



ASIAN MEDIA BAROMETER

The first home grown analysis of the
media landscape in Asia



MONGOLIA 2012

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FRIEDRICH
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MAGAZINES DEGREE DOCUMENTS DEGREE DOCU- REPORT

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Introduction to the Asian Media Barometer (ANMB)

The *Asian Media Barometer* (ANMB) is an in-depth and comprehensive description and measurement system for national media environments in Asia. Unlike other press surveys or media indices the ANMB is a local self-assessment exercise based on criteria derived from international standards for media freedom.

At the same time the *Asian Media Barometer* serves as a practical lobbying tool for media organisations. Its results are presented to the public of the respective country with the aim to push and lobby for an improvement of the media situation using international standards as benchmarks. They are then integrated into the advocacy work by the FES offices and their local partners.

Design and method of the *Asian Media Barometer* (ANMB) have been adapted for Asia from the *African Media Barometer* (AMB), which was based on homegrown criteria derived from African Protocols and Declarations like the “Declaration on Principles on Freedom of Expression in Africa” (2002). Since 2005 the *African Media Barometer* has been held more than 70 times in over 28 African countries in intervals of 2-3 years. It offers FES and its local partners a long-term analysis of media landscapes and is used as a valuable instrument in their campaigns for media reforms.

Yet, in Asia the situation is different. There have been individual attempts in several South Asian countries to come up with a charter or indicators on freedom of expression and freedom of the media. Unfortunately, these initiatives have not been successfully established within individual countries, let alone implemented on a sub-regional, or a more ambitious regional scale. In fact, the Joint Declaration of 2006 by the UN Special Rapporteur on Freedom of Opinion and Expression and his counterparts from regional organisations notes that Asia-Pacific region lacks such a mechanism.¹

However, the lack of an Asian Charter or Declaration on Freedom of Expression is no excuse for Asian governments to restrict media freedom or deny citizens their right to access information. Article 19 of the International Covenant on Civil and Political Rights, which guarantees freedom of expression, including “the right to seek, receive, and impart information and ideas”, applies to all UN Member States. And in its General Comment from July 2011 the UN Human Rights Committee has just strengthened the protection of international law on freedom

1 International Mechanisms for Promoting Freedom of Expression, Joint Declaration by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the ACHPR (African Commission on Human and Peoples’ Rights) Special Rapporteur on Freedom of Expression, 19.12.2011, <http://www.article19.org/data/files/pdfs/igo-documents/four-mandates-dec-2006.pdf>.

of expression and provided authoritative guidance to state actors to create an enabling environment for media freedom.²

Thus, the international benchmarks being used in the *Asian Media Barometer* (ANMB) have been confirmed by the authority of the UN-system.

The only Asian document that is trying to suggest non-binding benchmarks on media freedom is the “Bangkok Declaration on Information and Broadcasting” (2003).³ Here the Ministers of Information and Broadcasting from various countries in the Asia-Pacific region as well as heads of radio and television organizations, policy makers, decision makers, scholars, and representatives of international organizations discussed and signed up to recommendations on Freedom of Information and Broadcasting Legislation.






The conference was organised by the Asia-Pacific Institute for Broadcasting Development (AIBD) and actively supported by the International Telecommunication Union, United Nations, UNESCO, the French government and the Friedrich-Ebert-Stiftung (FES). Its recommendations on freedom of information, freedom of expression and on the transformation of state into public broadcasters concur with the indicators of the *Asian Media Barometer*.

After the first successful Asian Media Barometers for India and Pakistan (2009), Thailand (2010) and the Philippines (2011), the FES-media project in Asia will be deploying this instrument for monitoring the media landscapes and advocating media reforms in more Asian countries, amongst others in Mongolia (2012), Pakistan (2012) and India (2013).

Methodology: Every two to three years a panel of experts, consisting of at least five media practitioners and five representatives of civil society, meets to assess the media situation in their own country. For two days they discuss the national media environment according to 45 predetermined indicators which they have to rate on a scale from 1 to 5 in an anonymous vote. The indicators are formulated as goals which are derived from international political protocols and declarations: The discussion and scoring is moderated by a FES-trained consultant who also edits the country report.

Scoring system: After the discussion of each indicator, panel members rate that respective indicator in an anonymous vote according to the following scoring system:

-
- 2 Human Rights Committee, One Hundred and Second Session, CCPR/c/GC, General Comment No. 34, Article 19: Freedoms of opinion and expression, Geneva, 11-29 July 2011, <http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf> (access 10.11.2011).
 - 3 Full text at <http://www.aibd.org.my/node/693> (access 10.11.2011).

1	Country does not meet indicator	
2	Country meets only a few aspects of indicator	
3	Country meets some aspects of indicator	
4	Country meets most aspects of indicator	
5	Country meets all aspects of the indicator	

That means, if the country does not meet the indicator, the score will be 1 (one). If the country meets all aspects of the indicator, it would be awarded a 5 (five), which is the best score possible.

The sum of all individual indicator scores will be divided by the number of panel members to determine the average score for each indicator. These average indicator scores are added up to form average sector scores which then make up the overall country score.

Outcome: The final, qualitative report summarizes the general content of the discussion and provides the average score for each indicator plus sector Score sheet and overall country score. In the report panellists are not quoted by name to protect them from possible repercussions. Over time the biennial or tri-annual reports are measuring the media development in that particular country and should form the basis for a political discussion on media reform.

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Asian Media Barometer (ANMB)

Mongolia 2012

Summary

As the first communist country in Asia, Mongolia has a history of 70 years under a one-party political system and oppression of opinion. After the breakdown of communist regimes in Eastern Europe in late 1989, Mongolia had its own democratic revolution in 1990. This led to a multi-party system, a new constitution in 1992 and the transition to a market economy. Over the last 20 years Mongolia has been building the foundations of a democratic society and takes pride in being one of the forerunners of human rights and freedom, free expression and media freedom in Asia.

The constitution adopted in 1992 guarantees the right to free expression of opinion and speech. In 1998, the Law on Media Freedom ruled out any legislation that would limit the independence and freedom of the media and prohibited state-owned media, state censorship and state control over public media houses. The Law on Public Radio and Television of 2005 made provision for the transformation of the state-controlled national broadcaster into a public broadcaster. In 2011, the Law on Information Transparency and Freedom of Information was passed; this facilitates transparency of state authorities or organisations funded from the state budget and allows natural and legal persons to seek information from them.

In spite of relatively strong statutory protection of free expression and media freedom, actual enforcement of these rights continues to be a major struggle, mainly due to conflicting provisions in other pieces of legislation. The Law on Information Transparency and Freedom of Information expressly provides that the existing Law on State Secrets, the Law on Approval of State Secrets' List and other acts should be part of the new law. These laws allow for the protection of a wide range of information as secret, thus acting as a shield for civil servants and allowing them to refuse the release of information.

The 1993 Law on the Legal Status of Towns and Villages allows these entities to run television stations, newspapers and magazines, and its provisions remain in place even though the Law on Media Freedom prohibits state-owned media. As a consequence, local governments continue to publish newspapers and run television and radio stations under their patronage and control.

Existing regulatory provisions on editorial independence are only applicable to public broadcasting. However, the appointment process for the governing body of the public broadcaster, Mongolian National Broadcasting (MNB), is heavily

influenced by political considerations and power relations and strong control over its editorial operations by the ruling parties is evident.

Generally, the need for legal protection of editorial independence has become one of the most pressing issues in the media sector today. This is because of the growing trend of investment by political and business leaders in private media, in order to use them as a means of disseminating their own propaganda. The unwritten law according to which media houses will always protect the interests of their owners and investors erodes adherence to journalistic principles of truthfulness, objectivity and accuracy and, as a result, the people's trust in media. The separation of editorial and marketing content has become almost non-existent and the number of paid-for articles and programmes is on the increase.

Another obstacle to exercising free expression of opinion and speech as well as the right to seek and receive information is the absence of legal protection of confidential sources of information. The courts and police frequently demand disclosure of such sources. For this reason, both citizens and journalists fear imparting serious information related to powerful circles.

Libel, slander and defamation are considered criminal acts in Mongolia and are subject to punishment by serious fines and imprisonment. This is another reason why citizens and journalists habitually practice self-censorship.

While there is a need for improving the regulatory environment for ensuring free expression for all and freedom of the media, the increased possibility for citizens to receive information since the transition to democracy and a market economy should also be noted. There are now more than 460 active traditional media outlets (over 120 newspapers, 90 magazines, 150 television and 70 radio stations) that provide a diversity of information to the public. However, a huge gap in access to information exists between urban and rural communities. The country's large territory, with a small population scattered widely, its poor infrastructure and the lack of a government policy to support small media, all contribute to rural media's extremely small circulation, low sales volumes and generally poor coverage of rural areas in both print and broadcast media. Mongolia's community media are in the prototypical development stage and there is neither general understanding of the concept nor government policy in this regard.

The majority of residents in cities and urban areas use the Internet for their information needs in addition to the traditional media outlets. Successful implementation of the "E-Mongolia" programme between 2005 – 2012 brought high-speed Internet connection to 168 out of 329 soum⁴ in Mongolia. The government does not attempt to control Internet use but obliges websites

4 A "soum" is a second-level administrative subdivision of Mongolia. The 21 "aimags" or provinces of Mongolia are divided into 329 soums.

with more than 3,000 visitors a day to register formally, disclose IP addresses of comments and install a word-filter for inappropriate language.

Ownership and use of cellular phones has increased dramatically from 721,000 in 2006 to 2.75 Million in 2011. Mobile phone networks mostly cover urban centers only and citizens in remote areas have to either go to the next city or climb a nearby mountain in order to receive services.

Media concentration is a new and growing phenomenon. This development started in the mid-1990s, when companies began to bring several media under a single ownership, and has accelerated significantly over the last few years. Real concentration levels are hard to assess because the names of owners and investors in the media industry are not disclosed. At present, Mongolia has no media-specific competition legislation to prevent such concentration and to support diversity of media.

Television remains the most important source of information for both urban and rural citizens. This perhaps explains the eagerness of authorities to exercise control over broadcasting.

The government appoints the board members and the chairman of the Communication Regulatory Commission, the body in charge of broadcasting regulation. The licensing process for broadcasters is not transparent and highly influenced by politics. The same opaque political decision-making applies in the appointment of members of the National Council, the supervisory body of the national broadcaster, and the Director of the MNB. The political party in power always has the upper hand in the National Council and, as a result, even in regard to editorial decisions. This happens despite the fact that on paper, the Law on Public Radio and Television grants the organisation full editorial independence. Nevertheless, the MNB still offers more diverse programming that meets the demands of various social groups than commercial broadcasters.

