

<b>Freedom of association</b>	
<ul style="list-style-type: none"> <li>● Is there a situation of systemic repression characterised by the mass de-registration of CSOs, imprisonment, disappearance and torture of activists and frequent raids on NGO premises?</li> </ul>	No
<ul style="list-style-type: none"> <li>● Is there a situation of widespread violation of free association, including barriers to foreign funding, raids of NGO offices, imprisonment of activists and vilification of CSOs in the media?</li> </ul>	Sometimes cases of vilification on CSOs happen in the media but seem without serious implications.
<ul style="list-style-type: none"> <li>● Is there a situation of sporadic attacks on NGOs, including their selective deregistration, the proposal or enactment of restrictive NGO regulations?</li> </ul>	While we have no such case of attacks on NGOs, and deregistration observed among CSOs members of Human Right NGOs Forum (around 50 member organizations some of them are networks and coalitions of CSOs with members from 15 to 35 or members joining other CSOs networks), Environmental Civil Council (with members approximately couple of hundreds). But the draft laws on nonprofit foundations and associations proposed by the government were opposed by CSOs based on unnecessary restrictions to CSOs and the drafts were stopped. The government accepted the request of CSOs to review and adopt the government policy on CSOs which was developed and submitted to the parliament during the 2011-2012 and has been in a review process among CSOs for the last several years before the government proposal of draft laws. The request was repeated to the prime minister in his meeting with human rights CSOs on 17 April 2023. The prime minister assigned to set up a working group under leadership of the chief of the Cabinet secretariat including relevant ministries such as ministry of justice and home affairs and ministry of labour and social welfare and representatives. On September 23 the Government of Mongolia published the draft policy for public comments and currently waiting for approval. The draft was shared by the NGO Law Consortium members with International Center for not-for-profit law (ICNL) for comments. According to the ICNL comments <sup>1</sup> the draft policy (i) recognizes CSOs' contributions to development, the public interest, human rights, and collaborative potential of the civil society and government partnership; (ii) aims to enhance

<sup>1</sup> ICNL-Mongolia-State-CS-Policy-Comments-20-Sept-23.pdf

	<p>knowledge of state employees, involve CSOs in policy making, and recognizes social value of civil society; (iii) defines CSOs in broad and inclusive manner; (iv) reiterates the importance of fundamental rights, including civic space values; (v) mentions the need for civil society to maintain its independence from the state; (vi) recognizes that the need for independence does not preclude the state from providing various forms of support to civil society organizations; (vii) aims to avoid laws and policies that restrict civic space; (viii) mentions a general principle around citizen participation in policymaking and policy consultations; (ix) calls for flexible CSO registration and reporting procedures without excessive burdens and costs.</p> <p>At the same time the comments also include some points for consideration. They are (i) the policy should not require CSOs to engage in development work or constrain them to follow the government’s development policy; (ii) language on ‘nondiscrimination’ should generally be restricted to government actors, rather than civil society organizations; (iii) legislation related to CSO regulation should follow the international law of freedom of association, including respecting CSOs’ right to voluntary registration and to freely access resources; (iv) international law also grants CSOs the right to appeal registration decisions to an independent/judicial body – as well as to re-apply for registration; (v) CSOs can be dissolved or terminated under very specific circumstances, typically restricted to egregious violations of criminal law; (vi) follow standards and best practices of international law around effective regulatory regimes for CSOs than not imposing more requirements than on private sector or other organizations. Currently the draft policy is expected to be approved.</p>
<ul style="list-style-type: none"> <li>● Is there a situation in which CSOs are regulated through an enabling law that is mostly respected but where verbal or legal attacks against individual activists or organizations still occur sporadically?</li> </ul>	<p>Yes. Verbal or legal attacks may happen when human right activities and their organizations express their opinion against mining projects or other development projects like construction of road or dam for hydropower station with potential impacts on herders’ livelihood. There were filed cases against community activists when they protest mining operations for example. CSOs activists were accused of making obstacles to national development when they oppose against mega projects without duly</p>

