

# SDG16 PEACE, JUSTICE AND STRONG INSTITUTIONS

## POLICY, SDGs AND FIGHTING CORRUPTION FOR THE PEOPLE

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A Civil Society Report on Mongolia's  
Sustainable Development Goal 16

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## BACKGROUND

### 1. NATIONAL SDG IMPLEMENTATION PLAN AND MONITORING PROGRESS

Dimension	Background
Indicator number	1.1 National SDG implementation plan and monitoring process
Indicator questions(s)	<p>Has the government taken steps to develop an SDG action plan on how to implement the Agenda 2030 at the national level?</p> <p><i>Has there been a public consultation process or a format that allowed civil society organizations to make contributions? Has the action plan been published?</i></p>
Response	<p>The Parliament of Mongolia approved its long-term development strategy, the Sustainable Development Vision 2030 in February of 2016. This document has 4 Chapters, with 44 objectives and 20 indicators and envisions development planning in 4 main areas, i.e. economic (7 sectors, 22 objectives), social (3 sectors, 12 objectives), environmental (3 sectors, 6 objectives) and governance (4 objectives) sustainability. The policy document targets objectives and actions to be implemented in each specific Phase.</p> <p>The Mongolia's Sustainable Development Vision 2030 shall be implemented in 3 Phases. The Phase I shall be completed by 2020, the Phase II by 2025 and the Phase III by 2030. However, the comprehensive national action plan to achieve the sustainability by 2030 does not exist in Mongolia. For the purpose of developing this action plan and measuring the implementation of the SDGs by 2030, the Government of Mongolia is in the process of developing the mid-term action plan, hoping for the approval by the Parliament within 2019. This means that the Government Action Plan shall be revised from 2020, from the adoption of the mid-term SDGs action plan. The implementation action plan of the SDV 2030 in the Phase I (up to 2020) is defined in the Three Pillar Development Policy which was adopted in 2018. The policy document is, basically, an investment program and aimed at implementation of projects and programs specified in the Government Action Plan and the government investment plan to achieve the SDGs objectives. The government National Development Agency is in charge of the development of the mid-term government action plan on implementation of the SDGs aiming at completion within 2019.</p> <p>Public consultations were organized among few people before the adoption of the SDV 2030, which represented very limited sectors.</p>
Source(s) of information	<ol style="list-style-type: none"> <li>1. Mongolia Sustainable Development Vision 2030, <a href="https://www.legalinfo.mn/annex/details/7105?lawid=11725">https://www.legalinfo.mn/annex/details/7105?lawid=11725</a></li> <li>2. <a href="http://nda.gov.mn">http://nda.gov.mn</a></li> <li>3. <a href="https://mof.gov.mn/article/entry/sustainable_development_vision">https://mof.gov.mn/article/entry/sustainable_development_vision</a></li> </ol>

Dimension	Background
Indicator number	1.2 National SDG implementation plan and monitoring process
Indicator questions(s)	Which government body or bodies are in charge of the implementation of the national SDG implementation process, and in particular concerning the implementation of SDG 16? <i>Please name the organisation(s)</i>
Response	<p>The National Development Agency (NDA) is the government regulatory body under the Prime Minister of Mongolia with the aims to ensure the country's economic stability and responsible for the national SDGs implementation policy planning, implementation, coordination, assessment, mainstreaming and reporting processes. The NDA is the focal point on SDGs commitments established as a government regulatory agency and to develop and implement the integrated socio-economic and investment policy.</p> <p>The Standing Sub-Committee on Sustainable Development of the State Great Hural (Parliament) of Mongolia was established under the the Standing Committee on Social policy, Education, Culture and Science and the Committee and is mandated to monitor, review and evaluate the implementation of Mongolia's Sustainable Development Vision commitments every two years. The report to the Sub-Committee is delivered by the NDA and, the Sub-Committee shall report the findings to the Parliament.</p> <p>The National SDGs Committee was founded in 2016 by the Prime Minister of Mongolia for the purpose of accelerating the policy implementation. The National Committee is comprised from the Ministers of all 14 government ministries. Furthermore, the Prime Minister has set up 8 working groups (<i>see the Annex ... Table 1. Organizations responsible for the SDGs</i>) to develop the national assessment indicators that came up with the Mongolia's SDGs readiness evaluation and identified methodologies and information sources for the assessment.</p> <p>SDG 16 is implemented by the government offices such as the Ministry of Foreign Relations, Ministry of Justice and Internal Affairs, Anti-Corruption Agency, National Statistical Commission, National Development Agency and other government agencies.</p>
Source(s) of information	<ol style="list-style-type: none"> <li>1. Mongolia Sustainable Development Vision 2030, <a href="https://www.legalinfo.mn/annex/details/7105?lawid=11725">https://www.legalinfo.mn/annex/details/7105?lawid=11725</a></li> <li>2. Parliament website, <a href="http://parliament.mn/c/rc">http://parliament.mn/c/rc</a></li> <li>3. National Development Agency, <a href="http://nda.gov.mn">http://nda.gov.mn</a></li> <li>4. Ministry of Foreign Affairs, <a href="http://www.mfa.gov.mn/?page_id=28918#1484802619184-9acd5378-d1d2">http://www.mfa.gov.mn/?page_id=28918#1484802619184-9acd5378-d1d2</a></li> <li>5. Ministry of Justice and Internal Affairs, <a href="https://mojha.gov.mn/newmojha/?page_id=315">https://mojha.gov.mn/newmojha/?page_id=315</a></li> <li>6. Anti-Corruption Agency, <a href="http://www.laac.mn">www.laac.mn</a></li> <li>7. National Statistical Office, <a href="https://www.nso.mn/page/26">https://www.nso.mn/page/26</a></li> </ol>

Dimension	Background
Indicator number	1.3 National SDG implementation plan and monitoring process
Indicator questions(s)	Has civil society been able to contribute to the selection of national indicators concerning SDG 16 and have there been any formal discussions about how anti-corruption targets will fit into the implementation of a national SDG plan? <i>example, has i-corruption targets included in it?</i>
Response	<p>Out of 241 indicators of the SDGs, 13 indicators of the Goal 14 “Life below water” that are irrelevant to the Mongolian context have been removed out of the SDGs implementation document as Mongolia does not have any access to the sea. However, remaining 228 indicators have been detailed and expanded to 335. The process was organized by the working groups established by the PM that were comprised mostly from government agencies, rather than general public. SDG 16’s indicators were determined by the working group comprised from representatives of the Ministry of Justice, General Authority on Intellectual Property and State Registration, Police, Anti-Corruption Agency, National Human Rights Commission, National Committee on Gender Equality, General Judiciary Council, General Authority on Courts’ Decision Implementation and Department of the Family, Child and Youth Development. The working group was headed by the Ministry of Justice and Internal Affairs.</p> <p>In general, selection of the national indicators lacked academics, civil society, private sector and citizens’ engagement. In 2018, the Government organized “The National Discussion on Mongolia SDGs”, involving public and private sectors’ representatives and, as a result, the forum agreed to systematic approach on prolonged public dialogues in each sector.</p> <p>The National Statistics Office (NSO) is mandated to be in charge of the development of the SDGs project implementation monitoring methodologies and develop data pertinent to it. The NSO has conducted 3 consecutive initial assessments of the availability of SDG monitoring indicators, a year apart, from 2015 to 2017. Covering both the official and administrative statistical data sources, assessment conducted in 224 indicators in the first, 241 indicators in the second and 244 indicators during the third assessment period. The assessment concluded that 48.5% of required data can be extracted directly from various sources and 51.5% (lower from 68.9% in 2016) of data are not available to be estimated. With relation to SDG 16, 11 indicators data is not available for estimation.</p> <p>Regarding the anti-corruption targets in the national SDG action plan, Mongolia’s 2016 Sustainable Development Vision 2030 the 10th goal states: “To build professional, stable and participative governance, free of corruption that is adept at implementing development policies at all levels”.</p> <p>The fundamental condition to successfully implement the sustainable development vision is to ensure stable and sustained governance, for which 5 guiding principles are listed:</p>

	<p>1)Ensure implementing stable state policies through consistent activities and strengthening inter-sectoral coordination;</p> <p>2)Judiciously complying with the principle of ‘rule of law’;</p> <p>3)Ensuring transparency in administration;</p> <p>4) Decentralizing and ensuring the participation of all stakeholders in decision making; and finally;</p> <p>5) Judiciously enforcing ethics in the public sector and eliminating corruption. In order to achieve stable and sustained governance for sustainable development, 4 objectives are formulated:</p> <p>Objective 1. Establish and strengthen an accountable and proficient governance structure to formulate, implement, monitor and evaluate sectoral and local development policies, for giving shape to the Sustainable Development vision.</p> <p>Objective 2. Improve the leadership of civil service organizations at all levels and develop transparent and accountable governance at the national and local levels, based on public participation and public-private partnership.</p> <p>Objective 3. Judiciously enforce laws and procedures on ethics for politicians and civil servants and eliminate all forms of corruption.</p> <p>Objective 4. Actively participate in international cooperation, aimed at achieving the Sustainable Development Goals.</p>
Source(s) of information	<p>1. Mongolia Sustainable Development Vision 2030, <a href="https://www.legalinfo.mn/annex/details/7105?lawid=11725">https://www.legalinfo.mn/annex/details/7105?lawid=11725</a></p> <p>2. National Statistical Office, <a href="https://www.nso.mn/page/26">https://www.nso.mn/page/26</a></p>

Dimension	Background
Indicator number	<b>1.4 National SDG implementation plan and monitoring process</b>
Indicator questions(s)	<p>Has the development of national SDG implementation reports relating to SDG 16 been open and inclusive?</p> <p><i>Has civil society had an opportunity to provide input or review draft version of the official national implementation reports?</i></p>
Response	<p>In 2019, the Government of Mongolia is issuing a Voluntary National Report (VNR) on the progress of working towards achieving the SDGs.</p> <p>Although the government is taking the lead in the monitoring and reporting on the SDG progress, civil society organizations (CSOs) can contribute as part of the official review process or independently through parallel reviews and spotlight reports. The National Consultation on Mongolian VNR for Implementation of the SDGs was organized in 2018 involving various stakeholders from the government, CSOs, academia, private sector and international partners.</p>

Source(s) of information	<ol style="list-style-type: none"> <li>1. UNDP Mongolia, 21.11.2018. Parliament member Dr Undraa, 20.11.2018;</li> <li>2. <a href="http://www.mn.undp.org/content/mongolia/en/home/presscenter/speeches/2019/national-consultation-on-mongolian-voluntary-national-report-for.html">http://www.mn.undp.org/content/mongolia/en/home/presscenter/speeches/2019/national-consultation-on-mongolian-voluntary-national-report-for.html</a></li> </ol>
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Dimension	Background
Indicator number	<b>1.5 National SDG implementation plan and monitoring process</b>
Indicator questions(s)	How do you assess the quality of the official assessment and the data provided in official implementation reports for targets 16.4, 16.5, 16.6 and 16.10?
Response	There is no official assessment for SDG targets 16.4, 16.5, 16.6 and 16.10.
Source(s) of information	

Dimension	Background
Indicator number	<b>1.6 National SDG implementation plan and monitoring process</b>
Indicator questions(s)	Are there any salient corruption or governance issues which are omitted or not adequately addressed in the official national report?
Response	There is no official assessment for SDG targets 16.4, 16.5, 16.6 and 16.10.
Source(s) of information	

## 2. *RECENT DEVELOPMENTS*

Dimension	LEGISLATIVE AND INSTITUTIONAL FRAMEWORK
Indicator number	<b>2.1 Recent developments</b>
Indicator questions(s)	Has the country adopted a national anti-corruption action plan?
Scoring	<b>1:</b> A national anti-corruption action plan has been adopted

<b>Response</b>	In 2016, the Government of Mongolia enacted the National Program on Anti-Corruption to be implemented during 6 years, under 2 Phases. Accordingly, the Government has adopted the Anti-Corruption National Program Action Plan in April 2017 with the first phase to be implemented between 2016–19, and the second phase to be implemented between 2020-2023.
<b>Source(s) of information</b>	<ol style="list-style-type: none"> <li>1. National Program on Anti-Corruption and Implementation Action Plan. Retrieved from <a href="https://www.iaac.mn/page/90?menu=210">https://www.iaac.mn/page/90?menu=210</a></li> <li>2. Report on Implementation of Anti-Corruption Legislations and General Corruption Perception 2016, 2017 and 2018. Retrieved from <a href="https://www.iaac.mn/news/awligatai-temtsekh-khuuli-togtoomjiin-kheregjilt-awligiin-erunkhii-nukhtsul-baidal-2sh18-awligatai-temtsekh-undesnii-khutulburiin-kheregjilt-2sh16-2sh18?menu=147">https://www.iaac.mn/news/awligatai-temtsekh-khuuli-togtoomjiin-kheregjilt-awligiin-erunkhii-nukhtsul-baidal-2sh18-awligatai-temtsekh-undesnii-khutulburiin-kheregjilt-2sh16-2sh18?menu=147</a>;</li> <li>3. Annual Reports 2014, 2015, 2016, 2017, 2018 of the ACA. Retrieved from <a href="https://www.iaac.mn/category/138?menu=59">https://www.iaac.mn/category/138?menu=59</a></li> </ol>

<b>Dimension</b>	THIRD PARTY ASSESSMENT
<b>Indicator number</b>	2.2 Recent developments
<b>Indicator questions(s)</b>	<p>___% of respondents state that their government performs “well” at fighting corruption in government, according to Transparency International’s Global Corruption Barometer.</p> <p><i>Please provide the percentage from the most recent TI Global Corruption Barometer (<a href="http://gcb.transparency.org">http://gcb.transparency.org</a>), and provide the year of the GCB you are quoting (if data is available for your country), otherwise please provide similar survey results from another regional or national survey, if available</i></p>
<b>Response</b>	35% of respondents state that their government performs “well” at fighting corruption in government, according to Transparency International’s 2017 Global Corruption Barometer.
<b>Source(s) of information</b>	<ol style="list-style-type: none"> <li>1. Global Corruption Barometer Results 2017. Retrieved from <a href="https://www.transparency.org/whatwedo/publication/people_and_corruption_asia_pacific_global_corruption_barometer">https://www.transparency.org/whatwedo/publication/people_and_corruption_asia_pacific_global_corruption_barometer</a></li> </ol>

<b>Dimension</b>	BACKGROUND
<b>Indicator number</b>	2.3 Recent developments
<b>Indicator questions(s)</b>	Has your country’s current political leadership made public declarations about fighting corruption in the past two years? Have there been high-level



	<p>commitments by the current administration to strengthen the legal framework, policies or institutions that are relevant to preventing, detecting and prosecuting corruption?</p> <p><i>How do you assess the political will for advancing anti-corruption at the moment? Please briefly describe which major political leaders, most importantly the government, have made public statements to fight corruption, and what commitments they made. Please provide relevant sources.</i></p>
Response	<p>In July 2017, the President of Mongolia has called out politicians, public officials and their related parties to close all offshore accounts and transfer offshore assets back to Mongolia within 49 days. Accordingly, amendments were made in the Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service restricting all public officials who submit the Personal Interest, Assets and Income Declaration pursuant to the clause 20.1 of the Law to maintain offshore accounts and assets, unless in relation to foreign services, medical service, employment and study. Even the purpose shall be allowed pursuant to the Law, offshore account or asset holding persons should report the ACA within 30 days, including any changes occurred in composition, amount, shareholding, etc. of the assets.</p> <p>The Government has adopted by its Resolution 326 in 2017, the list of 49 countries to be considered as “offshore”. As a result, US\$74.5 million out of detected US\$85.9 million, possessed by 20 individuals, has been transferred in 2018 back to Mongolia from countries that are considered as offshore.</p> <p>In 2018, the President of Mongolia named and declared years 2018-2019 to be the “Zero tolerance for corruption, corruption exposing and whistle-blowers” protecting Years” nationwide.</p> <p>In 2019, amendments in the Law on Anti-Corruption, Law on Legal Status of the Judges and Law on Prosecutors were proposed by the President of Mongolia which enabled the removal of the Chief Commissioner of the ACA, General Prosecutor and Chief Justice along with their deputies prior terms, at any time regardless of their fixed terms, if the National Security Council shall deem necessary. This (amendments) gives the three members of the National Security Council (Chaired by the President of Mongolia and members are the Speaker of the Parliament, the Prime Minister of Mongolia) a significant influence over the investigation, prosecution and judiciary powers and processes. Moreover, as international and domestic experts and civil society, the amendments have significantly deteriorated the legal framework, independence, stability and autonomy of the law enforcement agencies, rather than strengthening them and have direct impact on crime preventing, detecting and prosecuting efforts of the country. The amendments were enacted by the Parliament.</p> <p>In 2018, both the Prime Minister and the Chief of the Cabinet Secretariat of the Government made declarations that the Mongolian People’s Party shall clean up</p>

	<p>all corrupt politicians and public officials, make accountable those who have illegally gained powers, assets and interests.</p> <p>In 2018 and 2019, the Government taken number of actions to nationalize private properties, by holding Special Operations. Examples are: revoking deposit use and other mining licenses which were valid for more than a decade, forfeiting meat and meat products of meat production company and shareholding of a private company, etc.</p> <p>Both the President, Prime Minister and Government ministers of Mongolia have made declarations to fight against corruption. The actual actions that have been taken both by the President, Government and the Parliament, do not withstand declarations, commitments and good practice to advance the anti-corruption.</p>
Source(s) of information	<ol style="list-style-type: none"> <li>1. <a href="https://president.mn/1405/">https://president.mn/1405/</a></li> <li>2. US\$74.9 million transferred back to Mongolia from offshore accounts. Article, Unuudur newspaper: <a href="http://unuudur.mn/">http://unuudur.mn/</a></li> <li>3. Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service 2012, <a href="https://www.legalinfo.mn/law/details/397?lawid=397">https://www.legalinfo.mn/law/details/397?lawid=397</a></li> <li>4. President's Secretariat. <a href="https://president.mn/3124/">https://president.mn/3124/</a></li> </ol>

Dimension	BACKGROUND
Indicator number	2.4 Recent developments
Indicator questions(s)	<p>Is there evidence that laws and policies are not equally applied to all officials, resulting in an increased risk for misuse of power and grand corruption?</p> <p><i>Have there been reported cases where politicians violated laws and established policies with impunity? Is there evidence that supervisory and anti-corruption bodies, prosecutors, law-enforcement agencies or the judiciary did not pursue investigations or actions against powerful individuals due to political interference? Have there been corruption allegations or scandals involving high-level officials in the past two years, and were there independent investigations into these allegations by the competent authorities? Did any of them result in convictions? Is there any evidence that political leaders and high-level public officials, or people close to them, have personally benefitted from decisions they made while holding public office? Please provide brief descriptions of up to three selected cases that you deem most serious. If possible, prioritize cases related to grand corruption – cases of abuse of high-level power that benefit the few at the expense of the many and cause serious and widespread harm to individuals and society.</i></p>
Response	As defined in sub-clause 3.1.1 of the Law on Anti-Corruption “corruption” means abuse by a person of his/her official power in private interests, affording preferences to others, and any violation of law, expressed in action or failure to act,

	<p>that enables an individual or a legal person to benefit from such preferences. The Law is applicable to public and private sectors, political parties, and CSOs.</p> <p>Petty corruption has been gradually declining in Mongolia, but in general corruption is widespread. Involvement of public officials in corruption cases through use of power or by creating advantage for personal interest is widespread.</p> <p>Case examples:</p> <ol style="list-style-type: none"> <li>1. Allegations of parliamentary speaker Enkhbold Miyegombo, and other political figures planned to raise MNT60 billion tugrug (\$23 million) from public officials, by selling off government positions. Media spread the news about reinstated investigation for a MNT60 billion tugrug case by the Anti-Corruption Agency (ACA), General Police Department (GPD) and Intelligence Agency (IA) based on new facts and transferred the case to the Prosecutor's Office with the proposal to convict the respondents.</li> <li>2. A scandal concerning Small and Medium Enterprises Development Fund low interest, concessional loans of which the beneficiaries were nepotistic Parliament members and high-level politicians. After the inspection of SMEDF loans, the ACA has transferred cases of 4 Parliament members to the Prosecutor's Office. The Parliament dismissed the Attorney General's request to revoke these members' parliamentary immunity.</li> <li>3. Corrupt officials are dodging punishment as corruption cases they are involved typically closed based on statute of limitation provision. According to the study conducted by the ACA, 29 corruption cases were closed during the period from 2016 to 2018 on a basis of statute of limitation. For example, statute of limitation has completed for cases related to 2 former Parliament members, Governor of the Capital City and his son, Head of Customs Restriction Monitoring Department of Export and Import and relevant senior-level officials of the Customs Authority, Department Director of Ministry of Road and Transportation, etc., which involve high-level politicians and public officials and accordingly, they have been discharged from any punishment for their wrongdoings. This "dodging punishment" mechanism has been created by the Revised Criminal Code of Mongolia, which was adopted by the Parliament 2 years earlier. The Law states the term "<b>STATUTE OF LIMITATION</b>" of the case as "to calculate from the day of a crime committed until the day of a primary court decision is enforced". Grand corruption and abuse of power/official duty, misuse of power by public officials' cases require a substantial investigation time hence, creating such legal loophole distorts the justice system in whole.</li> </ol> <p>Thus, high-level public officials and members of Parliament who are involved in corruption scandals are not punished.</p>
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Source(s) of information	<ol style="list-style-type: none"> <li>1. Criminal Code of Mongolia 2015, <a href="https://www.legalinfo.mn/law/details/11634?lawid=11634">https://www.legalinfo.mn/law/details/11634?lawid=11634</a></li> <li>2. HRF report. Routine discussion on human rights. Mid-term report. 2018. Page 15-17. <a href="http://upr-mongolia.mn/images/UPR_Midterm_report_MON_Jun2018Final.pdf">http://upr-mongolia.mn/images/UPR_Midterm_report_MON_Jun2018Final.pdf</a></li> <li>3. Law on Legal Status of Judges. Article 17, sub-clause 17.1.8. <a href="https://www.legalinfo.mn/law/details/8660">https://www.legalinfo.mn/law/details/8660</a></li> <li>4. Law on Prosecutors. Article 46, sub-clause 46.6.4. <a href="https://www.legalinfo.mn/law/details/12702">https://www.legalinfo.mn/law/details/12702</a></li> <li>5. Law on Anti-Corruption. Article 22, sub-clause 22.4. <a href="https://www.legalinfo.mn/law/details/8928">https://www.legalinfo.mn/law/details/8928</a></li> <li>6. Article on MNT60 billion case transfer to the Prosecutor's Office. <a href="http://www.oloo.mn/n/66992.html">http://www.oloo.mn/n/66992.html</a> 2019.08.12</li> <li>7. The case, allegedly planned to raise MNT60 billion tugrug after 2016 election from the MPP from its newly appointed public officials, is under investigation by the law enforcement agency.</li> <li>8. Press release. Government Cabinet Secretariat, Media and Public Relations department. <a href="https://zasag.mn/news/view/21513">https://zasag.mn/news/view/21513</a> (2018.12.29)</li> </ol>
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Dimension	BACKGROUND
Indicator number	2.5 Recent developments
Indicator questions(s)	<p>Have there been significant anti-corruption reforms or advances in the fight against corruption in the past two years?</p> <p><i>Such reforms may include improvements in the legal framework, new policies, the adoption of a broader national strategy to promote integrity and transparency, the establishment or strengthening of anti-corruption or supervisory bodies, or evidence of improved capacity or independence of key actors in the anti-corruption framework. Alternatively, is there evidence that the anti-corruption framework has deteriorated? Please describe briefly.</i></p>
Response	<p>Improvements in legal framework:</p> <ol style="list-style-type: none"> <li>1. Pursuant to the Law on Anti-Corruption and the Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service, the ACA discloses the summary of the Personal Interest, Assets and Income declarations of around 45,000 public officials, regularly, every year. The Revised General Law on State Registration was enacted in 2018, enabling the disclosure of certain information of legal entities, including the name, registration number, names of the shareholder/s and beneficial owner/s, etc. openly to public, availing the possibility to review, monitor and cross-check the Personal Interest, Assets and Income declarations of public officials.</li> </ol> <p>Deterioration in legal framework:</p>

	<ol style="list-style-type: none"> <li>1. In 2017, the Law on the Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service was amended by the Parliament allowing the appointment of a person who has a conflict of interest to a public service at the discretion of the appointing public official. The amendment has become effective from 1 January 2019. Prior to that, the Law restricted the appointment of a public official if the ACA has determined that he/she has a conflict of interest.</li> <li>2. Further, in 2017, the Parliament has adopted the Revised Criminal Code of Mongolia reducing the crime statute of limitation. Clause 1.10 of the Code says “the statute of limitation shall be counted from the day the crime is committed until the enforcement of the primary court’s decision”. Thus, the corruption related case’s statute of limitation of 5 years is easily terminated during the investigation or before the primary court hearing as the investigation, prosecutor’s review and court processes are lengthy. As a result, 29 corruption cases have been dismissed due to limitations of the statute.</li> <li>3. Amendments to the Law on Legal Status of Judges, Law on Prosecutors and Law on Anti-Corruption were adopted in March 2019 based on initiative of the President of Mongolia and backing of the Government. Based on amendments, these laws denote the National Security Council (NSC) may propose to remove judges, Attorney General and Deputy Attorney General and Chief and Deputy Commissioners of the Anti-Corruption Agency. Indeed, Mongolian courts and prosecutors have been reluctant to resolve countless mining license, land sell, government procurement and corruption related cases. However, rather than making efforts to improve legislations, the chosen method of removing leaderships of these organizations based on NSC’s view, which consists from the President, Prime Minister and the Speaker of the Parliament, may endorse incoherent practices in the future</li> </ol>
Source(s) of information	<ol style="list-style-type: none"> <li>1. Law on Anti-Corruption 2006, <a href="https://www.legalinfo.mn/law/details/8928?lawid=8928">https://www.legalinfo.mn/law/details/8928?lawid=8928</a></li> <li>2. Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service 2012, <a href="https://www.legalinfo.mn/law/details/397?lawid=397">https://www.legalinfo.mn/law/details/397?lawid=397</a></li> <li>3. Revised General Law on State Registration 2018, <a href="https://www.legalinfo.mn/law/details/13537?lawid=13537">https://www.legalinfo.mn/law/details/13537?lawid=13537</a></li> <li>4. Criminal Code of Mongolia 2015, <a href="https://www.legalinfo.mn/law/details/11634?lawid=11634">https://www.legalinfo.mn/law/details/11634?lawid=11634</a></li> <li>5. The major “ACQUITTED” cased based on statute of limitation? 2019.09.30. <a href="https://news.zindaa.mn/2wia">https://news.zindaa.mn/2wia</a></li> <li>6. Press conference. ACA. April 2019. <a href="http://zarig.mn/d57/">http://zarig.mn/d57/</a> 25 April</li> </ol>

