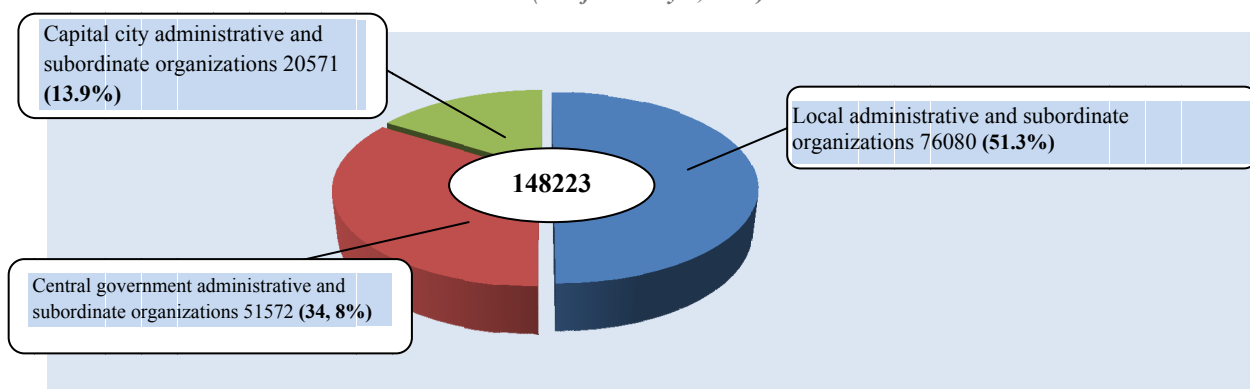


Classification	Total	Female		Male	
		Number	Percent	Number	Percent
Politics	2865	613	21.4 %	2252	78.6
Administrative service	14420	7878	54.6	6542	45.4
Special service	28475	2585	9.1	25890	90.9
Support service	102463	73310	71.5	29153	28.5
Total	148223	84386	56.9	63837	43.1

Source: Statistics on Government Employees Structure and Movement, Civil Service Council, 2009

In 2008, the SGH amended the Law on Civil Service for the purpose of ensuring better immunity of civil servants in administrative and support service positions from politics, and this provision became effective on 1 January 2009.

Chart 20. Number of Civil Servants, by Locations and Actual Number (As of January 1, 2010)



GOVERNMENT RESPONSIVENESS

A Citizen Hall⁷⁰ that was set up in the Government House in December 2009 at the initiative of the President of Mongolia has become a step to improve government decision-making through citizen input by providing a venue for regular public hearings on proposed legislation, regulations and decrees in order to arrive at decisions openly and transparently and to strengthen relationship between the state and the public. Since 2009, over 10 public hearings on proposed legislations and policy documents and 19 hearings on other matters have been held in the Citizen Hall where 1643 citizens took part with 376 comments. Moreover, 2182 citizens participated in 49 panel discussions. Following this practice, two districts of Ulaanbaatar city established their Citizen Halls.

SGH members meet with their constituencies during and in-between parliament sessions to hear people's voices, but there is no reporting on substantive discussions and reflections of voter comments and requests in policy-making. SGH member is provided with an opportunity to visit his/her constituency and also to communicate with voters through his/her assistant and personal representative. Individual members have their own information and data on their interaction with constituencies, but there is no consolidated data. As for members of aimag, capital city and soum Citizens Representatives Hurals, they live and work in their constituencies but information and research data on their interaction with constituencies is not readily available.

An analysis of annual reports by SGH and local hural members reveals that members have been active only in pre-election year, but, in other times, voters had fewer opportunities to meet them.

Many voters have never met with their elected representatives. An analysis of annual reports by SGH and local hural members reveals that a member visits his/her constituency from 1 to 2 times a year and meets with an average of 84 voters.⁷¹

Research findings repeatedly reveal a continuous trend of a decline of public trust in governance institutions and political parties. Judging by the public assessment of the state of governance in Mongolia, there is a general perception that Mongolia is governed by an oligarchic group.

