

QUESTIONNAIRE

Indicators	Formal provisions	What actually happens
<p>Are there conflict of interest rules?</p> <p>Are there rules and registers concerning gifts and hospitality?</p> <p>If so, are these registers kept up to date? By whom?</p>	<p>Department". Law against Corruption (article 10, paragraph 1 (1,3)) states that Asset and income statements of prime minister, members of the Government and other officials appointed by the State Ih Hural shall be filed with the Ih Hural Standing Committee responsible for these matters and such statements of officials appointed by the Government with Council of State Administration Service. Law on Civil Service (article 13, paragraph 1 (10)) provides that upon appointment any civil servant shall report on their possessions and further on any changes in such possessions to the relevant authorities.</p> <p>No concrete law provisions.</p> <p>Yes, there are. Provisions are found in Law on the Government and Law against Corruption. Law on the government (article 24, paragraph 8): Prime minister and members of the Government shall report on presents worth more than their monthly salary, received by them in connection with their official activities, to the Government Affairs Department on every occasion. Law against Corruption (article 12, paragraph 1(1)): Civil servants in political or administrative positions shall file presents or souvenirs, given to them as a sign of respect for their official position during official ceremonies, with the financial department of their agency, and such presents or souvenirs worth more than their monthly salary.</p> <p>Yes, they are kept by the Government Affairs Department. As it is provided in Law against Corruption (article 12, paragraph 1(1)) registers must be kept by the financial</p>	<p>No relevant procedures or regulations. Executive agencies and interest groups seek to influence, using their own means.</p> <p>It can not be properly checked if such gifts or souvenirs are registered.</p>

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<p>Have they legal powers to enforce disclosure?</p> <p>Have they staff to investigate allegations?</p> <p>What powers of sanction are in place against parliamentarians?</p> <p>Have they ever been invoked?</p> <p>Are members of the executive</p>	<p>department of a given agency.</p> <p>Yes, they have. Law against Corruption (article paragraph) provides for a yearly disclosure of incomes of high level state officials other than their salaries and similar incomes.</p> <p>Yes, they have. As it is provided in Law on Claims against Illegal Actions of State Administrative Organs or Officials infringing civil rights and Law on Resolving Claims against State organs or Officials every citizen of Mongolia may submit their claims against an organ or official to a higher organ or official directly supervising the former which shall examine and resolve the claims properly. If the citizen are not satisfied with the decision of the higher organ or official they may go to court. These organs or official are only entitled to examine and resolve allegations but powers to investigate such allegations are vested only in the relevant investigative bodies.</p> <p>Article 10, paragraph 7 of Law on the Legal Status of Members of the State Ih Hural states that if a member of the State Ih Hural is arrested on the spot or while committing a crime with sufficient evidence the official in charge of this shall immediately notify the chairman of the State Ih Hural within 24 hours. The official in charge shall mean a police official in authority, that is, head of the General Police Department.</p> <p>Yes, they have.</p>	<p>Not enforced.</p> <p>The Prime Minister made a statement during a meeting of the State Ih Hural in 1999 that some parliamentarians are likely to get involved in bribery cases. After that three members of the State Ih Hural were arrested by the police as suspects for bribery in 1999.</p> <p>Members of Parliament put questions or</p>

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<p>obliged by law to give reasons for their decisions?</p> <p>Do Ministers or equivalent high level officials have and exercise the power to make the final decision in ordinary contract award and licensing cases? Is this power limited to special circumstances?</p> <p>Are there administrative checks and balances on decisions of individual members of the executive?</p>	<p>No, they aren't. However, article 26, paragraph 6 of Law on the Government provides that the Government shall report to the State Ih Hural on its activities on a yearly basis and regularly inform the former on the current issues. Articles 34, 35 of Law on Procedure for State Ih Hural Sitzings provide that every Friday at State Ih Hural Sitzings reports by the Government and answers to questions or inquiries to the Government shall be heard.</p> <p>Yes, they have. On this account there many law provisions, for example Law on Licensing Business Activities etc.</p> <p>Article 20, paragraph 5(3) of Law on the Government : Minister for Justice and Home affairs of Mongolia shall exercise within his powers control over legality of decisions of state administrative organs. Resolution 178/ 1997 of the Government approved “ Procedure for examination and registration of generally binding legal documents adopted by ministries and agencies”</p>	<p>inquiries individually or collectively to the Government or its members and hear the answers every Friday during State Ih Hural Sitzings and members of the Government have opportunity to explain the reasons for their decisions.</p> <p>There are many disputes and complaints connected with this issue in reality.</p> <p>The Ministry of Justice checks normative documents issued by ministries and agencies for conformity with the Constitution and other laws and register them into a Consolidated State Register. Such documents, if not registered, do not have binding force.</p>