Dimension	BACKGROUND
Indicator number	2.6 Recent developments
Indicator questions(s)	<p>How do you assess the space for civil society and the media to investigate and highlight corruption risks and cases, and to demand accountability from the country's political and economic elite?</p> <p><i>Have there been significant developments that affected the room of manoeuvre of the media and civil society, positively or negatively? Have fundamental freedoms, such as freedom of speech and assembly, been restricted? Please briefly describe.</i></p>
Response	<p>The Revised General Law on State Registration was enacted in 2018, enabling the disclosure of certain information of legal entities, including the name, registration number, names of the shareholder/s and beneficial owner/s, etc. openly to public, availing the possibility to review, monitor and cross-check the Personal Interest, Assets and Income declarations of public officials which is released by the ACA annually.</p> <p>Accordingly, using the Personal Interest, Assets and Income declarations, the Mongolian news webpage ikon.mn reporters have cross-checked the information of officials who have taken soft loans directly or through their related parties in reference to the General State Registration Authority's released open database of the 172,000 entities. Ikon.mn has revealed 16 Parliament member, 3 ministers and 1 Deputy minister's names along with other politicians and public officials who have taken soft loans, abusing powers, from the Small and Medium Enterprises Development Fund.</p> <p>Following the release of the news on website, total of 60 Politically Exposed Persons were investigated in connection with abuse of powers related to SMEDF soft loans. On 5 Parliament members, the ACA has concluded and transferred the case to the Prosecutor's Office to convict.</p> <p>Reporters of ikon.mn have also reported names of Politically Exposed Persons who have received the tuition payments from the Educational Loan Fund but, failed to repay.</p> <p>The Criminal Police Department's undercover operations' report contained information about conducting special operations spying 30 people, including 9 reporters, who have released information on Minister of Justice. The Prosecutor's Office of the Capital City has confirmed the case to be illegitimate and that police officials who have violated laws are being investigated. Some 50 reporters have been penalized pursuant to the Law on Infringement, mostly due to not disclosing their sources. 111 violations have been registered on reporters who have allegedly defamed politicians and their related parties by certain or some information/suspicious since 2017 on corruption, plot, bribery, or abuse of powers. 91 cases were dismissed while reporters have been penalised on 20 cases as the right of a reporter to undisclosed the whistleblower or a source of</p>

	information is not ensured pursuant to applicable laws.
Source(s) of information	<ol style="list-style-type: none"> <li>1. Meet 16 Members of the Parliament and 4 Ministers who Took Soft Loans from the Public Fund to Support Small and Medium Enterprises, Article, 2018: <a href="https://ikon.mn/n/1fdw">https://ikon.mn/n/1fdw</a>;</li> <li>2. Meet: 1,893 People Received Tuition Payments from the Educational Loan Fund, Article, 2018: <a href="https://ikon.mn/n/1iju">https://ikon.mn/n/1iju</a>;</li> <li>3. Legal regulations on prevention, detection and eradication of cybercrimes. Comparative study. Center for Legislative Studies. 2018: <a href="file:///C:/Users/User/Desktop/SDGs/UPR/tsahim-orchim.pdf">file:///C:/Users/User/Desktop/SDGs/UPR/tsahim-orchim.pdf</a>;</li> <li>4. Revised General Law on State Registration 2018, <a href="https://www.legalinfo.mn/law/details/13537?lawid=13537">https://www.legalinfo.mn/law/details/13537?lawid=13537</a>;</li> <li>5. Law on Media Freedom 1998: <a href="https://www.legalinfo.mn/law/details/546?lawid=546">https://www.legalinfo.mn/law/details/546?lawid=546</a></li> </ol>

### 3.ANTI-MONEY LAUNDERING

**TARGET 16.4:** “By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organised crime”

**Indicator 16.4.1:** Total value of inward and outward illicit financial flows (in current United States dollars)

**Indicator 16.4.2:** Proportion of seized, found or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments.

Dimension	LEGISLATIVE AND INSTITUTIONAL FRAMEWORK
Indicator number 3.1	<b>0.75:</b> Largely Compliant (LC)
Response	<p>Mongolia has adopted the Law on Anti-Money Laundering, Counter Terrorism Financing in 2013. Mutual Evaluation Report 2017 of the Asia Pacific Group (APG) of FATF concluded Mongolia to be “largely compliant” to the Recommendation 3. The AML/CTF Law was substantially revised once in 2018, pursuant to the recommendation given by the APG.</p> <p>Both under the Criminal Code of Mongolia of 2002 and the Revised Criminal Code, adopted in 2015 and became effective from 1 of July 2017, money laundering is a criminal act . However, APG concluded that Mongolia money laundering offence has some minor shortcomings particularly in the proportionality and dissuasiveness of sanctions for legal persons, and for natural persons, who are not part of an organized criminal group or misuse their official position. In Revised Criminal Code, rather than eliminating those shortcomings, the highest end of the imprisonment sentence remained same and penalty amount raised though, the lighter sentence even lowered and replaced arrest with</p>

	<p>restriction on right to travel which gave large concerns in terms of proportionality and dissuasiveness.</p> <p>Furthermore, most of physical and material elements of the money laundering offence are contained in the provision of article 18.6 of the Revised Criminal Code in line with the requirements of the Vienna and Palermo Conventions. However, participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counseling the commission of any of the offences defined in Article (iv), established in accordance with of the United Nations Convention against Transnational Organized Crime, Palermo 2000 are not regulated nor criminalized.</p>
Source(s) of information	<ol style="list-style-type: none"> <li>1. Revised Criminal Code of Mongolia 2015: <a href="https://www.legalinfo.mn/law/details/11634">https://www.legalinfo.mn/law/details/11634</a></li> <li>2. Criminal Code of Mongolia 2002, Article 166<sup>1</sup>: <a href="https://www.legalinfo.mn/law/details/12172?lawid=12172">https://www.legalinfo.mn/law/details/12172?lawid=12172</a></li> <li>3. Anti-money laundering and counter-terrorist financing measures in Mongolia – 2017, Report, APG 2017 pg. 100: <a href="https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf">https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf</a></li> <li>4. Anti-Money Laundering, Counter Terrorism Financing Law 2013: <a href="https://www.legalinfo.mn/law/details/9242">https://www.legalinfo.mn/law/details/9242</a>;</li> <li>5. United Nations Convention against Transnational Organized Crime, Palermo 2000: <a href="https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOLS_THERETO.pdf">https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOLS_THERETO.pdf</a></li> </ol>

Dimension	LEGISLATIVE AND INSTITUTIONAL FRAMEWORK
Indicator number 3.2	<b>1:</b> A risk assessment was carried out and is available to the public
	Mongolbank, the central bank of Mongolia, published “Mongolia National Risk Assessment of Money Laundering and Financing of Terrorism” in 2016, available to the public in its full version. Risk Assessment on Terrorism Financing and Financing of Proliferation of Weapons of Mass Destruction was conducted by the Intelligence Agency in 2019, posted on website.
Source(s) of information	<ol style="list-style-type: none"> <li>1. Mongolia National Risk Assessment of Money Laundering and Financing of Terrorism report, Mongolbank 2016: <a href="file:///C:/Users/User/Desktop/SDGs/20170515_NRA_report.pdf">file:///C:/Users/User/Desktop/SDGs/20170515_NRA_report.pdf</a>;</li> <li>2. Risk Assessment on Terrorism Financing and Financing of Proliferation of Weapons of Mass Destruction, Intelligence Agency, 2019: <a href="https://gia.gov.mn/5/item/548">https://gia.gov.mn/5/item/548</a></li> </ol>



Dimension	LEGISLATIVE AND INSTITUTIONAL FRAMEWORK
Indicator number 3.3	<p>The AML/CTF Law of Mongolia the reporting entities are banks, non-banking financial institutions, insurance companies, investment funds and investment management companies, licensed securities market entities, savings and credit cooperatives, real estate agents, dealers in precious metals and precious stones (<i>if, a transaction or several transaction is made with total sum of MNT20 million tugrug within 24 hours (equivalent foreign currency) or above</i>), and lawyers, notaries, other independent legal professionals and accountants (<i>when they carry out transactions on behalf of their client concerning buying and selling of real estate; managing of client money, securities or other assets; management of bank, savings or securities accounts; organisation of contributions for the creation, operation or management of companies; creation, operation or management of legal persons or arrangements, and buying and selling of business entities</i>) (collectively referred to as “Reporting Entities” or REs).</p> <p>Article 4.2 of the AML/CFT Law prohibits reporting entities from opening anonymous accounts or accounts in fictional names. The provision also prohibits from making transactions from or to such accounts.</p> <p>Recommendation 10 were rated largely compliant in MER 2017 however, identified minor shortcomings on specific Customer Due Diligence requirements such as (i) the CDD obligation for interrelated transactions made within 24 hours may be limiting; and (ii) the extent of identification of natural person exercising control of a legal person. Amendments made into the AML/CTF Law in April 2018, addressed those shortcomings and obliged the reporting entities to conduct Customer Identification, Customer Verification, Customer Due Diligence, Enhanced Due Diligence and Special Due Diligence for a customer, identify a customer through verification of customer information, a natural person exercising control of legal entity and/or purporting to act on behalf of a natural person and legal entity, legal arrangement, customer’s business and its ownership structure, ultimate beneficial owner or controller, conduct risk and legal assessment, and nature of transaction and, conduct enhanced transaction monitoring and suspicious transaction reporting and suspicious customer reporting in line with FATF Recommendation 10.</p>
Source(s) of information	<ol style="list-style-type: none"> <li>1. Anti-money laundering and counter-terrorist financing measures in Mongolia – 2017, Report, APG 2017 pg 110-113: <a href="https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf">https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf</a>,</li> <li>2. Anti-Money Laundering, Counter Terrorism Financing Law 2013: <a href="https://www.legalinfo.mn/law/details/9242">https://www.legalinfo.mn/law/details/9242</a></li> </ol>
Indicator number 3.4	Article 7.2 of the AML/CFT Law requires REs that suspects or knows that an asset or transaction is related to ML/TF or proceeds of crime to report to FIU within 24 hours.

	<p>A minor deficiency on the definition of “proceeds of crime” of the Article 7.2 of the AML/CTF Law of Mongolia and definitions of “proceeds of crime” defined in applicable procedures was limited to only monetary proceeds and did not extended to ‘property’, as stated in MER 2017. Upon interlinkage of the AML/CTF Law with the Revised Criminal Code of Mongolia, which became effective from April 2018, such minor deficiency was eliminated by including tangible and intangible assets and value, income and profit generated from it as well as tools and equipment used in crime.</p>
Source of information:	<ol style="list-style-type: none"> <li>1. FATF 4th round ratings are available at the following link: <a href="http://www.fatf-gaf.org/publications/mutualevaluations/documents/assessment-ratings.html">http://www.fatf-gaf.org/publications/mutualevaluations/documents/assessment-ratings.html</a>;</li> <li>2. International Standards on Combating Money Laundering and the Financing of Terrorism &amp; Proliferation. The FATF recommendations; <a href="http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF%20Recommendations%202012.pdf">http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF%20Recommendations%202012.pdf</a></li> <li>3. Anti-money laundering and counter-terrorist financing measures in Mongolia – 2017, Report, APG 2017 pg 133-134: <a href="https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf">https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf</a>;</li> <li>4. Anti-Money Laundering, Counter Terrorism Financing Law of Mongolia, clause 3.1.10; <a href="https://www.legalinfo.mn/law/details/9242">https://www.legalinfo.mn/law/details/9242</a></li> <li>5. Revised Criminal Code of Mongolia 2015, Article 7.5, clause 2: <a href="https://www.legalinfo.mn/law/details/11634">https://www.legalinfo.mn/law/details/11634</a></li> </ol>
Indicator 3.5	<p>In 2017, FATF APG Mutual Evaluation Report concluded that the AML/CFT Law has scope deficiencies with notaries being the only DNFBPs required to comply with AML/CFT requirements and rated Recommendation 22 and 23 as non-compliant.</p> <p>The AML/CTF Law was amended in April 2018, encompassing all designated non-financial businesses and professions (DNFBPs), defined in FAFT Recommendation 22.</p> <p>However, in sub-clause 4.1.9 of the AML/CTF Law, lawyers, notaries, other independent legal professionals and accountants are to report only <i>when they have carried out transactions on behalf of their client</i> concerning <i>buying and selling of real estate; managing of client money, securities or other assets; management of bank, savings or securities accounts; organisation of contributions for the creation, operation or management of companies; creation, operation or management of legal persons or arrangements, and buying and selling of business entities</i>. <b><u>The scope does not include their actions to prepare for above processes</u></b>, which left certain consideration of the Mongolian specific legal environment conditions such as: lawyers and other independent legal professionals’ duties and responsibilities are completed upon consultation, advise and preparation of legal documents and contracts; notaries’ duties and responsibilities are completed upon certifying legal documents in compliance with government agencies’ requirements; and accountants duties and responsibilities are completed upon completing their consulting services. They may carry out activities on behalf of a client,</p>

	<p>based on a Power of Attorney, certified by notary. But, in any case, lawyers, accountants and notaries cannot</p> <p>In other words, using past tense in their performance and wordings “on behalf of a client” rather than “for their client”, and omitting their key tasks <u>to prepare and certify legal documents and/or providing advice and consultation services for a client</u>, may create loophole in implementation of the AML/CTF Law.</p> <p>Express trusts cannot be formed under Mongolian laws.</p> <p>Even though, the AML/CTF Law was amended pursuant to the APG Mutual Evaluation Report recommendations to encompass all designated non-financial businesses and professions, there are loopholes that may create complications in compliance.</p>
	<ol style="list-style-type: none"> <li>1. Anti-money laundering and counter-terrorist financing measures in Mongolia – 2017, Report, APG 2017 pg 121-128: <a href="https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf">https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf</a>;</li> <li>2. Anti-Money Laundering, Counter Terrorism Financing Law of Mongolia, Article 4; <a href="https://www.legalinfo.mn/law/details/9242">https://www.legalinfo.mn/law/details/9242</a></li> <li>3. International Standards on Combating Money Laundering and the Financing of Terrorism &amp; Proliferation. The FATF Recommendations: <a href="http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF%20Recommendations%202012.pdf">http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF%20Recommendations%202012.pdf</a>;</li> <li>4. Law on the Prohibition of Establishment and Operation of Casinos of Mongolia 1999Д <a href="https://www.legalinfo.mn/law/details/309?lawid=309">https://www.legalinfo.mn/law/details/309?lawid=309</a>.</li> </ol>
<b>Indicator 3.6</b>	<p>Mongolia’s definition of domestic and foreign PEPs is under Article 20.2 of the Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service and clause 3.1.5 of AML/CTF Law and consistent with the FATF Standards.</p> <p>Under the clause 5.9 of AML/CTF Law, Politically Exposed Person (PEP) is considered as the “high-risk” customer and all reporting entities required to conduct an enhanced due diligence on transactions carried out by or under PEPs names under Article 6 of AML/CTF Law.</p> <p>Under Article 14 of AML/CTF Law and Procedure on AMLCTF Preventive Activities of 2019, REs are required to adopt and implement an internal monitoring and risk assessment program to eliminate risks associated customers, including a beneficial owners, PEPs and their families, affiliated and related parties. Enhanced CDD procedures are defined in Article 7 of the Procedure.</p>
	<ol style="list-style-type: none"> <li>1. Anti-money laundering and counter-terrorist financing measures in Mongolia – 2017, Report, APG 2017: <a href="https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf">https://www.fatf-gafi-</a></li> </ol>

	<p><a href="https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf">gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf</a>;</p> <ol style="list-style-type: none"> <li>2. Anti-Money Laundering, Counter Terrorism Financing Law of Mongolia, Article 3, Article 14; <a href="https://www.legalinfo.mn/law/details/9242">https://www.legalinfo.mn/law/details/9242</a>;</li> <li>3. Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service, Article 20.2;</li> <li>4. Procedure on AMLCTF Preventive Activities of 2019: <a href="https://www.legalinfo.mn/annex/details/9281?lawid=14078">https://www.legalinfo.mn/annex/details/9281?lawid=14078</a>;</li> <li>5. International Standards on Combating Money Laundering and the Financing of Terrorism &amp; Proliferation. The FATF Recommendations: <a href="http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF%20Recommendations%202012.pdf">http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF%20Recommendations%202012.pdf</a>;</li> </ol> <p>-</p>
<b>Indicator 3.7</b>	<p>AML/CTF Law is applicable to all DNFBPs, defined in Article 4 of the Law. Under the clause 5.9 of AML/CTF Law, Politically Exposed Person (PEP) is considered as the “high-risk” customer and all reporting entities required to conduct an enhanced due diligence on transactions carried out by or under PEPs names under Article 6 of AML/CTF Law.</p> <p>Under Article 14 of AML/CTF Law and Procedure on AMLCTF Preventive Activities of 2019, REs are required to adopt and implement an internal monitoring and risk assessment program to eliminate risks associated customers, including a beneficial owners, PEPs and their families, affiliated and related parties. Enhanced CDD procedures are defined in Article 7 of the Procedure.</p>
	<ol style="list-style-type: none"> <li>1. Anti-money laundering and counter-terrorist financing measures in Mongolia – 2017, Report, APG 2017: <a href="https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf">https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf</a>;</li> <li>2. Anti-Money Laundering, Counter Terrorism Financing Law of Mongolia, Article 3, Article 14; <a href="https://www.legalinfo.mn/law/details/9242">https://www.legalinfo.mn/law/details/9242</a>;</li> <li>3. Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service, Article 20.2;</li> <li>4. Procedure on AMLCTF Preventive Activities of 2019: <a href="https://www.legalinfo.mn/annex/details/9281?lawid=14078">https://www.legalinfo.mn/annex/details/9281?lawid=14078</a>;</li> <li>5. International Standards on Combating Money Laundering and the Financing of Terrorism &amp; Proliferation. The FATF Recommendations: <a href="http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF%20Recommendations%202012.pdf">http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF%20Recommendations%202012.pdf</a>;</li> </ol> <p>-</p>
<b>Indicator 3.8</b>	No

	Mongolia is not signed the multilateral competent authority agreement on the exchange of country-by-country reports on key indicators of multinational enterprise groups.
	<a href="https://www.oecd.org/tax/automatic-exchange/country-specific-information-on-country-by-country-reporting-implementation.htm">https://www.oecd.org/tax/automatic-exchange/country-specific-information-on-country-by-country-reporting-implementation.htm</a> . <a href="http://www.oecd.org/tax/international-tax-co-operation-map.htm">http://www.oecd.org/tax/international-tax-co-operation-map.htm</a>
<b>Indicator 3.9</b>	<p>No</p> <p>Mongolia has not signed “The Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information and Intended First Information Exchange Date”.</p> <p>Mongolia will be reviewed against the standard of exchange of information upon request (EOIR) in 2020/2021. The induction program commenced in Mongolia from 2018 which will enable Mongolia to prepare its EOIR peer review and also take steps toward the implementation of the automatic exchange of information standard (AEOI).</p>
	<p><u>1.</u> The Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information and Intended First Information Exchange Date: <a href="https://www.oecd.org/tax/exchange-of-tax-information/MCAA-Signatories.pdf">https://www.oecd.org/tax/exchange-of-tax-information/MCAA-Signatories.pdf</a></p>
<b>Indicator 3.10</b>	Mongolia is not listed in the ratings of the exchange of information for tax purposes on request assessed by the OECD’s Global Forum on Transparency and Exchange of Information for Tax Purposes.
	<p>1. OECD: <a href="https://www.oecd.org/tax/transparency/exchange-of-information-on-request/ratings/#d.en.342263">https://www.oecd.org/tax/transparency/exchange-of-information-on-request/ratings/#d.en.342263</a></p>
<b>Indicator 3.11</b>	Mongolia is in the 20 <sup>th</sup> lowest place, with a score of 6.57, in the Basel Anti-Money Laundering Index 2019.
	<p>1. Basel Anti-Money Laundering Index 2019: <a href="file:///D:/AML/Basel%20AML%20Index%208%20edition.pdf">file:///D:/AML/Basel%20AML%20Index%208%20edition.pdf</a></p>
<b>Indicator 3.12</b>	Data missing for Mongolia in Tax Justice Network’s Financial Secrecy Index-2018 Results.
	<p>1. Financial Secrecy Index-2018 Results: <a href="https://financialsecrecyindex.com/en/introduction/fsi-2018-results">https://financialsecrecyindex.com/en/introduction/fsi-2018-results</a></p>

<b>Indicator 3.13</b>	What is the estimated illicit financial outflow of funds from your country in the latest available year, according to Global Financial Integrity <a href="http://www.gfintegrity.org/issues/data-by-country?">http://www.gfintegrity.org/issues/data-by-country?</a>
	DOTS (Direction of Trade Statistics) based Estimates of Potential Trade Misinvoicing estimated illicit financial outflow from Mongolia is US\$425 million and Comtrade-based Estimates of Potential Trade Misinvoicing estimated illicit financial outflow from Mongolia is to be US\$89 million from 2006 to 2015.
	1. Illicit Financial Flows to and from 148 Developing Countries: 2006-2015. Global Financial Integrity 2019 report: <a href="https://www.gfintegrity.org/wp-content/uploads/2019/01/GFI-2019-IFF-Update-Report-1.29.18.pdf">https://www.gfintegrity.org/wp-content/uploads/2019/01/GFI-2019-IFF-Update-Report-1.29.18.pdf</a>
<b>Indicator 3.14</b>	<p>APG Mutual Evaluation Report highlighted that Mongolia lacks a national AML/CFT policy and law enforcement agencies lack internal directives and comprehensive guidance to prioritize the use of the money-laundering offence. Further it says, law enforcement agencies have conducted money-laundering inquiries into 4,345 persons, which resulted in 46 money-laundering investigations with 20 investigations transferred to the General Prosecutor's Office (GPO) for prosecution, and only two cases prosecuted. In both money-laundering prosecutions, convictions obtained by lower courts were overturned by the Supreme Court.</p> <p>According to the General Judiciary Council, since 2017, courts have resolved 16 money laundering cases from 2017 (1) to 2018 (15), convicting 20 individuals (1 in 2017, 19 in 2018).</p> <p>The predicate offence's statute of limitation is 1 year pursuant to the Revised Criminal Code of 2015, Article 18.6 and, if it has aggravating circumstances 5 years and if committed by an organized group then such period is 12 years. The statute of limitation has been significantly reduced in the Revised Criminal Code of 2015 which became effective from 1 July 2017, compare to the Criminal Code 2002. No other report and information available.</p>
	<ol style="list-style-type: none"> <li>1. Anti-money laundering and counter-terrorist financing measures in Mongolia – 2017, Report, APG 2017 pg 4, 8: <a href="https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf">https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf</a>;</li> <li>2. Anti-Money Laundering, Counter Terrorism Financing Law of Mongolia 2013; <a href="https://www.legalinfo.mn/law/details/9242">https://www.legalinfo.mn/law/details/9242</a>;</li> <li>3. Revised Criminal Code of Mongolia 2015: <a href="https://www.legalinfo.mn/law/details/11634">https://www.legalinfo.mn/law/details/11634</a></li> <li>4. Criminal Code of Mongolia 2002, Article 166<sup>1</sup>: <a href="https://www.legalinfo.mn/law/details/12172?lawid=12172">https://www.legalinfo.mn/law/details/12172?lawid=12172</a></li> <li>5. General Judicial Council: <a href="http://www.judoinstitute.mn/main/236--2018-.html">http://www.judoinstitute.mn/main/236--2018-.html</a></li> </ol>