	conducted environmental and social impact assessments.
<ul style="list-style-type: none"> <li>Is there a situation in which there is strong rule of law and NGOs are not just allowed to operate but enabled through progressive tax laws and are actively consulted by the government as equal partners in the governance of the country?</li> </ul>	No. Unfortunately there is lack of enabling environment for CSOs in getting financial supports from the inside of the country. No tax release for donations to CSOs, no budget funding for advocacy CSOs for policy and legal reforms through monitoring policy and legal implementation, public funds use, and demanding accountability etc.
<b>Freedom of peaceful assembly</b>	
<ul style="list-style-type: none"> <li>Is there a situation where public demonstrations are impossible and the security forces (or non-state actors) consistently use lethal force against those that attempt to gather?</li> </ul>	No
<ul style="list-style-type: none"> <li>Is there a situation of frequent denial of the right to assemble peacefully and common use of force (teargas, rubber bullets, baton charges) by the police to disperse dissenting protestors?</li> </ul>	No
<ul style="list-style-type: none"> <li>Is there a situation of enabling laws for peaceful assembly which is only partially respected by the authorities, and in which it is possible to gather but the authorities retain control over how, where and when?</li> </ul>	No.
<ul style="list-style-type: none"> <li>Is there a situation in which peaceful assemblies are largely respected and protected by the authorities, although permission to gather is still infrequently denied and clashes with police can occur?</li> </ul>	There is a law on procedure on conducting demonstration and assembly in Mongolia. The law provides freedom of peaceful assembly and association, and the state generally respects these rights. However, article 9 of the law requires to register conducting of demonstration and assembly by submitting a notification to soum (county), aimag (province), district or city governors depending on a place. This article maybe be abused by authority to deny the right. The LGBTIQ Centre claimed that the capital city governor has been refusing to register their gathering and demonstration on the main square of the capital city more than once. During the COVID-19 some necessary arrangements have been made to maintain social distancing. Five people have been given one-year travel bans for participating in protests during the Covid-19 lockdown for failing to comply with law enforcement requirements. Opponents claimed that the restrictions were not uniformly enforced.
<ul style="list-style-type: none"> <li>Is there a situation in which the law governing peaceful assembly adheres to</li> </ul>	Unfortunately, there is lack of a situation in Mongolia with best international practices in conducting peaceful demonstrations and assemblies. In practice, the organizers need to be prepared if a policeman

international best practices and is consistently applied by the authorities?	comes and requires to show whether there is a “permission” got from the police office which is not required by the law for example.
<b>Freedom of expression</b>	
<ul style="list-style-type: none"> <li>● Is there a situation in which free expression and criticism of the authorities is criminalised, journalists risk their lives, independent reporting is non-existent, and the state retains full control of the airwaves?</li> </ul>	No.
<ul style="list-style-type: none"> <li>● Is there a situation of widespread abuse and violence against the media, citizens face legal or physical harassment when expressing critical opinions and there is little space for independent media?</li> </ul>	No.
<ul style="list-style-type: none"> <li>● Is there a situation where plural media exists and some dissent is tolerated but abuses against the media and citizens are still perpetrated by the state or non-state actors and access to information legislation does not exist?</li> </ul>	Not to such an extent.
<ul style="list-style-type: none"> <li>● Is there a situation in which an independent media sector is allowed to function freely, journalists are free to practice albeit in an environment where the government and powerful economic interests still dominate public narratives and access to information legislation is only sometimes respected?</li> </ul>	<p>Mongolia adopted the Law on transparency and the right to information in 2011 and joined the Open Government Partnership (OGP) in 2013. Then the law was replaced by a new Law on Transparency of Public information enacted since May 1, 2022. Within the OGP Framework the government of Mongolia implemented 4 national action plans and currently developing the 5<sup>th</sup> national action plan in cooperation with other stakeholders including CSOs. It looks like there is progress going on transparency and the law provides freedom of expression and publication. Unfortunately, the government fails providing this right all the time. The government has decided to impose criminal liability for "spreading false information", and cases of harassment of journalists have been reported says in the Mongolia Human Rights Report 2022 of the State department of USA. The Glob International Centre, a Mongolian NGO made a submission recently for preparation of the Human Rights NGO Forum report to be presented at the 2<sup>nd</sup> National Human Rights Forum<sup>2</sup> that there are some regresses in freedom of expression and the right of citizens to get information. They are:</p> <p>1. Over-restrictive amendments proposed by the government in the criminal code with criminal liability for “spreading false information” and “defamation”.</p>

<sup>2</sup> The 2nd National Human Rights Forum will be held in Ulaanbaatar on December 8, 2023.

2. Approximately 1 out of every 2 journalists is at risk of being a victim of criminal attacks or violations. Failure to investigate crimes committed against journalists and not accepting complaints as "non-criminal" creates censorship against journalists and has the effect of harming journalists' confidential sources and whistleblowers. Failure to protect confidential sources and whistle-blowers stifles investigative journalism and thus harms the public interest.