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<p>Are there rules concerning gifts and hospitality?</p>	<p>Yes, there are. Law against Corruption (article 12, paragraph 1(1)): Civil servants in political ...e positions /the chairman , deputy chairman and members of the State Ih Hural / shall file presents or souvenirs, given to them as a sign of respect for their official position during official ceremonies, with the financial department of their agency, and hand over such presents or souvenirs worth more than their monthly salary. Law on the Legal Status of Members of the State Ih Hural (article 8, paragraph 4) : Members of the State Ih Hural shall on every occasion report to the Standing Committee for State System on gifts given to them by persons of domestic or foreign origin for reasons connected with their official capacity. The same article, paragraph 5: Members of the State Ih Hural shall hand over gifts worth more than their monthly salary to the Government Administration Office and may take such gifts by paying the difference above their monthly salary to the budget of the State Ih Hural. Law against Corruption (article 7, paragraph 2): “Members of the State Ih Hural shall not receive gifts or cash or fee or free or discounted services and other illegal privileges from business entities, agencies or individuals for exercising their full powers. “</p>	<p>profession, constituency, activities involved etc.</p> <p>Despite concrete law provisions registers are not sufficiently kept in reality. Control is poor and it is very common that only in certain circumstances when an issue is raised attention is paid.</p>
<p>If so, are these registers kept up to date? By whom?</p>	<p>No concrete procedures for keeping registers.</p>	<p>There has not been a single case when a member of parliament registered gifts or souvenirs with the State Ih Hural Administration</p>

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<p>Is there an independent Electoral Commission (if not, are the arrangements for elections in the hands of agencies who are widely regarded as being non-partisan)?</p>	<p>No, there aren't. Registers must be kept by the financial department of a given agency according to article 12, paragraph 1(1) of Law against Corruption.</p> <p>Yes, there is. Article 11 of Law on State Ih Hural Election provides that an electoral commission shall be established under the State Ih hural as a permanent agency responsible for conducting nation wide elections of State Ih hural and President The Electoral Commission is appointed by the State Ih Hural for a five-year term, consisting of chairman, secretary and members.</p>	<p>The first Electoral Commission was established in 1992. In 2001 the composition of the commission was renewed.</p>
<p>POLITICAL PARTY FUNDING</p> <p>Are there rules on political party funding?</p>	<p>Law on Political Parties (article 10): A political party shall conduct its activities on the basis of a self-funding principle.</p> <p>Article 11: Assets of a political party shall consist of membership fees or contributions, contributions by citizens and organisations of Mongolia supporting the party, incomes earned from the party's activities, incomes from business entities or assets of its own.</p> <p>A political party may receive contributions from foreign parties and individuals pursuant to the laws of Mongolia.</p> <p>Article 12: A political party seated in the parliament shall be funded quarterly within the term of the given State Ih Hural in the amount calculated as MNT 1 mil multiplied by the</p>	<p>The main funding source for political parties is contribution. Especially during pre-election campaign contributions to political parties increase a lot. The present ruling party possesses 2-3 building or palaces, which are leased, bringing quite a large income.</p>

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<p>Are substantial donations and their sources made public?</p> <p>Are there rules on political party expenditures?</p> <p>Are political party accounts published?</p> <p>Are accounts checked by an independent institution? Does that institution start investigations on its own initiative?</p>	<p>number of the seats occupied by the party.</p> <p>Law on Political Parties (article 11) provides that political parties shall make donations to them public.</p> <p>Law on Political Parties (article 10) : Political parties shall submit yearly financial statements to the Government.</p> <p>There is no legal regulation.</p> <p>Yes, accounts may be checked.</p>	<p>In reality political parties do not do so.</p> <p>No such cases for the time passed.</p>
<p>SUPREME AUDIT INSTITUTION</p> <p>Is the national auditor general independent? i.e.</p>	<p>Law on State Supervision (article 8, paragraph 1): The State Ih Hural shall appoint and fire head of State Supervision Committee as recommended by the chairman of the State Ih Hural.</p> <p>The same article, paragraph 4: The term of office of head of the committee shall be six years.</p> <p>Article 9 lists the powers of head of the Committee.</p>	<p>Section 5 of Law on the State Supervision provides a guarantee for a supervision official to exercise his or her full powers. It is legally possible for the auditor general to be independent.</p>