The professional capacity of most media workers is poor. International development projects, the Press Institute (PI) and Globe International are among those that provide a range of regular training courses for journalists. However, inappropriate editorial structures and poor knowledge of contemporary human resource management make it very difficult for journalists to apply their newly learnt skills to their work. The low level of remuneration and social protection benefits encourages journalists to accept bribes and seek other opportunities to make personal profits rather than to strive for a high level of professionalism and thus protect the integrity of media.

Professional organisations and some media houses have adopted codes of ethics. These are never put into practice, however, and there are no monitoring mechanisms to ensure compliance. All media professionals recognise the need for self-regulation but have so far failed to implement it, mainly due to the conflict of interests between owners and employees and an insufficient understanding

of the concept. In 2012, a revised draft Law on Freedom of Media initiated by the President of Mongolia suggested that the media be obliged to establish a media council. Many media professionals would support such a long overdue body, although some have doubts and concerns about incorporating the council into a law.

Civil society has been very actively involved in the transition to democracy. Non-governmental organisations usually take the initiative in drafting laws and regulatory provisions and government consults a range of stakeholders in the formulation stage of new legislation. Only very few such organisations, however, take on issues like the protection of media freedom and the development of media diversity and civil society in general has little understanding of the importance of free media in a democratic dispensation. Media associations themselves are mostly geared towards the protection of owners' interests rather than those of journalists or the general reading and viewing public.

In summary, Mongolia's media enjoy a relatively liberal statutory environment which follows democratic media models and values, and which allows citizens to access information and to express their opinion freely. However, there is no political will to establish the principle and practice of media freedom firmly and in equally determined fashion. This has resulted in fear and worry among media workers, strong business and political influence being brought to bear on journalists' daily professional work, poor quality of journalism and the erosion of trust in media.

SECTOR 1:

Freedom of expression, including freedom of the media, is effectively protected and promoted.

Sector 1: Freedom of expression, including freedom of the media, is effectively protected and promoted.

1.1 Freedom of expression, including freedom of the media, is guaranteed in the constitution and supported by other pieces of legislation.

Article 16 of the Constitution of Mongolia adopted in 1992 states:

The citizens of Mongolia shall be guaranteed the privilege to enjoy the following rights and freedoms:

(16) freedom of thought, opinion and expression , speech, press, peaceful assembly. Procedures for organising demonstrations and assemblies shall be determined by law;

(17) 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 the State national defence security of the country and population and protecting public order, secrets of the State, individuals, or organisations which are not subject to disclosure shall be defined and protected by law⁵.

"On paper the current legal framework guarantees freedom of expression..."

The Law on Freedom of Media of 1998 says in its Article 2 that "it shall be prohibited to issue laws that restrict media and freedom of communication media". Article 3 states that "the state shall not impose control (censoring) over the contents of public information", and Article 4 prohibits "government institutions ... from having media under their control/ jurisdiction".

On paper, therefore, the current legal framework guarantees freedom of expression for Mongolian citizens. In reality, however, what was referred to as the "symbolic provisions" of the Constitution and the Law on Freedom of Media do not allow people to make full use of this right. This is because Mongolia enacted secrecy laws in regard to the State, individuals and organisations which contain far-reaching and ambiguously worded provisions. For example Article 5 (1) of the Law on Privacy of Organisations 1995 states that the "privacy of an organisation shall be protected by the organisation itself. Organisations shall develop and follow their internal procedures to protect their privacy in compliance with laws" and legislation". By

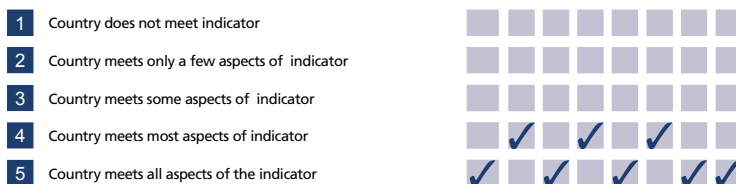
5 The English version of laws follows the translation of Globe International, <http://www.globeinter.org.mn/old/en/elaws/index.html> (access 11.11.2012).

allowing all kinds of organisations to decide for themselves what information to classify as secret, this provision encourages them to disclose as little information as they see fit. For more details on secrecy laws see indicator 1.3.

Article 34 of the Law on Legal Status of Towns and Villages contradicts Article 4 of the Law on Media Freedom, which forbids government controlled media by providing that towns shall be entitled to have their own “newspaper, magazine, radio and television”. Article 22 (5) of the same law expressly says that “cities and villages shall direct the activities of radio and television under its ownership”.

Scores:

Individual scores:



Average score 2012:

4.6

1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.

People in Mongolia feel increasingly free to express their opinions and criticize authorities, but citizens living in rural areas still face more challenges in this regard than their urban counterparts.

Mongolia's rural areas are sparsely populated, people know each other and therefore it is difficult for them to express criticism openly. Citizens in these communities are directly dependent on the local administration for services and social benefits. The mentality of fear may have been inherited from the communist era and still remains intact. Herders in particular have established a firm tradition of being submissive in front of civil servants, the people who manage and deliver the government services and social protection benefits they depend on.

Members of state authorities occasionally react to citizens who criticize them in a threatening manner. One example cited during the panel meeting occurred when the National Center against Violence, an organisation working in the area of human rights protection, ran a live, open phone-in radio session where local citizens asked questions or expressed their concerns to their local administration

"If I run this story, then there is no organisation to protect me."

in Dundgobi province. When a caller criticized the freezing temperatures in apartments and the fact that the heating had been cut off completely in some areas, the local administration officer in charge of the heating system recognized the voice of the caller and told him off.

Journalists face similar challenges. For example, a journalist in Darkhan-Uul province was denied further access to certain information on the Specialized Inspection Agency, a state agency in charge for quality control and standardization, after he had published a story in which one of the inspection officers was criticised. Another journalist spent three years investigating the privatisation of the Darkhan City Wedding Palace. He suggested that the Darkhan City Governor was connected with the illegal privatisation, but could not obtain hard evidence and was prevented from conducting further investigations. A study⁶ on journalists covering current affairs, politics and social issues during parliamentary elections – conducted by NGO Globe International in 2004 – found that the main fear of journalists is, "if I run this story, then there is no organisation to protect me". The fact that many writers use a pseudonym to hide their true identities is an indication of this fear, on the one hand a legacy of the communist era and on the other caused by the weak protection of the right to free expression of opinion and freedom of media within the current legislative framework. As a result, journalists resort to self-censorship in their work.

"If journalists... stay committed to a particular story, they will get it published."

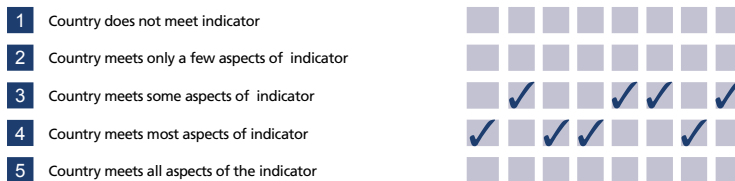
To make matters worse, journalists do not know how to defend their rights and too often accept orders or decisions by their superiors without asking any questions. For example, the management of a television station may close down a new programme shortly after its start. When a reason is sought, the department directors will say, "We were ordered to do so from the top". Nobody will seek to find out who they mean by "the top" and nobody will be surprised by such an answer. Instead they will rather opt for the "Mongolian way out": simply start a new programme and continue with their work. In general, if journalists "have a very strong conviction and stay committed to a particular story, they will get it published".

While journalists tend to be more fearful of negative repercussions when voicing dissent or criticism than citizens in general, another obstacle to free expression applies equally to both groups: the traditional mentality that you have to be kind to everybody.

6 How Mongolian Journalists Covered the Elections. Democracy and Elections project. Globe International & UNESCO, 2004, <http://www.globeinter.org.mn/?cmd=Content&id=26&menuid=65> (access 01.02.2013).

Scores:

Individual scores:



Average score 2012:

3.5

1.3 There are no laws or parts of laws restricting freedom of expression, such as excessive official secrets or libel acts, or laws that unreasonably interfere with the responsibilities of media.

There are around 50 laws in Mongolia with a possible impact on the work of the media and likely or designed to interfere with freedom of expression.

Among them are at least 15 pieces of legislation related - wholly or in part - to official secrets. The Law on State Secrets in its Article 5 describes the scope of information that may fall under the definition of state secrets quite broadly as pertaining to the areas of national security, defence, economy, science and technology as well as intelligence, counterintelligence and secret operations. Exactly what type of information within this scope is to be classified as state secrets will be determined in accordance with the Law on Approval of State Secrets' List. However, there is no set of clear rules of application. The main criteria for designating information as state secrets are very general—"being consistent with the law and appropriate".

Further ambiguity and thus room for possible abuse is created by the provisions in the Law on State Secrets regarding the body authorised to designate information held by the state as secret. The law provides, on the one hand, that the list of state secrets shall be approved by Parliament. At the same time it also authorises the Central Intelligence Agency to classify any information, items and documents as "very important - top secret" when "necessary".

According to the Criminal Law 1986, Article 87 (1), "a person in charge of state secrets ... or a person who had access to these in the course of his official duties [and who] discloses them" can be imprisoned for up to five years. "A person who does not have the right to know state secrets [but who] has searched for them or disclosed them to others" can go to jail for up to three years. In addition,

the Defence Law makes it a punishable offence to disclose information on the country's food and water supply.

Organisational secrets are well protected, whereas personal data are not. "I received a gift from a politician on my birthday. Where did they get this information from? Personal privacy should also be protected", demanded one panellist. However, these and other laws are not actively enforced, "but one day the authorities could act accordingly".

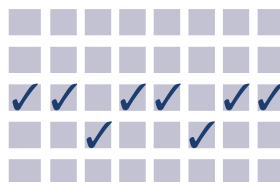
The Law on Information Transparency, Right and Freedom of Access to Information passed in June 2011 has not yet made any discernible difference, because, conflicting provisions in other laws were not amended. On the contrary: the law expressly provides in its Article 2 (1). that the Law on State Secrets Law on Approval of State Secrets' List, Law on Personal Privacy and other legislation and acts should be part of that law.

Defamation is still a criminal offence. Article 110 (1), as amended in 2008, says that "defaming [the] reputation and esteem of others by distributing false implicit or explicit accusations" can be punished by "up to one to three months or a fine of an amount that is equal to the minimum wage increased twenty to fifty times." Although the Law on Freedom of Media 1998 says in its Article 2 that "it shall be prohibited to issue laws that restrict media and freedom of communication media", all of the laws referred to above and others that impact negatively on the media have not been amended yet.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

3.3

1.4 Government makes every effort to honour regional and international instruments on freedom of expression and freedom of the media.