Table 16. Public Opinion about Governance in Mongolia

№		Number	Percent
1	Democratic governance is developing	175	17,5
2	There is a strong entrenchment of oligarchic power.	433	43,3
3	There is a governance deficit.	89	8,9
4	Governance is bankrupt.	55	5,5
5	Don't know.	248	24,8

It is possible to say that the level of citizens' satisfaction with the public service represents the level of government capacity to resolve social problems.

⁷⁰ <http://www.president.mn/mongolian/node/185>

⁷¹ <http://www.gec.gov.mn/>

Table 17. How do you evaluate activities of state institutions at different levels?

№	Level	Very good	Good	Fair	Bad	Very bad	Don't know	Average
1	At Ministerial level	2,6	14,4	45,0	10,6	2,9	24,5	3.04
2	At Agency level	1,7	14,3	38,8	14,8	2,2	28,1	2.98
3	At Capital/Aimag level	1,7	12,5	47,3	15,6	3,4	19,5	2.92
4	At District/Soum level	1,3	14,5	43,5	17,1	6,3	17,3	2.85
5	At Bagh/Horoo level	2,2	13,6	42,0	18,8	6,0	17,4	2.84

Source: State of Democracy in Mongolia.
Sociological Survey Report. 2010

Recent studies confirm that unemployment, poverty reduction, job generation, elimination of corruption, ensuring social stability, improving economic growth, establishing justice and accountability remain primary social concerns of the Mongolian public. The studies also show that there is an expectation among people that the government should take the main responsibility for the resolution of these issues and a certain trust in its ability to do so.

DECENTRALIZATION

Approval of the Law on Fiscal Responsibility (budget stability) in 2010 and the related amendment of the Law on Public Sector Management and Financing have begun an important policy change toward decentralization and local government independence. Currently, a draft of the new law on budget is being discussed by the SGH.

Studies of local governments' autonomy have been presenting finance/budget issue, human resource, decision-making, resource allocation, service delivery and public provision of information as challenges that need to be addressed. The average score of the public's evaluation of these issues in surveyed provinces was 29,48. This is a rather disappointing result because it means 1 in each 3 respondents sees no autonomy for local governments.

Table 18. The public evaluation of opportunities for autonomy of local governments, 2010

№	Category label	Good	Average	Bad	Average indicator
1	Budget, finance	14,7	54,3	31	32,17
2	Human resources	18,7	56,1	25,2	42,60
3	Decision-making on local issues	14,2	54,7	31	31,42
4	Management of local resources	10,7	44,7	44,6	19,35
5	Public service capacity	12,4	53,2	34,4	26,50
6	Provision of information to citizens	12,6	49,3	38,1	24,85
					29,48

Source: State of Democracy in Mongolia.
Sociological Survey Report. 2010

However, it should be mentioned that the above result is slightly higher than the results shown in the previous studies.

Table 19. The public evaluation of opportunities for autonomy of local governments, (years, percent)

№	Category label	Good			Bad		
		2005	2008	2010	2005	2008	2010
1	Budget, finance	8,7	11,5	11,8	26,2	21,8	24,9
2	Human resources	11,2	9,9	15,1	22,5	24,6	20,2
3	Decision-making on local issues	9,0	6,5	10,9	24,5	25,0	23,7
4	Management of local resources	8,6	7,1	8,4	32,4	36,4	35,1
5	Public service capacity	6,0	5,0	10,1	33,5	33,6	28,0
6	Provision of information to citizens	8,0	5,2	10,3	34,1	37,5	31,1

Most citizens are dissatisfied with the levels of openness and transparency in the activities of bodies of local self-government. According to a survey conducted by the Academy of Management, in 2010,⁷² almost half of the surveyed population has never taken part in assemblies of their respective bagh and horoo and barely 16.7 percent attend them regularly. 52 percent of citizens explain reasons for their absence as “not being informed about the assembly.” Assemblies discuss few issues such as electing governor and hearing governor’s report; thus, citizens have been critical about the lack of information about assembly activities.

Citizens who attend assemblies replied that they participated at decision-making at the local level either through their presence at assemblies or by petitioning local assemblies. 51.9 percent of citizens who do not attend assemblies deemed that there were no other mechanisms to participate at local decisions. Likewise, 88.2 percent of the survey respondents expressed their dissatisfaction with activities of local citizens’ assemblies.