3. The State Great Khural (Parliament) and the Constitutional Court have upheld the provision that citizens, civil society activists, and human rights defenders become criminals if they acquire or use hardware and software to protect themselves from any secret listening, recording, or surveillance. Pursuant to Article 21.13 of the Criminal Code / Violation of the Law on Executive Work / 2020, if special equipment for executive work is acquired, used, or sold, a fine of 2.7-14 million MNT or imprisonment for a period of 6 months to 3 years will be imposed in 2020 added by the law of January 10. When defining the special technique of the execution work specified here, in Article 6.3 of the Law on Execution Work, it is stated that "... means the technique, equipment, its components and software intended for detection". Thus, it is illegal and a crime to use equipment and software to detect whether citizens are spying or eavesdropping on them. In order to exercise your right to liberty and security, you must have the right to defend yourself against unlawful execution. However, even though the Constitutional Court suspended the word "detection" from 17.05.2023, the Parliament did not accept it, and then, by the resolution dated 15.11.2023, the Supreme Court annulled its previous conclusion and ruled in favor of the Parliament<sup>3</sup>. CHRD has conducted an online survey on civic space during the COVID-19 pandemic and revealed that there is a big difference between the levels of freedom of expression exercised by the CSOs based in capital city and those based in provinces<sup>4</sup>. The survey results showed that the civic space is not the same in Mongolia. The civic space is more open in Ulaanbaatar city, than in province centres. The civic space is most closed in

<sup>3</sup> <https://legalinfo.mn/mn/detail?lawId=16960262179051>

<sup>4</sup> <https://drive.google.com/file/d/1T0VIKeN6EOMwqA3pqZGI6xQd1edQnZ5/view?usp=sharing>

	soums which are smallest administrative units in rural Mongolia. The COVID-19 pandemic has affected the civic space country wide.
<ul style="list-style-type: none"> <li>● A situation in which there is a free and open exchange of ideas, information and opinion, the media is free and independently regulated, access to information exists in law and in practice?</li> </ul>	Unfortunately, there is no such condition in Mongolia.
<b>Right to participate in public affairs</b>	
<ul style="list-style-type: none"> <li>● Do citizens have the legal right and practical ability to obtain information about state operations and the means to petition government agencies for it - including through online formats?</li> </ul>	The laws provide rights to citizens to obtain information about state operations. With the digitalization of public services, opportunities for the rights are expected to become more expanded. In practice the legal rights of people are not fully implemented because of a lack of duly prepared information resources, and staff. In many cases people can't get the required information fully in time and the quality of information they receive is not satisfactory.
<ul style="list-style-type: none"> <li>● Are civil society groups, interest groups, journalists, and other citizens given a fair and meaningful opportunity to comment on and influence policy and law-making? Which communities in your national context are usually excluded from these forms of political participation?</li> </ul>	The laws provide opportunities for people, and CSOs, to comment on draft laws. At the level of parliament all drafts are uploaded on-line D parliament platform for public comments. However, at the level of ministries this opportunity could be more advanced including CSOs in drafting process. But in fact this has not been a case in relation to draft laws on Land and Minerals. Women, children and youth and rural populations (particularly herders) do not usually engage in policymaking, as they are rarely directly involved in sectoral consultations.
<ul style="list-style-type: none"> <li>● Regarding channels for influencing policy and law-making - are there any formal permanent structures developed to ensure that participation in decision-making processes is widely realized by providing spaces for routine interaction between public authorities and rights holders?: If yes, which types of structures are available in your country (if any)?</li> <li>- Coordinating body for participation embedded within the Government</li> <li>- Participation coordinators or facilitators embedded within ministries</li> <li>- Joint public-civil society councils, committees or working groups</li> </ul>	There is Law about Law/Law about Law Making in Mongolia. One of the purposes of this law is to promote public participation in law making process. In Mongolia legal entitlements for initiating proposal for a new law or revision/amendments for a law given to the three subjects: president, member of parliament (MP) and the government. As in the government structure, ministries may propose laws. And Citizens may propose laws through MPs or President. These 3 subjects should be able to organize public participation in draft laws. The law about Law does not establish a permanent structure for public participation. However, there is an on-line D Parliament platform which provides public participation for drafts submitted to the parliament. Except this there are not any coordinating bodies for