Indicator 3.15	<p>According to the Statistical report of the Financial Intelligence Unit (FIU) of Mongolbank, 1,596 Suspicious Transaction Reports (STRs) filed by reporting entities to the FIU in 2018 while this number was 203 in 2017. As of I quarter 2019, number of STRs was 1,068. 99.5% were filed by banks.</p>
	<ol style="list-style-type: none"> <li>1. Statistical report of I quarter 2019 FIU, Mongolbank: <a href="https://www.mongolbank.mn/documents/cma/news/201902.pdf">https://www.mongolbank.mn/documents/cma/news/201902.pdf</a>;</li> <li>2. Anti-money laundering and counter-terrorist financing measures in Mongolia – 2017, Report, APG 2017, p. 71. <a href="https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf">https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf</a>;</li> </ol>
Indicator 3.16	<p>Amendments to the AML/CTF Law were made in April 2018 pursuant to recommendations given by APG in Mutual Evaluation Report and to comply with FAFT Recommendations. Changes include, but not limited to, definitions, types of reporting entities, customer due diligence, reporting, monitoring and risk assessment, etc. Along with amendments to the Law, Mongolbank and Financial Regulatory Commission adopted several procedures and guidelines for risk assessment and preventive measures, especially with focus on identification, verification, enhanced due diligence, reporting, and review of PEPs, beneficial ownership, and their affiliation, relations and businesses.</p> <p>Mongolia became a member of the Global Forum in January 2018. The Mongolian authorities confirmed Mongolia's commitment to the international standards and their determination to ensure a rapid implementation of BEPS minimum standards in Mongolia with a focus on Country-by-Country Reporting and the other standards.</p> <p>The Induction Program of Mongolia into the Global Forum on Transparency and Exchange of Information for Tax Purposes was launched with the visit of a team from the Global Forum Secretariat and the Asian Development Bank (ADB) in March 2018. Mongolia will be reviewed against the standard of exchange of information upon request (EOIR) in 2020/2021. The induction program will enable Mongolia to prepare its EOIR peer review and also take steps toward the implementation of the automatic exchange of information standard (AEOI).</p> <p>Mongolia is also receiving assistance to join the Convention on Mutual Administrative Assistance in Tax Matters and to train its auditors in the utilisation of exchange of information during tax audits in 2019.</p>
	<ol style="list-style-type: none"> <li>1. Global Forum on Transparency and Exchange of Information for Tax Purposes, OECD 2018: <a href="https://www.oecd.org/tax/transparency/global-forum-launches-the-induction-programme-on-tax-transparency-and-exchange-of-information-for-mongolia.htm">https://www.oecd.org/tax/transparency/global-forum-launches-the-induction-programme-on-tax-transparency-and-exchange-of-information-for-mongolia.htm</a>;</li> <li>2. Country-By-Country Reporting -Compilation of Peer Review Reports (PHASE 1) OECD 2018 Pg12: <a href="https://www.oecd-ilibrary.org/docserver/9789264300057-">https://www.oecd-ilibrary.org/docserver/9789264300057-</a></li> </ol>

	<p><a href="https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf?expires=1570200667&amp;id=id&amp;accname=guest&amp;checksum=DDCDFD905F46B6A9A82F544B258B2653">en.pdf?expires=1570200667&amp;id=id&amp;accname=guest&amp;checksum=DDCDFD905F46B6A9A82F544B258B2653</a>;</p> <p>3. Anti-Money Laundering, Counter Terrorism Financing Law of Mongolia 2013; <a href="https://www.legalinfo.mn/law/details/9242">https://www.legalinfo.mn/law/details/9242</a>;</p> <p>4. Anti-money laundering and counter-terrorist financing measures in Mongolia – 2017, Report, APG 2017. <a href="https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf">https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf</a>;</p>
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#### 4. BENEFICIAL OWNERSHIP

Dimension	LEGISLATIVE AND INSTITUTIONAL FRAMEWORK
Indicator number 4.1	1
Response	<p>4 Laws that are effective as of the date of this report contain definitions on a “beneficial owner”. The main law that others are referred on a definition is the AML/CTF Law 2013, revised in 2018 pursuant to the APG Mutual Evaluation recommendations.</p> <p>In Revised AML/CTF Law 2013, the term “beneficial owner” is broadly defined as:</p> <ul style="list-style-type: none"> <li>a. In respect of a company, a natural person who directly or indirectly exercises control or ownership or and receives profit or income or benefit through direct or third party control or agreements or arrangements in relation to <u>the majority of assets of a company</u></li> <li>b. In respect of an individual, a natural person who controls such individual’s actions and activities or who receives profit or income or benefit through control of such individual;</li> <li>c. In respect of controlling arrangement, a natural person who received profit or income or benefit based on power of appointment.</li> </ul> <p>The definition of “<u>the majority of assets</u>” of a company does not exist in any law of Mongolia. Therefore, since it is unclear for the companies how to address it, they are doing best efforts insofar to comply with requirements of the government agencies.</p> <p>While the Law on Securities Market, clause 4.1.26 defines a term “beneficial owner” to mean an actual owner of the securities entitled to the ownership benefits thereof and who has registered the securities under ownership in the name of the nominal holder pursuant to the law, the Law on State Registration of Legal Entities, clause 4.1.11 refers the definition of a “beneficial owner” to the AML/CTF Law, clause 3.1.6 and the Law on Income</p>



	<p>Tax of Legal (Economic) Entities refers the definition to clause 4.1.11 of the Law on State Registration of Legal Entities.</p> <p>From 2020, the revised taxation legislations shall become effective, containing definitions of a “beneficial owner” with applicable procedures thereto, with threshold limit of 30 percent on direct or indirect control and ownership.</p>
Source(s) of information	<ol style="list-style-type: none"> <li>1. Anti-Money Laundering, Counter Terrorism Financing Law 2013, clause 3.1.6: <a href="https://www.legalinfo.mn/law/details/9242">https://www.legalinfo.mn/law/details/9242</a>;</li> <li>2. Law on Income Tax of Legal (Economic) Entities 2006, clause 4.1.8.: <a href="https://www.legalinfo.mn/law/details/33?lawid=33">https://www.legalinfo.mn/law/details/33?lawid=33</a></li> <li>3. Law on State Registration of Legal Entities 2018, clause 4.1.11: <a href="https://www.legalinfo.mn/law/details/13591?lawid=13591">https://www.legalinfo.mn/law/details/13591?lawid=13591</a>;</li> <li>4. Law on Securities Market, clause 4.1.26: <a href="https://www.legalinfo.mn/law/details/9243?lawid=9243">https://www.legalinfo.mn/law/details/9243?lawid=9243</a>;</li> <li>5. Revised General Taxation Law 2019 (effective from 1 January 2020): <a href="https://www.legalinfo.mn/law/details/14403?lawid=14403">https://www.legalinfo.mn/law/details/14403?lawid=14403</a>;</li> <li>6. Revised Law on Income Tax of Legal (Economic) Entities 2019 (effective from 1 January 2020): <a href="https://www.legalinfo.mn/law/details/14407?lawid=14407">https://www.legalinfo.mn/law/details/14407?lawid=14407</a></li> </ol>
Indicator 4.2	<p>Yes. Financial institutions are always required to identify the beneficial owners of their clients when establishing a business relationship.</p>
	<p>Pursuant to the AML/CTF Law, clause 14.1 it is mandatory for all reporting entities to have anti-money laundering and counter terrorism financing internal program and risk management program adopted by its Board of Directors or similar level body. The internal program must contain detailed procedures on customers identification and verification; identification of beneficial owners; enhanced due diligence based on risk assessment; etc..</p> <p>Pursuant to clause 5.14 of the AML/CTF Law, the central bank has issued a Guideline for Reporting Entities on Identifying and Reporting Politically Exposed Persons in 2019 with detailed instructions. Further, the Procedure on Money Laundering and Terrorism Financing Preventive Measures was amended and revised in 2019 with detailed instructions on identification of beneficial owners when establishing relationship with an individual or business client.</p>
Indicator 4.3	<p><b>0:</b> The law or relevant decrees or policies do not specify which authorities should have access to beneficial ownership information</p>
	<p>The Law on Transitional Provisions on Revised General Taxation Law was adopted in 2017 stating that companies holding a mining license or a land title should recreate their beneficial ownership information and file to the relevant taxation department within 1 June 2018.</p>

	<p>Pursuant to clause 10.1.14 of the Law on State Registration of Legal Entities, starting from 1 January 2020, all companies required to file their beneficial owners' information upon new registration and pursuant to the Company Law of 2011, it also requires to file the updated beneficial ownership information within 15 days if the information is changed.</p> <p>There is no compiled beneficial ownership database in Mongolia and laws and regulations have not defined which authority shall be in charge of the database and who shall have the access thereto.</p>
	<ol style="list-style-type: none"> <li>1. Law on State Registration of Legal Entities 2018, clause 10.1.14: <a href="https://www.legalinfo.mn/law/details/13591?lawid=13591">https://www.legalinfo.mn/law/details/13591?lawid=13591</a>;</li> <li>2. Law on Transitional Provisions on Revised General Taxation Law 2017: <a href="https://www.legalinfo.mn/law/details/12971?lawid=12971">https://www.legalinfo.mn/law/details/12971?lawid=12971</a></li> </ol>
<b>Indicator 4.4</b>	<b>0.5:</b> Authorities have access to information maintained by legal entities/ or information recorded by tax agencies/ or information obtained by financial institutions and DNFBPs
	<p>Law enforcement agencies, including the ACA, Police, Prosecutor's Office, FIU of Mongolbank and Intelligence Agency have timely and adequate access to any government agencies' information within the powers defined by legislations, including the beneficial ownership database of the General Taxation Agency, Mineral Resources and Petroleum Agency and State Registration Office.</p> <p>Beneficial ownership information obtained by financial institutions and other reporting entities such as lawyers, notaries, consultants and auditors is not filed to the government agencies and may not be disclosed to any third party, unless a client agrees in writing or requested by inspector of the Mongolbank or requested by or with approval of a prosecutor.</p>
	<ol style="list-style-type: none"> <li>1. Banking Law 2010, article 7: <a href="https://www.legalinfo.mn/law/details/108">https://www.legalinfo.mn/law/details/108</a>;</li> <li>2. Law on Notary 2011, article 21: <a href="https://www.legalinfo.mn/law/details/108">https://www.legalinfo.mn/law/details/108</a>;</li> <li>3. Law on Legal Status of Lawyer, clause 28.2: <a href="https://www.legalinfo.mn/law/details/8661?lawid=8661">https://www.legalinfo.mn/law/details/8661?lawid=8661</a>;</li> <li>4. Law on Auditing, clause 6.1.3: <a href="https://www.legalinfo.mn/law/details/11192">https://www.legalinfo.mn/law/details/11192</a>.</li> </ol>
<b>Indicator 4.5</b>	<p>Legal Entities' State Registration Agency of Mongolia (State Registration Office/SRO) supervises and holds all domestic companies' registry. The SRO has branches in all local provinces but, the registration is compiled.</p> <p>Once the company registers the company at SRO, a company registers with the General Tax Authority of Mongolia (GTA) and receives the tax number.</p>

	<ol style="list-style-type: none"> <li>1. Law on State Registration of Legal Entities, article 7: <a href="https://www.legalinfo.mn/law/details/13591?lawid=13591">https://www.legalinfo.mn/law/details/13591?lawid=13591</a>;</li> <li>2. Registration procedures, steps and requirements: <a href="http://burtgel.gov.mn/eng/index.php">http://burtgel.gov.mn/eng/index.php</a></li> <li>3. Revised General Taxation Law 2008, clause 13.1:</li> <li>4. <a href="https://www.legalinfo.mn/law/details/473?lawid=473">https://www.legalinfo.mn/law/details/473?lawid=473</a></li> </ol>
Indicator 4.6	0.75: Information is partially recorded
	<p>Clause 8.5 of the Law on State Registration of Legal Entities permits the SRO Head to approve documents and procedures necessary for the state registration pursuant to the Law. In the company registry, the beneficial ownership information is registered pursuant to the UB-12 form, adopted by the Head of the SRO which specifies the beneficial owner shall mean what states in clause 3.1.6.a of the AML/CTF Law. The information is inadequately filed by companies due to following reasons:</p> <ul style="list-style-type: none"> <li>- Form UB-12 is in pdf format which makes uneasy for companies to extend it to list all chain holdings of the company, until the ultimate beneficial owners;</li> <li>- In respect of a company, pursuant to the AML/CTF Law, clause 3.1.6.a, the beneficial owner shall mean a natural person who directly or indirectly exercises control or ownership or and receives profit or income or benefit through direct or third party control or agreements or arrangements in relation to <u>the majority of assets of a company</u>. The definition of “the majority of assets” of a company does not exist in any law of Mongolia. Therefore, since it is unclear for the companies what it shall mean, companies are either doing their best efforts to report or omit the proper reporting due to vague definition. In either case, information have never been validated by any agencies.</li> </ul> <p>The Extractive Industries Transparency Initiative (EITI) Mongolia annually publishes Beneficiary Ownership Report which includes beneficial owner’s name, registration number, citizenship, country of residency, occupation, whether if the person is a PEP, contact information. However, these reports exclusively cover legal entities in the extractive sector and, not all companies operating in this sector as the report was taken from the companies on a voluntary basis.</p>
Source of information:	<ol style="list-style-type: none"> <li>1. Forms: <a href="https://burtgel.gov.mn/service/index.php/les-newlist/download">https://burtgel.gov.mn/service/index.php/les-newlist/download</a>;</li> <li>2. Law on State Registration of Legal Entities, clause 8.5, article 10 and article 14: <a href="https://www.legalinfo.mn/law/details/13591?lawid=13591">https://www.legalinfo.mn/law/details/13591?lawid=13591</a>;</li> <li>3. EITI Mongolia beneficial ownership reports: <a href="http://www.eitimongolia.mn/mn/beneficial-ownership-disclosure">http://www.eitimongolia.mn/mn/beneficial-ownership-disclosure</a></li> </ol>
Indicator 4.7	0.25: Only the name of the direct owner (who may not be beneficial owners) is accessible

	<p>The Revised General Law on State Registration was adopted in 2018, regulating the use of the State Registration Database information under “open information”, “closed information and “limited access information” categories.</p> <p>Information under the open category is the name, address, company name, address, registration number, type, form, business activity, date of state registration, name and number of founders, name of shareholder, family and first name of authorized representative of a company, information on restructuring, change of business type, form, name and business activity of a company and bankruptcy information</p> <p>Pursuant to the Law, the SRO opened a companies’ database, disclosing name, registration number, date of registration, business form, business type, number of shareholders, address along with business activities of companies. In addition, name, title, citizenship of an authorized representative to represent the company and date of authorization registry. Shareholders’ information also became open through the database, including information such as type of a shareholder (individual or a company), residence country, family and first name and date of registration as a shareholder.</p> <p>The Extractive Industries Transparency Initiative (EITI) Mongolia annually publishes Beneficiary Ownership Report which includes beneficial owner’s name, registration number, citizenship, country of residency, occupation, whether if the person is a PEP, contact information. However, these reports exclusively cover legal entities in the extractive sector and, not all companies operating in this sector as the report was taken from the companies on a voluntary basis.</p>
Source of information:	<ol style="list-style-type: none"> <li>1. Revised General Law on State Registration 2018: <a href="https://www.legalinfo.mn/law/details/13537?lawid=13537">https://www.legalinfo.mn/law/details/13537?lawid=13537</a>;</li> <li>2. Open Database of Companies’ Registry, SRO: <a href="http://opendata.burtgel.gov.mn">http://opendata.burtgel.gov.mn</a>;</li> <li>3. EITI Mongolia beneficial ownership reports: <a href="http://www.eitimongolia.mn/mn/beneficial-ownership-disclosure">http://www.eitimongolia.mn/mn/beneficial-ownership-disclosure</a></li> </ol>
Indicator 4.8	<p><b>0.75:</b> Yes, legal entities are required to update the information on beneficial ownership or directors/shareholders within 30 days after the change</p>
	<p>Under the Law on State Registration of Legal Entities, the State Registration Office, within the framework of article 10, maintains the company’s registration which required to be reported by the company within 15 days after the change to SRO including the changes in beneficial owners’ information. The change in beneficial ownership information shall be registered based on reference issued by the Tax Agency.</p>
	<ol style="list-style-type: none"> <li>1. Law on State Registration of Legal Entities, clause 10.6: <a href="https://www.legalinfo.mn/law/details/13591?lawid=13591">https://www.legalinfo.mn/law/details/13591?lawid=13591</a></li> </ol>

<b>Indicator 4.9</b>	– : Not applicable or no data available
	Express trusts cannot be formed under Mongolian laws.
<b>Indicator 4.10</b>	Mongolia is not scored in Open Company Data Index produced by Open Corporates.
	1. Open Company Data Index, Open Corporates: <a href="http://registries.opencorporates.com">http://registries.opencorporates.com</a>
<b>Indicator 4.11</b>	<p><b>a.</b> The company registry is open and easily accessible. It operates by categories such as the name and registration number of a company, only.</p> <p><b>b.</b> The access to open data of companies is free.</p> <p><b>c.</b> Annual accounts and other filings of companies are not accessible to public.</p> <p><b>d.</b> Civil legal capacity of legal entities is created after the state registration of a company. The database is maintained by the SRO, not by the companies and, it registers information on both operating and dissolved companies.</p>
	<p>1. Open Company Data Index, Open Corporates: <a href="http://registries.opencorporates.com">http://registries.opencorporates.com</a>;</p> <p>2. Open Database of Companies' Registry, SRO: <a href="http://opendata.burtgel.gov.mn">http://opendata.burtgel.gov.mn</a>;</p>
<b>Indicator 4.12</b>	<p>Revised General Law on State Registration was enacted in 2018, enabling the disclosure of certain information of legal entities, including the name, registration number, names of the shareholder/s and beneficial owner/s, etc. openly to public, availing the possibility to review, monitor and cross-check the Personal Interest, Assets and Income declarations of public officials which is released by the ACA annually.</p> <p>Accordingly, using the Personal Interest, Assets and Income Declarations, the Mongolian news webpage ikon.mn reporters have cross-checked the information of officials who have taken soft loans directly or through their related parties in reference to the General State Registration Authority's released open database of the 172,000 entities. Ikon.mn has revealed 16 Parliament member, 3 ministers and 1 Deputy minister's names along with other politicians and public officials who have taken soft loans, abusing powers, from the Small and Medium Enterprises Development Fund.</p> <p>Following the release of the news on website, total of 60 Politically Exposed Persons</p>

	<p>were investigated in connection with abuse of powers related to SMEDF soft loans. On 5 Parliament members, the ACA has concluded and transferred the case to the Prosecutor's Office to convict.</p> <p>Reporters of ikon.mn have also reported names of Politically Exposed Persons who have received the tuition payments from the Educational Loan Fund but, failed to repay.</p> <p>The Law on Transitional Provisions on Revised General Taxation Law was adopted in 2017 stating that companies holding a mining license or a land title should recreate their beneficial ownership information and file to the relevant taxation department within 1 June 2018. However, this database is not open to public and used by government agencies in fight against tax avoidance.</p>
	<ol style="list-style-type: none"> <li>1. Revised General Law on State Registration 2018: <a href="https://www.legalinfo.mn/law/details/13537?lawid=13537">https://www.legalinfo.mn/law/details/13537?lawid=13537</a>;</li> <li>2. Open Database of Companies' Registry, SRO: <a href="http://opendata.burtgel.gov.mn">http://opendata.burtgel.gov.mn</a>;</li> <li>3. EITI Mongolia beneficial ownership reports: <a href="http://www.eitimongolia.mn/mn/beneficial-ownership-disclosure">http://www.eitimongolia.mn/mn/beneficial-ownership-disclosure</a></li> <li>4. Law on State Registration of Legal Entities, clause 10.6: <a href="https://www.legalinfo.mn/law/details/13591?lawid=13591">https://www.legalinfo.mn/law/details/13591?lawid=13591</a>;</li> <li>5. Law on Transitional Provisions on Revised General Taxation Law 2017: <a href="https://www.legalinfo.mn/law/details/12971?lawid=12971">https://www.legalinfo.mn/law/details/12971?lawid=12971</a>;</li> <li>6. Meet 16 Members of the Parliament and 4 Ministers who Took Soft Loans from the Public Fund to Support Small and Medium Enterprises, Article, 2018: <a href="https://ikon.mn/n/1fdw">https://ikon.mn/n/1fdw</a>;</li> <li>7. Meet: 1,893 People Received Tuition Payments from the Educational Loan Fund, Article, 2018: <a href="https://ikon.mn/n/1iju">https://ikon.mn/n/1iju</a>;</li> </ol>

## 5. RECOVERY OF STOLEN ASSETS

Dimension	Background
Indicator number 5.1	<b>0.5:</b> The country has adopted an asset recovery policy, but it fails to address some important aspects
	<p>Mongolia has adopted the revised Regulation on Designation of Terrorists, Freezing of Assets of Designated Persons and Review of Frozen Assets in 2019, pursuant to the APG Mutual Evaluation Report Recommendations.</p> <p>However, there is no asset recovery policy, decree or law have been adopted in relation to assets related to money laundering and corruption. This relation is regulated pursuant to the Revised Criminal Code of Mongolia, Article 7.5 on Confiscation of Assets and Income, Article 9.6 on Confiscation of Legal Entity's Assets and Income</p>

	<p>while, on the other hand, illegal confiscation is restricted pursuant to Article 13.7 and 21.10 on Embezzlement and Wasting of Confiscated Assets and Income.</p> <p>No speeches or statements by national political leaders or government have been released supporting a concrete policy stance affirming to making asset recovery a policy priority.</p>
	<ol style="list-style-type: none"> <li>1. Regulation on Designation of Terrorists, Freezing of Assets of Designated Persons and Review of Frozen Assets, Resolution #54, Government of Mongolia 2019: <a href="https://www.legalinfo.mn/law/details/14168?lawid=14168">https://www.legalinfo.mn/law/details/14168?lawid=14168</a>;</li> <li>2. Press releases of the Government, President's Office and the Parliament Secretariat: <a href="http://www.zasag.mn">www.zasag.mn</a>, <a href="http://www.president.mn">www.president.mn</a>, <a href="http://www.parliament.mn">www.parliament.mn</a>;</li> <li>3. Revised Criminal Code 2015: <a href="https://www.legalinfo.mn/law/details/11634?lawid=11634">https://www.legalinfo.mn/law/details/11634?lawid=11634</a></li> </ol>
Indicator number 5.2	1: The country has adopted measures that allow for non-conviction based confiscation and/or measures that shift the burden of proof that assets were acquired legally on the offender, as well as a mechanism that allows for the recognition and enforcement of foreign non-conviction based confiscation orders
	<p>Mongolia has established asset recovery measures that allow for the seizure and confiscation of proceeds from money laundering without requiring a criminal conviction. The Criminal Code of Mongolia and the Law on Criminal Procedures allow seizure and confiscation of assets of a defendant/ accused based on prosecutor's decision. <b>These rules are applicable to all offenses included in the Criminal Code in which money laundering is included in article 18.6.</b> Based on the Law on Criminal Proceedings, a defendant/accused is not obliged to prove his/her innocence. Recognition and enforceability of foreign non-conviction based confiscation or forfeiture order is organized pursuant to the mutual cooperation agreement, signed with other countries.</p>
	<ol style="list-style-type: none"> <li>1. Revised Criminal Code 2017: <a href="https://www.legalinfo.mn/law/details/11634?lawid=11634">https://www.legalinfo.mn/law/details/11634?lawid=11634</a>;</li> <li>2. Revised Law on Criminal Proceedings 2017: <a href="https://www.legalinfo.mn/law/details/12694?lawid=12694">https://www.legalinfo.mn/law/details/12694?lawid=12694</a>;</li> <li>3. UNCAC 2005: <a href="https://www.legalinfo.mn/annex/details/6492?lawid=10269">https://www.legalinfo.mn/annex/details/6492?lawid=10269</a></li> </ol>
Indicator number 5.3	1: There is a team, unit or agency that specializes in asset recovery and the legal framework provides sufficient political independence and resources to carry out its responsibilities
	<p>The Court Resolution Implementation Agency is an independent government agency in charge of implementation of court resolutions that are already passed and finalized. The agency has extensive powers to implement the administrative, civil and criminal courts' decisions which includes forfeiture and confiscation of assets and</p>

	<p>incomes of a guilty party, organize open bidding, transfer the income to the recipient. The Head of the agency is appointed by the Government based on Minister of Justice's proposal and the Senior Deputy and 2 Deputies are appointed by the Minister of Justice. The Law specifies the agency to have sufficient budget, human and other resources and strictly prohibits any external influence on legitimate activities of officials of the agency. Legal, social, and economic integrity of the agency officials are ensured by the Law.</p> <p>The Anti-Corruption Agency and the Police may forfeit or confiscate the assets and income of a defendant before the court's decision. Both are independent agencies with adequate financial and human resources, ensured pursuant to the independent legislations.</p>
	<ol style="list-style-type: none"> <li>1. Law on Court Resolution Implementation 2017: <a href="https://www.legalinfo.mn/law/details/12701?lawid=12701">https://www.legalinfo.mn/law/details/12701?lawid=12701</a>;</li> <li>2. Revised Criminal Code 2017: <a href="https://www.legalinfo.mn/law/details/11634?lawid=11634">https://www.legalinfo.mn/law/details/11634?lawid=11634</a>;</li> <li>3. Revised Law on Criminal Proceedings 2017: <a href="https://www.legalinfo.mn/law/details/12694?lawid=12694">https://www.legalinfo.mn/law/details/12694?lawid=12694</a>;</li> <li>4. UNCAC 2005: <a href="https://www.legalinfo.mn/annex/details/6492?lawid=10269">https://www.legalinfo.mn/annex/details/6492?lawid=10269</a>;</li> <li>5. Law on AML/CTF 2006: <a href="https://www.legalinfo.mn/law/details/8928?lawid=8928">https://www.legalinfo.mn/law/details/8928?lawid=8928</a></li> </ol>
Indicator number 5.4	<p>In the past 2 years, the Court Resolution Implementation Agency was mainly focused on professional development of staff, training for prisoners, and creation of a compiled database.</p> <p>The ACA's duties involve not only asset recovery but other tasks such as awareness raising, corruption prevention activities, and to carry out under-cover operations, inquiries and investigations in detecting corruption crimes, and to review and inspect the assets and income declarations. The ACA has aimed at increasing asset recovery through collaboration with international networks.</p> <p>Mongolia lacks political commitment to promote asset recovery.</p>
	<ol style="list-style-type: none"> <li>1. News and activities of the Court Resolution Implementation Agency: <a href="https://zasag.mn/m/court-decision/intro">https://zasag.mn/m/court-decision/intro</a></li> </ol>
Indicator number 5.5	<p>Mongolia joined Stolen Asset Recovery Initiative in 2011. Within the line of its duty, the Anti-Corruption Agency actively supports the international efforts and a member of 9 networks (StAR, International Association of Anti-Corruption Authorities, Organization for Security and Cooperation in Europe (OSCE), International Anti-Corruption Academy, UNODC, Asset Recovery Interagency Network Asia-Pacific, APEC Network of Anti-Corruption Authorities and Law Enforcement Agencies, BEPS, Interpol's Anti-Corruption network) and cooperates with more than 10 different international organizations and initiatives, including the WBG, ADB, UNO, OECD, etc. The ACA has an Aplan Plan to extend its foreign cooperation with similar agencies, organizing joint</p>