Table 20. Impact of Local Assemblies on Local Life

Evaluation	Frequency	Percent
Make right decisions that are realistic	52	10.5
Make specific decisions, but they do not have positive impact	203	41.1
Neither decisions nor impacts are clear	173	35.0
Make wrong decisions that have negative impact	11	2.2
Don’t know	55	11.1
Total	494	100.0

Source: Local Self-Government: Development and Challenges. Survey Report. Academy of Management. 2010

The survey has shown that public trust in public institutions was low, particularly in political parties, SGH, public service and institutions representing civil society.

Table 21. Institutional Support to Citizens (percent), 2010

№		Very big	Big	Average	Little	No support	Don’t know	Mean score
1	NGOs	0,9	4,4	10,1	10,0	61,5	13,0	1.54
2	Political party members	1,6	3,4	8,7	7,0	67,5	11,8	1.47
3	Civil servants	1,2	3,7	11,8	10,4	60,8	12,0	1.57
4	Politicians, members of parliament	0,6	1,6	6,5	7,9	69,3	14,0	1.33

Source: State of Democracy in Mongolia. Sociological Survey Report. 2010

⁷² Local Self-Government: Development and Challenges. Survey Report. Academy of Management. 2010

As to the above table, citizens get little support from government and non-governmental organizations. It discloses both the low level of public trust in those institutions and the low level of citizen support and partnership initiatives by government and non-governmental organizations.



IV. DEMOCRACY BEYOND THE STATE

INTERNATIONAL DIMENSIONS OF DEMOCRACY

The growth of total exports in 2010 to MNT 2.6 billion is attributed primarily to the copper price hikes on international markets. In parallel with this, the volume of imports has gone up to MNT 2.9 billion. Exports were up by 39.6 percent and imports—up by 39.9 percent respectively, compared to 2009. External trade balance showed a deficit in 2010. Net reserves of Mongolia's foreign-exchange climbed to a record increase of US\$ 1947.0 million or grew up by 70 percent compared to the previous year.⁷³

Share of minerals in Mongolia's exports was 35.2 percent in 2000; but, by the year of 2009, this number reached 66.4 percent and it was influenced by an increase in exports of coal, zink concentrates, iron ore and molybdenum ore in addition to copper.

The value of the mining sector's output accounted for 50-70 percent of the total export value. Mongolia's exports heavily rely on the mining sector, and therefore the country's economic growth is sensitive to the fluctuations in mineral resource prices.⁷⁴

As more than 90 percent of Mongolia's consumption of oil products is met by imports from the Russian Federation, it makes the country's economy heavily dependent on Russian exporters.⁷⁵

The International Monetary Fund supported a “stand-by” arrangement with the Government of Mongolia in the amount of US\$ 229 million that was completed in 2010. As a result, Mongolia's economy has recovered, its foreign-exchange reserves climbed to a record increase and Mongolia's long-term debt ratings were raised by Fitch Ratings to B+ from B which indicates economic stability.

The partnership between Mongolia and donor governments as well as international financial institutions (World Bank, Asian Development Bank, European Bank of Reconstruction and Development, etc.) encompasses many aspects of development. While Japan's assistance⁷⁶ supports the development of institutional and human capacity, infrastructure and environmental protection, aid from the World Bank and Asian Development Bank is targeted at health, education, social protection and infrastructure sectors. Assistance from the UN specialized agencies prioritizes support to development of civil society organizations, anti-corruption efforts, promotion of democratic governance, and health and gender issues.

In recent years, the Government of Mongolia and its donor partners have heightened their attention to the issues of strategic outcomes of official development assistance, both credit and grant aid, bettering coordination between these two forms of assistance and increasing their effectiveness.

Mongolia is committed to abiding by 6 UN conventions and 4 optional protocols related to human rights.⁷⁷ Expert evaluation of conformity of Mongolian laws and regulations with international human rights treaties and conventions received 3.9 points out of 5 as maximum.⁷⁸

⁷³ Mongol Bank Information Bulletin. 2010.

⁷⁴ Mongolia has the least diversified economy among developing countries (37th place).

