



FREEDOM IN THE WORLD 2021

Mongolia

FREE

84
/100

<u>Political Rights</u>	36/40
<u>Civil Liberties</u>	48/60

LAST YEAR'S SCORE & STATUS

84/100 Free

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

Following a peaceful revolution in 1990, Mongolia began holding multiparty elections and established itself as an electoral democracy. Political rights and civil liberties have been firmly institutionalized, though the two dominant parties continue to rely on patronage networks, and widespread corruption hampers further development.

Key Developments in 2020

- The Mongolian People's Party (MPP) secured a parliamentary majority in June elections, winning 62 seats. Several parliamentary candidates were detained or faced scrutiny over corruption during the election period, despite a law mandating the electoral commission's consent for the detention of candidates.
- Former prime ministers Jargaltulgyn Erdenebat and Sanjaagiin Bayar received prison sentences over separate accusations of corruption in July. Erdenebat, who won a parliamentary seat for the MPP in June, was not seated during the year.
- Authorities shut the Mongolian-Chinese border in January and restricted other external travel in March in response to the spread of COVID-19. Local transmission was detected in November, prompting a national lockdown that was loosened in December. Authorities reported 1,195 cases and no deaths to the World Health Organization (WHO) by year's end.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

4/4

Under the 1992 constitution, the president is directly elected for up to two four-year terms. Under constitutional amendments adopted in November 2019, presidents will only serve one six-year term beginning in 2025. Khaltmaa Battulga of the Democratic Party (DP) was elected in 2017 following a campaign marked by accusations of corruption and relatively little policy discussion. The contest required a runoff, a first

in the country's democratic history. Organization for Security and Co-operation in Europe (OSCE) monitors called the poll credible but noted a lack of analytical media coverage.

The prime minister, who holds most executive power in Mongolia's hybrid parliamentary-presidential system, is nominated by the party or coalition with the most parliamentary seats and is approved by lawmakers with the president's agreement. Ukhnaagiin Khürelsükh took the post in 2017 and remained there at year's end.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

4 / 4

Members of the 76-seat parliament, the State Great Hural, are elected for four-year terms. All members were elected to multimember constituencies in the June 2020 elections, with 48 elected via simple-majority voting and 28 via proportional representation. The MPP won 62 seats while the DP won 11. The Mongolian People's Revolutionary Party, the National Labor Party (HUN), and an independent each won 1 seat. Turnout stood at 73.7 percent. No international monitors observed the polls due to COVID-19-related travel restrictions. One MPP parliamentarian, former prime minister Erdenebat, was not seated due to a corruption trial.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

3 / 4

Electoral laws are generally fair, though they are often changed shortly before elections and tend to favor the two largest parties.

In late 2019, the parliament approved changes that eased eligibility regulations and tightened campaign-finance laws. The parliament also mandated the use of a plurality-at-large voting system for the June 2020 elections. The electoral map used in the elections favored rural voters, with disproportionately few seats drawn in the capital of Ulaanbaatar.

While the General Election Commission (GEC) is often regarded with suspicion over political influence, no major complaints arose from its management of the June 2020 elections. Several parliamentary candidates were detained or faced scrutiny related to corruption accusations during the electoral period, however, despite a 2019 election law requiring the GEC's consent for the detention of candidates.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

4 / 4

While the Mongolian political system features multiple parties, it is also marked by the dominance of the MPP and DP. Parties are built around patronage networks rather than political ideologies. Representatives of large business groups play an important role in funding and directing the MPP and DP.

New political movements may form and operate freely, with the HUN entering the parliament for the first time in June 2020.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

4 / 4

There are no undue barriers preventing opposition parties from gaining power through elections, though there are practical hurdles. The MPP and DP have remained the two largest political forces in the country, regularly alternating in government and establishing a record of peaceful transfers of authority.

B3 0-4 pts

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Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

4/4

Powerful business interests have some influence over candidates and have supported them through a nontransparent party-finance system. However, candidates and voters are generally free to make political choices without excessive outside influence, in part because corporate interests are balanced across various factions of the two main parties.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?

4/4

All adult citizens other than those who are incarcerated are entitled to full political rights, and these are generally observed in practice. However, despite quotas supporting gender diversity, women remain underrepresented in politics, holding about 17 percent of parliamentary seats and few senior government posts. Ethnic Kazakh parliamentarians are regularly elected in Bayan-Ölgii, which is predominantly Kazakh.

LGBT+ people face some societal discrimination that hampers their ability to advocate for their interests in the political sphere, though such advocacy has been increasing.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

4/4

Freely elected representatives are duly seated and generally able to craft government policy without improper interference. However, corporations, aided by opaque party-finance procedures, have also been able to influence policymaking.

Parliamentarians were previously allowed to hold concurrent cabinet positions, effectively making a relatively large number of members bound to the premier. Constitutional amendments passed in 2019 limited the number of parliamentarians who could serve in a cabinet.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

2/4

Corruption, which is endemic in Mongolia, is widely perceived to have worsened in recent years, particularly with respect to state involvement in the mining sector. Anticorruption laws are vaguely written and infrequently enforced. Corruption investigations are often dropped by prosecutors before reaching definitive conclusions.

The Independent Authority Against Corruption (IAAC) has been criticized as ineffective in pursuing cases. The IAAC's independence was weakened in 2019 when emergency legislation allowed the National Security Council (NSC) to recommend the chief's dismissal before the end of their term. The chief and the prosecutor general, who had called for prosecutions against parliamentarians implicated in corruption, were dismissed that year.