	<p>training and mutual visits, information exchange, and experience sharing. Mongolia has become a Board member of the Asset Recovery Interagency Network Asia-Pacific and the ACA has organized the StAR Initiative's Board meeting in Mongolia in September 2019.</p> <p>The ACA is aiming at increasing the number of mutual legal assistance agreements with other countries, as a responsible agency on asset recovery. In the past, Mongolia signed a mutual cooperation agreement with over 20 countries. Domestic authorities are open to exchange information, disclosure, collaboration and assistance between each other on asset recovery, if requested by one.</p> <p>The ACA is in position to share its experience with a regional Anti-Corruption Agencies.</p>
	<p>1. Annual reports 2017 and 2018, ACA: <a href="http://www.iaac.mn">www.iaac.mn</a></p>
Indicator number 5.6	<p>Based on Asset Recovery Interagency Network Asia-Pacific, the ACA has revealed the illegal income with collaboration of Prosecutor's Office of the Republic of Korea and returned to Korea. Republic of Korea also assisted in returning the dinosaur skeleton, that was illegally crossed the boarder of Mongolia.</p> <p>The ACA press released on 25<sup>th</sup> of each month, regularly until the change of a Head Commissioner. The Annual report is released in first quarter of the next year, containing the detailed information, including the asset recovery and foreign collaboration and assistance.</p>
	<p>1. StAR Network VI Forum, Ulaanbaatar, 09.24.2019: <a href="https://www.iaac.mn/news/khurungu-butsaakh-baiguullaguudiin-suljeenii-vi-bugd-khurliig-ulaanbaatar-khotnoo-zokhion-baiguulj-baina">https://www.iaac.mn/news/khurungu-butsaakh-baiguullaguudiin-suljeenii-vi-bugd-khurliig-ulaanbaatar-khotnoo-zokhion-baiguulj-baina</a>;</p> <p>2. Anti-Corruption Agency: <a href="http://www.iaac.mn">www.iaac.mn</a></p>

## 6. FIGHT AGAINST ORGANIZED CRIME (OPTIONAL)

Dimension	Background
Indicator number 6.1	* 6.1 Fight against organised crime (optional)
	<p>According to the Global Corruption Barometer report 2017, 28% of the respondents said that they believed many or all of the members of the police to be corrupt while 63% said they believe some or no member of the police to be corrupt. 16% of respondents also stated that they have paid bribe or gift to police and 23% have dealt with the police in the past 12 months.</p>
	<p>1. Global Corruption Barometer report 2017: <a href="http://gcb.transparency.org">http://gcb.transparency.org</a></p>

Indicator number 6.2	<p>Police reports show that organized crime groups are specifically involved with human trafficking (prostitution and labor), money-laundering, illegal drug trade and drug trafficking, contraband, and robbery.</p> <p>There is no evidence through media investigation or reports suggesting police, prosecutors or judges' involvement in organized crimes or penetration of it into these sectors.</p>
	<ol style="list-style-type: none"> <li>1. News, General Prosecutor's Office: <a href="http://www.prokuror.mn/as/feature">http://www.prokuror.mn/as/feature</a>;</li> <li>2. Mongolia 2019 Crime &amp; Safety Report, Overseas Security Advisory Council, US Department of State: <a href="https://www.osac.gov/Content/Report/ca8f10b2-70da-49de-8db3-15f4aecbe8f0">https://www.osac.gov/Content/Report/ca8f10b2-70da-49de-8db3-15f4aecbe8f0</a></li> </ol>
Indicator number 6.3	<p>The Criminal Police and the Intelligence Agency have been restructured in 2018, establishing (expanding) an individual Economic Crime Fighting Department at each and Department to Fight with Organized Crime Groups and Human Trafficking at Criminal Police.</p> <p>There is no evidence, study or report to confirm or deny the sufficiency of budget and independence and integrity adequacy of these departments.</p> <p>Statistics show that 64% of registered crimes have been solved by police in 2017 nationwide.</p>
	<ol style="list-style-type: none"> <li>1. Criminal Police, structure: <a href="http://criminal.police.gov.mn/p/11">http://criminal.police.gov.mn/p/11</a>;</li> <li>2. Crime 2017 report, National Statistical Office 2018: <a href="http://1212.mn/BookLibraryDownload.ashx?url=crime_2017.pdf&amp;ln=Mn">http://1212.mn/BookLibraryDownload.ashx?url=crime_2017.pdf&amp;ln=Mn</a></li> </ol>

## 7. ARMS TRAFFICKING (OPTIONAL)

Indicator number 7.1	Mongolia accessioned the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime in 2008.
	1: The Protocol has been accepted
	<ol style="list-style-type: none"> <li>1. List of countries that have signed and/or ratified the protocol, maintained by UNODC:</li> </ol>

	<p><a href="http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-firearmsprotocol.html">http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-firearmsprotocol.html</a>;</p> <p>2. Mongolia international treaties:  <a href="http://www.mfa.gov.mn/?page_id=29040#1485132523196-a01c7d09-78b5">http://www.mfa.gov.mn/?page_id=29040#1485132523196-a01c7d09-78b5</a></p>
Indicator number 7.2	0.5: The ATT has been signed but not ratified
	In September 2013, the Standing Committee on Security & Foreign Policy of the Parliament has endorsed the proposal to sign the Arms Trade Treaty (ATT). Accordingly, the Minister of Foreign Affairs has signed the ATT on 25 September 2013 on behalf of the Government of Mongolia.
	1. ATT Status of ratification and accession: <a href="https://s3.amazonaws.com/unoda-web/wp-content/uploads/2019/09/ATT-status-of-ratifications-and-accessions-5-September-2019.pdf">https://s3.amazonaws.com/unoda-web/wp-content/uploads/2019/09/ATT-status-of-ratifications-and-accessions-5-September-2019.pdf</a>
Indicator number 7.3	Mongolia complies with ATT articles .1.iv, 11.5 and 15.6 of ATT. Arms export can be organized only based on approval by the Ministry of Defense and General Police which reviews the request pursuant to compliance with international treaties and domestic regulations and confirms with the competent government ministry, officially or through Ministry of Foreign Affairs, prior to giving any permission. Customs' boarder points comply with international conventions to inspect, confirm from relevant authority and conduct other necessary actions pursuant to the applicable laws.
	<p>1. UN Arms Trade Treaty: <a href="file:///C:/Users/User/Downloads/Zevsgiihudaldaageree.pdf">file:///C:/Users/User/Downloads/Zevsgiihudaldaageree.pdf</a>;</p> <p>2. Law on Firearms 2015: <a href="https://www.legalinfo.mn/law/details/11270">https://www.legalinfo.mn/law/details/11270</a>;</p>
Indicator number 7.4	<p>There is no independent institution within the defense sector but, each government ministry and agency has an internal training and awareness raising department which is tasked to building integrity and countering corruption for their staff. Such department is in charge of researches, analyses and training and awareness raising. There is no evidence to show adequacy of budget.</p> <p>Corruption is covered under the Anti-Corruption Law, which establishes the legal basis for the Independent Anti-Corruption Authority. The Anti-Corruption Agency conducts risk assessments annually, at each government body, and ranks the performance in addition to organizing necessary training and awareness raising programs. 3.7% of total ACA annual budget is allocated for such activities. In 2018, 21574 public officials were involved in 264 training organized by the ACA, including 60 members of the newly established Public Sub-Council. Online training and</p>

	seminars on awareness raising and corruption prevention are organized regularly. 525 prosecutors and police, 5 provinces' government offices including customs' authority boarder point officials were trained in 2018 by the ACA. With financial assistance of international and domestic NGOs.
	<ol style="list-style-type: none"> <li>1. Law on Anti-Corruption 2006, <a href="https://www.legalinfo.mn/law/details/8928?lawid=8928">https://www.legalinfo.mn/law/details/8928?lawid=8928</a></li> <li>2. <i>Report on Implementation of Anti-Corruption Legislations and Overall Corruption Perception 2018</i>: <a href="http://www.laac.mn">www.laac.mn</a></li> <li>3. <i>Annual report, ACA 2018</i>: <a href="http://www.laac.mn">www.laac.mn</a></li> </ol>

## 8. EXPERIENCE AND PERCEPTIONS OF CORRUPTION

Dimension	Background
<b>Indicator number 8.1</b>	13% of respondents state that they or a member of their household made an unofficial payment or gift when coming into contact with public services over the past 12 months, according to Transparency International's 2017 Global Corruption Barometer.
<b>Source(s) of information</b>	<ol style="list-style-type: none"> <li>1. Transparency International's 2017 Global Corruption Barometer: <a href="http://gcb.transparency.org">http://gcb.transparency.org</a></li> </ol>
<b>Indicator number 8.2</b>	11.8% of respondents state that corruption or bribery is the second most important problems in Mongolia that the government should address, according to the Asia Foundation Corruption Perception Survey 2018.
	<ol style="list-style-type: none"> <li>4. Asia Foundation Corruption Perception Survey 2018: <a href="https://asiafoundation.org/wp-content/uploads/2017/09/MG-SPEAK2017_MNG.pdf">https://asiafoundation.org/wp-content/uploads/2017/09/MG-SPEAK2017_MNG.pdf</a></li> </ol>
<b>Indicator number 8.3</b>	61% of respondents state that their government performs "badly" at fighting corruption in government, according to Transparency International's 2017 Global Corruption Barometer.
	<ol style="list-style-type: none"> <li>1. Transparency International's 2017 Global Corruption Barometer: <a href="http://gcb.transparency.org">http://gcb.transparency.org</a></li> </ol>
<b>Indicator number 8.4</b>	In Transparency International's most recent Corruption Perceptions Index 2018, the country scored 37 points on a scale of 0 (highly corrupt) to 100 (very clean), ranking in 93 out of 180 countries.

	<ol style="list-style-type: none"> <li>1. Transparency International's Corruption Perception Index 2018:  <a href="https://www.transparency.org/files/content/pages/2018_CPI_Executive_Summary.pdf">https://www.transparency.org/files/content/pages/2018_CPI_Executive_Summary.pdf</a> </li> </ol>
<b>Indicator number 8.5</b>	While 31.7% of respondents stated that they or a member of their household made an unofficial payment or gift when coming into contact with public services in 2013, this number has reduced to 13% in 2017 Transparency International's Global Corruption Barometer.
	<ol style="list-style-type: none"> <li>1. Transparency International's 2013 Global Corruption Barometer:  <a href="https://www.transparency.org/gcb2013/country?country=mongolia">https://www.transparency.org/gcb2013/country?country=mongolia</a> </li> <li>2. Transparency International's 2017 Global Corruption Barometer:  <a href="http://gcb.transparency.org">http://gcb.transparency.org</a> </li> </ol>

## 9. ANTI-CORRUPTION FRAMEWORK AND INSTITUTIONS

Dimension	Background
<b>Indicator number 9.1</b>	<ol style="list-style-type: none"> <li>a. Active bribery of domestic public officials, in line with Art. 15(a) of UNCAC  <b>1:</b> The offence is clearly defined and banned</li> <li>b. Passive bribery of domestic public officials, in line with Art. 15(b) of UNCAC  <b>1:</b> The offence is clearly defined and banned</li> <li>c. Embezzlement, misappropriation or other diversion of property by a public official, in line with Art.17 of UNCAC  <b>1:</b> The offence is clearly defined and banned</li> <li>d. Trading in influence, in line with Art. 18 of UNCAC  <b>1:</b> The offence is clearly defined and banned</li> <li>e. Abuse of functions, in line with Art. 19 of UNCAC  <b>1:</b> The offence is clearly defined and banned</li> <li>f. Illicit Enrichment, in line with Art. 20 of UNCAC  <b>1:</b> The offence is clearly defined and banned</li> <li>g. Bribery in the private sector, in line with Art. 21 of UNCAC  <b>1:</b> The offence is clearly defined and banned</li> <li>h. Embezzlement of property in the private sector, in line with Art. 22 of UNCAC  <b>1:</b> The offence is clearly defined and banned</li> <li>i. Laundering the proceeds of crime, in line with Art. 23 of UNCAC  <b>1:</b> The offence is clearly defined and banned</li> </ol>

	<p>j. Concealment, in line with Art. 24 of UNCAC  <b>1:</b> The offence is clearly defined and banned</p> <p>k. Obstruction of justice, in line with Art. 25 of UNCAC  <b>1:</b> The offence is clearly defined and banned</p>
	<p>Active bribery of domestic public officials is clearly defined and banned in Articles 22.4 and 22.5 of the Revised Criminal Code, Passive bribery of domestic public officials in Articles 22.4 and 22.5, Embezzlement, misappropriation or other diversion of property by a public official in Article 17.4, Trading in influence and Abuse of functions in Article 22.1 and Illicit Enrichment in 22.10 of the Revised Criminal Code.</p> <p>Bribery in the private sector and Embezzlement of property in the private sector is banned pursuant to clause 1.2 of the Law on Criminal Procedures and the Law on Anti-Corruption which is applicable to both private and public sectors, if crime committed in the territory that is considered as the territory of Mongolia.</p> <p>Laundering the proceeds of crime and Concealment is banned pursuant to Article 18.6 and Obstruction of justice in 21.7 of the Revised Criminal Code.</p>
	<ol style="list-style-type: none"> <li>1. UNCAC: <a href="https://www.legalinfo.mn/annex/details/6492?lawid=10269">https://www.legalinfo.mn/annex/details/6492?lawid=10269</a></li> <li>2. Revised Criminal Code 2015: <a href="https://www.legalinfo.mn/law/details/11634?lawid=11634">https://www.legalinfo.mn/law/details/11634?lawid=11634</a>;</li> <li>3. Law on Anti-Corruption 2006: <a href="https://www.legalinfo.mn/law/details/8928?lawid=8928">https://www.legalinfo.mn/law/details/8928?lawid=8928</a></li> </ol>
<b>Indicator number 9.2</b>	<p>There are no compiled or segregates statistics on corruption-related case resolving by the court. APG Mutual Evaluation Report highlighted that Mongolia lacks a national AML/CFT policy and law enforcement agencies lack internal directives and comprehensive guidance to prioritize the use of the money-laundering offence. Further it says, law enforcement agencies have conducted money-laundering inquiries into 4,345 persons, which resulted in 46 money-laundering investigations with 20 investigations transferred to the General Prosecutor's Office (GPO) for prosecution, and only two cases prosecuted. In both money-laundering prosecutions, convictions obtained by lower courts were overturned by the Supreme Court.</p> <p>In 2019 Anti-Corruption Agency Assessment conducted by Transparency International Mongolia for the years 2015 to 2018 which shows that only 23.8 percent of the cases, which the Anti-Corruption Agency proposed to General Prosecutor's Office, are resolved by the court.</p> <p>According to the General Judiciary Council, since 2017, courts have resolved 16 money laundering cases from 2017 (1) to 2018 (15), convicting 20 individuals (1 in 2017, 19 in 2018).</p> <p>ADB Resident Mission in Mongolia has commenced a "Strengthening the Anti-Corruption Regime in Mongolia" project with a specific main to conduct corruption</p>

	case study and diagnostic assessment with technical collaboration of the ACA, GPO and GJC which to be completed by the end of 2020.
	<ol style="list-style-type: none"> <li>6. General Judicial Council: <a href="http://www.judinstitute.mn/main/236--2018-.html">http://www.judinstitute.mn/main/236--2018-.html</a>;</li> <li>7. Anti-money laundering and counter-terrorist financing measures in Mongolia – 2017, Report, APG 2017 pg 4, 8: <a href="https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf">https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/Mongolia%20MER%202017%20-%20published%20version.pdf</a>;</li> <li>8. Transparency International ACA Assessment Report, 2019;</li> <li>9. Strengthening the Anti-Corruption Regime in Mongolia, ADB: <a href="https://www.adb.org/projects/52197-001/main">https://www.adb.org/projects/52197-001/main</a></li> </ol>
Indicator number 9.3	<p>Anti-Corruption Agency</p> <p>a. The ACA was established and functions based on the independent legislation referred to as the Law on Anti-Corruption. Clause 15.1 of the Anti-Corruption Law reads "The Anti-Corruption Agency is a special independent government body in charge of functions to raise anti-corruption public awareness and education, and corruption prevention activities, to carry out undercover operations, inquiries and investigations in detecting corruption crimes, and to review and inspect the assets and income declarations of those required by this law". The ACA is a statutory agency, accountable to the independent legislation, referred to as the Law on Anti-Corruption as well as the international treaty. Mongolia has joined the UNCAC in 2005 where ensured the existence of the anti-corruption body pursuant to Article 6, Clause 1.</p> <p>The ACA is chaired by the Head and the Deputy Commissioner who are nominated by the President of Mongolia and appointed for the term of 6 years by the Parliament of Mongolia based on nomination by the President. The Commissioners are immune from detaining, incarceration, arrest, or search of home, office, vehicle without permission of the Parliament, unless apprehended in the process of committing a crime, or is arrested at the crime scene with evidence of a criminal act, or if sufficient grounds for criminal charges are established or resigned by him/herself. There was a strong legal support for the independence of the ACA in the past. However, based on revision of the Law on Anti-Corruption which was approved on 27 March, 2019, the National Security Council may pass a recommendation to remove the leadership of the ACA prior term, at any time, if the National Security Council shall deem necessary.</p> <p>Although, there is no evidence to support that the ACA investigates based on external interference or opponents of the politicians in power, there is a strong concern by media and general public. As suggested by different media organizations, investigation of former senior officials and the Government members, including the former Prime Ministers, Presidents, members of the Parliament may have been related to the process organized to eliminate opponents by the current political leaders in power. As per the survey,</p>

	<p>conducted from February to March 2019 by TI-M, 47% of respondents answered that "There is a political influence to some extent", 41.2% responded "Political influence is very high". The rate of the high doubt has increased in survey conducted in late March, compare to earlier February 2019.</p> <p>b. The ACA's budget equals to 0.16% of total State budget, from 0.14% to 0.19%. 92.9% of the total received budget is spent on corruption related activities. Though, the approved budget amount is incremented, the total budget approval of the past 3 years is at 67.44% of the requested budget and the ACA has to rely on international and domestic non-governmental organizations and donor agencies' funding to supplement its budget.</p> <p>The ACA staff's basic salary is about same as the prosecutors and 40% lower than that of the judges. The ACA junior officers' basic salary is 57.5% higher than other public servants' (police officers and teachers) basic salary. As per comparison made by the team in March 2019, the ACA's senior staff salary is on average level with the financial sector junior staff and, the average salary without allowances is 56.8% lower and after allowances 21.5-28% lower than that of the highest paying extractive sector employees. In general, it can be assumed that the ACA staff salary and compensation is not compatible, compare to private sector but, slightly higher compare to other public sector officials.</p> <p>Due to the increased number of the corruption-related complaints and information, inspection and investigation increased by 5 times since 2015 and, due to shortage of investigators and undercover operatives, the ACA has to rely on other law enforcement agencies' cooperation, based on the approval by the Prosecutor's Office. In 2017, it has established joint working groups with the Intelligence Agency and the Police to investigate 16 cases and in 2018 to work on 12 cases. As annual reports read, on 4 years' average 72.6% of all cases are resolved within 2 months while 27.40% of cases are in the process of resolving based on various circumstances.</p> <p>c. The oversight on the Law on Anti-Corruption is conducted by the Parliament (76 members), Standing committee on Legislations (19 members) and Sub-Committee on Special Supervision (5 members) simultaneously; operational oversight to the Prosecutor's Office; Assets and Income Declarations to the Standing Committee on Legislations and; other activities to the Public Council under the ACA which comprised from 15 members and appointed by the President of Mongolia. Reports of the ACA shall be submitted to the Parliament by annually and the ACA has complied with the law. The accountability of the ACA is unclear, if the report is not submitted and, as the Law reads, there is a vague stipulation that phased that the Parliament shall only "<u>report</u>" the <u>report of the ACA</u>. The Standing Committees' review and the Sub-committee's inspection timeline is not defined in the Law. The appointment of the Public Council's members is not transparent. The ACA's reporting obligations are not clear and follow up on recommendations were not given by the Parliament.</p>
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	<p>Moreover, in the past, since establishment of the ACA in 2007, no recommendations were given by these oversight bodies on improvement and enhancement of the ACA performance.</p> <p>Ethics Committee oversees the ethics related complaints against officials and take necessary decisions. The internal Security, Inspection and Confidentiality Department monitors and inspects internal staff and internal departments to prevent from breaches of laws and regulations.</p> <p>d. The ACA organizes on average 233 online and other training, disseminates 5 to 6 books and training documents, organizes 2 to 3 campaign activities and extensively conducts researches and assessments to identify corruption risks and sectoral corruption profiles in a year for public and private organizations and citizens, both in the capital city and provinces. For all investigated cases, inspectors develops notices which contain crime prevention and/or elimination recommendations detailing associated risks and facts pertinent to such organizations, offices, processes or activities. Average crime prevention, awareness raising and outreach activities' budget equals to 3.7% of the ACA's total operating expenditure.</p>
	<ol style="list-style-type: none"> <li>1. ACA Annual Reports 2017 and 2018: <a href="http://www.iaac.mn">www.iaac.mn</a>;</li> <li>2. Law on Anti-Corruption 2006: <a href="https://www.legalinfo.mn/law/details/8928?lawid=8928">https://www.legalinfo.mn/law/details/8928?lawid=8928</a>;</li> <li>3. Financial information, Ministry of Finance website: <a href="https://mof.gov.mn/article/entry/budget-allocation">https://mof.gov.mn/article/entry/budget-allocation</a>,</li> <li>4. National Statistical Office website: <a href="https://www.1212.mn/Stat.aspx?LIST_ID=976_L08&amp;type=tables">https://www.1212.mn/Stat.aspx?LIST_ID=976_L08&amp;type=tables</a>. State budget income and expenditure reports of 2015, 2016, 2017 and 2018.</li> <li>5. Parliament Decree 85 of 2017: <a href="https://www.legalinfo.mn/law/details/13060?lawid=13060">https://www.legalinfo.mn/law/details/13060?lawid=13060</a>;</li> <li>6. Procedure on ranking and other allowances to ACA officials #7 adopted by the Parliament in 31 January 2007: <a href="https://www.legalinfo.mn/law/details/5801?lawid=5801">https://www.legalinfo.mn/law/details/5801?lawid=5801</a>;</li> <li>7. NSO survey on labor market and wages by sectors @ <a href="https://www.nso.mn/content/2161#.XKHxy5gzblV">https://www.nso.mn/content/2161#.XKHxy5gzblV</a>, <a href="http://1212.mn/BookLibraryDownload.ashx?url=average_wage_2017.pdf&amp;ln=Mn">http://1212.mn/BookLibraryDownload.ashx?url=average_wage_2017.pdf&amp;ln=Mn</a></li> </ol>
Indicator number 9.4	<p>National Audit Agency (NAA)</p> <p>a. The National Audit Agency is statutory agency, accountable to the independent legislation, referred to as the Law on Audit 2003. Since its adoption, amendments were made more than 10 times to ensure the accountability and independence of the agency. The Chief Auditor is nominated by the Speaker of the Parliament and appointed by the Parliament for 6 years and can be re-appointed for an additional term. The Chief Auditor should suspend his/her political party membership upon his/her appointment and other auditors within 7 days after the appointment. The</p>