⁷⁵ Mongolia meets her needs in oil products through 100 percent importation. The imports stood at 563.59 tons in 2005, 607.28 tons in 2006, 639.03 thousand tons in 2007. In terms of percentage share in the period of 2005-07, imports from Russia accounted for 88-94.4 percent, from China for 2-4.5 percent, Kazakhstan for 1.8-9 percent, and others for 0.8-1 percent. http://mrpam.gov.mn/index.php?option=com_content&task=view&id=128&Itemid=107

⁷⁶ Through JICA

⁷⁷ NHRCM. Report on the State of Human Rights and Freedoms in Mongolia. Ulaanbaatar 2008, p 34.

⁷⁸ MDG-9 Project and NHRCM. Expert evaluation of conformity of Mongolian laws and regulations with international human rights treaties and conventions -2010. Survey Report. 2010.

Although the evaluation point is above “satisfactory”, this is not an assuring result and further review of legislation for conformity is still needed.

The 2010 evaluation score is higher than in 2008 by 0.5 point and shows a gradual progress in the conformity of Mongolian laws and regulations with international human rights treaties and conventions.⁷⁹ Moreover, during the past two years, Mongolia has ratified the United Nation’s Convention on the Rights of Persons with Disabilities, Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

UPR Session of the UN Human Rights Council held in Geneva on November 2, 2010 discussed the Government of Mongolia report on the status of human rights in Mongolia.⁸⁰ The Government report was corroborated by the UN organizations in Mongolia, NHRC of Mongolia and NGO Forum of Mongolia.

The NGO Forum⁸¹ did not agree with how the Government responded to some questions asked by member states during the Human Rights Council Session. In particular, the explanation of the situation involving the inadequate number of women in decision-making positions, inability to ensure the rights of citizens to live in a safe and healthy environment and in responding to questions related to the criminal investigations into cases of persons killed during the July 1 events, the Government responded that the cases were dismissed due to lack of evidence, which does not reflect the truth.⁸²

All member states noted that while Mongolia has joined and ratified key UN human rights conventions, it has failed to submit on a timely basis reports on the status of their implementation, based on factual information, with analysis and conclusions. They recommended that attention be focused on timely reporting. Member states also recommended that Mongolia join other UN conventions, in particular, the Second Optional Protocol (Death Penalty) of the International Covenant on Economic, Social and Cultural Rights (ICCPR), the Optional Protocol to the Convention against Torture, the Convention on the Protection of Rights of All Migrant Workers and Members of their Families, the Convention on Protection of Persons from Enforced Disappearance, and the Convention on the Status of Refugees.

The armed and police forces of Mongolia are fulfilling their peacekeeping duties by participating in international peacekeeping activities. Namely, 2 peacekeepers have served in the Republic of Congo, 3 in West Sahara, 2 in Sudan, 4 in Eritrea, 1 in Georgia, and total of 12 officers have participated in peacekeeping activities as military observers.

Mongolia has been active in contributing to UN peace-keeping missions. It has been participating in this international deployment since January 2006. As of today, Mongolia has sent to Sierra Leone alone 6 deployments, each with 250 peacekeepers to provide Special Court Security to Sierra Leone Police.

Mongolia has not yet joined the Convention relating to the Status of Refugees.

⁷⁹ Expert evaluation on conformity of Mongolian laws and regulations with international human rights treaties and conventions received an evaluation of 3.4 points (or above “satisfactory”) out of 5 as maximum, and this indicated a need for further review of legislation for conformity.

⁸⁰ www.upr-mongolia.mn

⁸¹ www.forum.mn

⁸² Please refer to the above website for more information.



Photo by: Pro-Photo agency

SUMMARY OF DEMOCRATIC GOVERNANCE SATELLITE INDICATORS

CIVIL AND POLITICAL RIGHTS

Satellite Indicator 1: How equal is the provision of civil and socio-economic rights for migrants?

An independent survey of migrants' rights that covered 1816 persons from 450 households settled in Ulaanbaatar and 600 persons from 160 households settled in Orkhon province, was conducted in 2009.⁸³ According to it, 22.8 percent of migrant households in Ulaanbaatar and 14.4 percent of migrant households in Orkhon province do not have access to electricity and almost all households in ger areas do not have access to clean water or they have to buy water from local water supply center.