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Is the appointment of the general auditor required to be based on professional criteria/merit?	Article 8, paragraph 2 of Law on State Supervision: Head of the Committee shall be a citizen of Mongolia with higher education and no less than 5 years of work experience in civil service.	In reality it is very likely that a person supported by the ruling party will be appointed as the auditor general because the question is decided by a majority in the parliament as recommended by the chairman of the State Ih Hural.
Is the appointee protected from removal without relevant justification?	Yes, to a certain extent. Law on the State Supervision (article 8, paragraph 7): The State Ih Hural may relieve head of the Committee of his position before the end of his term based on his request explaining the reasons for his inability to continue his duties such health condition, other justifiable reasons No other reasons may serve as grounds for relieving the head of the Committee from his post.	
Are all public expenditures audited annually?	No restrictions on annual auditing.	Because of lack of staff and resources auditing is not made annually. It is made in every 2-3 years at a given institution. Reports are made annually.
Is reporting up to date?	Law on State Supervision article 6, paragraph 4: The State Supervision Committee shall report to the State Ih Hural on its activities annually.	The State Supervision Committee regularly reports to the State Ih Hural in the first quarter every year.
Are reports submitted to a Public Accounts Committee and/or debated by the legislature?	Yes, they are debated.	The State Supervision Committee's reports are debated by the Standing Committee for State System, and Standing committee for Budget, and if necessary, by a plenary session of the State Ih Hural.
Are all public expenditures declared in the official budget?	All expenditures are announced in the Law on State Centralised Budget.	

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JUDICIARY		
<p>Have the courts the jurisdiction to review the actions of the executive (i.e. Presidency, the Prime Minister's or other Ministers and their officials)?</p>	<p>No, they haven't. However, article 161, paragraph 1(1) of Law on Civil Procedure provides that the court shall consider cases raised by lawful claims against actions or decisions of state administrative organs, courts, prosecutors offices, investigative agencies, business entities and other organisations and their officials.</p>	
<p>Are judges/investigative magistrates independent? i.e.</p>	<p>Related provisions are found in the Constitution and Law on Courts. Article 49, paragraph 1 : Judges shall be independent and be solely subject to law. The same article, paragraph 3: A General Court Council shall function in order to ensure independence of judges and courts. Article 61, Law on Courts: Any one even President, Chairman of the State Ih Hural, Prime Minister, Members of the State Ih Hural and the Government, state or party or public officials or officials of business entities and other organisations and individuals shall not interfere with or influence on activities of judges. Rights and duties of magistrates are clearly defined in article 86 of Law on Civil Procedure and articles 49 (1), 49 (2) of Law on Criminal Procedure.</p>	<p>In reality it is common for judges to take bribes and decide cases in favour of his or her acquaintances. Especially, surveys show that advocates are heavily involved in intermediary for judges through various connections.</p>
<p>Are appointments required to be based on merit?</p>	<p>Article 51, paragraphs 2, 3 of the Constitution and article 6, paragraph 1 of Law on Courts: A citizen of Mongolia , aged</p>	<p>Although appointments are to be based on such criteria as professional skills, due to lack of personnel persons with poor experience and</p>

