

Mongolia

Country:

Mongolia

Year:

2016

Freedom Status:

Free

Political Rights:

1

Civil Liberties:

2

Aggregate Score:

86

Freedom Rating:

1.5

Overview:

President Tsakhiagiin Elbegdorj was in the middle of his second four-year term in 2015 after winning the 2013 presidential election. Prime Minister Chimed Saikhanbileg of the Democratic Party (DP), who took office in 2014, remained at the helm of a coalition government. In August, six cabinet members from the coalition's other major party, the Mongolian People's Party (MPP), were discharged from their positions as part of preparations for the 2016 national elections.

Mongolia continued to experience economic difficulties including growing public debt and reduced foreign investment. Corruption, the alignment of politicians and powerful business interests, and politicization of the media remained key challenges to freedom and democracy.

Political Rights and Civil Liberties:

Political Rights: 36 / 40 [Key]

A. Electoral Process: 11 / 12

Under the 1992 constitution, the president and the 76-member parliament (the State Great Khural) are both directly elected for four-year terms. The prime minister, who holds most executive power, is nominated by the party or coalition with the most seats in the parliament and approved by the parliament with the agreement of the president. The president is head of state and of the armed forces, and can veto legislation, subject to a two-thirds parliamentary override.

Parliamentary balloting has varied from election to election between multimember and single-member districts. In 2012, 48 of the parliament's 76 seats were awarded through majoritarian voting in single-member districts, while the remaining 28 were allocated through a proportional system

according to parties' share of the national vote. The DP won 33 seats, the MPP captured 25, and the Justice Coalition—comprising the revived Mongolian People's Revolutionary Party (MPRP) and the Mongolian National Democratic Party (MNDP)—took 11, with 3 seats going to independents and 2 to the Civil Will–Green Party. From 2012 until November 2014, Norov Altankhuyag of the DP led a coalition of the DP, the Justice Coalition, and the Civil Will–Green Party; he was then replaced as prime minister by Saikhanbileg, who gathered a “super coalition” of all members of parliament with the exception of the three independents.

Six MPP members of the cabinet were forced to resign in August 2015 after the passage of a bill, introduced by Saikhanbileg, to discharge them. The move allowed for competition between the country's two major parties, the DP and MPP, in the 2016 national elections; maintaining the coalition would have made election campaigns difficult to wage, especially given the extensive policy similarities between the MPP and the DP.

In the 2013 presidential election, DP-backed Elbegdorj garnered just over 50 percent of the votes, winning the presidency outright in the first round.

For the 2012 parliamentary and 2013 presidential elections, the General Election Commission introduced new practices, including electronic vote counting, fingerprint scanners to identify voters, and free mobile-phone credits as a reward for voting. Following Mongolia's accession to the Organization for Security and Co-operation in Europe (OSCE) in 2012, a large observation mission provided systematic monitoring of the 2013 presidential election. Despite various challenges, including the widespread appointment of DP officials as election administrators and lack of media transparency, the mission declared that the election “respected fundamental freedoms.”

B. Political Pluralism and Participation: 16 / 16

Mongolia features a vibrant multiparty system. The MPRP, which had ruled the country since the early 20th century, legalized opposition parties in 1990, and competitive elections have led to several peaceful transfers of power. In 2010, the MPRP rebranded itself as the MPP, but a faction led by former president Nambaryn Enkhbayar broke off the following year and formed a new MPRP.

The DP and the MPP command a large share of votes and dominate the parliament, but smaller parties continue to be represented and remain viable. Political parties are largely built around patronage networks rather than political ideologies. Representatives of large business groups play an important role in funding and directing the large parties.

A new reform party, led by a group of young, foreign-educated technocrats, took over the name of a preexisting party, the National Labour Party (HUN) in 2015 and appeared to be planning to field candidates in the 2016 elections. It indicated support for reducing economic regulation while maintaining the government's role in providing education, health care, and other social services.

Ethnic and religious minorities enjoy full political rights in law and practice.

C. Functioning of Government: 9 / 12

Corruption remains a serious problem in Mongolia and is viewed as pervasive. The Independent Authority against Corruption (IAAC) actively investigates corruption allegations. In August 2015, the parliament, in the absence of opposition lawmakers, passed a controversial amnesty law that applied to individuals currently under investigation by the IAAC. The law would also clear criminal records for numerous politicians, including Enkhbayar, allowing him to run for parliament in 2016

despite a prior conviction. Transparency advocates criticized the law for undermining the credibility of anticorruption efforts, and the president issued a veto, returning the legislation to the parliament. In October, lawmakers adopted amendments that excluded cases of corruption, abuse of authority, abuse of the state budget, and illegal acquisition of capital from the amnesty.