As a member of the United Nations, Mongolia accepted and became a signatory to the Universal Declaration of Human Rights adopted in 1948 and to the International Covenant on Political and Civil Rights adopted in 1976. Articles 19 in both of these documents provide that everyone has the right to freedom of opinion and expression including freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

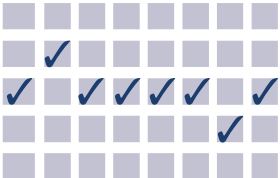
Mongolia is one of the leading countries when it comes to the number of UN conventions signed. However, the country is not carrying out the responsibilities taken on by acceding to these instruments and seems to have no will to use them as the foundation for the protection of human rights and freedom of the media within its own territory.

Although Mongolia recognised the aforementioned rights which are also contained in Article 16 of the Constitution passed in 1992, it does not really honour its obligations in this regard. The government has to submit a report on the implementation of Article 19 of the International Covenant on Political and Civil Rights once every four years. The Mongolian Government submitted its first report to the UN Commission on Human Rights only seven years after signing and the government never took up the recommendations it received. The reports submitted by the government and by non-governmental organisations differ greatly in terms of content.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

3.0

1.5 Print publications are not required to obtain permission to publish from state authorities.

According to Article 5 of the General Law on State Registration, print media are to be registered in the same manner as any other legal entity. In addition to the usual procedure the General Authority for State Registration requires from print media houses copies of their contract with printing houses and economic feasibility studies. There was a discussion among panellists on whether these requirements can be regarded as simply a matter of registration or whether they amount to permission having to be sought. Some said that the documents required are only for the purpose of allocating a registration number.

"...the registration process is subject to the registrar's taste and discretion..."

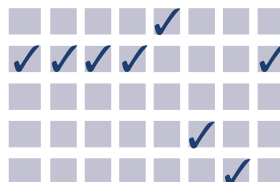
Finally, most panellists agreed that the registration process is subject to the registrar's taste and discretion and thus amounts to a matter of awarding (or refusing) permission rather than merely of registration. Moreover, they regarded

the fact that additional requirements are imposed especially on the registration of media entities is an indication that the registration procedure is open to abuse. Media companies should merely be registered under the Companies Act like all others.

Scores:

Individual scores:

- | | |
|---|---|
| 1 | Country does not meet indicator |
| 2 | Country meets only a few aspects of indicator |
| 3 | Country meets some aspects of indicator |
| 4 | Country meets most aspects of indicator |
| 5 | Country meets all aspects of the indicator |



Average score 2012:

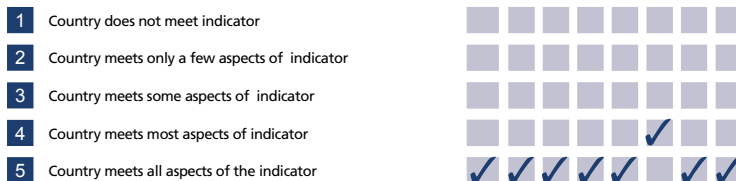
2.5

1.6 Entry into and practice of the journalistic profession is not restricted by law.

There is no legal provision to restrict entry into or the practice of journalism. More than half of all journalists presently hold at least a bachelor's degree in journalism. But there are no rules and procedures to follow or professional and other organisations to get permission from if a person wants to pursue a career in journalism.

Scores:

Individual scores:



Average score 2012:

4.9

1.7 Confidential sources of information are protected by law and/or the courts.

There is no general law on the protection of sources of information. Only the Law on Mongolian National Public Radio and Television contains a provision in this regard. Its Article 34 (2) states: "Public radio and television workers are entitled to keep confidentiality of source with the exception of judge's ruling that confidentiality of sources poses a risk of harming public interest or hampering prevention of crimes". However, journalists at the public radio and television station only rarely use this article to protect their right not to disclose their sources.

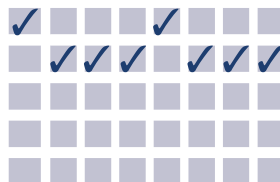
The Code of Ethics of the Mongolian Journalists' Union of 2011 obliges journalists to keep their sources of information confidential. However, this code does not have any statutory power.

In judicial practice, journalists are often pressured to disclose their sources of information in order to defend themselves and prove their innocence. Prosecutors and judges often demand that journalists disclose their source of information in trials. Defamation complaints are often filed just to force journalists to disclose their source in an attempt to protect themselves. It is also common practice for members of parliament or owners of businesses to use threats to force journalists to reveal the names of their informants.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

1.8

1.8 Public information is easily accessible, guaranteed by law, to all citizens.

The Law on Information Transparency and the Right to Information was enacted in June 2011.

According to Article 6 (1) the purpose of the Law is to provide transparency of operations of public bodies, regarding human resources management, budgets, and procurement processes of goods, works and services by the state and local governments. This transparency is to be created by placing all the necessary information on the websites of the respective government institutions.

"...it is important to educate citizens on new and different ways of seeking and receiving information."

According to Article 11 (1) citizens and legal entities shall be entitled to receive information from state bodies "except the information prohibited by law". Article 2 (1) specifically refers to the Law on State Secrets, the Law on Approval of State Secrets List and the Law on Privacy. In addition, articles 18 to 21 list a number of other exceptions, for example "if there are well-grounded reasons that the public release of the concerned information might be detrimental to the national security and public interest of Mongolia". A civil servant who does not comply with the provisions of the Law on Transparency can be disciplined, dismissed from his/her job and/or fined (Article 25).

While the law is regarded as a good piece of legislation, it does not seem to be enforced at all. Furthermore, two regulations supporting the implementation of this law are still to be adopted. Media organisations, for their part, are not demanding that its provisions be indeed applied.

Detailed information on budgets in particular are said to be hardly accessible. Budgets on procurement and human resources are still officially off-limits in part

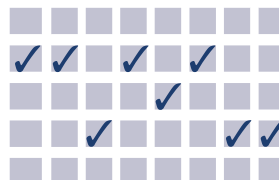
because they fall under the State Secrets Law- all this despite the fact that a Fiscal/Budget Transparency Regulation was enacted on 18 January 2012. So far, no state body has provided any information related to its budget. State bodies also do not update their websites on a regular basis. "The state bodies give self-promotional materials to journalists but not the information regarding official decisions or budget details", said one panellist.

Generally there is no culture of dealing with information related to state bodies, both among citizens and in the journalistic profession. For example, when Guchin-Yes soum (equivalent of a district) administration in Uvurkhangaï province and Bayankhutag soum in Khentii province put their information for citizens on their websites, people still kept asking the local administration for it in person. Mongolians have a tradition of sharing information face to face through questions and answers. Therefore, it is important to educate citizens on new and different ways of seeking and receiving information.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

2.9

1.9 Websites and blogs are not required to register with or obtain permission from state authorities.

The Communication Regulatory Commission (CRC) issued "Regulatory Requirements for Numerical Content Service" in the year 2011. According to these regulations, registration of websites with more than 3,000 visitors per day began in spring 2011. The Communication Regulatory Commission explained this requirement as a surveillance mechanism aimed at preventing violence, debauchery and terrorism as well as "misuse of the communication network". Panellists, for their part, regard this as a form of permission process. They also pointed to the fact that there is no distinction made in the procedure between blogs and websites. If the number of visitors reaches the threshold, both need to be equally registered. Editors of

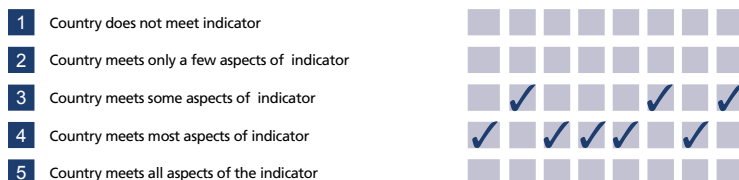
"...registration of websites with more than 3,000 visitors per day began in spring 2011."

websites in this category usually complete the registration on a voluntary basis. CRC's statistics show that there are about 60 websites with more than 3,000 visitors a day and about 17 of them have registered with CRC.

Before the parliamentary election of 2012 the Metropolitan Police Department established a working group to "prevent illegal acquisition of state power". To this end, police surveilled nearly 50 websites until after the elections.

Scores:

Individual scores:



Average score 2012:

3.6

1.10 The State does not seek to block or filter Internet content unless laws provide for restrictions that serve a legitimate interest and are necessary in a democratic society.

The Communication Regulatory Commission requires all registered websites to install filter programmes to check for "inappropriate words and phrases". All large websites do indeed run word filter programmes for user-generated comments.

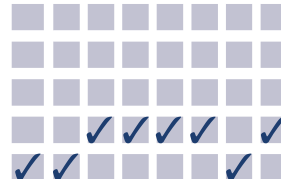
According to a panellist, on one occasion, "the Central Intelligence Agency demanded the operators of a website to hand over for investigation purposes detailed information on the IP address of the writer of a comment who had threatened to kill the President". The CRC has the technical capacity to block websites, and the power to block or shut down a website - without any judicial procedure - vests in the Central Intelligence Agency. There has been one case when these powers were invoked and the commission blocked a website that advocated pornography and violence. In September 2012, further 16 websites were closed down for publishing local and international audio and video materials without permission for copy rights.

"... all registered websites to install filter programmes to check for 'inappropriate words and phrases'."

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

4.4

1.11 Civil society in general and media lobby groups actively advance the cause of media freedom.

Civil society organisations generally have very little understanding of the concept of freedom of media. Only a few non-governmental organisations which cooperate with the media have certain sympathy for the media's concerns. Media related organisations such as Globe International or the Press Institute actively promote the cause of media freedom by research, seminars, publications, training and the like.

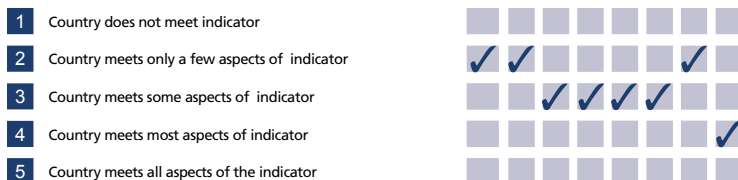
The Newspaper Association and the Union of Televisions represent the interests of owners of media houses and are not necessarily promoters of the principle of media freedom. The Mongolian Journalists' Union has both employees and owners of media companies as members and is thus hampered by an in-built conflict of interest. It is difficult for media groups to defend the rights of their members or media freedom in general by applying to courts of law because these accept complaints by natural persons only and not by institutions.