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<p>Are the appointees protected from removal without relevant justification? Are recruitment and career development based on merit?</p> <p>Have there been instances of successful prosecutions of corrupt senior officials in the past 3 years?</p> <p>Does the education system pay</p>	<p>35 and above, with higher legal education and no less than 10 years of professional experience may be appointed as a judge of the Supreme Court; a citizen of Mongolia, aged 25 and above, with higher legal education and no less than 3 years of professional experience may be appointed as a judge of other courts.</p> <p>Article 42, Law on Courts: The General Court Council shall consider each candidate as to his or her professional level, performance, personal character, health etc., conduct a secret voting, and submit to the President a proposal to appoint the candidate who received a majority of votes as a judge .The Council’s decision on the selection of a candidate shall be final.</p> <p>The Constitution (article 51, paragraph 4): Judges of any courts of any level shall not be removed except from removals on the basis of grounds contemplated in the Constitution and Law on Courts and a court decision or relief upon request of the judge.</p> <p>Yes.</p>	<p>ability are appointed as judges in the countryside.</p> <p>Article 51 of Law on Courts provides that a judge may be released from his or her duties by the President as proposed by the General Court Council following a conclusion of a professional attestation committee about inability of the judge to perform his or her duties at a professional level. There are almost no other cases for unjustifiable removals of judges.</p> <p>In 1999 three members of parliament were sentenced to imprisonment by the court for bribery in a casino bidding and abuse of their position.</p> <p>Some non-governmental organisations make</p>

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attention to integrity issues and corruption/bribery? Is it expected to?	Currently, there is nothing on this account.	suggestions to include the issues in the curriculum of secondary school.
<p>CIVIL SERVICE</p> <p>Are there laws establishing criminal and administrative sanctions for bribery?</p> <p>Are there rules requiring political independence of the civil service?</p>	<p>Law against Corruption (article 14): Persons who committed bribery and other similar crimes shall be imposed sanctions prescribed in the Criminal Code. Criminal sanctions are established for abuse of one's position or powers (article 192), actions in excess of one's powers or duties (article 193), abuse or actions in excess of one's position in banking activities (article 193(1)), insufficient fulfilment of duties to organise immunisation (article 193(2)), taking bribes (article 195), giving bribes (article 196), intermediary in bribery (article 197) . These are provisions of section 8 or Crimes of Position of the Criminal Code. However, there are no administrative sanctions.</p> <p>Article 46, paragraph 2 , the Constitution: " A civil servant of the State of Mongolia shall be a citizen of Mongolia and strictly follow the Constitution and other laws for his people and in the interest of the State."</p> <p>Article 3, paragraph 2 , Law on the Civil Service : " The nature of the civil service is loyal dedication to the State for the people's benefit. Article 13, paragraph 1(8): Every civil servant shall avoid political influence and be neutral in exercising their powers.</p>	<p>Confession is very rare because the law accuses both the one who has given a bribe and the one who has taken it.</p> <p>Every civil servant gets down to his or her duties upon taking an oath. Despite the law provisions requiring political independence of the civil service there repeated cases of removal of civil servants by the party which comes into power as a result of election. .</p> <p>For example: There are complaints that the Mongolian Revolutionary Party, which won the 2000 election, is removing too many civil servants from their posts. In 1996 the</p>

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<p>Are recruitment/career development rules based on merit?</p> <p>Are there specific rules to prevent nepotism? Cronyism? (note: rules discriminating positively in favour of marginalised or minority groups are <u>not</u> included in this description)</p> <p>Are there rules (including registries) concerning acceptance of gifts and hospitality?</p> <p>If so, are these registers kept up to date? By whom?</p> <p>Have they legal powers to enforce disclosure?</p>	<p>Article 4, paragraph 5, Law on the Civil Service : “ The civil service shall be professional and stable”</p> <p>Article 10, paragraph 1: “Except as otherwise provided by law, the general requirements for civil service shall be ability to hold the position, education, professional level and experience.”</p> <p>Article 16, paragraph 2(3), Law on the Civil Service: Except as allowed by law any official directly supervising or controlling others shall not work in a unit together with his or her relative (father, mother, husband, wife, brother, sister, children, their family members).</p> <p>Article 15, paragraph 6 of Law on the Civil Service: “Civil servants shall not receive gifts or cash or fee or free or discounted services and other illegal privileges from business entities, agencies or individuals for exercising their full powers.”</p> <p>Law against Corruption (article 12, paragraph 1(1)): Civil servants in administrative positions shall file presents or souvenirs, given to them as a sign of respect for their official position during official ceremonies, with the financial department of their agency, and hand over such presents or souvenirs worth more than their monthly salary.</p> <p>As it is provided in Law against Corruption registers must be kept by the financial department of a given agency.</p>	<p>Democratic Party was criticised for the same reasons. Not few cases are known of a civil servant nominated for election to the parliament.</p> <p>Every year civil servants and interested persons may take a civil service examination. Such examinations are announced publicly.</p> <p>In reality these provisions are generally followed. However, there are cases of heads of agencies trying to recruit his or her relatives or friends</p> <p>Poor control over registration of gifts or souvenirs..</p> <p>Not enforced.</p>