	<p>Chief Auditor adopts the structure and composition of the agency and appoints subordinates. The Chief Auditor is immune from detaining, incarceration, arrest, or search of home, office, vehicle without permission of the Parliament, unless apprehended in the process of committing a crime, or is arrested at the crime scene with evidence of a criminal act, or if sufficient grounds for criminal charges are established or resigned by him/herself. Although, the mandate of the Chief Auditor is 6 years, since 2003, the fifth Chief Auditor is in the position.</p> <p>In practice, only high level political figure of the leading political party is appointed as a Chief Auditor. The appointment is made as a reward for political affiliation, devotion and trustworthiness to a political party leaders. Though, there is no evidence of a Chief Auditor being interfered by external party when performing his/her duty, there are strong evidences raised by media that this position is a “defense line” for any government extra-spending, state owned enterprises’ politically affiliated procurements and corrupt disbursement of a government’s special funds as the state auditing has never revealed any misspending of government funds in the past but, the media and CSOs did.</p> <p>b. NAA has a local province and capital city Audit Departments. On average, NAA budget equals to 0.15% of the total state budget. The NAA’s senior staff salary is on average level with the financial sector junior staff and, the average salary without allowances is around 50% lower and after allowances around 18% lower than that of the highest paying extractive sector employees. In general, it can be assumed that the NAA staff salary and compensation is not compatible, compare to private sector but, slightly higher compare to other public sector officials. No information on insufficiency of human resources or budget for this organization.</p> <p>c. The Law on State Audit states that it is prohibited for anyone to interfere in Chief Auditor’s activities, or oversee or instruct other than the Head of the National Security Council and the Parliament. The Standing Committee on State Establishments of the Parliament shall oversee the matters pertinent to the National Audit Agency’s budget planning and expenditure. The process is conducted at least twice a year. No recommendations, instructions were given on operation and performance development.</p> <p>d. The NAA conducts audits for government ministries, agencies, SOEs, state funded projects and programs and government special funds’ expenditure. When doing so, NAA reviews the applicability and compliance with the international financial reporting standards (IFRS), policy and methodology adopted by the Minister of Finance and other applicable domestic laws and regulations and cross checks the financial reports against approved budget, budget expenditure, adjustments, and over spending and mismatches. The audit reports contain a section on infringement of applicable rules, laws or procedures and a section on recommendations. NAA does not publish audited reports of organizations but, pursuant to the Law on Glass Account, all government organizations and projects and SOEs shall publish its report openly to public on its website.</p>
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	<ol style="list-style-type: none"> <li>1. Law on State Audit 2003: <a href="https://www.legalinfo.mn/law/details/491?lawid=491;">https://www.legalinfo.mn/law/details/491?lawid=491;</a></li> <li>2. NAA employees' salary scale, Resolution 56, 2019 Parliament of Mongolia (effective from 1 Jan 2020): <a href="https://www.legalinfo.mn/annex/details/9846?lawid=14455;">https://www.legalinfo.mn/annex/details/9846?lawid=14455;</a></li> <li>3. NAA Employees' salary increment, Resolution 21, 2018 Parliament of Mongolia: <a href="https://www.legalinfo.mn/law/details/13186?lawid=13186;">https://www.legalinfo.mn/law/details/13186?lawid=13186;</a></li> <li>4. NSO survey on labor market and wages by sectors 2018: <a href="https://www.nso.mn/content/2161#.XKHxy5gzblV">https://www.nso.mn/content/2161#.XKHxy5gzblV,</a> <a href="http://1212.mn/BookLibraryDownload.ashx?url=average_wage_2017.pdf&amp;ln=Mn;">http://1212.mn/BookLibraryDownload.ashx?url=average_wage_2017.pdf&amp;ln=Mn;</a></li> <li>5. National Audit Authority's website: <a href="http://www.audit.mn">www.audit.mn;</a></li> <li>6. Law on Glass Account 2014: <a href="https://www.legalinfo.mn/law/details/10497?lawid=10497;">https://www.legalinfo.mn/law/details/10497?lawid=10497;</a></li> <li>7. Financial information, Ministry of Finance website: <a href="https://mof.gov.mn/article/entry/budget-allocation">https://mof.gov.mn/article/entry/budget-allocation,</a></li> <li>8. National Statistical Office website: <a href="https://www.1212.mn/Stat.aspx?LIST_ID=976_L08&amp;type=tables">https://www.1212.mn/Stat.aspx?LIST_ID=976_L08&amp;type=tables.</a> State budget income and expenditure reports of 2015, 2016, 2017 and 2018.</li> </ol>
Indicator number 9.5	<p>Judiciary</p> <p>a. The judiciary system of Mongolia is made up of a three-tiered court system (first instance, appellate, Supreme Court) divided into three branches (civil, criminal, administrative cases). For questions of Constitutional law there is a separate Constitutional court responsible for the interpretation of the Constitution. Besides, there are forms of alternative dispute resolutions such as mediation, conciliation and arbitration. Judges are endorsed by the President of Mongolia.</p> <p>In Mongolia, the adjudication power is implemented through 79 courts. Judicial administration is executed by the Judicial General Council and 41 court offices. The Judicial General Council consists of five members serving on a full-time basis, with three members respectively nominated by the first instance courts, appellate courts, and the Supreme Court, one member by the Bar Association of Mongolia, and one member by the Ministry of Justice, subject to appointment by the President of Mongolia. After their appointment, the members nominate, by majority vote, one from among themselves to become Chairman of the Council, subject to appointment by the President of Mongolia. The Judges are immune from detaining, incarceration, arrest, or search of home, office, vehicle without permission of the Parliament, unless apprehended in the process of committing a crime, or is arrested at the crime scene with evidence of a criminal act, or if sufficient grounds for criminal charges are established or resigned by him/herself. There was a strong legal support for the independence of judges in the past. However, based on revision of the Law on Legal Status of Judges, which was approved on 27 March, 2019, the National Security Council may pass a</p>

	<p>recommendation to remove the Chief Justice of the Supreme Court or any other judges, prior term, at any time, if the National Security Council shall deem necessary.</p> <p>There is a strong concern from civil society and media that judges have been under the influence of politicians for a long time and resolve the cases in their favor.</p> <p>b. On average, the total budget allocated to the judiciary system equals to 0.68% of the state budget. Average salary of primary, appellate and Supreme court judges is around MNT3,000,000 (without allowances) which is 35-37% higher than that of the Chief Auditor and Chief Commissioner and about 10% higher than the salary of the highest paying sector in Mongolia. From the fifth year of working as a judge, the salary shall be increased by 2% each year. No information on insufficiency of human resources or budget in this sector. In Mongolia, the adjudication power is implemented through 79 courts with 475 judges, 189 secretaries, 397 judges' assistants and 690 other staff. Judicial administration is executed by the Judicial General Council and 41 court offices.</p> <p>c. The Judicial General Council shall work for the purpose of ensuring the impartiality of judges and independence of the judiciary. The Judicial General Council, without interfering in the judicial proceedings of courts and judges, shall discharge duties such as the selection of judges from exclusively among lawyers, protect judges' rights, and other matters pertaining to providing the conditions that guarantee the autonomous functioning of judges. Judges are openly nominated for the Chief Magistrate, pursuant to the criterion imposed by the Law and, proposals to the President of Mongolia on appointment is openly published on Judicial General Council's website.</p> <p>Pursuant to the Law, Supreme court judges are appointed for the term of 6 years. Other Chief Magistrates are appointed for 3 years term and can be re-appointed once more. Summaries of final courts' resolutions (including, preliminary court decisions, appellate court validations and Supreme court decrees) are published on Court Resolutions' Database, created online by the Judicial General Council open for public and researchers.</p> <p>d. In the past 2 years, investigation on judges allegedly involved in corruption or conflict of interest or ethics rules has increased and around 20 judges have been suspended by the President of Mongolia based on amendment made in the Law on Legal Status of Judges in March 2019. Around 200 complaints on judges are received annually by the Judiciary General Council. After the review of the complaints, the Council may open a case and take administrative measures, if the guilt is proved by the court decision or, it may deny to take administrative measures. JGC has not published information about judges who received administrative penalties however, it says about 19-20% of complaints are resolved in administrative penalties annually.</p>
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	<p>e. Code of Ethics of Judges specifically define to be fair, impartial, independent, and accountable, without corruption and conflict of interest. However, corruption, conflict of interest and use of power related case resolving is very limited by courts of Mongolia. <b>This may suggest that the court's ability and perhaps capacity to solve the corruption-related cases are insufficient. And another examination of TI-M shows that the cases transferred back to the GPO from the preliminary courts usually are caused by the insufficiency of meeting the legal requirements which are necessary to be received by the court for hearing.</b> But until now, these conflicting findings are not substantiated by any other analyzes in order to confirm or deny the results. This is because of the lack of information related to the corruption cases "specifically" from the JGC or court archives and GPO and Prosecutor's Office of the Capital city (and its archives).</p>
	<ol style="list-style-type: none"> <li>1. Constitution of Mongolia 1992, Article 49: <a href="http://eng.judcouncil.mn/Introduction.html">http://eng.judcouncil.mn/Introduction.html</a>;</li> <li>2. Revised Salary Scale for all Level Courts' Judges, Parliament Decree #101 of 2015: <a href="https://www.legalinfo.mn/law/details/11464?lawid=11464">https://www.legalinfo.mn/law/details/11464?lawid=11464</a>;</li> <li>3. Law on Glass Account 2014: <a href="https://www.legalinfo.mn/law/details/10497?lawid=10497">https://www.legalinfo.mn/law/details/10497?lawid=10497</a>;</li> <li>4. Financial information, Ministry of Finance website: <a href="https://mof.gov.mn/article/entry/budget-allocation">https://mof.gov.mn/article/entry/budget-allocation</a>;</li> <li>5. National Statistical Office website: <a href="https://www.1212.mn/Stat.aspx?LIST_ID=976_L08&amp;type=tables">https://www.1212.mn/Stat.aspx?LIST_ID=976_L08&amp;type=tables</a>. State budget income and expenditure reports of 2015, 2016, 2017 and 2018;</li> <li>6. Court resolution database: <a href="http://shuukh.mn/">http://shuukh.mn/</a>;</li> <li>7. Code of Ethics of Judges 2010: <a href="http://resource3.sodonvision.com/transparency/file/2013/4/busd0y3t77k06qxlvgys9emc/Mongol%20ulsiin%20shuuihin%20yos%20zuin%20durem.pdf">http://resource3.sodonvision.com/transparency/file/2013/4/busd0y3t77k06qxlvgys9emc/Mongol%20ulsiin%20shuuihin%20yos%20zuin%20durem.pdf</a></li> </ol>
Indicator number 9.6	<p>Law Enforcement Agencies</p> <p>a. Anti-Corruption Agency, General Police, Intelligence Agency, and Prosecutor's Office are considered as the laws enforcement agencies of Mongolia. General Police's mandate, independence and integrity are clearly stipulated and ensured pursuant to the Law on Police Force of 2017 and operation is conducted pursuant to the Law on Criminal Proceedings 2017. Intelligence Agency's mandate, independence and integrity are clearly stipulated and ensured pursuant to the Law on Intelligence Agency and it operates pursuant to the Law on Undercover Operations 1997 and Law on Criminal Proceedings 2017. Prosecutor's Office's mandate, independence and integrity are clearly stipulated and ensured pursuant to the Law on Prosecutors 2017 and operates pursuant to the Law on Criminal Proceedings 2017.</p> <p>There are some open allegations and concerns by civil society and media that the police and prosecutors are corrupt. Allegations such as an officer of the Economic</p>

	<p>Crime Fighting Division of the Police has taken a substantial amount bribe; Road police officers demanded money from drivers and taken bribes; US\$1.3million was discovered from home of a Head of Department of Criminal Police; prosecutors' corruption revealed by the defendant and so forth are circling the media. The ACA reports that these allegations have been investigated and some cases are transferred to the Prosecutor's Office.</p> <p>Appointment of leadership of these agencies have been made by:</p> <ul style="list-style-type: none"> <li>- Head of the General Police appointed by the Minister of Justice, based upon the Prime Minister's consent;</li> <li>- Head of the Intelligence Agency is appointed by the Prime Minister based upon the President's consent;</li> <li>- General Prosecutor is selected and nominated by the President and appointed by the Parliament.</li> </ul> <p>These leaders are immune from detaining, incarceration, arrest, or search of home, office, unless apprehended in the process of committing a crime, or is arrested at the crime scene with evidence of a criminal act, or if sufficient grounds for criminal charges are established or resigned by him/herself. There was a strong legal support for the independence of operations of the Prosecutor's Office, prohibiting any external influence by applicable Law. However, based on revision of the Law on Prosecutors, which was approved on 27 March, 2019, the National Security Council may pass a recommendation to remove the Chief Justice of the Supreme Court or any other judges, prior term, at any time, if the National Security Council shall deem necessary.</p> <p>b. The Prosecutor General's total budget equals to 0.37% and General Police 2.1% of the state budget. There are no information on budget, staff and salary of Intelligence Agency and no information on staff of GPO and General Police Department available on an open source. The applicable laws say that budget of these agencies must be sufficient to fulfill relevant duties and mandates. Law enforcement agencies rotate their staff, pursuant to the Law on Public Services. Rotation of the staff between the government offices is assessed to be medium however, after the change of the leadership, all senior staff changed. Pursuant to the Parliament Decree 65 of 2015, there 39 specialized and capital city and aimag's Prosecutor's offices around the country.</p> <p>c. Oversight on Police activities are organized through ad-hoc Civil Council with 5-7 members, established under the Citizens' Representative Hural (CRH), appointed from the CRH for the term of 3 years. The police shall report to the applicable Civil Council about its performance and activities. The Police Chief shall report to the Minister of Justice and, if requested, to the Government of Mongolia.</p>
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	<p>Oversight on Intelligence Agency is conducted by the Parliament. In addition, the President and Prime Minister of Mongolia may ask necessary reports and/or instruct tasks if agreed by the National Security Council.</p> <p>General Prosecutor shall report at least once to the Parliament of Mongolia on implementation of the Infringement and Criminal legislations, to the President and Government based on request.</p> <p>Oversight on judges, prosecutors, intelligent officers, police or anti-corruption officer is conducted by the Special Subjects' Crime Investigation Department of the Police and, in case of a corruption-related case, ACA takes over the investigation based on Monitoring Prosecutor's permission.</p> <p>d. The crime detection and solving rate is around 25% nationwide.</p>
	<ol style="list-style-type: none"> <li>1. Law on Glass Account 2014: <a href="https://www.legalinfo.mn/law/details/10497?lawid=10497">https://www.legalinfo.mn/law/details/10497?lawid=10497</a>;</li> <li>2. Financial information, Ministry of Finance website: <a href="https://mof.gov.mn/article/entry/budget-allocation">https://mof.gov.mn/article/entry/budget-allocation</a>;</li> <li>3. Law on Intelligence Body 1999: <a href="https://www.legalinfo.mn/law/details/468?lawid=468">https://www.legalinfo.mn/law/details/468?lawid=468</a>;</li> <li>4. Law on Prosecutors 2017: <a href="https://www.legalinfo.mn/law/details/12702?lawid=12702">https://www.legalinfo.mn/law/details/12702?lawid=12702</a>;</li> <li>5. Law on Police Force 2017: <a href="https://www.legalinfo.mn/law/details/12469?lawid=12469">https://www.legalinfo.mn/law/details/12469?lawid=12469</a>;</li> <li>6. National Statistical Office website: <a href="https://www.1212.mn/Stat.aspx?LIST_ID=976_L08&amp;type=tables">https://www.1212.mn/Stat.aspx?LIST_ID=976_L08&amp;type=tables</a>. State budget income and expenditure reports of 2015, 2016, 2017 and 2018;</li> <li>7. News articles: <a href="http://www.unuudur.mn">http://www.unuudur.mn</a>; <a href="http://www.olloo.mn/n/54897.html">http://www.olloo.mn/n/54897.html</a>; <a href="https://ikon.mn/n/18bz">https://ikon.mn/n/18bz</a>; <a href="https://niigmiintoli.mn/?p=10405">https://niigmiintoli.mn/?p=10405</a>; <a href="http://www.olloo.mn/n/57233.html">http://www.olloo.mn/n/57233.html</a>; <a href="http://zorig.mn/">http://zorig.mn/</a></li> </ol>

#### 10. PRIVATE SECTOR CORRUPTION

Dimension	Background
Indicator number 10.1	1: The offence is clearly defined and banned
	Bribing a foreign public official is clearly defined and banned pursuant to the Article 22.6 of the Revised Criminal Code 2015.

	<ol style="list-style-type: none"> <li>1. Revised Criminal Code 2015:  <a href="https://www.legalinfo.mn/law/details/11634?lawid=11634">https://www.legalinfo.mn/law/details/11634?lawid=11634</a> </li> </ol>
Indicator number 10.2	1: The law prohibits hard core cartels and collusion
	<p>Collusion is regulated by the Law on Competition (LoC). The law broadly covers general prohibitions on price fixing, artificially dividing markets, bid rigging and the imposing of restrictive quotas. The law is equally applicable to legal entities and government/ local administrative organizations and covers illicit overseas activities. Article 11 provides enough legal basis for anti-money cartel enforcement. It explicitly prohibits horizontal agreements among competitors (price-fixing and market allocation by territory, type of product/service and customers). A separate provision prohibits bid-rigging in public procurement. Mongolia's Law on the Procurement of Goods, Works and Services with State and Local Funds is also instrumental in regulating collusion. It links the procurement process to violations resulting from restrictions on competition. A more precise definition of "cartels" and "anticompetitive agreements" was recommended by a 2012 United Nations (UN) voluntary peer review of Mongolia's competition laws and policies. The Law on Administrative Offences regulates violations of business activities under the LoC if a breach thereof does not constitute a criminal offence.</p>
	<ol style="list-style-type: none"> <li>1. Revised Criminal Code 2015:  <a href="https://www.legalinfo.mn/law/details/11634?lawid=11634">https://www.legalinfo.mn/law/details/11634?lawid=11634</a>; </li> <li>2. Law on Competition 2010:  <a href="https://www.legalinfo.mn/law/details/12?lawid=12">https://www.legalinfo.mn/law/details/12?lawid=12</a>; </li> <li>3. 2012 United Nations (UN) voluntary peer review</li> </ol>
Indicator number 10.3	<p>Foreign bribery is banned pursuant to the Article 22.3 of the Revised Criminal Code 2015. Pursuant to the Law on Anti-Corruption, clause 18.6. The Anti-Corruption Agency will adhere to procedures stipulated in the Law on Criminal Procedures, the Law on Undercover Operations and Law on Anti-Corruption in exercising its mandate:</p> <p>32.4. Regardless of their jurisdiction, individuals and officials are obligated to execute legitimate orders of officers of the Anti-Corruption Agency within their competence. The Law on Criminal Procedures, Clause 1.2 details procedural activities as:</p> <ol style="list-style-type: none"> <li>1. The criminal procedural activities within the territory of Mongolia shall be executed pursuant to this Law, regardless of the jurisdiction of the crime.</li> <li>3. This Law is applicable to any criminal procedures in connection with the crimes committed within the territory of Mongolia or diplomatic missions located overseas and territorial sea and airspace.</li> <li>4. Regulations of this Law shall be applicable to the criminal procedures in relation to the foreign citizens or stateless persons residing in the territory of Mongolia meaning, any foreign legal entity or an individual shall be accountable before the law.</li> </ol>



	However, Mongolian authorities have mentioned no examples of cases regarding foreign bribery.
	<ol style="list-style-type: none"> <li>1. Revised Criminal Code 2015: <a href="https://www.legalinfo.mn/law/details/11634?lawid=11634">https://www.legalinfo.mn/law/details/11634?lawid=11634</a>;</li> <li>2. Law on Anti-Corruption 2006: <a href="https://www.legalinfo.mn/law/details/8928?lawid=8928">https://www.legalinfo.mn/law/details/8928?lawid=8928</a></li> <li>3. OECD, Anti-Corruption Reforms in Mongolia, 2019: <a href="https://www.oecd.org/corruption/acn/OECD-ACN-Mongolia-4th-Round-Monitoring-Report-2019-ENG.pdf">https://www.oecd.org/corruption/acn/OECD-ACN-Mongolia-4th-Round-Monitoring-Report-2019-ENG.pdf</a></li> </ol>
Indicator number 10.4	According to article 14 of the Law on Competition of Mongolia, the Authority for Fair Competition and Consumer Protection (AFCCP) is the state agency for foreseeing the implementation of the law and policy, and protection of consumers. The available AFCCP data provides no information on or visible results of collusion cases. The AFCCP significantly depends on decisions, policies and views of public officials. Since 2005 the agency has changed its leadership seven times. There is no evidence for cooperation with international law enforcement agencies on investigation and enforcement.
	<ol style="list-style-type: none"> <li>1. Law on Competition 2010: <a href="https://www.legalinfo.mn/law/details/12?lawid=12">https://www.legalinfo.mn/law/details/12?lawid=12</a>;</li> <li>2. Business Integrity Country Agenda Mongolia 2018: <a href="http://resource3.sodonsvision.com/transparency/file/2018/6/777tu5j5du77p212keb33zd6k/BICA_ENG_FINAL.pdf">http://resource3.sodonsvision.com/transparency/file/2018/6/777tu5j5du77p212keb33zd6k/BICA_ENG_FINAL.pdf</a></li> </ol>
Indicator number 10.5	<p><b><u>Accounting Standards (applicable to all legal entities).</u></b> Under the Law on Accounting, business entities and organizations are obligated to submit their financial report, in electronic form, to the relevant Tax Authority and maintain the evidences and supporting documents of each transaction ready for inspection. These include Tax Inspection, Social Insurance Inspection and Professional Inspection. The report must be in line with International Financial Reporting Requirements (IFRS). If, a legal entity fails to file financial reports to local authority, a legal entity is fined by MNT1.5 million pursuant to clause 11.9 of the Law on Infringement each time of delay.</p> <p><b><u>Sectoral Risk Assessment.</u></b> In 2016 the Financial Intelligence Unit of Mongolbank has conducted the National Risk Assessment on Money-Laundering and Terrorism Financing and in 2019, the Intelligence Agency conducted the Risk Assessment on Terrorism Financing and Financing of Proliferation of Weapons of Mass Destruction. Reporting Entities, defined in clause 4.1 of the Law on Anti-Corruption were defined in both reports as having potential risks and were assessed accordingly.</p> <p><b>Reporting and Transparency.</b></p> <p><b>Reporting Entities</b> are entities operating under special permissions issued by government agencies. Therefore, these entities required to file quarterly reports to the authority in addition to financial monthly reports to Tax Authorities. Commercial banks</p>

	<p>publish its annual reports openly to public to comply with international standards of lenders and the Law on Banking.</p> <p><b><u>Mining Sector.</u></b> Exploration and mining accounting standards have been adopted by the Minister of Finance Resolution #409 in 2016, detailing accounting procedures and reporting requirements. In addition, mining companies file over 30 transactions and activities to the Extractive Industry Transparency Initiative’s Secretariat, including taxes paid, contracts made with government agencies, etc.</p> <p><b><u>SOEs</u></b> operating under the Law on Product, Work, and Service Procurement with State or Local Funds, should post its procurement of over MNT5,000,000 in its Glass Account, pursuant to the Law on Glass Account, daily and open to public.</p> <p>Of <b><u>the top 100 companies</u></b> of 2016, selected every year by the National Chamber of Commerce and Industry, Ministry of Finance, General Taxation Authority, General Customs Office, Health and Social Insurance Office, National Statistics Committee, 80 have websites, Only eight companies, all of which are state-owned enterprises, publicly disclosed their anti-corruption programs in detail. A total of nineteen companies expressed their commitment to comply with anticorruption laws and legislation. Twenty-nine have no leadership messages while the leadership messages of the other seventy-one do not specify support for anti-corruption activities. Only eight companies, all of which are state-owned enterprises, publicly disclosed their anti-corruption programs in detail. A total of nineteen companies expressed their commitment to comply with anticorruption laws and legislation. Twenty-nine have no leadership messages while the leadership messages of the other seventy-one do not specify support for anti-corruption activities.</p> <p><b><u>Compulsory Auditing.</u></b> The following entities are subject to compulsory auditing: listed companies and companies that have requested registration on foreign or local stock exchanges; companies with special license in accordance with the Law on Special license for business operations (banking, financial entities other than banks, finance and economy, mineral exploration and exploitation, oil product production); business entities with state or local ownership or partial ownership, public service entities with operations in energy, heating, water; political parties, and implementer non-government organizations; commercial banks and special purposes companies, business entities operating in investment management. Except for banks and listed companies, there is no requirement for these companies to publish its financial and annual reports to public.</p>
	<ol style="list-style-type: none"> <li>1. National Risk Assessment on Money-Laundering and Terrorism Financing, Financial Intelligence Unit of Mongolbank 2016: <a href="https://www.mongolbank.mn/documents/cma/20161025_risk_assessment.pdf">https://www.mongolbank.mn/documents/cma/20161025_risk_assessment.pdf</a></li> <li>2. Risk Assessment on Terrorism Financing and Financing of Proliferation of Weapons of Mass Destruction, Intelligence Agency, 2019: <a href="https://gia.gov.mn/5/item/548">https://gia.gov.mn/5/item/548</a>;</li> </ol>

	<ol style="list-style-type: none"> <li>3. Law on Accounting 2015: <a href="https://www.legalinfo.mn/law/details/11191?lawid=11191">https://www.legalinfo.mn/law/details/11191?lawid=11191</a>;</li> <li>4. Law on AML/CTF 2013: <a href="https://www.legalinfo.mn/law/details/9242?lawid=9242">https://www.legalinfo.mn/law/details/9242?lawid=9242</a>;</li> <li>5. Law on Infringement 2017: <a href="https://www.legalinfo.mn/law/details/12695?lawid=12695">https://www.legalinfo.mn/law/details/12695?lawid=12695</a>;</li> <li>6. Exploration and mining accounting standards have been adopted by the Minister of Finance Resolution #409 in 2016;</li> </ol>
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## 11. LOBBYING TRANSPARENCY

Dimension	Background
Indicator number 11.1	0: there is no such framework
	<p>There is no such framework Currently Mongolia does not have a law or policy establishing a framework for lobbying.</p> <p>Lobbying in Mongolia is non-transparent and unregulated. The influence of lobbyists is masked and is of increasing concern, with no mandatory register of lobbyists. The absence of regulations is believed to lead to corruption in the corporate sector. In particular, it encourages companies to develop so called “legal corruption”, trading in influence through revolving doors between public and private sectors.</p>
	<ol style="list-style-type: none"> <li>1. Business Integrity Country Agenda Mongolia 2018: <a href="http://resource3.sodonvision.com/transparency/file/2018/6/777tu5j5du77p212keb33zd6k/BICA_ENG_FINAL.pdf">http://resource3.sodonvision.com/transparency/file/2018/6/777tu5j5du77p212keb33zd6k/BICA_ENG_FINAL.pdf</a></li> </ol>
	0: There is no legislative framework on lobbying
	See response from 11.1 Lobbying transparency.
Indicator 11.3	– : Not applicable or no data available
	See response from 11.1 Lobbying transparency.
Indicator 11.4	Public offices’ information confidentiality is regulated pursuant to the applicable legislations. For legal entities, it is regulated by the Law on Legal Entities’ Information

	<p>Confidentiality which allows them to classify their information and provide information to third party with explicit characterization. However, Mongolian legal context does not ensure legality of confidentiality agreement. Thus, legal entities may ask for confidentiality undertaking. Accountability for infringement may be assumed pursuant to the Law on Infringement or Law on Public Servant, if the case does not assume criminal liability.</p> <p>No regulation for lobbyist.</p>
	<p>1. Law on Legal Entities' Information Confidentiality 1995:  <a href="https://www.legalinfo.mn/law/details/102?lawid=102">https://www.legalinfo.mn/law/details/102?lawid=102</a></p>
Indicator 11.5	– : Not applicable or no data available
Indicator 11.6	No information or data.
Indicator 11.7	There were no efforts to promote transparency and integrity related to lobbying in the past two years.