Migrants are residing in inadequate living and housing conditions. For example, about 35.6 percent of migrant families use outhouse toilets which do not meet standards, 12.1 percent do not have any toilets (use open spaces), 30 percent remove their waste and trashes into open holes, waterways or canals and 43.2 percent spill out their used water directly onto ground.

18.5 percent of Ulaanbaatar migrants and 11.2 percent of Orkhon migrants are not covered by health insurance.

Classroom capacity at schools in suburban areas overcrowded with migrants is overloaded. Schools work in 3 shifts with 40-53 pupils per class in each shift. 33.3 percent of migrant children are drop-outs due to lack of registration documents.⁸⁴

About 70 percent of migrant families have been covered by social care and assistance. Thus, benefits for mother and children and allocation from Human Development Fund are becoming one of the important financial sources for living of migrant households.

ECONOMIC AND SOCIAL RIGHTS

Satellite Indicator 2: How do social traditions affect the implementation of human rights?

Relations of traditional nature have a strong presence in Mongolia's social and political life and there is a tendency to apply them in professional and business life.

Table 22. Types of relations and their influence in political sphere as seen by survey respondents (Compared by years)

	Very high, high			Medium			Little			No influence		
	2005	2008	2010	2005	2008	2010	2005	2008	2010	2005	2008	2010
Family connections	54.6	40.9	52.8	18.2	23.6	20,7	27.2	7.4	6,7	0..0	6.7	6,4
Tribal connections	43.5	39.6	43.2	36.3	24.7	27,8	0.0	10.9	9,9	0.0	6.0	5,7
Friends and acquaintances	63.6	46.8	56.5	27.3	24.3	21,1	9.1	8.4	7,3	0.0	4.2	4,5
High-ranking contacts	90.9	49.5	62.3	0.0	22.7	17,9	0.0	6.9	5,3	9.1	5.1	4,0
Economic interests	0.0	49.2	58.9	0.0	21.7	17,2	0.0	6.5	4,8	0.0	5.2	4,0

⁸³ Internal Migration in Mongolia: Trends and Consequences. Survey Report, Ulaanbaatar. 2009. p.101.

⁸⁴ Migrants and Refugees' Rights. UPR-UNIVERSAL PERIODIC Factsheet on Mongolia. 2010.

The National Report on Human Rights to the UN Human Rights Commission underlined that it was common in Mongolia to use and reward acquaintances, friends, compatriots, former colleagues, former classmates to get employed or to achieve something.⁸⁵ This specificity of social relations is causing conflicts of interests and hindering establishment of the rule of law.

FREE AND FAIR ELECTIONS

Satellite Indicator 3: How does the composition of electoral bodies affect their independence? Is there an opportunity for the public to exercise any control?

The electoral legislation and its clauses specify the composition of electoral bodies and measures aimed at ensuring their independence. The Law on State Great Hural Elections sets out the rules to prevent the prevalent presence of any one political party in the composition of electoral district, sub-district and unit committees, prohibit designation of members of the same political party as heads and secretaries of electoral committees and prohibit the presence of political appointees in the composition of electoral committees.

The SGH amended the Elections Law on December 27, 2007 in order to adopt Ethics Code of the General Election Committee members and approved the Code accordingly by its Resolution No.25 dated of May 6, 2008.

There is no legal framework that provides for independent monitoring of election processes on behalf of citizens (voters) and civil society organizations. As stated in the Elections Law, voters shall have the right to be informed about the process of the preparation and holding of elections, decisions of electoral committees and as well as election campaigns of political parties, coalitions and candidates, and election committees shall have responsibility to provide them with necessary information.

The legislation provides a voter with the right to verify his/her personal information in the voter list and lodge a complaint to the respective electoral division committee in case his/her information was not registered or was not duly registered. In spite of legal regulation, during the SGH elections in 2008, a NGO network was able to conduct monitoring, and during the Presidential elections in 2009, the Mongolian Open Society Forum NGO conducted a parallel monitoring of the review of voter registration lists at some electoral units.

DEMOCRATIC ROLE OF POLITICAL PARTIES

Satellite Indicator 4: Are there legal provisions addressing the issue of parliamentary party discipline? Do party members enjoy the benefits of intraparty democracy?