"In certain cases politicians have even established their own NGOs..."

The concept of civil society as such is problematic in Mongolia. Too many civil society bodies advocate for interests who are often intertwined with those of politicians and/or businesses. In certain cases politicians have even established their own NGOs to promote their personal agendas.

Scores:

Individual scores:



Average score 2012:

2.7

1.12 Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups.

Non-governmental organisations usually take the initiative in drafting laws and regulatory provisions.

For example, the Law on National Radio and Television meant to transform the state broadcaster into a public broadcaster was developed on the initiative of Globe International (with the assistance of the Friedrich Ebert Foundation) and passed after a long and vigorous process of deliberation. The review of the 1998 Law on Freedom of Media is still under discussion. As there were two versions of the proposed Media Freedom Law, the NGOs organized several meetings with government representatives to compare differing provisions in the two drafts and agree which version would better protect the media freedom. In the meetings the draft law proposed by the Government was strongly criticized by civil society organizations for its restrictive provisions and has consequently been withdrawn by the respective agency who initiated the law. Since 2001 active discussions among civil society organizations and government officials also took place on the need for freedom of information legislation.

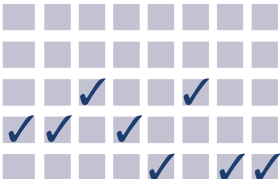
Draft laws are now placed on the websites of government, and this is followed by active feedback and participation in the ongoing discussion. The Civil Chamber of the Office of the President plays a significant role in these discussions.

Despite the vibrant debate, however, the results promoted by NGOs are not always achieved. The panellists felt that lawmakers will in the end usually retain those provisions that serve their interests and throw out the rest when submitting a draft law to parliament. For example, the provision in the foreign investment legislation - which restricts foreign investment in the telecommunications and some other sectors to 49% - was passed without ever canvassing the stakeholders.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

4.1

Average score for Sector 1:

3.5

SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability.

Sector 2: The media landscape, including new media, is characterised by diversity, independence and sustainability.

2.1 A wide range of sources of information (print, broadcasting, Internet, mobile phones) is accessible and affordable to citizens.

Print

In 2011, Mongolia had 126 print newspapers, among them 16 dailies and 30 weeklies and 92 print magazines, many of them quarterlies (40)⁷. 14% of the total population above the age of 12 read newspapers on a daily basis, most of them being people older than 30 years with higher education⁸. The newspaper price per copy has steadily increased over the past decade from MNT 200 to 250 (US\$ 0.14 to 0.18) and now stands at MNT 500 to 600 (US\$ 0.36 to 0.43), roughly the same as the price of one loaf of bread. Many people cannot afford such a daily expense any more, have discontinued buying and read the papers at their places of work. For retired people, who used to be active readers, the price is particularly hard to afford and quite a number have stopped reading several different papers.

Most readers focus on daily newspapers whose sales increased by 26% between 2010 and 2011. Five out of the 16 dailies with a total daily print run of 65,000 copies share 61% of the market⁹. This figure of 65,000 copies seems to be fairly low, given a population of nearly 3.5 million with a literacy rate of 97.4% for citizens of 15 years and older.

Despite being more expensive than newspapers (MNT 1,000 [US\$ 0.72] per copy for weekly magazines), the sales figures of magazines are increasing steadily (e.g. by 30% from 2010 to 2011¹⁰). More than half of these publications are lifestyle, light-content, beauty and television programme magazines. The majority of weekly magazine readers (77%) are young people in the age bracket from 12 to 29¹¹. The combined weekly print run of magazines is 74,000 copies.

According to the 2006 Law on VAT, Article 13.1.14, all sold newspapers are exempt from VAT.

Prospects for a further extension of the market are limited because of generally poor distribution systems and the absence of door-to-door deliveries both in rural areas and in the capital Ulaanbaatar.

7 Mongolian Media Today Report, Press Institute, Ulaanbaatar 2012, p. 2.

8 Media Audience Research Report, Press Institute, Ulaanbaatar Sep. 2012.

9 Mongolian Media Today Report, op.cit., p. 15.

10 Ibid.

11 Media Audience Research Report, Press Institute, op.cit.

Broadcasting

In 2011 Mongolia had a total of 72 registered radio and 149 television stations, both national and local, and no fewer than 23 new television stations¹² joined the market¹³ during the year. 36 of the total number are cable TV stations. Sansar Cable Network, for example, charges a monthly subscription fee of MNT 7,000 (US\$ 5.00) for a package of 94 channels. Recently companies have started to offer service packages that include TV and Internet.

Radio is not as popular. FM coverage is very limited and only available in cities. Half of Ulaanbaatar's population aged above 12 does not listen to radio at all. Only 17% are regular listeners, mainly aged between 30 and 39, who tune in while driving in a car.

Internet

Internet access is well developed. According to a CRC report¹⁴, the world average rate for high-speed Internet access is about 30 to 35% and the figure stands at 33% in Mongolia. Successful implementation of the "E-Mongolia" programme brought a high-speed Internet connection to 168 out of 329 soums in Mongolia. Despite the connectivity rate, actual use of the Internet is fairly low in the rural areas while 63% of residents in Ulaanbaatar above the age of 12 use the Internet on a daily basis. The large majority (70%) of active Internet users are young people aged between 12 and 29.

"Herders...need access to the Internet through mobile phones for weather and commodity price information."

Mobile phones

Mobile phone penetration is very high. While cell phone ownership rates worldwide stand at an average of 80% in proportion to the population, the figure is 120% in Mongolia. Cellular carriers attract customers through discount offers and lucky draws. Due to the competition, the price of mobile phone services has been decreasing significantly over the years. Mobile phone networks mostly cover urban centers only and for this reason citizens in remote areas have to either go to the next city or climb a nearby mountain in order to receive services. In general, the trend is for people to access Internet content on their mobile, and thus an increase in the appropriate, more sophisticated hardware. Herders, in particular, need access to the Internet through mobile phones for weather and commodity price information.

¹² Mongolian Media Today Report, op.cit., p. 2.

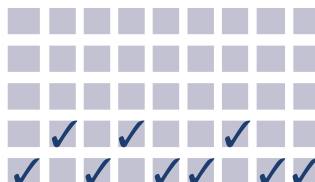
¹³ Op.cit., p. 4

¹⁴ Communications Regulatory Commission News report. May 17, 2012
<http://crc.gov.mn/file/setguul/CRCnewssecond.pdf> (access 11.12.2012).

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

4.7

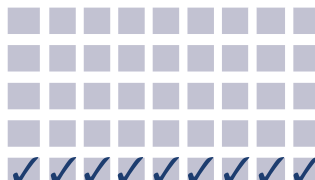
2.2 Citizens' access to domestic and international media sources is not restricted by state authorities.

Mongolians can access international media sources without any restriction thanks to over 40 Internet service providers, 36 cable TV operators and five cellular carriers. There is no noticeable government effort to restrict this access.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

5.0

2.3 Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.

It takes up to two weeks for a daily to reach remote areas.

There are six registered postal and package delivery companies. The dominant player is a state-owned company, Mongol Post. In recent years, the number of small postal companies has been growing. However, none of them is big enough to rival Mongol Post in terms of its distribution network. This state of affairs is

open to abuse by politicians. One panellist told the story of a member of parliament who, with the assistance of the police, had all newspapers that published negative stories on her confiscated from Mongol Post branches during her election campaign.

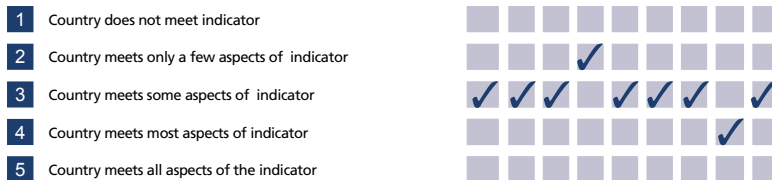
Newspapers are exempt from VAT, but media owners seem reluctant to take advantage of this privilege by improving circulation to rural areas. Newspapers published in Ulaanbaatar also rarely cover events in the rural areas.

"...a member of parliament... had all newspapers that published negative stories on her confiscated..."

There is no effort by the state to promote local media, particularly community media. For example, newspapers published in a minority language are not able to operate on a sustainable basis due to financial obstacles and lack of support, even though such publications are much in demand by the local community.

Scores:

Individual scores:



Average score 2012:

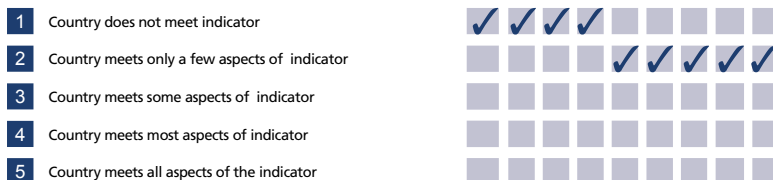
3.0

2.4 The editorial independence of print media published by a public authority is protected adequately against undue political interference

In contravention of the Law on Media Freedom 1998 which prohibits state ownership of media, 12 publications and seven television stations are in fact owned by state organizations, mostly local governments through their Citizens' Representative Councils which also provide the funding. Also, the state-owned news agency MONTSAME, that publishes print media and that is long supposed to have been transformed into an independent public body, is headed by a director who is appointed by the Prime Minister. Except MONTSAME's publications which promote Mongolia abroad, all the other media published and run by state authorities, serve the purpose of promoting state and/or local government policies.

Scores:

Individual scores:



Average score 2012:

1.6

2.5 Adequate competition legislation/regulation seeks to prevent media concentration and monopolies

Media concentration is a new and growing phenomenon in Mongolia. It started in the mid-1990s when companies brought several media under a single ownership. The process has accelerated significantly over the last few years. Today, the state-owned MONTSAME runs six newspapers and one magazine, Mongol News Group three newspapers and one magazine (with a total aggregate circulation of no less than 3.3 million copies) and one TV station, Mongol Mass Media Group one magazine, two TV stations and one web media, while the growing Ekh Goyot Group runs three magazines, one newspaper, one TV and one FM radio station as well as one web media.

"It is difficult... to determine the real level of media concentration."

Ownership of media is not transparent. Information on circulation, sales and market-share is also kept confidential. It is difficult, therefore, to determine the real level of media concentration.