## 12. PARTY AND ELECTION CAMPAIGN FINANCE TRANSPARENCY

Dimension	Background
Indicator number 12.1	<p><b>1:</b> There is a legal framework regulating the financing of political parties and the finances of candidates running for elected office</p>
	<p>Political party financing is regulated by the 2015 Law on Election (articles 40-60), and the 2005 Law on Political Parties (articles 16-21). Law on Election regulates matters pertinent to the electing funding for the political parties or candidates for elections while Law on Political Parties stipulates matters of regulations on political parties financing during election off times.</p> <p>Monetary and in-kind financing can be contributed only once a year to a political party or a candidate by a citizen for up to MNT3.000.000 and legal entities up to MNT10.000.000. Prohibited financiers are listed in the Article 52 of the Law as foreign entities, international organizations, SOEs, foreign citizens, stateless persons, persons below the age of 18, partial-SOEs, bankrupt or companies with overdue loans with FIs or with tax liabilities, NGOs, religious and employees' union, legal entities established</p>

	<p>less than a year ago, legal entities with no clear status or legal entities restricted political financing in the Charter.</p> <p>In-kind contribution means immovable properties and free-cost utilization and free services. A political party and a coalition shall prepare monetary and in-kind contributions' income and expenditure balance and submit to the Election Committee within 45 days after the election and candidates within 30 days. Parliamentary and local government election campaigns shall commence 18 days prior to the election day and terminate 1 day before the election. As for Presidential election, campaign shall start 20 days prior to the election day and terminate 1 day before the election. Expenditures shall be expensed during campaign. The National Audit Agency shall review the election financial reports of the political parties and candidates within 90 days of receipt and publically announce people who have contributed MNT1.000.000 and over and legal entities who contributed MNT2.000.000 and over. There is no tax relief on election contributions. Cash and loan is not permitted to be received by candidates and a political party and only the account of a candidate or a party can be used for expenditure.</p> <p>Government subsidizes the election organizing and election commission expenses.</p>
	<ol style="list-style-type: none"> <li>1. 2015 Law on Election: <a href="https://www.legalinfo.mn/law/details/12178?lawid=12178">https://www.legalinfo.mn/law/details/12178?lawid=12178</a> ;</li> <li>2. 2005 Law on Political Parties: <a href="https://www.legalinfo.mn/law/details/508?lawid=508">https://www.legalinfo.mn/law/details/508?lawid=508</a>;</li> <li>3. IDEA and Open Society Forum. 2018. Political Finance in Mongolia. Assessment and Recommendations: <a href="https://www.idea.int/sites/default/files/publications/political-finance-in-mongolia-MN.pdf">https://www.idea.int/sites/default/files/publications/political-finance-in-mongolia-MN.pdf</a>;</li> </ol>
Indicator number 12.2	<p><b>0:</b> Parties and candidates are not required to release financial information, or the reporting does not require the disclosure of donors who contributed more than 20,001 Euro/USD to a campaign</p>
	<p>Both the Law on Election and the Law on Political Parties require political parties running for election to audit their financial statements but, there is no requirement to disclose to public.</p> <p>A political party and a coalition shall prepare election monetary and in-kind contributions' income and expenditure balance and submit to the Election Committee within 45 days after the election and candidates within 30 days.</p> <p>Article 58.3 of the Law on Election requires the candidates for Parliamentary and Presidential elections to audit financial statements which contains following information such as total income detailing sources, names, address, amount</p>

	contributed and type of contribution by individual and legal entity, expense details and performance and balance.
	<ol style="list-style-type: none"> <li>1. 2015 Law on Election: <a href="https://www.legalinfo.mn/law/details/12178?lawid=12178">https://www.legalinfo.mn/law/details/12178?lawid=12178</a> ;</li> <li>2. 2005 Law on Political Parties: <a href="https://www.legalinfo.mn/law/details/508?lawid=508">https://www.legalinfo.mn/law/details/508?lawid=508</a>;</li> <li>3. IDEA and Open Society Forum. 2018. Political Finance in Mongolia. Assessment and Recommendations: <a href="https://www.idea.int/sites/default/files/publications/political-finance-in-mongolia-MN.pdf">https://www.idea.int/sites/default/files/publications/political-finance-in-mongolia-MN.pdf</a></li> </ol>
<b>Indicator number 12.3</b>	<p>Law on Political Parties requires political parties to audit their financial statements annually and to disclose to public. Parties must report once a year to public but, accountability measures are not clearly defined in the laws.</p> <p>A candidate must fill the Personal Interest, Asset and Income Declaration (PIAID) which contains a general information on individual and family income, assets, banking information, savings, gift receipts, receivables, loans, patents and copyrights and related companies. In gift receipts, receivables and loans, information of from and to whom should be specified with the value. There is no requirement to disclose detailed financial income and expenditure statements by a candidate. PIAID is reviewed by the ACA both during the election running and after the election, if elected. There is no procedure to disclose candidates' PIAID. A summarized form of PIAIDs of elected officials is, however, published annually on the ACA website.</p>
	<ol style="list-style-type: none"> <li>1. Procedure on Registration, Review and Maintaining Declarations, Directive #05 of the Standing Committee on Legislations of the Parliament, 2012, Annex 3: Election Candidate's Personal Interest, Asset and Income Declaration, Procedure on Personal Interest, Asset and Income Declaration; <a href="http://www.gec.gov.mn/details/705">http://www.gec.gov.mn/details/705</a>;</li> <li>2. 2005 Law on Political Parties: <a href="https://www.legalinfo.mn/law/details/508?lawid=508">https://www.legalinfo.mn/law/details/508?lawid=508</a>;</li> </ol>
<b>Indicator number 12.4</b>	<b>0.5:</b> The campaign finances of parties and/or candidates for elected office are subject to verification, but available the legal framework fails to guarantee the political independence of the oversight body and/or does not provide the oversight body with sufficient powers and resources to effectively scrutinise the statements and accounts in an effective manner
	The National Audit Agency shall review the election financial reports of the political parties and candidates within 90 days after the General Election Committee receives

	<p>them and publically announce people who have contributed MNT1.000.000 and over and legal entities who contributed MNT2.000.000 and over.</p> <p>Public announcement of candidates and parties' financial reports, along with donors' names by the National Audit Agency and the General Election Committee after 90 days of election becomes useless as the elected officials assume immunity under the high-level appointment even if, evidence of wrongdoing is revealed. There are few have surrendered the Parliament membership for authorities' inspections in the past but, in most cases, members of the Parliament or the Government do not surrender immunity after the disclosure of wrongdoings, obstructing law enforcement agencies' inspections.</p>
	<ol style="list-style-type: none"> <li>1. 2015 Law on Election: <a href="https://www.legalinfo.mn/law/details/12178?lawid=12178">https://www.legalinfo.mn/law/details/12178?lawid=12178</a> ;</li> <li>2. 2005 Law on Political Parties: <a href="https://www.legalinfo.mn/law/details/508?lawid=508">https://www.legalinfo.mn/law/details/508?lawid=508</a>;</li> <li>3. Interview by Pf. O.Munkhsaikhan, Law School, National University of Mongolia, 2019.01.16: <a href="https://dnn.mn/">https://dnn.mn/</a>.</li> </ol>
Indicator number 12.5	<p><b>0.5:</b> Annual financial statements of parties and/or candidates for elected office are subject to verification, but available the legal framework fails to guarantee the political independence of the oversight body and/or does not provide the oversight body with sufficient powers and resources to effectively scrutinise the statements and accounts in an effective manner</p>
	<p>Clause 20.3 of the Law on Political Parties says “a political party shall validate its financial reports by audit, annually, and disclose to public”. However, there is no defined authority to receive and inspect the financial reports. Thus, political parties chose an independent (any) audit company for financial audit and submit the report to the National Audit Agency. There is no clear definition in the laws on duties, mandates and responsibilities of the National Audit Agency or Tax Authority and accountabilities of the Political parties on failure to report or misreporting or insufficient reporting or even failure to disclosing to public.</p> <p>A candidate must fill the Personal Interest, Asset and Income Declaration (PIAID) which contains a general information on individual and family income, assets, banking information, savings, gift receipts, receivables, loans, patents and copyrights and related companies. In gift receipts, receivables and loans, information of from and to whom should be specified with the value. There is no requirement to disclose detailed financial income and expenditure statements by a candidate. PIAID is reviewed by the ACA both during the election running and after the election, if elected. There is no procedure to disclose candidates' PIAID. A summarized form of PIAIDs of elected officials is, however, published annually on the ACA website.</p>

	<ol style="list-style-type: none"> <li>1. Election Candidate's Personal Interest, Asset and Income Declaration, Procedure on Personal Interest, Asset and Income Declaration and Registration, Review and Maintaining Declarations, Directive#05 of the Standing Committee on Legislations of the Parliament, 2012: <a href="http://www.gec.gov.mn/details/705">http://www.gec.gov.mn/details/705</a>;</li> <li>2. 2005 Law on Political Parties: <a href="https://www.legalinfo.mn/law/details/508?lawid=508">https://www.legalinfo.mn/law/details/508?lawid=508</a>;</li> <li>3. Personal Interest, Asset and Income Declaration of Public Officials: <a href="https://meduuleg.iaac.mn/AOS/">https://meduuleg.iaac.mn/AOS/</a></li> </ol>
Indicator number 12.6	-No information available
	<ol style="list-style-type: none"> <li>1. Money Politics and Transparency assessment, Global Integrity: <a href="https://data.money politicstransparency.org/">https://data.money politicstransparency.org/</a></li> </ol>
Indicator number 12.7	
	<p>Accountability mechanism is completely unclear in the applicable laws for breaching reporting compliance. In clause 60.5 of the Law on Election says to impose non-monetary penalty as denoted "a party, failed to submit the financial report within the legally prescribed timeline shall not be registered for the next election". In 2016, 1 political party that run for Parliamentary election has failed to report the financial statements to the General Election Committee. It is unknown for public what the penalty was for the political party, party leader and for an individual who failed to report.</p>

### 13. TRANSPARENCY AND INTEGRITY IN PUBLIC ADMINISTRATION

Dimension	Background
Indicator number 13.1	<p><b>1:</b> A law, regulation or Code of Conduct is in place and addresses the aspects mentioned above</p>
	<p>Mongolian law divides state officials into state political, state administration, state special, and state service officials. The state administrative and state special officials are considered as the state permanent officials.</p> <p>The main legislation covering integrity, fairness, impartiality, gifts, benefits, hospitality, and conflict of interest of all public (state) officials is the Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service, adopted in 2012.</p>



	<p>State Administrative and Service Officials. The Ethics Manual of State Administrative and Service Officials was adopted in 2019 by the Government, defining the ethics rules for state administration and state service officials.</p> <p>State special officials. Military, boarder and domestic solders, disaster management, intelligence, police, court resolution implementation, forensics, anti-corruption, prosecutors, customs officials and others are considered as the state special officials. Each government body adopts its own Code of Ethics, in line with the Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service and international best practices. The ACA reviews the Code of Ethics both before the adoption and during the routine inspection to enhance the standards and implementation. Annually, the ACA reviews up to 10 government offices' Code of Ethics.</p> <p>State political official. Ethics are regulated by separate legal documents. According to the Ethics Manual for Parliament Members, approved by parliament resolution in 2009, Parliament members must not receive monetary rewards, rewards, loans, or gifts for fulfilling their duties or for planned operations. Ethics Committee of the Parliament reviews complaints against members of the Parliament.</p> <p>For Government members, the Government has adopted a Resolution#141 in 2012 on Procedure on Reporting of the Gifts Received via Diplomatic Means (Annex 1) and Procedure on Accepting, Spending and Reporting Gift Received via Diplomatic Means by Officials (Annex 2) are applicable which define avoidance of conflict of interest while ensuring integrity, fairness, impartiality when receiving or giving gifts, hospitality, or entertainments.</p>
	<ol style="list-style-type: none"> <li>1. Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service, 2012: <a href="https://www.legalinfo.mn/law/details/397?lawid=397">https://www.legalinfo.mn/law/details/397?lawid=397</a>;</li> <li>2. Law on Public Officials, 2017: <a href="https://www.legalinfo.mn/law/details/13025?lawid=13025">https://www.legalinfo.mn/law/details/13025?lawid=13025</a>;</li> <li>3. Ethics Manual of State Administrative and Service Officials, 2019: <a href="https://www.legalinfo.mn/annex/details/9237?lawid=14044">https://www.legalinfo.mn/annex/details/9237?lawid=14044</a></li> <li>4. Parliament Resolution 34, 2009.</li> <li>5. Procedure on Reporting of the Gifts Received via Diplomatic Means, Resolution#141 Government of Mongolia, 2012: <a href="https://www.legalinfo.mn/annex/details/3026?lawid=2748">https://www.legalinfo.mn/annex/details/3026?lawid=2748</a></li> </ol>
Indicator 13.2	1: There is a law or clear policy addressing the 'revolving door'

	<p>The Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service (LRPPIPCIPS) was substantially amended, including regulations on revolving door of public officials. Amendments addressed the movement between from the private sector to public sector and vice versa and revolving door in former public officials and misusing the information and power to benefit private interests.</p>
	<p>1. Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service, 2012:  <a href="https://www.legalinfo.mn/law/details/397?lawid=397">https://www.legalinfo.mn/law/details/397?lawid=397</a>;</p>
<b>Indicator 13.3</b>	<p><b>1:</b> The law or policy in principle provides comprehensive coverage of relevant public-sector decision-makers</p>
	<p>Pursuant to clause 20.2 of the LRPPIPCIPS, both current and former (service terminated within 2 years after the resigning) President of Mongolia, members of the Parliament, Prime Minister, Ministers, Vice Ministers, members of the Constitutional Court, the Chief Justice of the Supreme Court, judges of the Supreme Court, Prosecutor General, head of bodies responsible for directly reporting its activities to the Parliament, governors of Aimag and capital city, head of Presidium of Citizens' Representative Hural of Aimag and capital city, State Secretary of ministries, head of government agencies, person who is/was a director of government owned companies or international organizations and related persons of these public officials are covered by the Law. In addition, a Directive #05 (Amended by Directive #11 of 2017) of the Standing Committee on Legislations has adopted a Procedure on Registration, Review and Maintaining Declarations was adopted in 2012, with 6 Annexes (Annex 7 added by amendment, Directive #11 of 2017), expanding the list of reporting officials to submit the Declarations including all senior officials of public offices, SOEs, partially SOEs, any public and non-government organizations funded by the government under agreement, science and innovation institutes, special funds' managers, international loan, assistance, project and program managers under the international treaties or conventions, state owned financial institutions, laws enforcement officers, customs' officers and court resolution implementation office officers. These officials required to comply with the LRPPIPCIPS and legal requirements stipulated thereto.</p>
	<p>1. Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service, 2012:  <a href="https://www.legalinfo.mn/law/details/397?lawid=397">https://www.legalinfo.mn/law/details/397?lawid=397</a>;</p> <p>2. Procedure on Registration, Review and Maintaining Declarations, Directive #05 of the Standing Committee on Legislations of the Parliament, 2012, Annex 5: List of Public Officials to Declare Personal Interest, Asset and Income Declaration:  <a href="http://www.gec.gov.mn/details/705">http://www.gec.gov.mn/details/705</a>;</p>

	<p>3. Procedure on Registration, Review and Maintaining Declarations, Directive #11 of the Standing Committee on Legislations of the Parliament, 2017, Annex 5: List of Public Officials to Declare Personal Interest, Asset and Income Declaration:  <a href="file:///C:/Users/User/Downloads/2017.01.pdf">file:///C:/Users/User/Downloads/2017.01.pdf</a></p>
<b>Indicator 13.4</b>	<p><b>1:</b> The policy contains a minimum cooling-off period of at least 2 years for certain positions and cases where the new employment of former government members and other high-level decision-makers would result in a conflict of interest</p>
	<p>The LRPPIPCIPS requires a two-year “cooling off” period for the officials referred to above both before transitioning to and from the private sector. Regulations on “cooling-off” periods for corporate executives transitioning to senior public offices and posts is not limited to administrative decisions, inspections, accountability counting, and signing agreement with the official’s related party companies.</p> <p>It is prohibited for a public official for a two-year period to directly or indirectly receive any economic benefit, hold shares, own assets, become a partner, or to transfer/receive assets and gifts from a legal entity on which a public official has approved a procurement, distribution/allocation of funds from local and state funds, conducted monitoring, inspections or management, or resolved accountability decisions in relation thereto. In addition, if any decision was passed in relation to a legal entity, a public official may not be employed by such entity or sign agreement, make negotiation, request for approval and it is prohibited to represent a person or a legal entity before the previously employed public office for the period of two years.</p>
	<p>1. Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service, 2012:  <a href="https://www.legalinfo.mn/law/details/397?lawid=397;">https://www.legalinfo.mn/law/details/397?lawid=397;</a></p>
<b>Indicator 13.5</b>	<p><b>1:</b> There is a single body, or there are various designated authorities charged with providing advice and overseeing the implementation of the policy</p>
	<p>Pursuant to the LRPPIPCIPS, both inspection, monitoring and oversight of the PIAID and implementation of the LRPPIPCIPS is designated to the ACA. The Law on Anti-Corruption, Clause 15.1, reads that "The Anti-Corruption Agency is a special independent government body in charge of functions to raise anti-corruption public awareness and education, and corruption prevention activities, and to carry out under-</p>

	<p>cover operations, inquiries and investigations in detecting corruption crimes, and to review and inspect the assets and income declarations of those required by this law".</p> <p>ACA is responsible for reviewing Preliminary Personal Interest, Asset and Income Declaration (PPIAID) of a person, before his/her appointment as a public official and sends a proposal on approval or rejection, depending on inspection of his/her conflict of interest.</p>
	<ol style="list-style-type: none"> <li>1. Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service, 2012: <a href="https://www.legalinfo.mn/law/details/397?lawid=397">https://www.legalinfo.mn/law/details/397?lawid=397</a>;</li> <li>2. Law on Anti-Corruption 2006: <a href="https://www.legalinfo.mn/law/details/8928?lawid=8928">https://www.legalinfo.mn/law/details/8928?lawid=8928</a></li> </ol>
<b>Indicator 13.6</b>	<p><b>0.5:</b> There are sanctions in the law (or policy) but they are not considered to be proportionate and dissuasive</p>
	<p>Sanctions from demotion from a post (if, decision is passed in relation to a contributor or a donator within two years) to removal from the post (if, an administrative decision is passed within two years in relation to a legal entity at which a public official worked in a management level or was a member of an executive, management or oversight body of such entity) exist in the LRPPICIPS. Other sanctions may apply such as penalty of less than MNT1600000 and dismissal from the position. The Law on Infringement does not contain sanctions with regards to public officials' infringement of duty and specifically refer to the applicable laws. Overall, sanctions are not proportionate and dissuasive for both individuals and legal entities that do not comply with the LRPPICIPS.</p>
	<ol style="list-style-type: none"> <li>1. Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service, 2012: <a href="https://www.legalinfo.mn/law/details/397?lawid=397">https://www.legalinfo.mn/law/details/397?lawid=397</a>;</li> <li>2. Law on Infringement 2017: <a href="https://www.legalinfo.mn/law/details/12695?lawid=12695">https://www.legalinfo.mn/law/details/12695?lawid=12695</a></li> </ol>
<b>Indicator 13.7</b>	<p>There is no case published in which former officials sought permission from a designated ethics office to move to the private sector or fines or sanctions were imposed for violating a 'cooling-off' periods or other 'revolving door' provisions in Mongolia in past two years.</p> <p>There are around 40,000 public officials that submit their PIAIDs to the ACA and each year, around 5,000 public officials either re-submit their declarations due to major changes or entered public service. ACA receives, reviews and inspects over 45,000</p>

	public officials' PIAIDs a year. 63 complaints in 2018 and 69 complaints in first half of 2019 were received on abuse of limitation and restriction for public officials and conflict of interest by the ACA. Statistics on their sanctioning is not available.
	<ol style="list-style-type: none"> <li>1. ACA Annual Report 2018: <a href="https://www.iaac.mn/files/6e396b8e-a4cd-41d6-8a42-535892425542/Gazar%20tailan%202018.pdf">https://www.iaac.mn/files/6e396b8e-a4cd-41d6-8a42-535892425542/Gazar%20tailan%202018.pdf</a>;</li> <li>2. ACA Half-Year report 2019: <a href="https://iaac.mn/files/be6146b6-2431-4f0e-ace8-3f758c9ffa01/Sited-tailan-19.07.22(1)-converte.pdf">https://iaac.mn/files/be6146b6-2431-4f0e-ace8-3f758c9ffa01/Sited-tailan-19.07.22(1)-converte.pdf</a></li> </ol>
<b>Indicator 13.8</b>	<b>1:</b> The legal framework requires high-level public officials and senior civil servants to declare their interests at least once per year.
	The law requires public officials to declare their assets and incomes annually. The law prohibits senior civil servants or affiliated parties from being shareholders, owners or partners, and from assuming paid positions in private sector entities involved in the provision of services to the public sector and from being beneficiaries of such entities. In the declaration, public officials obliged to report their liabilities and receivables from and to third party, including legal entities.
	<ol style="list-style-type: none"> <li>1. Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service, 2012: <a href="https://www.legalinfo.mn/law/details/397?lawid=397">https://www.legalinfo.mn/law/details/397?lawid=397</a></li> </ol>
<b>Indicator 13.9</b>	<b>1:</b> the interest disclosure applies to high-level officials from the executive, legislature, judiciary and civil service/other public bodies
	<p>PIAID disclosure requirements cover officials of all branches of executive, legislature, judiciary, and civil service as well as other relevant public bodies listed below:</p> <p>Reporting officials to submit the PIAIDs are President of Mongolia, members of the Parliament, Prime Minister, Ministers, Vice Ministers, members of the Constitutional Court, the Chief Justice of the Supreme Court, judges of the Supreme Court, Prosecutor General, head of bodies responsible for directly reporting its activities to the Parliament, governors of Aimag and capital city, head of Presidium of Citizens' Representative Hural of Aimag and capital city, State Secretary of ministries, head of government agencies, person who is/was a director of government owned companies or international organizations, senior officials of public offices, SOEs, partially SOEs, any public and non-government organizations funded by the government under agreement, science and innovation institutes, special funds' managers, international loan, assistance, project and program managers under the international treaties or conventions, state owned financial institutions, laws enforcement officers, customs' officers and court resolution implementation office officers.</p>

	<ol style="list-style-type: none"> <li>1. Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service, 2012: <a href="https://www.legalinfo.mn/law/details/397?lawid=397">https://www.legalinfo.mn/law/details/397?lawid=397</a>;</li> <li>2. Procedure on Registration, Review and Maintaining Declarations, Directive #05 of the Standing Committee on Legislations of the Parliament, 2012, Annex 5: List of Public Officials to Declare Personal Interest, Asset and Income Declaration: <a href="http://www.gec.gov.mn/details/705">http://www.gec.gov.mn/details/705</a>;</li> <li>3. Procedure on Registration, Review and Maintaining Declarations, Directive #11 of the Standing Committee on Legislations of the Parliament, 2017, Annex 5: List of Public Officials to Declare Personal Interest, Asset and Income Declaration: <a href="file:///C:/Users/User/Downloads/2017.01.pdf">file:///C:/Users/User/Downloads/2017.01.pdf</a></li> </ol>
<b>Indicator 13.10</b>	<b>1:</b> The legal framework requires high-level public officials and senior civil servants to declare their income and assets at least once per year.
	The law requires public officials to declare their assets and incomes annually and any changes thereto within 30 days of change.
	<ol style="list-style-type: none"> <li>1. Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service, 2012: <a href="https://www.legalinfo.mn/law/details/397?lawid=397">https://www.legalinfo.mn/law/details/397?lawid=397</a></li> </ol>
<b>Indicator 13.11</b>	<b>1:</b> the asset and income disclosure applies to high-level officials from the executive, legislature, judiciary and civil service/other public bodies
	<p>The format of the PIAID is adopted pursuant to the Procedure on Registration, Review and Maintaining Declarations adopted by Directive #05 of the Standing Committee on Legislations of the Parliament in 2012 with 6 Annexes (Annex 7 added by amendment, Directive #11 of 2017). Annex 2. Personal Interest, Asset and Income Declaration Form, Annex 3. Personal Interest, Asset and Income Declaration Form for Public Service Nominee, Annex 4. Conflict of Interest and Violation Reporting Form, and Annex 6. Personal Interest, Asset and Income Declaration Form for Election Candidate.</p> <p>Reporting officials to submit the Annex 2. Personal Interest, Asset and Income Declaration Form and Annex 4. Conflict of Interest and Violation Reporting Form are President of Mongolia, members of the Parliament, Prime Minister, Ministers, Vice Ministers, members of the Constitutional Court, the Chief Justice of the Supreme Court, judges of the Supreme Court, Prosecutor General, head of bodies responsible for directly reporting its activities to the Parliament, governors of Aimag and capital</p>