There have been no changes in the legislation dealing with issues of parliamentary party caucuses and their members. Nonetheless, a SGH member code of ethics was eventually developed and approved in 2009. Presently, the SGH is debating over the draft Law on Conflict of Interests.

Discipline issues of parliamentary caucus members have been decided according to organizational mechanisms and internal rules of their respective parties that are different in

⁸⁵ National Report on Human Rights Conditions in Mongolia, NHRC, 2010.

parties. Currently, no cases were registered where member of any caucus in the SGH has gone under disciplinary punishment or ethical measure except that a few cabinet members have been only reminded etc.

GOVERNMENT EFFECTIVENESS AND ACCOUNTABILITY

Satellite Indicator 5: Do the structure and capacity of the real economy have the potential to resolve the problems that have accumulated in the society?

Structure and capacity of the real economy do not have yet the potential to resolve the problems that have accumulated in the society. The country's economy tends to experience an intensive growth in upcoming years and the key factor for this growth will be development of mining and processing industries, infrastructure and transportation.

Chart 21. Outlook of Real Economic Growth



Source: G.Batkhere. Outlook of Real Economic Growth and Industry Development. 2010.09.21;
<http://www.president.mn/mongolian/node/1121>

There are prediction surveys and calculations on potential economic growth after the start of Oyu Tolgoi, Tavan Tolgoi and other bigger mineral sector projects. Therefore, there is an expectation in the society that Mongolia will have an economic potential for resolving the country's pressing problems.

Satellite Indicator 6: Is the professional civil service able to function in a stable manner after elections take place? How immune are professional civil servants from politics?

There are no available data on dismissals from the administrative service and reasons for dismissals. The Civil Service Council has not been using its potential to consolidate these data.

As to the report of the "Democratic Governance" module to the Annual Household Socio-Economic Survey conducted by the National Statistical Office in 2008, general dissatisfaction and mistrust were observed among citizens with activities of public organizations and governance

institutions. This result urges a serious need for a reform of governance relations and enhancement of governance capacities.

*Table 23. Citizens' Trust in State Organizations*⁸⁶

	Very unreliable	Unreliable	Relatively reliable	Reliable	Very reliable	Don't know	Total trust score
State Great Hural (parliament)	7,1	23,2	41,4	25,3	1,3	1,7	46,8
Government of Mongolia	4,6	15,8	39,3	34,6	2,6	3,0	64,6
President of Mongolia	4,0	10,4	31,3	45,3	6,9	2,2	78,5

The average score reflecting the public's perception of the performance of state institutions is 53,3.⁸⁷

Satellite indicator 7: How much opportunity is there to exercise checks and balances between the Parliament and the executive Government, and between local assemblies and local administrations?

An amendment made in May 2008 to the Law on Civil Service prohibits a person from concurrently holding an elective position in *aimag*, *soum* and city district Hurals of Citizens Representatives and a core position in an economic entity, political party or any other non-governmental organization, thus putting an end to a situation where local elective public bodies would typically be dominated by people on the payrolls of the aforementioned organizations.

Issue of checks and balances between the representative bodies and the executive government authorities has been salient for long time. As stipulated in the Constitution, local government in Mongolia is based on the combination of self-government and public administration principles and it creates a specific checks and balance mechanism between the local self-government and administrative organizations. In spite of numerous issues regarding this matter, there is no systematic data that is available for analysis and no steps were made toward refining its legal environment.

MEDIA IN A DEMOCRATIC SOCIETY

Satellite Indicator 8: How well are the media and journalists protected from implicit pressure?

Although there is a law on freedom of the press, **there is** legislation to protect the media and journalists from implicit outside pressures. Government pressure on the media in one form or another has been obviously reduced but a professionally sound critique of government policies and actions is being accompanied by a rising negative phenomenon of derision, slander and gossip directed at public bodies and officials.

The increase in the number of media outlets could be viewed as a positive development which, however, is coupled with a loss in the quality and reliability of the information supplied.

⁸⁶ MDG-9 Project/UNDP. MDG-9 Indicators: Methodology and Basic Information. Ulaanbaatar. 2009. p.69.

⁸⁷ Ibid. p.70.

However, at the moment, there is no registered case of where a media instrument or journalist was under outside influence.