The Communication Regulatory Commission rule on "General Regulations on Radio and Television Services" regulates transparency of ownership in the electronic media. Even though some media ownership data is posted on the CRC website, it is difficult to determine the real owners

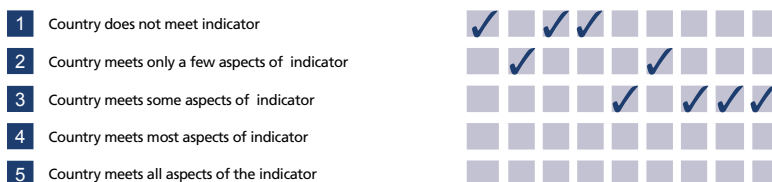
because information on owners and investors is neither clear nor transparent. For example, Genco Group, one of Mongolia's biggest business groups operating in different sectors including food & beverage, consumer products, banking & finance, education, travel & tourism, mining, media & publishing, security & escort, property management etc., mentions on its website that it runs a media business but does not say who the investors are and how much money was invested. No special legislation exists to prevent the development of media monopolies. Although there are competition laws in place there is no legislation specific to the media. Since no information on ownership is disclosed, a number

of ways of owning a variety of media remain open. Large business and political groups keep merging or acquiring media companies to create media oligopolies.

The Law on Regulation of Foreign Investment in Entities Operating in Strategic Sectors enacted in May 2012 covers media, communication, mining, banking and finance in an attempt to regulate activities that might threaten Mongolia's national security by controlling ownership. This legislation represents the first-ever attempt to regulate media ownership. If a foreign legal entity or person buys more than 5% of a media company, the acquisition must be registered with the state authority in charge and notification given on the foreign entity's invested asset. The purchase of more than 33.33% of shares will require Cabinet approval. The danger is that as long there are no firm rules of play in place, the diversity of information sources is likely to diminish.

Scores:

Individual scores:



Average score 2012:

2.1

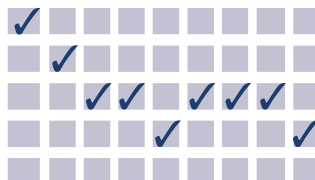
2.6 Government promotes a diverse media landscape with economically sustainable and independent media outlets.

There is support for certain sectors of the media. National Public Radio and Television receives a state subsidy of MNT 6 billion (US\$ 4.3 million) annually. Newspapers are exempted from VAT and the government also provided financial assistance from the state budget for ten local television stations when they faced transmission problems. However, the government has not taken any initiatives or developed policies aiming at the promotion of small media, in particular community media. The general impression is that the government seems to be responsive to requests for such support only during election times.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

2.9

2.7 All media fairly reflect the voices of both women and men.

A UNFPA study¹⁵ on the proportional representation of the two genders in media coverage shows that there is a clear disparity between men and women as sources of information in Mongolia. Women's voices are rarely and insufficiently reflected and information is mostly sourced from men. This is particularly true in the political arena and most notably during election periods. Most politicians in senior positions are men. As a result, mostly men will be cited by journalists or invited for television discussion shows or interviews.

"Women's voices are rarely and insufficiently reflected..."

Media in Mongolia hold traditional views on the role of men and women in line with the unchanged conservative mentality in the country where women are seen primarily as housewives. A comparative qualitative study on media content on men and women candidates for parliamentary elections in 2000 and 2008 shows that men are usually portrayed in relation to their professional work and position whereas stories on women candidates focus largely on looks and family¹⁶. Instead of addressing the real issues faced by women, the media generally remain focussed on soft topics like beauty, looks and family.

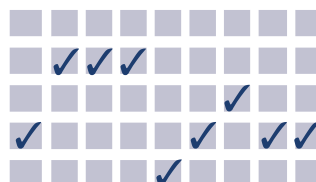
¹⁵ Gender Sensitivity in Media, UNFPA, National Commission for Gender Equality under Government of Mongolia, IRIM 2010, p.7.

¹⁶ Representation of Women Politicians in the Mongolian Daily Newspapers in 2000 and 2008. Critical analysis report, Press Institute 2012.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

3.3

2.8 All media fairly reflect the voices of society in its ethnic, linguistic, religious, political and social diversity.

Mongolian media as a whole serve the varying and diverse needs of the country's people. The Law on Mongolian National Public Radio and Television specifically obliges the public broadcaster to ensure diversity of voices. In line with this obligation the MNB also broadcasts programmes in three minority languages, Kazakh, Tuvaand Buriad, on its second TV channel.

"...the MNB also broadcasts programmes in three minority languages..."

A certain bias in regard to language accents, however, still remains, perhaps a legacy of the communist era when accents of minorities were discriminated against. Some minority accents are not included in broadcast programmes such as voxpops. There are now two newspapers in the Kazakh language on the market – a development which is seen as a sign of progress.

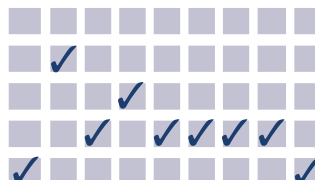
The media tend to report on foreigners, the Chinese in particular, in a discriminatory and even hate-driven tone¹⁷.

¹⁷ Research Report on Representation of China and Russia in the Mongolian Newspapers in 2000 and 2010, Press Institute, 2011.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

3.9

2.9 The country has a coherent ICT policy, which aims to meet the information needs of all citizens, including marginalised communities.

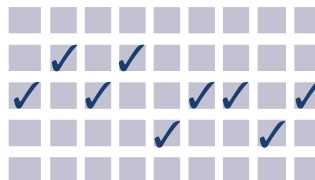
The government says it is committed to expanding the country's ICT infrastructure to ensure that everyone has access to the Internet. There is no specific policy, however, to target marginalised groups in particular in order to improve their access to information that may be vital for their life and wellbeing. One of the outcomes of this neglect is that the government's social benefit programmes, for example, often do not reach the poor at all because they do not know about them and thus have no chance to claim their rights.

The panellists agreed that non-governmental organisations should urgently address this issue and push for change.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

3.0

2.10 Government does not use its power over the placement of advertisements as a means to interfere with editorial content.

Every government department or organisation has a special unit for communications and advertising, with a total budget for media campaigns of about MTN 6 billion (US\$ 4.3 million). Advertisements are placed in the media - without any open tender - on occasions such as anniversaries and other celebratory events.

The government units enter into cooperation agreements with the media where they wish to place their advertisements: the media house in question will be obliged not to publish any negative stories on or criticism against the government. In addition, pressure will be exerted on editors to include government information in their pages or broadcast programmes. Similar approaches are applied in the case of advertising placed by commercial companies. The media complain openly about these demands but say that they have no other choice but to live with this situation.

Scores:

Individual scores:

1	Country does not meet indicator	✓	✓	✓	✓	✓	✓		
2	Country meets only a few aspects of indicator							✓	✓
3	Country meets some aspects of indicator								
4	Country meets most aspects of indicator				✓				
5	Country meets all aspects of the indicator								

Average score 2012:

1.6

2.11 The advertisement market is large enough to support a diversity of media outlets.

Mongolia's advertising market is supposed to have an annual turnover of US\$ 20 million, according to Maxima Consulting LLC¹⁸. The increase of the number of television stations led to a larger advertisement market instead of reduction. There are four main groups of advertisers: mobile phone companies, banks, development projects and mining companies.

¹⁸ Maxima Consulting LLC. World Media Market Growing. A comparative presentation of Mongolian Television Advertisement Market with the International Market. Ulaanbaatar, 2012, <http://www.docstoc.com/docs/50632293/MAXIMA-Media-market> (accessed 11.12.2012).

The target audiences for marketing activities are located predominantly in Ulaanbaator – there is hardly any such activity in the rural areas, a fact that makes starting or sustaining media outlets in the provinces almost impossible.

"The target audiences for marketing activities are located predominantly in Ulaanbaator..."

Subliminal (hidden) advertising has been growing over the last three years. This kind of direct or indirect product placement, which is not recognisable for readers or viewers and appears in the form of editorial content, is now increasingly replacing regular advertising. This makes it even more difficult to assess the real size of the advertising market.

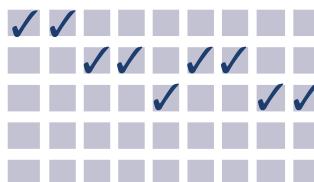
Whatever the concrete figures may be: the total ad spend is certainly not big enough to support the 218 print and 221 broadcast media presently on the market. It is fair to assume, therefore, that there must be other sources of funding from business and politicians.

Theoretically, marketing officers in companies should be doing business with those media houses that deliver the highest number of viewers/readers for their particular product. However, the newly adopted principle is to place advertisements across the board in all media outlets. This has led to a levelling of rates and in fact a drop in prices achieved for advertising space. Such a pattern of revenue generation cannot support a diversity of media outlets.

Scores:

Individual scores:

- | | |
|---|---|
| 1 | Country does not meet indicator |
| 2 | Country meets only a few aspects of indicator |
| 3 | Country meets some aspects of indicator |
| 4 | Country meets most aspects of indicator |
| 5 | Country meets all aspects of the indicator |



Average score 2012:

2.1

Average score for Sector 2:

3.0

SECTOR 3:

Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

Sector 3: Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

3.1 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.

Broadcasting in general is regulated by the Law on Mongolian Telecommunications and the Law on Radio Waves. The Law on Telecommunications establishes the Communication Regulatory Commission (CRC). The CRC has developed procedures which govern primarily the commercial sector and are not applicable to the public broadcaster Mongolian National Broadcasting (MNB), which is governed by the Mongolian National Public Radio and Television Law 2005.

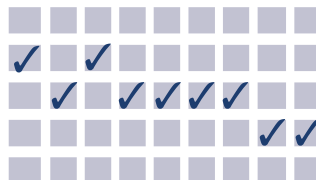
There is no provision for community broadcasting and thus no legal base for licensing community radios, for example. These would have to register as non-governmental organisations and then apply as an NGO for a commercial licence.

The requirements for commercial broadcasters stipulate for example that the names of the owners of broadcasting companies must be disclosed and that at least 50% of the airtime of television stations should consist of self-produced programmes. The CRC regulates broadcasters in the capital city only but exercises no control of any kind over the operation of rural broadcasters.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

3.0

3.2 Broadcasting is regulated by an independent body adequately protected by law against interference whose board is appointed - in an open way - involving civil society and not dominated by any particular political party.

According to Article 8.6.1 of the Telecommunications Law the Communication Regulatory Commission shall consist of six members “with a university education in economy, telecommunications, law or business administration”. Article 8.3 says that “the head and members of the regulatory council shall be appointed by the Prime Minister”. There is no involvement of civil society in the process.

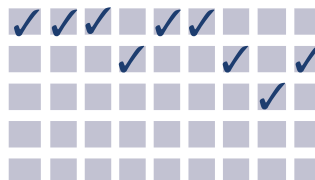
The CRC’s main source of funding is the collection of licence fees from mobile phone companies.

“There is no involvement of civil society in the process.”