High-profile corruption cases were nevertheless resolved in 2020. In May, former prime minister Mendsaikhany Enkhsaikhan received a four-and-a-half-year prison sentence for corruption, though his sentence was reduced in November. In July, Erdenebat received a six-year sentence and a ban from public office. Also in July, former prime minister Bayar received a five-year sentence over allegations that he manipulated a mining contract. In August, former parliamentarian Batbayar Undarmaa received a two-and-a-half-year prison sentence for inappropriately receiving a loan from a government fund.

C3 0-4 pts

Does the government operate with openness and transparency?

3/4

While there are many laws and regulations designed to maintain government transparency and accountability, implementation and enforcement is inconsistent. The 2011 Law on Information Transparency and Right to Information contains exemptions allowing certain types of information to be withheld from the public. Authorities often invoke these exemptions, as well as the State Secrets Law, to limit disclosures.

Constitutional amendments approved in 2019 established an auditing body that would maintain independent powers over government finances.

The E-Mongolia platform, which is meant to make government services more accessible, launched in October 2020.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?	3/4
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Press freedom is generally respected, and media outlets collectively present a wide range of views. However, coverage can be partisan; the OSCE noted xenophobic rhetoric and unsupported allegations of corruption in the media during the 2017 election campaign. Ownership of media companies remains opaque and subject to speculation. Many journalists self-censor to avoid offending political or business interests and facing costly libel suits. Journalists can also be forced to pay administrative fines for publishing false and defamatory information under a broadly worded 2017 law.

Authorities imposed criminal penalties for the dissemination of purported disinformation in March 2020, as the COVID-19 pandemic took hold worldwide. Journalists reportedly engaged in self-censorship while reporting on the pandemic.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?

4/4

Individuals are free to practice their religion under the law and in practice, though religious groups are required to register with the government and the ease of registration procedures varies by region and locality.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

4/4

Academic freedom is generally respected.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

3/4

There are few significant impediments to free and open private discussion. Fear of repercussions from powerful actors continue to deter open expression for some.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?

4/4

Freedom of assembly is upheld in practice, though public assembly was restricted for much of 2020 under COVID-19-related measures.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?

4/4

Numerous environmental, human rights, and social welfare groups operate without restrictions, though most are small. Individual activists sometimes report incidents of intimidation and harassment.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

3/4

Trade unions are independent and active, and the government generally respects their rights to bargain collectively and engage in legal strike actions. However, labor rights are restricted for certain groups, such as foreign and temporary workers, and there are some reports of employers unlawfully disrupting union activity.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?

2/4

Judges are appointed by the president on the recommendation of the Judicial General Council, whose five members in turn are nominated by the three tiers of courts, the bar association, and the Justice Ministry. However, legislation passed in 2019 allows the NSC to recommend the dismissal of judges; Battulga dismissed the Supreme Court's chief justice that year. That June, another 17 judges, including five Supreme Court justices, were dismissed by the NSC. While additional legislation was supposed to regulate appointments to the judiciary under constitutional amendments, this did not occur by year's end.

Corruption and political influence in the daily work of judges remain concerns.

F2 0-4 pts

Does due process prevail in civil and criminal matters?

3/4

Due-process rights are generally respected, but cases of arbitrary arrest and detention have been reported. The right to a fair trial can be undermined by intimidation or bribery.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

3/4

While Mongolians face few major threats to physical security, there have been reports of police illegally using physical abuse to obtain confessions. Some prison and detention facilities feature insufficient nutrition, heat, and medical care.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

3/4

There are no formal barriers to equal treatment under the law. Discrimination based on gender, race, sexual orientation, gender identity, and other categories is prohibited. However, women and LGBT+ people continue to face societal discrimination and harassment, including in the workplace. Public events in support of LGBT+ equality have grown in attendance and visibility over the past several years.

Rape and other acts of sexual violence against LGBT+ people have historically gone unprosecuted. A 2017 criminal code revision includes stronger protections for this community; law enforcement officials have gradually received training to comply with the new code.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

4/4

The government respects freedom of movement. Exit bans imposed on individuals involved in legal cases are overseen by the courts.

The border with China was closed in January 2020 and other external travel was restricted in March as COVID-19 spread worldwide, while an internal quarantine was declared in Ulaanbaatar and other cities in March. A national lockdown was imposed in November when local transmission was detected and was maintained through December.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

3/4

People are generally free to own property and establish private businesses, though state-owned enterprises play a prominent role in some sectors. Corruption also hampers many private business activities. Officials have reportedly withheld operating licenses and other documentation from businesses until bribes are paid. There is a history of corruption and government interference in the mining industry.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?

3/4

Individual rights on personal-status issues such as marriage and divorce are protected by law. However, domestic violence remains a problem. The government has initiated programs to encourage better police responses to domestic-violence complaints in recent years. A government survey conducted with the UN and published in 2018 found that nearly a third of women faced physical or sexual abuse from a partner. Just 10 percent of those who had suffered severe sexual violence by a nonpartner

reported the crimes to the authorities. Sexual harassment is not explicitly restricted and is widespread.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

2/4

The government has struggled to cope with economic inequality, particularly as large numbers of rural Mongolians migrate to cities that lack sufficient housing and infrastructure. New housing continues to be constructed, but many existing residents have reportedly been left homeless by urban redevelopment projects.

Women, children, people living in poverty, and other vulnerable segments of the population are at some risk of becoming trafficking victims, and can be compelled to engage in sex work, forced labor, or begging. Mining workers are subject to exploitative conditions, as are contract workers from China. The government has taken efforts to better prosecute trafficking cases, but corruption and a lack of will to address the issue impede progress.



On Mongolia

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Country Facts

Global Freedom Score

84/100 Free

Other Years

2022

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