	<p>city, head of Presidium of Citizens' Representative Hural of Aimag and capital city, State Secretary of ministries, head of government agencies, person who is/was a director of government owned companies or international organizations, senior officials of public offices, SOEs, partially SOEs, any public and non-government organizations funded by the government under agreement, science and innovation institutes, special funds' managers, international loan, assistance, project and program managers under the international treaties or conventions, state owned financial institutions, laws enforcement officers, customs' officers and court resolution implementation office officers. Prior to appointment, reporting officials submit the Annex 3. Personal Interest, Asset and Income Declaration Form for Public Service Nominee to the ACA for review and consent.</p> <p>In general, content and information which needs to be submitted by all these Forms are the same including information on individual and family income, assets, banking information, savings, gift receipts, receivables, loans, patents and copyrights and related companies. In gift receipts, receivables and loans, information of from and to whom should be specified with the value. There is no requirement to disclose detailed financial income and expenditure statements by reporting officials, nominees and candidates.</p>
	<ol style="list-style-type: none"> <li>1. Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service, 2012: <a href="https://www.legalinfo.mn/law/details/397?lawid=397">https://www.legalinfo.mn/law/details/397?lawid=397</a>;</li> <li>2. Procedure on Registration, Review and Maintaining Declarations, Directive #05 of the Standing Committee on Legislations of the Parliament, 2012, Annex 5: List of Public Officials to Declare Personal Interest, Asset and Income Declaration: <a href="http://www.gec.gov.mn/details/705a">http://www.gec.gov.mn/details/705a</a>;</li> <li>3. Procedure on Registration, Review and Maintaining Declarations, Directive #11 of the Standing Committee on Legislations of the Parliament, 2017, Annex 5: List of Public Officials to Declare Personal Interest, Asset and Income Declaration: <a href="file:///C:/Users/User/Downloads/2017.01.pdf">file:///C:/Users/User/Downloads/2017.01.pdf</a></li> </ol>
<b>Indicator 13.12</b>	<p><b>1:</b> All or most information contained in interest declarations and income and asset disclosure forms has to be made available to the public (some redaction may be necessary to protect legitimate privacy interests)</p>
	<p>Summary of PIAIDs of following people shall be published on State Magazine and posted on ACA website:</p> <p>President of Mongolia, Speaker and members of the Parliament , Prime Minister, Ministers, Vice Ministers, members of the Constitutional Court, Chief Justice of the Supreme Court, judges of the Supreme Court, secretary of General Judiciary Council, Prosecutor General and Deputy, President, First and Second Deputy President of Mongolbank, secretary of National Security Council, Chief of Government Cabinet</p>

	<p>Secretariat, Chief of President's Staff, General secretary of Parliament Secretariat, Head and Deputy Commissioners of ACA, Head and members of Financial Regulatory Commission and Supervising committee, Head and Deputy of National Statistical Committee, National Human Rights Commission, General Election Committee and State Service Council, General Auditor and Deputy, Heads of government agencies, Heads of Citizens' Representative Hural of aimags and capital city and Governors of aimags and capital city. Their 5 years' PIAIDs shall be on website, available to public.</p> <p>Other reporting officials' PIAIDs shall be open to public. They are: State Secretaries of ministries, person who is/was a director of government owned companies or international organizations.</p> <p>The full declarations are open to anyone upon request and approval by the Head Commissioner of ACA.</p>
	<ol style="list-style-type: none"> <li>1. Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service, 2012: <a href="https://www.legalinfo.mn/law/details/397?lawid=397">https://www.legalinfo.mn/law/details/397?lawid=397</a>;</li> <li>2. Procedure on Reporting and Providing Information on Personal Interest, Asset and Income Declaration, Head Commissioner, ACA, Resolution#196 of 2012: <a href="https://www.iaac.mn/news/213?menu=125">https://www.iaac.mn/news/213?menu=125</a></li> </ol>
<b>Indicator 13.13</b>	<p><b>1:</b> The legal framework provides for an independent oversight mechanism with sufficient independence and powers to scrutinise income and asset declarations</p>
	<p>Mandates of the ACA is defined in the Law on Anti-Corruption, Clause 15.1 which reads "The Anti-Corruption Agency is a special independent government body in charge of functions to raise anti-corruption public awareness and education, and corruption prevention activities, and to carry out under-cover operations, inquiries and investigations in detecting corruption crimes, and to review and inspect the assets and income declarations of those required by this law".</p> <p>Further, the Article 18 of the Law specifically details powers and capabilities of the ACA in relation to executing its duties, including enforcing implementation of the Law on Anti-Corruption and conduct undercover work and cooperate with other agencies in charge of investigative and intelligence-gathering work to conduct investigations to detect and stop corruption offences; accept and inspect corruption related requests and complaints; investigate corruption cases under its jurisdiction; obtain from each respective authority the list of government officials due to declare their assets and income, and review the declarations; supervise the competent organizations' and officials' adherence to the procedure for registering, storing, and monitoring declarations of assets and income declarations, and provide them with information; oversee the submission of assets and income declarations by declarers, and impose the penalties on those persons who fail to submit in a timely fashion, or who deliberately provide false information; prepare written guidance and recommendations on matters</p>



	<p>related to assets and income declarations; and cooperate with respective foreign and international organizations, and exchange information related to combating corruption.</p> <p>Submission rate of PIAIDs is at around 99.9% annually.</p>
	<p>7. Law on Anti-Corruption 2006: <a href="https://www.legalinfo.mn/law/details/8928?lawid=8928">https://www.legalinfo.mn/law/details/8928?lawid=8928</a>;</p> <p>8. ACA Annual Reports 2017 and 2018: <a href="http://www.iaac.mn">www.iaac.mn</a></p>
<b>Indicator 13.14</b>	<p><b>0.5:</b> The law or policy contains sanctions covering interest and/or income and asset disclosures, but in neither area are such sanctions dissuasive and proportionate</p>
	<p>Non- submitting the PIAID by an official shall result in dismissal from the post, false reporting –demotion, repetitive late reporting –30% reduction of 3 months’ salary and if, late reporting has reasonable justification, a warning shall be given to an official.</p> <p>The sanctions are too low and are not considered to be proportionate and dissuasive.</p>
	<p>1. Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service, 2012: <a href="https://www.legalinfo.mn/law/details/397?lawid=397">https://www.legalinfo.mn/law/details/397?lawid=397</a></p>
<b>Indicator 13.15</b>	<p>Out of 43 officials in 2017 have been discipline based on ACA inspection and review. Out of 14 officials in 2018 who have breached the provisions related to PIAID, the ACA sent proposal to the relevant authority to give warning for 3, reduce salary for 10 and dismiss 1 official from the office. Out of 25 officials who have breached the provisions related to PIAID, the ACA sent proposal to the relevant authority to give warning for 2, reduce salary for 17 and dismiss 6 officials from the office in first half of 2019.</p>
	<p>1. ACA Annual Reports 2017, 2018 and I Half Report of 2019: <a href="http://www.iaac.mn">www.iaac.mn</a></p>
<b>Indicator 13.16</b>	<p>Gifts, services, heritage, contribution, donation and concession is reported in Section 2.5 of Annex 2. Personal Interest, Asset and Income Declaration Form and 2.2.11 of Annex 6. Personal Interest, Asset and Income Declaration Form for Election Candidate.</p> <p>Annex 3. Personal Interest, Asset and Income Declaration Form for Public Service Nominee does not contain gift reporting section.</p>

	<p><i>PIAIDs are open and accessible to the public, the data is easily searchable and usable.</i></p> <p>Reporting official must declare his/her assets, including his/her family and personal interests and ownership of related party, affiliated party, and membership and representation authorization for a legal entity, board and management.</p> <p>Though, it is mandatory to submit the PIAID on or before 15 February each year for reporting officials and within 30 days of appointment for new officials, reporting requirement after the termination or dismissal from the office does not exist. During cooling off period, reporting officials do not have to report at all.</p> <p>ACA takes all necessary measure to implement applicable legislations by organizing training, distributing guidance and giving instructions on PIAID submitting, filling, and reporting compliance consistently throughout the year according to duties stipulated by the Law on Anti-Corruption.</p> <p>The Ethics Manual of State Administrative and Service Officials was adopted in 2019 by the Government, defining the ethics rules, gift, hospitality and entertainment principles for state administration and state service officials. Gift and hospitality reporting, oversight and accountability matters are left out areas at all government offices, except at diplomatic sector.</p> <p>Government has adopted a Resolution#141 in 2012 on Procedure on Reporting of the Gifts Received via Diplomatic Means (Annex 1) and Procedure on Accepting, Spending and Reporting Gift Received via Diplomatic Means by Officials (Annex 2) are applicable which define avoidance of conflict of interest while ensuring integrity, fairness, impartiality when receiving or giving gifts, hospitality, or entertainments.</p>
	<ol style="list-style-type: none"> <li>1. Law on Anti-Corruption 2006: <a href="https://www.legalinfo.mn/law/details/8928?lawid=8928;">https://www.legalinfo.mn/law/details/8928?lawid=8928;</a></li> <li>2. Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service, 2012: <a href="https://www.legalinfo.mn/law/details/397?lawid=397;">https://www.legalinfo.mn/law/details/397?lawid=397;</a></li> <li>3. Procedure on Reporting and Providing Information on Personal Interest, Asset and Income Declaration, Head Commissioner, ACA, Resolution#196 of 2012: <a href="https://www.iaac.mn/news/213?menu=125;">https://www.iaac.mn/news/213?menu=125;</a></li> <li>4. Procedure on Reporting of the Gifts Received via Diplomatic Means, Resolution#141 Government of Mongolia, 2012: <a href="https://www.legalinfo.mn/annex/details/3026?lawid=2748">https://www.legalinfo.mn/annex/details/3026?lawid=2748</a></li> </ol>
<b>Indicator 13.17</b>	<p>One of the ACA's mandate is to raise awareness on anti-corruption and conflict of interest and organized by the Department of Awareness Raising and Prevention. 3.7% of the ACA approved budget is allocated to the Department of Awareness Raising and Prevention for prevention, outreach and awareness raising activities. More than 10 projects and outreach activities are organized with assistance of donor organizations and non- profit organizations annually. ACA training mainly designed on anti-</p>

	corruption, corruption reporting, implementation of legislations and PIAID. Training, specifically on ethics improvement is not registered nor it has organized for its own employees in the past 2 years. Public Service Council is also mandated to organize necessary training to ensure ethics, accountability and professionalism of public officials. Few government agencies reported organizing Ethics training by Public Service Council, mainly in provinces.
	<ol style="list-style-type: none"> <li>1. State Budget 2017 and 2018: Ministry of Finance website: <a href="https://mof.gov.mn/article/entry/budget-allocation">https://mof.gov.mn/article/entry/budget-allocation</a>;</li> <li>2. National Statistical Office website: <a href="https://www.1212.mn/Stat.aspx?LIST_ID=976_L08&amp;type=tables">https://www.1212.mn/Stat.aspx?LIST_ID=976_L08&amp;type=tables</a>.</li> <li>3. State budget income and expenditure reports of 2017 and 2018;</li> <li>4. Ethics training, Khan-Uul district, 2017: <a href="http://www.khanuul.mn/v/685991">http://www.khanuul.mn/v/685991</a>;</li> <li>5. Law on Anti-Corruption 2006: <a href="https://www.legalinfo.mn/law/details/8928?lawid=8928">https://www.legalinfo.mn/law/details/8928?lawid=8928</a>;</li> <li>6. Law on Public Officials 2017: <a href="https://www.legalinfo.mn/law/details/13025?lawid=13025">https://www.legalinfo.mn/law/details/13025?lawid=13025</a>;</li> <li>7. Training Plan for 2017, 2018 and 2019, ACA: <a href="http://www.iacc.mn">www.iacc.mn</a></li> </ol>

#### 14. FISCAL TRANSPARENCY

Dimension	Background
Indicator number 14.1	1: The legal framework requires a high degree of fiscal transparency and the publication of all the key budget documents listed above
	<p>Budget planning, approval, implementation and reporting should be based on transparency principle, according to the Law on Budget 2011. The principles should be ensured by transparency of budget discussion, performance, planning, formation, distribution, reporting, implementation, expenditure, ensuring public engagement in public work, service, activity, and procurement, considering public opinion on classification of importance of project and program and implementation decisions as well as mainstreaming citizens and civil society organizations' proposals into the decisions related to budget.</p> <p>Parliament of Mongolia adopts draft Budget along with introduction, comprised from pre-budget statement, executive budget proposal</p> <p>The Law on Budget defines that the budget reports should be prepared and published regularly by quarter, mid-term and yearly and implementation report by monthly. State Audit shall review and deliver the audit conclusions on annual budget to the Parliament before 15 October each year. According to the Procedure on</p>

	<p>Transparency of Budget and Finance, adopted by the Government in 2012, the approved budget shall be published within 3-10 days after the approval, budget implementation reports within 7 days after the report (specific dates may apply), compiled budget audit report within 7 days after the audit assurance by the Minister of Finance, and audited reports within 7 days after the audit assurance by government bodies.</p> <p>The draft Pre-Budget Statement shall be open to public during the discussion, published on the Parliament's and Ministry of Finance's website. The enacted budget shall become open to public immediately after the adoption by the Parliament. There is no stipulation on citizens' budget however, since 2018, the Ministry of Finance publishes annually the "Citizens' Budget" report on its website. All other budget information is available on website.</p>
	<ol style="list-style-type: none"> <li>1. Law on Budget 2011: <a href="https://www.legalinfo.mn/law/details/12254?lawid=12254">https://www.legalinfo.mn/law/details/12254?lawid=12254</a>;</li> <li>2. Budget Transparency Procedure, 2012: <a href="http://www.iltod.gov.mn/?p=2607">http://www.iltod.gov.mn/?p=2607</a>;</li> <li>3. Citizens' Budget 2018 and 2018: <a href="https://mof.gov.mn/article/entry/irgediin-tusuv-2019">https://mof.gov.mn/article/entry/irgediin-tusuv-2019</a>;</li> <li>4. Open Budget Site, Ministry of Finance: <a href="http://www.iltod.gov.mn">www.iltod.gov.mn</a></li> </ol>
<b>Indicator number 14.2</b>	Mongolia scored in 46 out of 100 in transparency in 2017 Open Budget Survey, conducted by the International Budget Partnership.
	<ol style="list-style-type: none"> <li>1. Open Budget Survey, the International Budget Partnership: <a href="http://www.internationalbudget.org/open-budgetsurvey/">http://www.internationalbudget.org/open-budgetsurvey/</a></li> </ol>
<b>Indicator number 14.3</b>	Ministry of Finance publishes annually the "Citizens' Budget" report on its website. All other budget information, including <i>pre-budget statements, the executive budget proposal and supporting documents, the enacted budget, a citizen budget, in-year reports in budget success and execution, mid-year reviews, a year-end report and an audit report</i> is available on iltod.gov.mn site.
	<ol style="list-style-type: none"> <li>1. Citizens' Budget 2018 and 2018: <a href="https://mof.gov.mn/article/entry/irgediin-tusuv-2019">https://mof.gov.mn/article/entry/irgediin-tusuv-2019</a>;</li> <li>2. Open Budget Site, Ministry of Finance: <a href="http://www.iltod.gov.mn">www.iltod.gov.mn</a></li> </ol>

## 15. PUBLIC PROCUREMENT

<b>Indicator number 15.1</b>	<b>0.75:</b> Thresholds concerning the single-sourcing of goods, services and public works are clearly defined by a decree (or a similar administrative standard)
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	With Resolution#68, the Government has adopted the Procedure on Setting Threshold for Single-Sourced Purchase of Goods, Services and Works in Procurement by Public Funds in 2013, with specific thresholds by different methods such as a) comparison b) direct purchase and c) selection of minimum threshold.
	<ol style="list-style-type: none"> <li>1. Procedure on Setting Threshold for Single-Sourced Purchase of Goods, Services and Works in Procurement by Public Funds, Resolution #68, Government of Mongolia, 2013: <a href="https://www.legalinfo.mn/annex/details/5792?lawid=9084">https://www.legalinfo.mn/annex/details/5792?lawid=9084</a>;</li> <li>2. Procedure on Setting Threshold for Single-Sourced Purchase of Goods, Services and Works in Procurement by Public Funds, Resolution #129, Government of Mongolia, 2018: <a href="https://www.legalinfo.mn/law/details/13372?lawid=13372">https://www.legalinfo.mn/law/details/13372?lawid=13372</a></li> </ol>
<b>Indicator number 15.2</b>	<b>0.5:</b> The law provides exceptions that may be vulnerable to misuse
	Pursuant to the Law on Procurement of Goods, services and Works by State and Local Funds, if the threshold defined by the Procedure on Setting Threshold for Single-Sourced Purchase of Goods, Services and Works in Procurement by Public Funds is exceeded the, the client (public office) shall set up an Evaluation Committee and may resolve to approve the exceeded quotation.
	<ol style="list-style-type: none"> <li>1. Law on Procurement of Goods, Services and Works by State and Local Funds 2005: <a href="https://www.legalinfo.mn/law/details/493?lawid=493">https://www.legalinfo.mn/law/details/493?lawid=493</a></li> </ol>
<b>Indicator number 15.3</b>	<b>0.5:</b> The legal framework requires tender announcements and contract award information (including information on the procuring entity, the supplier, the number of bidders, the good/service procured, the value of the contract) to be released
	Law on Procurement of Goods, Services and Works by State and Local Funds require that information on public procurement shall be regulated in detail pursuant to the Law on Glass Account. Pursuant to the Law on Glass Account, procurement above the threshold shall be announced publically, and information about procurement plan before 10 <sup>th</sup> of January each year, procurement information, procedure, invitation, criteria, brief information on awarded supplier and not awarded bidders and legal

	justification of selection within 7 days of selection. Contracts with procurement awardees are not stipulated to be published.
	<ol style="list-style-type: none"> <li>1. Law on Procurement of Goods, Services and Works by State and Local Funds 2005: <a href="https://www.legalinfo.mn/law/details/493?lawid=493">https://www.legalinfo.mn/law/details/493?lawid=493</a>;</li> <li>2. Law on Glass Account 2014: <a href="https://www.legalinfo.mn/law/details/10497?lawid=10497">https://www.legalinfo.mn/law/details/10497?lawid=10497</a></li> </ol>
<b>Indicator number 15.4</b>	<b>0:</b> There is no requirement for bidders to disclose their beneficial owners
	The law does not have any stipulation with regards to disclosing beneficial owners in any of procurement document.
	<ol style="list-style-type: none"> <li>1. Law on Procurement of Goods, services and Works by State and Local Funds 2005: <a href="https://www.legalinfo.mn/law/details/493?lawid=493">https://www.legalinfo.mn/law/details/493?lawid=493</a>;</li> <li>2. Law on Glass Account 2014: <a href="https://www.legalinfo.mn/law/details/10497?lawid=10497">https://www.legalinfo.mn/law/details/10497?lawid=10497</a>;</li> <li>3. Procedure on Establishment of Glass Account Site Information Content and General Standards, Resolution #29, Government of Mongolia 2016: <a href="https://www.legalinfo.mn/annex/details/7127?lawid=11760">https://www.legalinfo.mn/annex/details/7127?lawid=11760</a></li> </ol>
<b>Indicator number 15.5</b>	A citizen or a legal entity may file complaints in case they suspect the procurement transparency or information or requirements irregularity. Pursuant to the Law on Procurement of Goods, Services and Works by State and Local Funds, if the public office or a public official did not accept the complaint made pursuant to the Law on Request and Complaints Resolution Submitted by Citizens to Public Office and Public Official, a complainant may file a complaint to the State Audit Agency or Administration Court.
	<ol style="list-style-type: none"> <li>1. Law on Procurement of Goods, services and Works by State and Local Funds 2005: <a href="https://www.legalinfo.mn/law/details/493?lawid=493">https://www.legalinfo.mn/law/details/493?lawid=493</a>;</li> <li>2. Law on Glass Account 2014: <a href="https://www.legalinfo.mn/law/details/10497?lawid=10497">https://www.legalinfo.mn/law/details/10497?lawid=10497</a>;</li> <li>3. Law on Request and Complaints Resolution Submitted by Citizens to Public Office and Public Official 1995: <a href="https://www.legalinfo.mn/law/details/294?lawid=294">https://www.legalinfo.mn/law/details/294?lawid=294</a></li> </ol>

<b>Indicator number 15.6</b>	<p>Procurement information, procedure, invitation, criteria, brief information on awarded supplier and not awarded bidders and legal justification of selection should be published in full text, online on public office's glass account site.</p> <p>Private and public partnership agreements, concession agreements, amendments thereto can be disclosed in full text, online on public office's glass account site.</p>
	<p>1. Law on Glass Account 2014:  <a href="https://www.legalinfo.mn/law/details/10497?lawid=10497">https://www.legalinfo.mn/law/details/10497?lawid=10497</a>;</p>
<b>Indicator number 15.7</b>	<p>According to the Procedure on Establishment of Glass Account Site Information Content and General Standards adopted by Resolution #29, Government of Mongolia in 2016, all information related to procurement shall be published online, on glass account site, accessible to general public. Content of the procurement announcement is also defined by the procedure.</p> <p>Stipulation on a specific timing of procurement announcement however, is not in the law or procedure.</p>
	<p>1. Procedure on Establishment of Glass Account Site Information Content and General Standards, Resolution #29, Government of Mongolia 2016:  <a href="https://www.legalinfo.mn/annex/details/7127?lawid=11760">https://www.legalinfo.mn/annex/details/7127?lawid=11760</a></p>

## 16. RECOVERY OF STOLEN ASSETS

<b>Dimension</b>	<b>Background</b>
<b>Indicator number 16.1</b>	0: There is no protection of whistleblowers guaranteed by law
	<p>There is no law or policy to protect the whistleblowers in Mongolia. In 2014, 3 Parliament members have initiated the Law on Protection of Whistleblowers. The draft law is in process of development by the working group.</p> <p>In addition, the Speaker of the Parliament has initiated to amend the Law on Anti-Corruption, ensuring 10% commission out of restituted income and asset due to corruption related crimes for whistleblowers pursuant to the Government procedure which is also anticipated. Accordingly, the Criminal Code shall be revised based on working group's recommendations.</p>
	<p>4. <a href="http://www.legalinfo.mn">www.legalinfo.mn</a>;</p> <p>5. 10% commission for whistleblowers, Parliament News, 2019.09.16:</p>

	<a href="http://www.parliament.mn/n/d8jo">http://www.parliament.mn/n/d8jo</a> ; 6. Working group consultation, Parliament, 2019.09.20: <a href="http://www.parliament.mn/n/fxjo">http://www.parliament.mn/n/fxjo</a>
Indicator number 16.2	– : Not applicable or no data available
	There is no law or policy to protect the whistleblowers in Mongolia.
Indicator number 16.3	– : Not applicable or no data available
	There is no law or policy to protect the whistleblowers in Mongolia.
Indicator number 16.4	– : Not applicable or no data available
	There is no law or policy to protect the whistleblowers in Mongolia.
Indicator number 16.5	– : Not applicable or no data available
	There is no law or policy to protect the whistleblowers in Mongolia.
Indicator number 16.6	– : Not applicable or no data available
	There is no law or policy to protect the whistleblowers in Mongolia.
Indicator number 16.7	– : Not applicable or no data available
	There is no law or policy to protect the whistleblowers in Mongolia.
Indicator number 16.8	1: The law/policy creates a dedicated reporting mechanism for witnesses and victims of corruption. The body charged with operating it is provided with sufficient independence and powers to investigate the reports it receives
	<p>The National Program on Anti-Corruption and its Action Plan, adopted by the Government of Mongolia planned several activities to enhance the reporting mechanism for witnesses and victims of corruption. Although, this is not a legislation, the National Program involves both public and private sectors, and the implementation plan is designed to be assessed yearly, by all government bodies separately.</p> <p>Corruption related crimes are handled by the Anti-Corruption Agency of Mongolia pursuant to the Law on Anti-Corruption. Also, the National Program on Anti-Corruption has defined the Anti-Corruption Agency to be responsible for establishing and maintaining the reporting mechanism in a way it encourages the reporting, eliminates</p>



	<p>the burdens for reporting persons and ensures accessibility for victims and witnesses.</p> <p>By Law, the ACA has a wide range of powers and it is a special independent government body in charge of specific functions such as to raise anti-corruption public awareness and education, and corruption prevention activities, and to carry out under-cover operations, inquiries and investigations in detecting corruption crimes, and to review and inspect the assets and income declarations of those required by the Law on Anti-Corruption.</p>
	<ol style="list-style-type: none"> <li>1. Law on Anti-Corruption 2006: <a href="https://www.legalinfo.mn/law/details/8928?lawid=8928">https://www.legalinfo.mn/law/details/8928?lawid=8928</a> ;</li> <li>2. National Program on Anti-Corruption:</li> <li>3. Action Plan, clause 4.1.2.6 and 4.1.1.7, National Program on Anti-Corruption , Government of Mongolia 2017: <a href="https://www.iaac.mn/files/">https://www.iaac.mn/files/</a></li> </ol>
<b>Indicator number 16.9</b>	<p>Complaints to the ACA can be taken through website, personally, by post, hot line, email, and fax. Complaints, requests and information have increased by 83.7% since 2015. As of 2018, the ACA received 8.72 complaints per 10,000 citizens. On 4 years' average, it received 6 complaints per 10,000. Average complaints lodged through website increased 10 times, complaints submitted personally 3.7 times, hot-line complaints 20 times and through post and letter 2 times in past 2 years.</p> <p>The anonymity of a person who filed a complaint is protected pursuant to the Law on State and Public Secrecy. There is no evidence on an open source to say the anonymity of a complainant has been breached.</p>
	<ol style="list-style-type: none"> <li>1. <i>Annual reports 2017 and 2018, ACA:</i> <a href="http://www.iaac.mn">www.iaac.mn</a>;</li> <li>2. <i>The Anti-Corruption Agency Assessment of Mongolia, 2019 TI-M</i></li> </ol>
<b>Indicator number 16.10</b>	<p>3211 complaints from citizens and legal entities were received by the ACA in the last 2 years. The ACA has received 1324 complaints, information and requests in 2017 and 1887 in 2018.</p> <p>On average, 44% of received complaints had criminal nature, and the investigators opened case for 29.51% of complaints, 12.47% were transferred to relevant jurisdiction and 54.44% were rejected, with left over of 2.80% of received complaints. All cases with potential criminal nature, which comprises 44% of total received complaints, were investigated by the agency along with proactively discovered cases through undercover operations and inspections of the Personal Interest, Assets and Income Declarations of public officials.</p> <p>Annual reports of the ACA contain information, including the number of complainants, type and method of reporting, reporting by location, crime inspections, case development, awareness raising activities, recommendations, detection of new cases during investigation, implementation of laws and National Program on Anti-Corruption, follow up of recommendations and conclusion.</p>