Scores:

Individual scores:

- | | |
|---|---|
| 1 | Country does not meet indicator |
| 2 | Country meets only a few aspects of indicator |
| 3 | Country meets some aspects of indicator |
| 4 | Country meets most aspects of indicator |
| 5 | Country meets all aspects of the indicator |



Average score 2012:

1.6

3.3 The body regulates broadcasting services and licenses in the public interest and ensures fairness and a diversity of views broadly representing society at large.

Broadcasting licences can be sold at an auction or issued through an open, competitive tender. Mongol TV’s licence was the only one to date sold at an auction for MNT 806 million (US\$ 575,000). The CRC has since decided not to hold any more auctions as it is concerned about the risk of not knowing the true identity of a buyer willing to part with a lot of money in exchange for a licence.

"...the political party in power will have a strong influence over the licensing process."

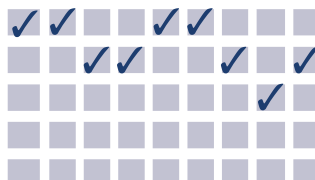
According to the Law on Radio Waves in its article 10 (1) (4) applicants for a radio frequency need "the permission of Governors of aimags (provinces), the capital city, soums and districts".

The composition of the CRC ensures that the political party in power will have a strong influence over the licensing process. Most broadcasting channels owned by members of the Democratic Party, for example, acquired their licences during the party's term in office (2004 to 2008). In the following four years, with the People's Party now at the helm, most broadcasting houses in the possession of its members were granted their licences.

Scores:

Individual scores:

- | | |
|---|---|
| 1 | Country does not meet indicator |
| 2 | Country meets only a few aspects of indicator |
| 3 | Country meets some aspects of indicator |
| 4 | Country meets most aspects of indicator |
| 5 | Country meets all aspects of the indicator |



Average score 2012:

1.7

3.4 The state/public broadcaster is accountable to the public through a board representative of society at large and selected in an independent, open and transparent manner.

According to article 21 (4) of the Mongolian Public Radio and Television Law 2005 civil society organisations shall nominate candidates for membership in the broadcaster's supervisory body, the National Council. However, the final decision on the actual appointments rests with Parliament, the government and the President.

The first round of appointments of the 15 National Council members involved the active participation of civil society organisations. They held several consultative meetings, adopted a nomination procedure and nominated candidates from different sectors. The

"...suspicion is rife that the members of the National Council... were selected according to political criteria."

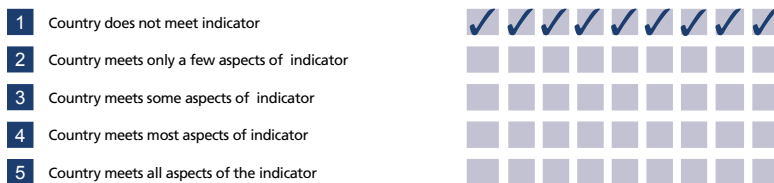
nominees received an approval rate of 60% from Parliament and were appointed accordingly.

After that the appointment procedure turned into a political process. During the last round of appointments in September 2012 no meetings of civil society were held anymore and suspicion is rife that the members of the National Council - all of them with some kind of political affiliation - were selected according to political criteria.

The National Council members are not accountable to anyone. The official body entitled to demand responsibility from the National Council members - and if necessary, dismiss them from membership - is the Inspection Committee. However, the Committee is established by the National Council itself and consists of Council members. Their reports published on the MNB website may be considered a form of accountability but are merely symbolic.

Scores:

Individual scores:



Average score 2012:

1.0

3.5 Office bearers with the state and political parties as well as those with a financial interest in the broadcasting industry are excluded from possible membership on the board of the state/public broadcaster.

According to Article 21 (3) of the Mongolian Public Radio and Television Law, “the nomination for the membership on the National Council shall be prohibited if he/she is a civil servant ... a senior official of a political party, a current employee and non-employee who is involved with program policy development of other radio and television stations, holds a financial interest in other radio and television stations or poses potential influence/interference with the financial autonomy of public radio and television”.

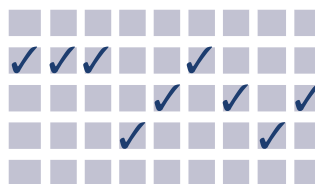
"In practice, some appointed members use the disguise of civil society organisations..."

In practice, some appointed members use the disguise of civil society organisations but are in fact people not eligible for appointment according to the aforementioned provisions. One member, for example, was appointed as a representative of the Political Academy but in reality he is a well-known member of the Democratic Party and represents them. Another member worked as an advisor to a commercial television station during his tenure, which is an obvious conflict of interest.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

2.8

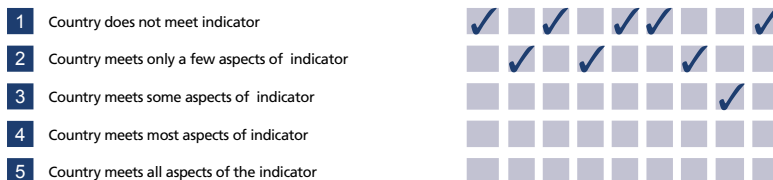
3.6 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practiced.

According to Article 5 (1) of the Mongolian Public Radio and Television Law, "the public radio and television reporters and editorial office shall prepare programmes upholding the principles of the Constitution and this law, and legal entities, officials and persons or the administration of public radio and television are prohibited from influencing, interfering or obstructing the dissemination of such programmes to the public".

In practice, however, there is no such editorial independence because of the flawed appointment procedure for the National Council, the broadcaster's supervisory body (see indicator 3.4).

Scores:

Individual scores:



Average score 2012:

1.6

3.7 The state/public broadcaster is adequately funded in a manner that protects it from arbitrary interference through its budget and from all commercial pressure.

Article 17 of the Law on Public Radio and Television provides that the MNB's income will be derived from a licence fee to be collected from households, advertising revenue, revenue from rent of equipment and other assets, donations, state budget funding allocations and other sources of revenue. The monthly licence fee of MNT 1,100 (US\$ 0.80) is collected through the electricity bill and debited to the customers' bank accounts. The CRC argues that the fee is a reliable and adequate source of revenue, on the basis of the following calculation: Mongolia has 760,000 households. If at least 300,000 Ulaanbaatar households pay the fee, this will amount to nearly MNT 4 billion (US\$ 2.8 million) a year. According to the MNB management this fee is not sufficient for the needs of the public broadcaster in Mongolia, a country with a large territory and a small population.

Advertising revenue is limited. Only two percent of total airtime can be used for this purpose and must consist of non-commercial, "social" advertisements.

With other possible sources of funding being equally limited, the MNB is thus to a large degree dependent on state funding. This in turn opens the door for influence and interference being brought to bear on the broadcaster from people in power, those who make government budgetary decisions.

In addition, all the funding has to go through the Ministry of Finance and government regulations have to be followed especially in regard to the staff who work essentially under the same conditions as those that apply to civil servants.

"...if journalists want to produce a programme outside the capital they often try to find sponsors..."

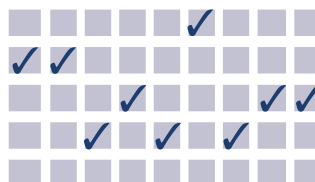
Increasingly the MNB is seeking to augment its revenue through sponsorships and paid programmes such as business news. Although article 13 (2) (2) of the Law on Public Radio and Television states that “advertisement is prohibited during regular programme hours of news on national and international current affairs”, one per cent of MNB’s news time on current affairs is dedicated to advertisements. Moreover, if journalists want to produce a programme outside the capital they often try to find sponsors because they have to pay travel costs out of their own pockets. All of this results in programme imbalances and a lack of editorial independence.

“Public” broadcasters in rural areas (those owned by the municipalities) are also allowed to collect licence fees, which leads to double-charging of households in these parts of the country.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

2.9

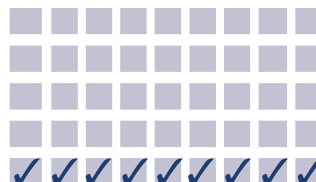
3.8 The state/public broadcaster is technically accessible in the entire country.

Mongolian National Radio and Television is technically accessible in the entire national territory.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

5.0

3.9 The state/public broadcaster offers diverse programming formats for all interests.

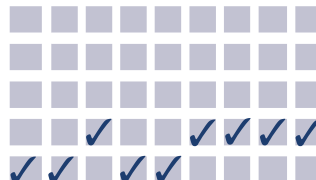
Compared to other television stations, MNB's programmes are diverse and their quality has improved over the years. The broadcaster offers programmes on economic, political and family issues, special formats for children and youth, educational programming and recreational shows. Its second channel broadcasts in different minority languages.

*"...MNB's
programmes
are diverse..."*

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

4.4

3.10 The state/public broadcaster offers balanced and fair information in news and current affairs, reflecting the full spectrum of diverse views and opinions.

"Conflicting views are not reported and there is no news analysis..."

In the years after the public broadcasting legislation first came into effect in 2005, the news coverage of the MNB improved tremendously. More recently, though, this welcome development has been reversed.

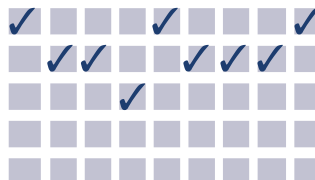
The public broadcaster's news and current affairs programmes are mostly boring and one-sided compared to those of commercial television stations. They tend to confine themselves to standard protocol news, revolve around government activities, particularly those of a few Cabinet members, and mostly promote the government. A Press Institute report¹⁹ shows that 30% of news information come from a single

source and are mostly about senior government officials including ministers and directors. Conflicting views are not reported and there is no news analysis.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

1.8

3.11 The state/public broadcaster offers as much diverse and creative local content as economically achievable.

The proportion of self-funded and self-produced programmes is relatively higher for the MNB compared to other television stations. The Press Institute study²⁰ shows that about 60% of airtime is dedicated to locally produced programmes, often funded by international organisations within the framework of development projects. Creativity, however, is lacking as the formats are mostly very simple and

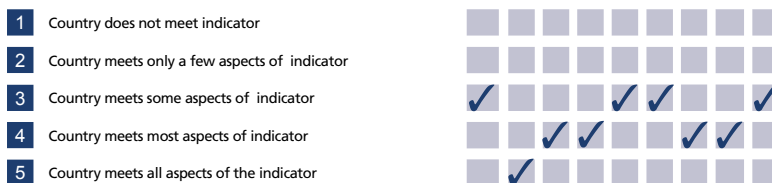
¹⁹ Transition Period Monitoring of Public Television, Press Institute, Ulaanbaatar, 2011 p.10.