<ul style="list-style-type: none"> <li>- Public hearings within parliamentary commissions</li> <li>- Citizen assemblies in order to build consensus and orientate policy and law-making</li> <li>- Framework agreements between public authorities and civil society actors to support participation.</li> </ul>	<p>participation within the government, participation coordinators or facilitators within ministries. The Law on public hearing has a provision to conduct public hearing for drafting of legislation and administrative normative act<sup>5</sup>. Public hearings will be organized by relevant Parliament Standing Committees. In the capital city or provinces Citizen assemblies may organize public hearings on general monitoring according to the Law on public hearing<sup>6</sup>.</p>
<ul style="list-style-type: none"> <li>● Participation in decision-making processes could be available at different phases (agenda-setting, drafting, decision-making, implementation, monitoring and reformulation) and with different levels of intensity from provision of information, through consultation and dialogue, to partnership or co-drafting. To which of these phases and levels of intensity would participation practices correspond most of the time in your country?</li> </ul>	<p>This situation is not realistic in Mongolia.</p>
<ul style="list-style-type: none"> <li>● In case structures for participation exist, have these been established at central, subnational and local levels? Only at the central level? Only at a decentralized level?</li> </ul>	<p>I think that legal opportunities are both at the central and local level. Online D parliament platform is accessible for everyone who has access to the internet. The Law on public hearing provides opportunity for participation at central and provincial level.</p>
<ul style="list-style-type: none"> <li>● To what extent equality of participation is ensured across all constituencies - especially for historically marginalized ones (for example women, children, young people, religious and ethnic minorities, indigenous people and persons with disabilities).</li> </ul>	<p>Equal participation is not ensured legally across all constituencies in the country. Although critical talks on the subjects started and efforts are being made case by case in ad hoc manner.</p>
<p><b>Civil and Political rights and the SDGs</b></p>	
<ul style="list-style-type: none"> <li>● To what extent the SDG implementation process has enabled improvements in the promotion, protection and exercise of civil and political rights (assembly, association, expression) in the country (if any)?</li> </ul>	<p>The SDGs are a good opportunity for CSOs which want to introduce human rights-based approach into development. The core concept of the SDGs “leaving no one behind” is the core human right principle to prioritize those who are most vulnerable to violation of their rights. The two VNR report preparation processes in Mongolia provided good opportunities for CSOs to raise the awareness on the issues related to the SDGs by engaging with them. Therefore, VNRs helped to assert civil political rights: rights to assembly, expression of views demanding transparency and accountability from government</p>

<sup>5</sup> Article 4.2.1 <https://legalinfo.mn/mn/detail/11225>

<sup>6</sup> Article 8.1. of the Law on Public hearing

	<p>organizations. Unfortunately, this engagement does not go beyond VNR as the national targets and indicators have not been approved and the SDGs have not yet integrated into national action plans although their objectives include 80% of the SDGs and targets. Once the reporting for VNR is completed the engagement opportunity for CSOs is completed after the 1<sup>st</sup> VNR. However, this time may be a little different as the government made a commitment to accelerate the SDGs undertaking some initiatives before the next VNR. Therefore, a new opportunity may emerge for CSOs engagement before the 3<sup>rd</sup> VNR. During the VNR processes local CSOs got some finance or technical support to monitor the SDGs implementation and produce reports which are important tool to engage with the government institutions as well as to raise public awareness and motivate them. As an example, Mongolian CSOs Network on the SDGs could get valuable financial support from UNDP Mongolia during the 1<sup>st</sup> VNR to produce a joint CSOs' report on the SDGs and from A4SD to conduct scoring assessment for the 2<sup>nd</sup> VNR. These reports enabled us to develop our skills, organize national discussions involving different stakeholders, to present the report summary multiple times at international levels, and to produce resource materials for training grassroots communities at subnational level, and to exercise collectively the civil and political rights, the rights to assembly, association, and expression.</p>
<p>Specifically regarding participation in public affairs, has the SDG implementation process enabled the establishment of formal channels (transversal or sectorial; central or decentralized) allowing more permanent interactions and dialogue between public authorities and multiple stakeholders and rights holders?</p>	<p>The MSH Council on the SDGs under the Parliament Subcommittee on the SDGs was established in late 2021. However, it does not function at all. The CSOs Network on the SDGs is advocating for establishment of such permanent mechanism where government and non-government stakeholders and rights holders could have dialogues on sectoral, national, and local development policies. This mechanism will lead to origin and development of a genuine participatory multi-stakeholder partnership for planning, monitoring and evaluation of performance and policy coherence in implementation of the SDGs. An overarching space like the MSH Council, if implemented properly, would hopefully enable participation from marginalized communities.</p>
<ul style="list-style-type: none"> <li>● Has SDG implementation enabled any institutional innovations in order to increase participation levels in the country at any</li> </ul>	<p>May be establishment of the MSH Council under the Parliament Subcommittee on the SDGs can be seen as institutional innovation. But the ex-officio</p>

governance level (e.g.a wide-ranging and multistakeholder Sustainable Development Council at central or decentralized levels?	character of the Council without necessary human and resource support prevents it from regular and effective functioning.
<ul style="list-style-type: none"> <li>● Has SDG implementation allowed participatory processes regarding: <ul style="list-style-type: none"> <li>- Formulation of national development plans</li> <li>- Formulation of national action plans</li> <li>- Formulation of a specific national strategy for SDG implementation</li> <li>- Formulation of cross-sectoral policies</li> <li>- Formulation of sectoral policies</li> <li>- Co-monitoring of policies</li> <li>- Co-reformulation of policies</li> <li>- Consultation around the VNR</li> </ul> </li> </ul>	While there is no much to tell on success in establishing participatory processes. Only participation was in consultations around the VNRs. There are maybe some ad hoc consultations on national development plans and strategies as usual practice but no institutionalized participatory process regarding formulation of a specific national strategy for SDG implementation. There is a full lack of co-monitoring and co-reformulation of policies.