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<p>Have they staff to investigate allegations?</p> <p>What powers of sanction are in place against parliamentarians? Have they ever been invoked?</p> <p>Are there restrictions on post public service employment?</p> <p>Are procedures and criteria for administrative decisions published (e.g. for granting permits, licences, bank loans, building plots, tax assessments, etc)?</p> <p>Are there complaint mechanisms for</p>	<p>No, they haven't.</p> <p>Yes, they have. As it is provided in Law on Claims against Illegal Actions of State Administrative Organs or Officials infringing civil rights and Law on Resolving Claims against State organs or Officials every citizen of Mongolia may submit their claims against an organ or official to a higher organ or official directly supervising the former which shall examine and resolve the claims properly. If the citizen are not satisfied with the decision of the higher organ or official they may go to court. These organs or official are only entitled to examine and resolve allegations but powers to investigate such allegations are vested only in the relevant investigative bodies.</p> <p>Article 10, paragraph 7 of Law on the Legal Status of Members of the State Ih Hural states that if a member of the State Ih Hural is arrested on the spot or while committing a crime with sufficient evidence the official in charge of this shall immediately notify the chairman of the State Ih Hural within 24 hours.</p> <p>Article 24, paragraph 2 Law on the Civil Service: “ The age limits of employment in the civil service shall be 65 for men and 60 for women.”</p> <p>There are some other restrictions as to professional level, working experience, ability etc.</p> <p>Yes, they are.</p>	

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<p>public servants and whistleblower protection measures? Are there means for complaints by members of the public?</p>	<p>Law on Lawsuits against Illegal Actions of State Administrative Organs or Officials for Infringement upon Civil Rights; Law on Settlement of Complaints against State Organs and Officials. Article 9, paragraph 1 , Law on the National Human Rights Commission : citizens of Mongolia may individually or collectively complain to the Commission if they believe that business entities, organisations , officials or individuals have infringed upon their rights and freedoms guaranteed in the Constitution, laws and international treaties to which Mongolia is a party.</p>	<p>The right to complain against civil servants is guaranteed in the Constitution and other laws . The parliament is planning to discuss and resolve the issue of an administrative court system for citizens to complain about administrative decisions.</p>
<p>POLICE AND PROSECUTORS</p> <p>Is the commissioner of police independent? i.e.</p> <p>Are appointments required to be based on merit?</p> <p>Is the appointee protected from removal without relevant justification?</p>	<p>No, it isn't. As it is provided in Law on the Police the police commissioner shall be appointed and removed by the Government as recommended by the Prime Minister.</p> <p>No concrete law provisions.</p> <p>No concrete law provisions.</p> <p>Yes, they are. As it is provided in article 56 of the</p>	<p>As the General Police Department has the status of a Government agency it is very likely that the commissioner will be replaced with changes in the Government. For the past three years removal of the commissioner has taken place twice.</p> <p>Working experience is the main criteria.</p> <p>No sufficient protection. By decision of the Government the commissioner can be removed from office. For the past three years the commissioner has been replaced twice each time when the government was replaced.</p>

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Are public prosecutors independent?	constitution and articles 2, 6 of Law on the Prosecutors, prosecutors shall exercise control over inquiry, investigation, and sentencing and participate in court proceedings on behalf of the State. In exercising his powers prosecutor shall not be influenced externally solely subject to laws and decisions of the prosecutor general , adopted in conformity therewith.	
Are there special units for investigating and prosecuting corruption crimes?	No units assign such tasks by law.	The police investigates corruption crimes and prosecutors exercise control over inquiry, investigation of such crimes.
Is there an independent mechanism to handle complaints of corruption against the police?	No special regulation. Operations described in the Law on Criminal Procedure are carried out.	There is an opinion among the public that complaints of corruption against the police do not have results because such cases are handled by the police itself.
Does civil society have a role in such a mechanism?	There are cases when information supplied by citizens or the media plays a significant role in investigation.	Many materials are found in the media about involvement of the police in corruption. However, information obtained from unreliable sources sometimes causes difficulties in the activities of law-enforcement agencies.
In the last five years, have police officers suspected of corruption been prosecuted (or seriously disciplined or dismissed)?	Yes.	
Are there any cases of corruption within the prosecuting agencies?	No, for the time being..	