	<ol style="list-style-type: none"> <li>1. Annual reports 2017 and 2018, ACA: <a href="http://www.iaac.mn">www.iaac.mn</a>;</li> <li>2. The Anti-Corruption Agency Assessment of Mongolia, 2019 TI-M</li> </ol>
<b>Indicator number 16.11</b>	The ACA advertises the complaint lodging processes by the people and legal entities and advertisements to encouraging complaints continuously through all government offices websites and has directly linked its website. Government agencies promote the corruption reporting hot-line through their websites.
	<ol style="list-style-type: none"> <li>1. Government site: <a href="http://www.zasag.mn">www.zasag.mn</a></li> </ol>
<b>Indicator number 16.12</b>	<p>Dorjzodov, the whistleblower, was working as chief strategy officer for an MPP-supporting businessman when he recorded audio of the campaign finance meeting on his iPad. Party officials planned to raise 60 billion tugriks (\$25 million) in campaign financing from business elites and foreign investors, according to audio recordings released by whistleblower Ganbold Dorjzodov between 2016 and 2017. MPP politicians in turn insisted that the audio had been “spliced together,” but independent expert analysis conducted in the United States concluded that it had not been tampered with.</p> <p>Dorjzodov said that he has been threatened by politicians, harassed by police, interrogated and detained by intelligence agents, and denounced in the media. Even today, he can’t find work.</p> <p>The Speaker of the Parliament and Chairman of the MPP Mr.Z.Enkhbold was ousted amid corruption scandal released by whistleblower.</p> <p>Cases such as a video release allegedly shows MPRP candidate S Ganbaatar receiving ₮50m (₮100m) from someone associated with the Korean Unification Church and Parliament candidate (Parliament member since 2016) B.Undarmaa forcing employees through senior officials of her own bank to vote for her. S.Ganbaatar’s case was returned from the Preliminary Criminal Court to the prosecutor for additional investigation and B.Undarmaa’s case never sent to the court.</p>
	<ol style="list-style-type: none"> <li>1. The Washington Post 06.28.2018: <a href="https://www.washingtonpost.com/world/asia_pacific/mongolian-democracy-has-a-familiar-ailment-and-its-all-about-money/2018/06/25/76c4452a-68cb-11e8-a335-c4503d041eaf_story.html">https://www.washingtonpost.com/world/asia_pacific/mongolian-democracy-has-a-familiar-ailment-and-its-all-about-money/2018/06/25/76c4452a-68cb-11e8-a335-c4503d041eaf_story.html</a>;</li> <li>2. Mongolia parliamentary speaker ousted amid corruption scandal, Reuters Jan 2019: <a href="https://www.reuters.com/article/us-mongolia-politics/mongolia-parliamentary-speaker-ousted-amid-corruption-scandal-idUSKCN1PO0EJ">https://www.reuters.com/article/us-mongolia-politics/mongolia-parliamentary-speaker-ousted-amid-corruption-scandal-idUSKCN1PO0EJ</a>;</li> </ol>

	<ol style="list-style-type: none"> <li>Allegations against all candidates, Julian Dierkes, June 2017: <a href="https://blogs.ubc.ca/mongolia/2017/rumours-campaign-plausability/">https://blogs.ubc.ca/mongolia/2017/rumours-campaign-plausability/</a>;</li> <li>S.Ganbaatar's case sent back, News.mn, June 2017: <a href="https://news.mn/r/503862/">https://news.mn/r/503862/</a></li> </ol>
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## 17. PROTECTION OF FUNDAMENTAL FREEDOMS

Dimension	Background
Indicator number 17.1	Mongolia scores 1.5 (1 = most free and 7 = least free) in the World Rating and classifies as free in the 2018 Country Scores. 1 on Political Rights 2 on Civil Liberties Aggregate Score (0 = least free, 100 = most free): 85.
	<ol style="list-style-type: none"> <li>Freedom House, 2018 Country Scores: <a href="https://freedomhouse.org/report-types/freedom-world">https://freedomhouse.org/report-types/freedom-world</a></li> </ol>
Indicator number 17.2	Mongolia is 71st out of 180 countries in the world rankings in 2018, with a World Press Freedom Index score of 29.05.
	<ol style="list-style-type: none"> <li>Reporters Without Borders. World Press Freedom Index 2018. <a href="https://rsf.org/en/mongolia">https://rsf.org/en/mongolia</a></li> </ol>
Indicator number 17.3	Corrupt officials are dodging punishment as corruption cases they are involved typically closed based on statute of limitation provision. According to the study conducted by the ACA, 29 corruption cases were closed during the period from 2016 to 2018 on a basis of statute of limitation. <sup>1</sup> For example, statute of limitation has completed for cases related to 2 former Parliament members, Governor of the Capital City and his son, Head of Customs Restriction Monitoring Department of Export and Import and relevant senior-level officials of the Customs Authority, Department Director of Ministry of Road and Transportation, etc., which involve high-level politicians and public officials and accordingly, they have been discharged from any punishment for their wrongdoings. This “dodging punishment” mechanism has been created by the Revised Criminal Code of Mongolia, which was adopted by the Parliament 2 years earlier. The Law states the term “ <b>STATUTE OF LIMITATION</b> ” of the case as “to calculate from the day of a crime committed until the day of a primary court decision is enforced”. Grand corruption and abuse of power/official duty, misuse of power by public officials’ cases require a substantial investigation time hence, creating such legal loophole distorts the justice system in whole.
	<ol style="list-style-type: none"> <li>Information on National Human Rights Framework 2019: <a href="https://www.ohchr.org/d">https://www.ohchr.org/d</a></li> </ol>

	2. The major “ACQUITTED” cased based on statute of limitation? 2019.09.30. <a href="https://news.zindaa.mn/2wia">https://news.zindaa.mn/2wia</a>
<b>Indicator number 17.4</b>	<p>Article 6.21 of the Law on Infringement stipulates “If, false information was released or published through the media or public network that is deceptive and defamatory to a person’s name, reputation, legal entity’s business reputation, a person shall be penalized by two thousand units and a legal entity by twenty thousand units equal tugrug”.</p> <p>Words “false, deceptive and defamatory information” are used in one sentence allowing a police to resolve at his/her discretion what should be considered as a false or deceptive or defamatory information. Furthermore, the international standard and a recommendation on “ensuring investigation by an independent from politics, economic and other interest body” have been breached. This clause is used against reporters and pressured to disclose the source of information by police.</p>
	<ol style="list-style-type: none"> <li>1. Law on Infringement 2017: <a href="https://www.legalinfo.mn/law/details/12695?lawid=12695">https://www.legalinfo.mn/law/details/12695?lawid=12695</a>;</li> <li>2. Safety of Reporters 2018: <a href="https://toimnews.mn/post/15699">https://toimnews.mn/post/15699</a></li> </ol>
<b>Indicator number 17.5</b>	By instruction of the current Minister of Justice Mr.Ts.Nyamdorj, the Capital City Police allegedly has illegal carried out undercover operations on 9 reporters who have been preparing a report on Minister of Justice.
	<ol style="list-style-type: none"> <li>1. Press addressing by the Capital city Prosecutor’s Office 26.04.2018: <a href="http://gogo.mn/r/224844">http://gogo.mn/r/224844</a></li> </ol>
<b>Indicator number 17.6</b>	There is no evidence of cases of attacks on NGOs, journalists, and other advocating on corruption.
	<ol style="list-style-type: none"> <li>1. Top 5 news sites: gogo.mn, ikon.mn, xopom.com, news.mn, zaluu.com by survey of the Media Institute</li> </ol>
<b>Indicator number 17.7</b>	In 2019, the Deputy Chief of Staff of the President’s Secretariat has filed a complaint to police on a civil activist who have tweeted her opinion (suspicion) about the President of Mongolia. Police investigated the case and penalized the civil activist with penalty of MNT 2,000,000.
	<ol style="list-style-type: none"> <li>1. Explanation by President’s Secretariat on Complaint against a Tweeterer, 26.07.2019: <a href="https://www.inews.mn/a/9282">https://www.inews.mn/a/9282</a>;</li> <li>2. @Uyanga_ts</li> </ol>

## 18. ACCESS TO INFORMATION

Dimension	Background
Indicator number 18.1	0.5: There is a limited constitutional right
	<p>The Constitution of Mongolia, Article 16.17 says "The right to seek and receive information except that which the state and its bodies are legally bound to protect as secret. In order to protect human rights, dignity, and reputation of persons and to ensure national defense, security, and public order, the information which is not subject to disclosure must be classified and protected by law."</p> <p>Pursuant to the Law on Information Transparency and Right to Access to Information which was adopted in 2011, personal information such as confidentiality of communication, health, assets, family and other information shall be restricted to be disclosed. From legal entity's information, if the legal entity classifies the information to be confidential, such information shall not be disclosed.</p> <p>Information that may impact on people's health or environmental shall not be confidential by any organization.</p> <p><b>Accordingly, any government agency or private sector company may assess its information to be confidential, restricting the disclosure.</b></p>
	<ol style="list-style-type: none"> <li>1. Constitution of Mongolia 1992: <a href="https://www.legalinfo.mn/law/details/367?lawid=367">https://www.legalinfo.mn/law/details/367?lawid=367</a>;</li> <li>2. Law on Information Transparency and Right to Access to Information 2011: <a href="https://www.legalinfo.mn/law/details/374?lawid=374">https://www.legalinfo.mn/law/details/374?lawid=374</a>;</li> <li>3. Law on Individual's Confidentiality 1995: <a href="https://www.legalinfo.mn/law/details/537?lawid=537">https://www.legalinfo.mn/law/details/537?lawid=537</a></li> </ol>
Indicator number 18.2	1: The right applies to all materials held by or on behalf of public authorities, with no exceptions
	<p>The Law on Information Transparency and Right to Access to Information clause 11.1 says "A citizen and a legal entity shall be entitled to receive the following information not related to the human rights and freedoms, national security, and lawful interests of organizations prohibited to be released to the public under the laws from the state bodies listed in the section 3.1 of the present law: 11.1.1. All information and documents, and information pertaining to the organization's contracts and agreements in possession of the organization; 11.1.2. All information pertaining to the goods and items in possession of the organization; 11.1.3. Any other information pertaining to the functioning of the organization." Furthermore, it says information that affects the national security, public interest, inspected case information by Financial Regulatory Committee or agency in charge of competition or professional inspection authority, case information in the process of registration, investigation or court and required to maintain a legal entity's or an individual's confidentiality, if</p>

	information is related to concluding an international convention or legally defined to be a confidential, those information may not be disclosed.
	1. Law on Information Transparency and Right to Access to Information 2011: <a href="https://www.legalinfo.mn/law/details/374?lawid=374">https://www.legalinfo.mn/law/details/374?lawid=374</a> ;
<b>Indicator number 18.3</b>	0.75: The right of access applies to at least five of the above-mentioned sectors, with no particular bodies excluded
	In clause 3.1, president, cabinet, all state administrative organs, national security council, and local government entities, with exclusions for the armed forces, border protection and intelligence organizations; clause 3.1.1 and 3.1.7 includes the secretariat of parliament and institutions of parliament, but not the parliament itself; all judicial branch at all levels of government: 3.1.6 : "judiciary and state prosecutors offices (at all levels); the right of access applies to state-owned enterprises (commercial entities that are owned or controlled by the state) and 3.1.9 : "legal entities funded through state property partially or entirely". There are some exclusions of government bodies.
	1. Law on Information Transparency and Right to Access to Information 2011: <a href="https://www.legalinfo.mn/law/details/374?lawid=374">https://www.legalinfo.mn/law/details/374?lawid=374</a> ; 2. Global Right to Information Rating. Indicators 7, 8, 9 an 10. Mongolia. <a href="https://www.rti-rating.org/country-data/by-indicator/7/">https://www.rti-rating.org/country-data/by-indicator/7/</a> ;
<b>Indicator number 18.4</b>	0.25: Timeframe is more than 20 working days (or 30 days, four weeks or one month)
	Requests and complaints by citizens and legal entities shall be resolved within 30 days of receipt by public officials. If required, the responding timeline may be extended for an additional 30 days.  Response to a request that has a proposal may be resolved within 90 days.
	1. Law on Resolution of Request and Petitions Lodged by Citizens to Public Offices and Public Officials 1995: <a href="https://www.legalinfo.mn/law/details/294?lawid=294">https://www.legalinfo.mn/law/details/294?lawid=294</a>
<b>Indicator number 18.5</b>	0.25: 3 or 4 points
	Mongolia scores 4 out of 10 points. "This Law shall not apply when receiving and resolving petitions, comments, complaints and statements specified in the Article 4 of the Law on Resolution of Request and Petitions Lodged by Citizens to Public Offices and Public Officials." A citizen and a legal entity shall be entitled to receive the following information not related to the human rights and freedoms, national security, and lawful interests of

	<p>organizations prohibited to be released to the public under the laws from the state bodies listed in the section 3.1 of the present law: 11.1.1. All information and documents, and information pertaining to the organizational contracts and agreements in possession of the organization; 11.1.2. All information pertaining to the goods and items in possession of the organization; 11.1.3. Any other information pertaining to the functioning of the organization. 18.1.3 : "If the concerned information relates to the state, organization and personal secret under review at the first instance report filing, investigation, and prosecution;" 21.1: "It is prohibited to disclose a business entity's confidential information, technological solutions, project and R&amp;D documents, information related to required equipment and machinery etc., which are related to the specifics of operations of the business entity or considered confidential and protected for the purpose of protecting its market share and strength in fair competition as specified in the section 2, Article 3 of the Law on Business Entity's Secret and disclosure of which may cause damage to its lawful interest, to others without a written consent of the authorized person of the business entity (executive management or other person authorized by executive management)."</p> <p>4 out of 10 points because: 3.3 - does not apply to citizen petitions. Art 11.1 - Ensuring human rights, ensuring freedom, lawful interests of authorities, 18.1.3. if it is necessary to protect the secrets of state, organization and individual during the process of inquiry, investigation and prosecution (overly broad), 21.1 - info related to the unique activity of the organization (overly broad trade clause).</p>
	<p>1. Global Right to Information Rating. Indicator 29. Mongolia. <a href="https://www.rti-rating.org/country-data/by-indicator/29/">https://www.rti-rating.org/country-data/by-indicator/29/</a></p>
<b>Indicator number 18.6</b>	0.25: Harm test is applied to all but 3 exceptions
	<p>11.1: "A citizen and a legal entity shall be entitled to receive the following information not related to the human rights and freedoms, national security, and lawful interests of organizations prohibited to be released to the public under the laws from the state bodies listed in the section 3.1 of the present law: 11.1.1. All information and documents, and information pertaining to the organization's contracts and agreements in possession of the organization; 11.1.2. All information pertaining to the goods and items in possession of the organization; 11.1.3. Any other information pertaining to the functioning of the organization." 18.1.2 : "In case if the requested information is related to an issue investigated by Mongol Bank, Financial Regulatory Committee or a government administrative body in charge of professional inspection affairs;" 18.1.4 : "If the concerned information relates to the ratification of the international treaty process;" Mongolia scores 1 out of 4 because 11.1 - national security, 18.1.2 - if the concerned information is related to matters under review by the Mongol Bank, the Financial Regulatory Commission, state administrative organizations in charge of competition or specialized inspection; 18.1.4. if the concerned information is related to the process of concluding international treaty or agreement;</p>

	1. Global Right to Information Rating. Indicator 30. Mongolia: <a href="https://www.rti-rating.org/country-data/by-indicator/30/">https://www.rti-rating.org/country-data/by-indicator/30/</a>
<b>Indicator number 18.7</b>	0: No public interest test is required by law
	Mongolia scores 0 out of 4 because this is not mentioned in the law.
	1. Global Right to Information Rating. Indicator 31. Mongolia: <a href="https://www.rti-rating.org/country-data/by-indicator/31/">https://www.rti-rating.org/country-data/by-indicator/31/</a>
<b>Indicator number 18.8</b>	<p>A citizen or a legal entity that considers its lawful right to information infringed by the commission or omission of the official, body, and organization shall have a right to complain to the upper level instances within the body or organization, the National Human Rights Commission of Mongolia, or to the court.</p> <p>The oversight body reports to and has its budget approved by the parliament, or other effective mechanisms are in place to protect its financial independence. Both reports to parliament and budget approved by Parliament. The independent oversight body has the necessary mandate and power to perform its functions, including to review classified documents and inspect the premises of public bodies.</p>
	1. Global Right to Information Rating. Indicator 37, 38, 39, 40, 41. Mongolia: <a href="https://www.rti-rating.org/country-data/by-indicator/37/">https://www.rti-rating.org/country-data/by-indicator/37/</a>
<b>Indicator number 18.9</b>	1: if the law on access to information (or another relevant law) contains requirements on the mandatory automatic publication of certain information
	<p>Pursuant to the Law on Glass Account, government bodies, state owned enterprises and projects, programs and activities funded by government funds shall mandatory publish certain financial and other information.</p> <p>Content and standards of the glass account is established by a Government procedure.</p>
	1. Procedure on Information Content and General Standards on Glass Account Publication, Resolution 29, Government of Mongolia 2016: <a href="https://www.legalinfo.mn/law/details/11760">https://www.legalinfo.mn/law/details/11760</a>
<b>Indicator number 18.10</b>	Mongolia scores 80 in the Right To Information Rating.
	1. Right to Information: <a href="https://www.rti-rating.org/country-detail/?country=Mongolia">https://www.rti-rating.org/country-detail/?country=Mongolia</a>
<b>Indicator number 18.11</b>	<p>The legal framework creates a specific presumption in favor of access to all information held by public authorities, subject only to limited exceptions.</p> <p>The Law on Information Transparency and Right to Information states “All information</p>



	<p>other than those classified as "confidential" according to the laws shall be open to the public"; 11.1. "Citizens and legal entities shall be entitled to receive the following information except the information prohibited by law to publicly disclose for the purpose of ensuring human rights, freedom, national security, and organization's lawful interest from the organization specified in article 3.1 of this law: 11.1.1. all types of information, documents, agreements and contracts in possession of the organization."</p> <p>Article 11.1. states "Citizens and legal entities shall be entitled to receive the following information except the information prohibited by law to publicly disclose for the purpose of ensuring human rights, freedom, national security, and organization's lawful interest from the organization specified in the article 3.1 of this Law"; 11.1.1. "All types of information, documents, agreements and contracts in possession of the organization"; 11.1.2. "Information related to the property in possession of the organization"; and 11.1.3. "Any other information related to the activities of the organization". 4.1.1. "citizen" means a citizen of Mongolia, foreign citizen lawfully residing in Mongolia, or stateless person lawfully residing in Mongolia. Therefore, the law allows legal persons but is limited to citizens and residents.</p> <p>The right of access applies to all material held by or on behalf of public authorities which is recorded in any format, regardless of who produced it. The law's scope is quite broad in covering all documents in possession.</p> <p>The law establishes an effective appeal system. It offers an internal appeal which is simple, free of charge and completed within clear timelines (20 working days or less). The internal appeal is in accordance with pre-established rules in other laws. Furthermore, requesters have the right to lodge an (external) appeal with an independent administrative oversight body. (i.e. Appeal to the Human Rights Commission based on the law.)</p>
	<p>1. <a href="https://www.rti-rating.org/country-data/Mongolia/">https://www.rti-rating.org/country-data/Mongolia/</a></p>
Indicator number 18.12	<p>According to article 11.3. of the Law on Information Transparency and Right to Information if the requester is a "citizen", they must provide name, address, email, telephone, national ID and signature. If the requester is a legal entity, it must provide name, address, email, state registration number and signature of individual authorized to represent the legal entity.</p> <p>Article 4.1. states "The terms found in this law shall bear the following meanings: 4.1.8. "expenses for information release" means expenses of photocopying, copying, and delivering through mail, and other required expenses for the purpose of releasing information to citizens and legal entities"; 16.4. "The amount of service fees shall not exceed the direct expenses related to release of such information such as copying and delivery through mail". Limiting the service fee to the direct cost of reproduction and delivery. Therefore, free to file a request.</p> <p>The law provides clear and relatively simple procedures for making requests. Article</p>

	<p>11.2. states “Any official of the organization, specified in the article 3.1 of this law, with mandate to receive a request for information from the citizen and legal entity is prohibited to make any other requirements not specified in this law”. In addition, article 15.1. states “A citizen and legal entity may request to receive information in an electronic form”. 15.2. In the event the request is made to receive information in an electronic form, citizen and legal entity shall prepare electronic document and include digital signature, a number of its own national ID or equivalent document and send the information through e-mail”.</p> <p>However, in August 2019, Transparency International Mongolia requested in an official letter to six District Governor’s Offices of the capital of Mongolia to provide their budget in MS excel format. As most were online in PDF format, which created the need to hand type to be able to work on them. But two were not available online /the links in their website did not work/. All the districts replied in varied times. But none provided the requested MS Excel format. Some of the districts did not state their reason.</p>
	<p>1. <a href="https://www.rti-rating.org/country-data/Mongolia/">https://www.rti-rating.org/country-data/Mongolia/</a></p>
Indicator number 18.13	<p>The Center for Citizens and Public Relations of the Cabinet of Mongolia takes recommendations, requests, applications, and complaints related to the Prime Minister, Deputy Prime Minister, Director of the Cabinet Secretariat of Government of Mongolia, ministries and public officials. The center in the first half of 2019 has received 1099 recommendations, requests, applications, and complaints. 1009 has been resolved within the legal time period, which shows 91.8 percent performance. Within most recommendations and requests the center has received were related to state policy and decisions, public official’s ethic, health, social insurance, care services, child support/money/, coal transportation, environment pollution. In addition, the center has received 2447 citizens have filed recommendations, requests, applications and complaints related to Province and the Capitals administration bodies and public officials. 2359 were resolved within the legal period. Showing 96.4 percent performance.</p> <p>However, the Independent Research Institute of Mongolia, an NGO specialized in research, monitoring and evaluation, training, advocacy and consulting projects, found in its annual report “Monitoring of Transparency In Websites of State Agencies, 2018”, most used website out of 81 state entities was the Parliament’s website with 11.2 million accesses followed by Independent Authority Against Corruption’s website with 10.6 million accesses. Showing the need to access information through state entities’ website. The report concluded that 81 state entities scored 52.8 percent /mostly transparent/. IRIM “Website’s Transparency Index 2019” report showed similar weak result.</p>
	<ol style="list-style-type: none"> <li>1. <a href="https://11-11.mn/news/">https://11-11.mn/news/</a></li> <li>2. Monitoring of Transparency In Websites of State Agencies, Monitoring report 2018, Independent Research Institute of Mongolia;</li> <li>3. Website Transparency Index 2019, Report, Independent Research Institute of Mongolia.</li> </ol>

<b>Indicator number 18.14</b>	At the time of this writing there has not been any notable improvements or deterioration in the framework or its implementation in the past two years.

#### 19. OPEN GOVERNMENT DATA (OPTIONAL)

<b>Dimension</b>	Background
<b>Indicator number 19.1</b>	Country Data for Mongolia is missing.
	1. Open Data Barometer, World Wide Web Foundation 2017: <a href="http://opendatahandbook.org/resources/">http://opendatahandbook.org/resources/</a>
<b>Indicator number 19.2</b>	Country data for Mongolia is missing
	1. Open Data Index, Open Knowledge International: <a href="https://index.okfn.org/place/">https://index.okfn.org/place/</a>
<b>Indicator number 19.3</b>	Personal Interest, Asset and Income Declaration collected from over 40,000 public officials and published by the ACA on an open site, avails the automated search features, accessible to public. Furthermore, legal entities' open database @opendata.burtgel.mn compiled information of over 140,000 legal entities, including NGOs and partnerships.
	1. State Registration Office open database: <a href="http://www.opendata.burtgel.mn">www.opendata.burtgel.mn</a> ; 2. Personal Interest, Asset and Income Declaration database: <a href="http://www.xacxom.iaac.mn">www.xacxom.iaac.mn</a>
<b>Indicator number 19.4</b>	Mongolia joined the Extractive Industries Transparency Initiative (EITI) in 2006. EITI Mongolia collects over 30 type of information from extractive industry companies, operating in Mongolia, including financial, payment, contract, corporate information, etc. and openly discloses the information on its website. After the adoption of the revised EITI Standards in 2016, Secretariat started to collect the beneficial owners' information from the companies on a voluntary basis.
	1. EITI Mongolia: <a href="https://www.eitimongolia.mn/">https://www.eitimongolia.mn/</a>