Although the government operates with limited transparency, some progress has been made in recent years. Citizens' Halls, forums established since 2009 to encourage civic participation in the legislative process, were given budgetary authority for the first time in 2013 through the disbursement of Local Development Funds, and they have now been established in all administrative units in the country. The 2014 Budget Transparency Law obliges state bodies and state-funded organizations to publicly disclose budgetary information.

Civil Liberties: 50 / 60

D. Freedom of Expression and Belief: 15 / 16

While the government generally respects press freedom, many journalists and independent publications practice a degree of self-censorship to avoid legal action under libel laws that place the burden of proof on the defendant. Journalists have been charged in defamation suits by members of parliament and businesspeople; in many cases, the charges have been dropped.

There are hundreds of privately owned print and broadcast outlets, but the main source of news in the vast countryside is the state-owned Mongolian National Broadcaster. Some international media operations have moved into the Mongolian market in recent years. The government does not generally interfere with internet access and is a member of the Freedom Online Coalition, a group of countries committed to upholding human rights in the online sphere. The organization's annual conference was held in Ulaanbaatar in May 2015. However, there is a blacklist of banned terms, and numerous websites have been blocked for alleged copyright violations or, in at least one recent case, criticism of government officials.

Political parties and their members have purchased media outlets, particularly television stations, in recent years. In its 2013 presidential election observation mission, the OSCE found that political actors regularly exert influence on coverage through ownership or payments, and that media ownership is not properly disclosed. However, most Mongolians are aware of the political positions of different media outlets.

Freedom of religion is guaranteed by the constitution. The fall of communism led to an influx of Christian missionaries to Mongolia and a revival of the country's traditional Buddhism and shamanism. Some Christian groups have reported registration obstacles and instances of harassment by local authorities. The Kazakh Muslim minority generally enjoys freedom of religion.

Academic freedom is respected, and there are no significant impediments to free and open private discussion.

E. Associational and Organizational Rights: 11 / 12

Freedoms of assembly and association are observed in law and in practice. Numerous environmental, human rights, and social welfare groups operate without government restriction. Trade unions are independent and active, and the government generally respects their rights. Collective bargaining is legal. However, labor rights are restricted for certain groups, such as foreign and temporary workers, and some employers unlawfully disrupt union activity.

F. Rule of Law: 12 / 16

The judiciary is independent, but corruption among judges persists. The police force has been accused of making arbitrary arrests and traffic stops, holding detainees for long periods, and beating prisoners. Prison deaths continue to be reported, as insufficient nutrition, heat, and medical care remain problems. President Elbegdorj issued a moratorium on the death penalty in 2010, and in December 2015 lawmakers passed a new criminal code that abolished capital punishment; the legislation would take effect in 2016.

Xenophobic nationalist groups occasionally attack or intimidate foreign nationals. In March 2015, nationalists accosted and verbally abused a group of Chinese citizens, and images of the incident were posted online. The Mongolian government subsequently issued an apology.

Antidiscrimination laws do not address sexual orientation or gender identity, and LGBT (lesbian, gay, bisexual, and transgender) people face societal bias, cases of assault, and mistreatment by police.

G. Personal Autonomy and Individual Rights: 12 / 16

While the law protects the freedom of both internal movement and foreign travel, foreign citizens require exit visas to leave Mongolia, which can be denied on various grounds, including involvement in commercial disputes or civil complaints.

The rights to own property and to establish private businesses are legally protected but sometimes constrained by bureaucratic obstacles or weak enforcement of laws. In recent years, the government has simplified requirements and procedures for the establishment and operation of businesses.

While women comprise roughly 60 percent of all university students as well as 60 percent of all judges, they held only 9 parliamentary seats after the 2012 elections despite a 20 percent quota on female candidates. Spousal abuse is prohibited by law, but social and cultural norms continue to discourage victims from reporting such crimes, and the incidence—particularly in connection with alcohol abuse—remains high.

Women and girls, especially those from poor or rural areas, are subjected to sex trafficking within the country, and Mongolian citizens seeking work abroad are vulnerable to sex trafficking or forced labor. Forced labor is also reportedly a problem among North Korean and Chinese workers in Mongolia. The government has continued efforts to eliminate trafficking, though funding for such programs has been inadequate, and victim protection is limited.

Although Mongolia's mining boom has led to high economic growth since 2011, the country also suffers from high levels of poverty, particularly in rural areas. Rural migrants to the capital have settled on the city's outskirts, where there is often poor access to sanitation, employment, and education. Moreover, underdeveloped fiscal policies and the mismanagement of resource revenues have limited the impact of the economic boom on human development.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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