²⁰ Ibid.

repetitive. In general, few non-fiction programme formats plus TV drama play a role in the weekly MNB programme, while various formats of talk shows, team and game shows or musical performance are used only randomly²¹.

Scores:

Individual scores:



Average score 2012:

3.7

3.12 Community broadcasting enjoys special promotion given its potential to broaden access by communities to the airwaves.

Community broadcasting targets either geographic communities, that is, people residing in a particular geographic area, or communities of interest, be they cultural or institutional. Such stations must be owned, managed and shaped by the people they serve and are not allowed to make profits - any income must flow back into the station's activities.

Mongolia has no regulatory provisions for such media but they do exist to a certain degree, even though they are often difficult to distinguish from local radio. Dulguun Kherlen public radio in Khentii province, for example, is a non-profit station and seems to belong to the public. In reality, it is more of a family or private business. Several community radios were set up with the support of UNESCO, UN Trust Fund and Open Society Institute which donated equipment and assisted with operational costs for one year. After this period – not surprisingly – the stations failed to sustain themselves. An additional ten such stations have since been established in four western provinces, with the help of UNESCO. In this case they provided not only equipment but also training to ensure the survival of the stations.

Both funders recommended that community broadcasting should be given more support by government and that a policy to this effect should be put in place. So

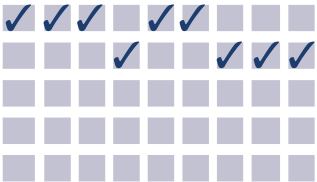
²¹ Monitoring of the Programming Structure and News and Information Programs of the Mongolian National Broadcaster in Its Transition Period 3, Press Institute, 2011, pp. 19-29.

far, however, no support for such initiatives has been forthcoming from the state and once international organisations step aside, community radio stations will stop broadcasting.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

1.4

Average score for Sector 3:

2.6

SECTOR 4:

The media practice high levels of professional standards.

Sector 4: The media practice high levels of professional standards.

4.1 The media follow voluntary codes of professional standards, which are enforced by self-regulatory bodies that deal with complaints from the public.

Following the transition to democracy and a market economy, various media unions and associations have developed different codes of ethics. These codes, however, remained mere declarations and have not been enforced. The Union of

Mongolian Journalists and the Union of Mongolian Democratic Journalists merged to become the Mongolian Journalists' Union in 2005. The new body approved a joint code of ethics, amended in 2011; again, this has not been implemented or translated into daily journalistic practice.

"...apologies mostly refer to complaints from people in power..."

Some media houses have their own codes of ethics, for example the 'Golden Rule' of the state news agency MONTSAME or the code of ethics developed by the paper People's Right. The lack of monitoring compliance with these principles has resulted in the codes remaining on paper only. The MNB has its own code of conduct. There are also legal provisions that give listeners and viewers the right to complain.

It is now common for newspapers to publish an apology – not always, though, for errors that may have occurred. Such apologies are often dishonest and merely an attempt to avoid uncomfortable confrontation: A journalist will write a factual story, a politician, for example, will complain and approach the editor, and the editor will duly publish an apology according to the complainant's wish without checking the facts with the journalist who wrote the original story. Such apologies mostly refer to complaints from people in power, while ethical violations of ordinary citizens' rights remain unaddressed.

The establishment of a council on ethics has been under discussion for a number of years. On the occasion of World Press Freedom Day in 2007, then President N. Enkhbayar called for such a council and expressed his willingness to support it financially for one year as requested by the President of the Mongolian Journalists' Union. However, the managements of private media immediately opposed this offer and expressed their concern that such a council might work against the interests of owners of media houses by imposing additional limits or restrictions on their business.

"...those with the money are against compliance with professional standards..."

All subsequent initiatives for self-regulation have faced similar opposition from media owners, because “those with the money are against compliance with professional standards”, as one panellist said. Journalists are also sceptical about the idea of an ethics council because they are afraid that it might be an instrument of dictatorship or end up becoming a body like the National Council of the MNB.

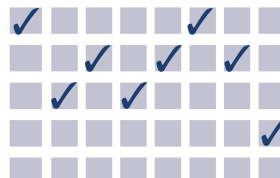
“Inaction will only result in more disputes about the quality of journalism.”

Currently, there is a possibility that a self-regulatory body may be established via the legal route. A new draft law on press freedom includes a provision on the compulsory formation of a media council. Some panellists argued that a legislative initiative like this, however, is not the best way to improve professional standards. Instead, such an initiative should be taken by the media themselves. There was consensus among panellists that urgent action in this regard is indeed required: “Inaction will only result in more disputes about the quality of journalism”.

Scores:

Individual scores:

- | | |
|----------|---|
| 1 | Country does not meet indicator |
| 2 | Country meets only a few aspects of indicator |
| 3 | Country meets some aspects of indicator |
| 4 | Country meets most aspects of indicator |
| 5 | Country meets all aspects of the indicator |



Average score 2012:

2.3

4.2 The standard of reporting follows the basic principles of accuracy and fairness.

There are lots of problems with media accuracy. It is common to publish wrong names and to use wrong quotes. One panellist shared his personal experience: “In an interview I said, ‘ethics should not be regulated by law’, but the newspaper then published the very opposite, ‘law should regulate ethics’. I was in a very bad situation after that.” Anchors of television news programmes are good-looking but most of them are not well-equipped in journalistic skills. It is estimated that only half of the staff in newsrooms has had any previous exposure to journalism, with the other half coming from different professional backgrounds.

"In an interview I said, 'ethics should not be regulated by law', but the newspaper then published the opposite..."

One of the reasons why standards are so low is the fact that journalists need to work very fast. In addition, editors' requirements for stories considered fit to publish, which used to be very tight, have become very lax these days. Previously, journalists gave their stories to a sub-editor for checking - now this instance of professional control has been removed from editorial offices. To make matters even worse, there is no separation of editorial content and marketing any more. Paid-for stories are increasing in number. Marketing departments assign journalists to write stories about people who pay. If journalists themselves find paying 'customers', they will get a commission. Even well-known journalists are said to be coerced into identifying such willing buyers in order to finance their salaries. Declining to play ball is not an option for most: "We can't say 'no', we

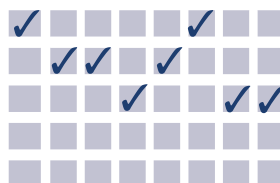
need the money". There was consensus among panellists that from a professional point of view, such practices are completely unacceptable and should not be allowed to continue. Journalists should unite and join forces to put an end to this phenomenon of paid-for-material.

"We can't say 'no', we need the money."

Scores:

Individual scores:

- | | |
|---|---|
| 1 | Country does not meet indicator |
| 2 | Country meets only a few aspects of indicator |
| 3 | Country meets some aspects of indicator |
| 4 | Country meets most aspects of indicator |
| 5 | Country meets all aspects of the indicator |



Average score 2012:

2.1

4.3 The media cover the full spectrum of events, issues and cultures, including business/economics, cultural, local and investigative stories.

The sheer number of media in Mongolia with hundreds of publications and broadcasting stations ensure a wide diversity of information for the public. The people are "thirsty for authentic stories" but the media have lost a lot of credibility: people will always ask "Who has paid for this article?" Investigative stories are met with mistrust, because some of them are paid for or based on the intentional leaking of material by one of the parties involved.

Media coverage of rural areas is poor. Dailies carry hardly any stories on events outside the capital. The MNB has the capacity to do so but does not broadcast stories from the provinces to any significant degree. The private station TV 9, on the other hand, has correspondents in every province.

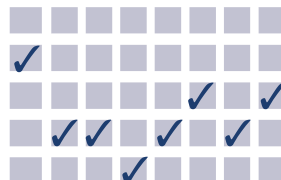
Media in the rural regions are facing their own challenges. They labour under immense economic pressure and there is fierce competition among them for subsidies from the budget of provincial administrations and for advertisement revenues from private companies.

"Investigative stories are met with mistrust, because some of them are paid for..."

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

3.6

4.4. Equal opportunities, regardless of race, social group, gender/sex, religion, disabilities and age are promoted in media houses.

Traditionally, Mongolia is not a discriminatory society and equal opportunities are stipulated by legislation.

"Journalists who voice dissent face challenges."

The media in general are numerically dominated by women but there is no big gender gap. There is no discrimination because of ethnic background or religion in the media. The work force is very young. Older employees are said to be rare in the industry because they apparently do not like working with young people and want to have greater authority.

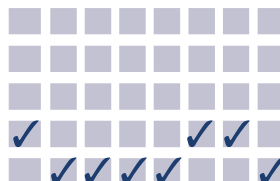
Journalists who voice dissent face challenges. As a rule, journalists know which media belongs to which political party or business interest and they will be careful to make the right choices. If they do not conform to the editorial line or policies they are easily fired; finding another job then

becomes sometimes difficult because editors warn their colleagues against hiring them.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

4.6

4.5 Journalists and editors do not practice self-censorship.

Self-censorship is widely spread in Mongolia. There are a number of unwritten laws: you do not want to offend advertisers and investors; you fear certain persons in power; you have to follow the editorial policy determined by the owners of the media you work for. All of these constraints on journalists and editors are compounded by the fact that Mongolia is a very small country where people tend to know each other, reluctance to offend is generally high and journalists will be easily ostracised for criticising the wrong people or writing about the wrong things, even more so for possibly making wrong accusations.

"Mongolia is a very small country... reluctance to offend is generally high..."

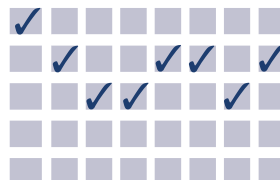
There are also some written laws designed to enforce the tendency towards self-censorship. Article 117 of the Criminal Code, for example, defines libel as a crime punishable by imprisonment.

In the past, during the communist era, criticism of the regime was prohibited summarily. Now, criticism is allowed but usually exercised cautiously and in a very general manner. To take a commonplace, day-to-day problem as an example: if a journalist were to write about potholes on specific roads, he or she could get into trouble with those responsible. Most will therefore choose the easier route of writing about the bad state of the country's road infrastructure in general.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

2.3

4.6 Owners of established mainstream private media do not interfere with editorial independence.

After 1990, censorship of the media moved from the state to the media owners. They do not come to the editorial offices in person but trust that their editors' self-censorship instincts will kick in without any prodding and that they will know the line to follow. Owners argue that if editors were allowed to make their own decisions, media houses would not make any profit. At the same time there is a growing trend for owners to run their media not just as a business but rather use it as a tool for propaganda in their own interest. A study carried out by Globe International in ten editorial offices showed that 60 % of journalists who responded said that editorial censorship, i.e. censorship by owners and/or investors, was evident²².