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<p>Which legislative instruments can be used by the police and public prosecutors for the investigation and prosecution of cases of corruption/bribery?</p> <p>Is private-to private corruption punishable by law?</p> <p>Is the law applied?</p> <p>How many cases of prosecution have been undertaken in the past years? How many have been successful? If the number is low, are there other effective measures or other good reasons why the number is low?</p>	<p>All means or instruments provided by law.</p> <p>No, it isn't.</p> <p>No, it isn't.</p> <p>Unknown.</p>	<p>Unjustifiable taking into custody as suspect is very common. There is much criticism on the part of citizens. The parliament is preparing to make amendments to the relevant laws to correct this situation.</p>
<p>PUBLIC PROCUREMENT</p> <p>Do rules for public procurement require competitive bidding for all major procurements with limited exceptions?</p>	<p>Section 6, Law on public procurements: Competitive bidding for procurements shall be open or restricted. (date of adoption: 14 April 2000 ; Government resolution for the implementation of the law, dated 21 June 2000)</p>	<p>The Government adopted a detailed procedure for the implementation of this law. Committees for competitive bidding are established in conformity with the law. Bidding can be open or restricted depending on the price. Bidding is accessible by both domestic and foreign participants. The state and local authorities are beginning to understand the law and implement it. There is not a system for announcement or advertising competitive bidding. Every agency has its own approach.</p>

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<p>Are the rules laid down in documents publicly accessible?</p> <p>Are there strict formal requirements that limit the extent of sole sourcing?</p> <p>Are all major public procurements widely advertised to the private sector?</p> <p>Are procurement decisions made public?</p> <p>Is there a procedure to request review of procurement decisions?</p> <p>Can an unfavourable decision be reviewed in a court of law?</p>	<p>Article 15, paragraph 1 of the above law: Announcement on competitive bidding shall be placed in daily newspapers and other media.</p> <p>Article 15, paragraph 3 of the same law: Announcement of bidding for work priced at more than MNT 1000000001 or for goods priced at more than MNT 1000000001 shall be made in an internationally recognised or multi-language media.</p> <p>Article 43, paragraph 1: Any participant may complaint to the chairman of the bidding committee in writing with the evidence attached if he or she believes that the bidder has violated its obligations.</p> <p>Article 45.1: If the central state administrative organ responsible for budget issues fail to make a decision within the period of time set forth in article 43.9 of this law or the participant does not accept it , the participant may go to court.</p> <p>Yes, there is. Articles 43, 45 of the above law have clear provisions on this issue. “ If a participant believes that the announcer of the bidding failed to fulfil its obligations, he or she may complaint to the head of the bidding committee in writing and if the deficiency is not corrected within two weeks or the bidding committee fails to take measures in response to the complaint the participant may complaint to the central state administrative organ responsible for budget issues. Article 45.1: If the central state administrative organ responsible for budget issues fail to make a decision within</p>	<p>The public has not become aware of competitive bidding and announcements about such things. Business entities, non-governmental organisations are not always able to get information on competitive bidding.</p> <p>There are no strict requirements that limit the extent of sole sourcing. Lawsuits about bidding are allowed. There is no concrete obligation to widely advertise to the private sector. If necessary, advertising is made to a certain extent.</p> <p>Yes, they are. In practice many complaint are made and they tend to go to court.</p>