48.9 percent of respondents in the sociological survey undertaken within the framework of the DGI study of 2008 believed that the media outlets are dependent either on their founders and owners or financing sources whereas in 2010, this number increased to 59.6 percent.

Since the third trimester of 2008, the Annual Household Socio-Economic Survey conducted by the National Statistical Office with support of MDG-9 project has been added by a new module “Democratic Governance” which is able to show nationwide dynamics of democratic governance based on time-series statistical data encompassing around 1872 households.

Within the scope of this survey, the public perception of the media’s political, economic and financial independence was examined and received a score of 28.5.⁸⁸ (Table 24)

Table 24. The public perception of the media’s political, economic and financial independence⁸⁹ (National average, percent)

#	Indicator	Totally dependent	Generally dependent	Average	Generally independent	Totally independent	Don’t know	Total
1	The media’s political independence	10.5	30.9	21.7	15.8	1.1	20.0	28,9 ₉₀
2	The media’s economic and financial independence	8.5	29.3	21.8	13.8	1.0	25.6	28,1
3	Mongolians have freedom of speech	5.3	18.5	31.0	35.0	6.7	3.6	63,6 ₁

Source: “Democratic Governance” Module of the Annual Household Socio-Economic Survey conducted by the National Statistical Office. Data of III & IV trimesters, 2008, were calculated by the MDG-9 Project in June 2009.

Plus, there is degradation in the quality and reliability of the information supplied which leads, in turn, to decline in public trust in the media. Unethical aggressiveness of the media against public figures goes as far as to include derision of person’s physique or health condition, tarnishing of person’s reputation, remarks threatening, degrading or implicating person in a crime, or aimed at exerting financial pressure on the person. This attitude can be viewed as being common to both the central and local media.

GOVERNMENT RESPONSIVENESS

Satellite indicator 9: Are government organizations, NGOs and public officials able to provide effective support to the interaction between the state and its citizens and to public participation?

Year of 2008 saw intensification of the interaction between government and civil society with the creation of a Civil Society Council by the first CSO consultative meeting on 1 February 2008 for the purpose of working with the government and with the signing of a cooperation agreement between the Government and Civil Society Council by the Chief of the Cabinet Secretariat N.Enhbold and Civil Society Council Coordinator G.Undral on 26 March 2008.⁹¹

MDG-9 Project/UNDP. MDG-9 Indicators: Methodology and Basic Information. Ulaanbaatar. 2009. p.137.

⁸⁹ Ibid. pp.66-67.

⁹⁰ MDG-9 Project, Phase II. Calculation based on survey data. June 2009.

⁹¹ <http://www.demo.org.mn/newsdetail.php?NewsID=101>

Also, there were initiatives to issue a joint “Open Government Declaration” with the Civil Society Council and appeal to taxpayers to give one percent of their tax money to a NGO. News on the readiness of the Government to cooperate with the civil society was launched at the official website of the Government of Mongolia www.open-government.mn.

In 2009, the relevant law was amended to publicize information about citizens’ complaints/petitions/requests and follow-up measures. Accordingly, public organizations have begun to place information on citizens’ complaints and follow-up actions on their websites.

A desk officer for NGO affairs was appointed in the Cabinet Secretariat by the Government Resolution No. 49/2009. An open discussion on opportunities for NGOs to perform some of the public service functions was held in the Citizen Hall under the President’s Office on December 3, 2010, and the event culminated in the organization of a working group to draft a relevant law.⁹²

DECENTRALIZATION

Satellite indicator 10: Is there an appropriate balance in the relationships between the central government, local assemblies and local administrations? How much does this contribute to decentralization?

Some efforts have been made in recent years to expand the range of sources of local budget revenues and to decrease expenditures financed through central transfers. In particular, a decision has been made to retain all personal income taxes in local budgets starting from 2009. The current State Budget Law which is undergoing the SGH discussion contains detailed provisions regarding this matter.

Budget resources are obviously insufficient to address local development needs. There is a need to seek and find ways and means to develop government and private sector partnerships, better attract foreign direct investment, boost social responsibility of mining corporations and involve them in local development, and, above all, improve economic and business opportunities to increase local budget revenues.

⁹² <http://www.president.mn/mongolian/node/1364>

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