"Owners argue that if editors were allowed to make their own decisions, media houses would not make any profit."

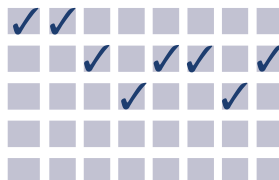
There is no culture in Mongolia which would allow or encourage journalists to fight for themselves. The panellists agreed that in order to reduce the influence exercised by owners, journalists will have to join forces and together push for the necessary changes to be made. Some journalists and others are now seeking to set up their own media house as a business that follows professional standards, not as a propaganda tool.

²² M. Batsuuri, Comparative Analysis of the Legal Environment for Editorial Independence and Its Practical Implications, Globe International, 2010 (in Mongolian), <http://globeinter.org.mn/?cmd=Record&id=785&menuid=364> (access 11.12.2012).

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

2.0

4.7 Journalists and media have integrity and are not corrupt.

"Journalists accept free lunches and dinners, stays at holiday resorts, presents from members of parliament..."

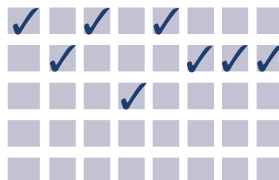
Nowadays, people in Mongolia, follow the money, and so do, regrettably, media and journalists.

There are many examples. Some editors claim that they need money to cover expenses – and then ask for a bribe. Journalists accept free lunches and dinners, stays at holiday resorts, presents from members of parliament, cars, houses, political posts, or trips to Korea or China. Up to the early 2000s bribery and corruption used to take place openly. Since then the number of cases appears to be more limited. This is because corruption is now being practised in a more secretive manner.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

1.8

4.8 Salary levels and general working conditions for journalists and other media practitioners are adequate.

Contract workers at media houses receive a fixed minimum wage and employers pay for their social security insurance. The wage is very low and there is no payment for overtime. Outside the capital, salaries are even lower and there are no social security benefits. There is no labour union organising journalists that would be able to negotiate salaries and better working conditions with employers.

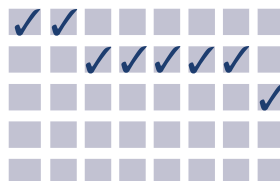
"...no labour union organising journalists that would be able to negotiate salaries..."

Low salaries are one of the main reasons why journalists are often corrupt and not passionate about their profession.

Scores:

Individual scores:

- | | |
|---|---|
| 1 | Country does not meet indicator |
| 2 | Country meets only a few aspects of indicator |
| 3 | Country meets some aspects of indicator |
| 4 | Country meets most aspects of indicator |
| 5 | Country meets all aspects of the indicator |



Average score 2012:

1.9

4.9 Media professionals have access to training facilitates offering formal qualification programmes as well as opportunities to upgrade skills.

All 17 universities in Mongolia offer higher education in journalism up to the bachelor degree as does the Press Institute, a non-governmental training and research institution. The PI and Globe International, two non-governmental organisations, also organise courses to upgrade skills. The fees charged are as low as possible but still pose a challenge for many aspiring trainees.

Another hurdle is the unwillingness of editors to release staff members for training purposes. They either do not understand the importance of further professional education or are too short of staff to be able to afford any absence for extended

"...media houses do not want to spend money for such purposes."

periods. Both journalists and editors would prefer in-house training courses but media houses do not want to spend money for such purposes.

Journalists would like to study abroad but the language barrier makes this extremely difficult.

Journalists in rural areas have hardly any chance to attend training courses because of the travel and accommodation costs involved. Organising a course in Ulaanbaator with participants from all 21 provinces would incur an expense of

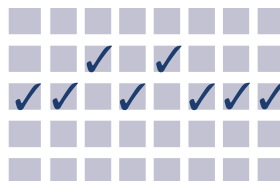
MNT 5 million (US\$ 3,580) for flight costs alone. Workshops in the countryside, if any, are usually at a very basic level.

The panellists felt that there was also a strong need to train editors and managers. Many, especially those in top positions, do not have the requisite management and leadership skills.

Scores:

Individual scores:

- | | |
|---|---|
| 1 | Country does not meet indicator |
| 2 | Country meets only a few aspects of indicator |
| 3 | Country meets some aspects of indicator |
| 4 | Country meets most aspects of indicator |
| 5 | Country meets all aspects of the indicator |



Average score 2012:

2.8

4.10 Journalists and other media practitioners are organised in trade unions and/or professional associations.

There are several associations of media practitioners such as the Free Journalists Association, Union of Newspapers, Union of Televisions, the Investigative Journalists Association and the Mongolian Journalists' Union. They are not effective mostly because of the ambiguity of their status. The Mongolian Journalists' Union, which goes back to the communist era, also represents media owners, a fact which causes conflicts of interest. The Union of Newspapers and Union of Televisions have been established by the owners to protect their own interests, thus they are not concerned with the journalists' concerns.

Initiatives to establish a trade union to fight for the interests of journalists have failed so far because of strong opposition from owners and investors. Only the state news agency MONTSAME and the national broadcaster MNB have labour unions because their legal status is different from that of the private sector.

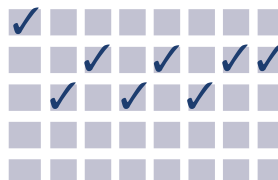
There is an urgent and obvious need for journalists to join forces to establish an organisation that will protect their interests and negotiate on their behalf with media owners.

“There is an urgent and obvious need for journalists... to establish an organisation that will protect their interests...”

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2012:

2.3

Average score for Sector 4:

2.6

OVERALL COUNTRY SCORE 2012:

2.9

The way forward

What were the main positive changes in the Mongolian media landscape in the past three years? Who or what was the main cause for these changes?

- o The rapid economic growth in the mining industry has a positive spill over effect on the development of the media sector and the **number of media is increasing**.
- o Citizens' awareness of the importance of freedom of the media has improved and this has resulted in media outlets giving **more room to the expression of opinion and free speech**.
- o Despite of serious financial and other obstacles **the number of media outlets in rural areas is going up** and the scope of media coverage is expanding.
- o **Foreign journals and magazines have opened branches** in Mongolia.
- o **Citizens make increasing use of the Internet** to seek and receive information.
- o Mongolian National Broadcasting has opened a second **television channel to serve minority language groups**.
- o **The Law on Information Transparency and the Right to Information of 2011** opens up the chance for citizens to access more state information, if and when it is indeed implemented.

What were the main negative changes in the Mongolian media landscape in the past three years? Who or what was the main cause for these changes?

- o Fundamental issues such as **editorial independence and self-regulation** of the media remain unsolved.

- o Managers and editors of private media **interfere with journalists' work**; media are increasingly turned into tools of propaganda on behalf of their owners.
- o **Politicians exert direct and undue influence** on the media and this pose a threat to the healthy development of journalism and the lifting of professional standards.
- o Editorial and marketing content are not separated and **the media carry more and more paid-for stories**.
- o Journalists are often lethargic and **divided by political affiliation and opinion**, thus unable to join forces for advancing their common professional interests.
- o **Journalism education resources** including curricula, training personnel and facilities **do not meet the current needs of media industry**.

Proposal of activities for the further development of the media landscape in Mongolia

- o **Create an efficient and transparent self- regulatory system** for the media and develop a model suitable for a democracy, based on a common understanding of the issues.
- o **Educate civil society organisations** and raise their awareness on the fundamental importance of media freedom and freedom of access to information, in order to increase their active participation in the advancement of these rights.
- o Lobby for government to give **more support to community media** and create a better understanding of this type of media and its potential benefits.
- o **Review the Law on Public Radio and Television** and improve the governance of the Mongolian National Broadcasting.
- o Lobby for **legislation on the protection of confidential sources** of information.
- o Assess the ownership structure of private media and lobby for **legislation that will ensure fair competition and transparency of ownership** and promote a culture of openness and transparency in the media sector.

- o Train journalists to adopt **professional attitudes** regarding the need for diversity of voices, non-discrimination, respect for human rights and the fight against hate speech.
- o **Train senior media management and editors** on principles of journalism, media management, leadership, human resource development and policies fair competition and transparency.
- o **Reform the structure of private media** and their editorial offices in particular, and develop internal systems that will lead to responsible journalism and the separation of editorial and marketing content.
- o **Update the curriculum and the quality of journalism training** provided by colleges and universities in cooperation with practising journalists and media houses.
- o Encourage journalists to find a common understanding of the principles that should govern democratic media and **a common voice to fight for their interests**, i.e. through a trade union.
- o Create a **forum for regular dialogue** among media practitioners to address common issues and thus help to instill common values.

The panel meeting took place at Mongolica Hotel Resort Songino, Khan-Uul district, Ulaanbaatar on 14 – 16 September 2012.

Panellists:

Ms. B. Khureltsetseg

Coordinator, “Agenda of development of local community” of National Center against Violence

Ms. O. Khishigsuren

Journalist, Darkhan-Uul Radio TV

Ms. Kh. Naranjargal

President, “Globe International”

Mr. J. Batbaatar

Head, Journalism Department of Mongolian National University of Education

Mr. D. Tserenjav

Independent journalist, researcher and blogger

Ms. D. Saranchimeg

Lawyer and executive director, human resources and coordination of MIH group

Ms. D. Narantuya

Journalist, “Social and Economy” newsroom of the Mongolian National Broadcasting TV

Ms. D. Narantuya

Vice-chairwomen, news agency

Mr. Oe. Otgonbaatar

Director, Shonkhor TV

Moderator & Editor:

Ms. M. Munkhmandakh

Executive Director, Press Institute

Rapporteur:

Ms. L. Bolormaa

Editor-in-Chief and founder, Mining Journal

Translator & Interpreter:

Mr. Z. Bazargur

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Ms. Ch. Oyungerei

FES Mongolia Program Manager:

Ms. M.Tungalagtuya

Consultant:

Mr. Hendrik Bussiek

Project Manager fesmedia Asia & Editing:

Ms. Marina Kramer

APPENDIX 1

Media related Mongolian laws and regulations

Mongolian Constitution, 1992

<http://www.legalinfo.mn/law/details/367>

Media Freedom Law, 1998

<http://www.legalinfo.mn/law/details/546>

Public Service Broadcasting Law, 2005

<http://crc.gov.mn/file/law/laws/olonnit.pdf>

Freedom of Information Law, 2011

<http://www.legalinfo.mn/law/details/374>

General requirements for regulation of television and radio broadcasting. Communications Regulatory Commission, 2011

<http://crc.gov.mn/file/juram/crctvjuram.pdf>

Professional Codes of Conduct of Mongolian Journalists. Mongolian Journalist's Union, 2012

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