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<p>Are there provisions for blacklisting of companies proved to have bribed in a procurement process?</p> <p>Are there rules and procedures to prevent nepotism/conflict of interest in public procurement?</p> <p>Are assets, incomes and life styles of public procurement officers monitored?</p>	<p>the period of time set forth in article 43.9 of this law or the participant does not accept it , the participant may go to court.</p> <p>No concrete procedures or provisions.</p> <p>No concrete procedures or provisions.</p> <p>No concrete procedures or provisions.</p>	<p>As the law is recently adopted and implemented such detailed regulations are not provided. Such violations have not occurred yet. It is believed that the law can be amended if such issues frequently occur in the course of the implementation of the law.</p>
<p>OMBUDSMAN</p> <p>Is there an ombudsman or its equivalent (i.e. an independent body to which citizens can make complaints about maladministration)?</p> <p>Is the ombudsman independent? i.e. Are appointments required to be based on merit?</p> <p>Is the appointee protected from</p>	<p>There is no ombudsman.</p>	<p>Discussions over and research into possibility of ombudsman are under way.</p> <p>The parliament of Mongolia adopted a Law on a National Human Rights Commission three months ago or in December 2000 and the Commission was established with three members. In cases of violations of human rights the members of the Commission shall act in a</p>

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<p>removal without relevant justification? Has an ombudsman been removed without relevant justification in the last five years? Can petitioners complain anonymously if they fear possible reprisals? Are reports of the ombudsman published? Does the government act on the Ombudsman's recommendations?</p>		<p>similar way to ombudsman. That is to say, the commission is acting on similar principles as ombudsman.</p>
<p>INVESTIGATIVE/WATCHDOG AGENCIES (e.g. Anti-Corruption Bureau)</p> <p>Are there special investigative or watchdog agencies? Are they independent? i.e. Are appointments required to be based on merit? Are appointments generally based on merit? Are the appointees protected from removal without relevant justification? Are their reports published (other than when criminal charges are pending)? Do they report publicly to the legislature on the general scope of their work?</p>	<p>There are no anti-corruption investigative or watchdog agencies.</p>	<p>A national program against corruption and a draft law on an independent anti-corruption agency have been proposed by 8 members of parliament. It is planned that these will be discussed by the parliament in April-May. There is a hope for such an agency if the law is adopted.</p>

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Indicators	Formal provisions	What actually happens
Can people complain to the agency without fear of recrimination?		
<p>MEDIA</p> <p>Is there a law guaranteeing freedom of speech and of the press?</p> <p>Is there censorship of the media?</p>	<p>Article 16, paragraph 16 of the Constitution guarantees freedom of speech, freedom of the press.</p> <p>Article 1 of Law on freedom of the press: The purpose of the this law is to safeguard freedom of speech freedom of the press enshrined in the Constitution.</p> <p>Article 3, paragraph 1 of the same law: The media shall be responsible for its publications or broadcastings. The State shall not control or monitor the content of such publications or broadcastings.</p> <p>Article 3, paragraph 1 of Law on freedom of the press: The media shall be responsible for its publications or broadcastings. The State shall not control or monitor the content of such publications or broadcastings.</p>	<p>In the Constitution, Law on freedom of the press and other related laws and regulations there are plenty of provisions guaranteeing freedom of publication and freedom of speech. Today in Mongolia's society people freely speak, publish and express their views. In 1999 a law was adopted to prohibit state owned media and to establish a public status for the media. However, the National Television and Radio are still under the Government's powers, because the parliament have not adopted the necessary law on this matter yet.</p> <p>Now in this democratic society there is a common mentality against any censorship because there used to be a lot during the socialist times. There are concrete provisions preventing the State from controlling the content of publications and broadcastings. However, because of absence of the related law the largest television and radio are funded from the state budget and their management are appointed by the prime minister., which is criticised to be</p>

QUESTIONNAIRE

Indicators	Formal provisions	What actually happens
<p>Is there a spread of media ownership?</p> <p>Does any publicly-owned media regularly cover the views of government critics?</p> <p>Have journalists investigating cases of corruption been physically harmed in the last five years?</p> <p>Does the media carry articles on corruption? Do media licensing authorities use transparent, independent and</p>	<p>There have not been such cases.</p> <p>Law on licensing business activities provides for a permission or license for media activities.</p>	<p>enabling the censorship of the ruling party. Also, the media is being heavily influenced by political and financial groups and there is a lot of censorship of the owner of television and press.</p> <p>Yes, there is. Major political parties, companies and economic groups tend to have their own newspapers, television etc, having privatised newspapers that used to be within the powers of the Government. As noted above, there is increasing censorship of the owners in such kind of media.</p> <p>The National Television and Radio regularly cover the views of the government.</p> <p>However, there have been cases whereby TV journalists were threatened through phone calls after their programs against corruption and evidences of their programs were stolen from their home etc.</p> <p>Media is registered with the Registration Division, Policy Implementation Co-ordinating Department, Ministry of Justice</p>

QUESTIONNAIRE

Indicators	Formal provisions	What actually happens
<p>competitive criteria and procedures?</p> <p>Are libel laws or other sanctions (e.g. withdrawing of state advertising) used to restrict reporting of corruption?</p>	<p>There is a law on privacy.</p>	<p>Law on privacy and Civil Code . It has become very common for the past four years to go to court claiming money for damages caused by publications about false allegations of corruption., which is termed as reputation business.</p>
<p>CIVIL SOCIETY</p> <p>Does the public have access to information and documents from public authorities?</p> <p>Do the public authorities generally co-operate with civil society groups?</p>	<p>Article 16, paragraph 17 of the Constitution states that “ Every citizen has the right to seek and obtain information from the State and its organs on matters which do not belong to secrecy protected by the State.</p> <p>Article 19 of Law on the Government: The Government may have its own tasks fulfilled by non-governmental organisations and under a contract perform certain tasks, using their services or labour.</p>	<p>Access to information is restricted in reality because there are no concrete regulations or procedures. There is no systematic information or procedure which would tell us who possesses what kind of information and how to get that information. Under development is a draft law on government information system that would regulate these issues. Despite these difficulties caused by lack of concrete regulations people are able to get information to a certain extent.</p> <p>Positive developments have taken place towards co-operation. For example: In their attempts to make the parliament more open for the public and the electorate and to raise their education, the State Ih Hural and its Administration Office have worked with non-governmental organisations under contract for the past four years.</p>

QUESTIONNAIRE

Indicators	Formal provisions	What actually happens
<p>Are there citizen's groups or business groups campaigning against corruption?</p> <p>Are there citizen's groups monitoring the government's performance in areas of service delivery, etc?</p> <p>Do citizen's groups regularly make submissions to the legislature on proposed legislation?</p>	<p>Article 5, paragraph 1 of Law on non-governmental organisations : Citizens and legal entities of Mongolia may without any permission from state agencies establish non-governmental organisations individually or collectively based on their own interests or views.</p> <p>Some initiatives are beginning to come up. For example: a non-governmental organisation for protection of tax-payers' interests that monitors expenditure of collected taxes etc. As far as projects with funding from external sources are concerned the funding organisations choose one from governmental and non-governmental organisations to monitor the implementation of the projects.</p> <p>Article 26, paragraph 2 of the Constitution: citizens and organisations may submit their proposals on proposed legislation to the legislature.</p>	<p>Yes, there are non-governmental organisations campaigning against corruption. The number of individuals and journalists fighting against corruption through the media is increasing.</p> <p>Citizens and organisations forward their suggestions or proposals concerning a draft law or an amendment to a law to the State Ih Hural and the Government. It is very common for citizens to send letters to the parliamentarians with their proposals enclosed. Focus is shifted on establishing a mechanism for regular opinion poll among the citizens and experts before laws are discussed by the parliament.</p>

QUESTIONNAIRE

Indicators	Formal provisions	What actually happens
<p>LOCAL GOVERNMENT</p> <p>Is there a legal requirement that meetings of city/ town councils be open to the press and public?</p> <p>Are there clear criteria restricting the circumstances in that city/town councils can exclude the press and public?</p>	<p>Article 23, paragraph 7 of Law of Mongolia on territorial and administrative units and their governments states that “ Meetings of bag and horoo hurals of commoms can be attended by the residents of voting age.”</p> <p>No, there aren't.</p>	<p>People are rarely interested in participating in such meetings.</p>
<p>PROGRESS WITH GOVERNMENT STRATEGY</p> <p>Has the government announced an anti-corruption strategy and a timetable for implementation? How much of the strategy has been implemented? Is the government meeting its own timetable?</p>	<p>Not yet.</p>	<p>A national anti-corruption program is soon going to be discussed by the parliament. If this program is approved, the Government is planning to approve an anti-corruption strategy and implement it according to a timetable.</p>