



Globe International NGO



The USA Embassy in Ulaanbaatar



Open Society Forum

# Media Freedom Report

## 2009



**TITLE**

1. Preface
2. Media Freedom in 2009
  - Threats against journalists
  - Censorship
  - Freedom of Information
  - Police Action
  - Protection of Confidential Sources
  - Media and Presidential Elections
  - Use of Defamation Laws
3. Media Legal Framework

*We express our deepest gratitude to our donors  
for the publication of this report.*

## **Preface**

It is our pleasure to present the 2009 Media Freedom Report. We would like to take this opportunity to thank the Open Society Forum, the OSI Media Network Program and the USA Embassy in Ulaanbaatar for their support in making this report available.

Freedom of expression, and particularly media freedom, is essential to any democratic society. A free and independent press is not a gift to the people from politicians and authorities; a free and independent media is a fundamental human right for all those living in a democratic society. The government's duty to its citizens is measured by how it creates and maintains the necessary political, economic and legal environment to support a free press. Journalists and the media do not serve the government and the authorities; rather, they serve the public, especially acting as a public watchdog of how governmental power is wielded.

In 2009, there were no positive legal improvements in the guarantees for media freedom. The only change in the media law involved amendments to the Law on Advertising, amendments which now allow the media to run advertisements for beer and wine. Indeed, this action supported businesses owned by decision makers, and which do not financially promote the media through the economic crises, as was claimed.

Despite the existence of laws and regulations that protect a free media, violations of freedom of the press and professional journalists continue to occur. Violations of the rights of journalists lead to restrictions of media freedom and prevent journalists from disseminating the truth, thus causing serious damage to democracy and the public interest. Although prohibited by law, both overt and covert censorship still exist in Mongolia. Restraints placed on media outlets, and on the work of journalists, violate the nature and principles of democracy.

It is common practice in Mongolia for politicians and public servants to use provisions of the Criminal Code and Civil Law to censor the media. The courts, when deciding libel cases, do not take into consideration the legitimate right of the public to receive objective information; instead they generally support the authorities, which in turn creates doubt about the independence of the judiciary. Those in power use the authority of their position to suppress the truth and fair criticism and to cover up wrongdoing.

Mongolian journalists are still often unable to obtain information from government agencies, officials or employees, and are denied access to government documentation. This is in violation of the democratic principles of governmental openness and transparency, and of the public right to receive objective information. If journalists' rights are denied even in the pursuit of the most basic information, it is extremely difficult for them to investigate and expose hidden facts and supply the public accurate and in-depth information.

The lack of transparency of Mongolian media ownership violates the principle of pluralism and serves to foster hidden agendas; provision of partisan information to the public creates societal distortions and confusion. As a result, it is very dif-

difficult for the Mongolian public to discern who is telling the truth, and much confidence is thereby lost in the media and in journalists.

Journalists experience a range of pressures, facing interrogation in attempts to force them to disclose the identity of their sources, which in turn places their sources of information under threat. As a result, the media cannot properly engage in their role as government watchdog. Society cannot function effectively if the value of investigative journalism is undermined.

Any attack on a journalist, up to and including threats to life and property, because of their pursuit of the truth, should be considered a serious criminal offence. Unfortunately, the Mongolian police and courts are unable properly to carry out their duty to determine the truth or to impose proper punishment.

This report highlights how Mongolian journalists currently exercise their professional rights and what enabling environment exists for them to fulfill their duties to the public in a fair and responsible manner.

This report comprises two chapters:

Chapter One offers highlights from Globe International concerning media freedom in 2009. Chapter Two provides more detailed information on the way national legislation guarantees or restricts freedom of expression.

## **ONE. Media Freedom in 2009**

According to the Press Institute monitoring report entitled *Mongolian Media Today*, in first quarter 2010 there were 3,840 media practitioners in 383 media outlets throughout Mongolia. There were 1,709 journalists and contributors; 34% of media outlets operate in the provinces. Six newspapers are published in a foreign language, while there is one newspaper in the Kazakh (national minority) language.

In the last two years there has been an increase from two to three in the number of on line media; the Press Institute has registered 10 on line newspapers and five on line magazines. Also available on line are three daily newspapers, six radio stations and 11 television stations, while 24 newspapers can be read on a popular website, [www.sonin.mn](http://www.sonin.mn).

Globe International has been monitoring violations of journalists' professional rights since October 2005, with financial support from the OSI Media Network Program and the Open Society Forum. We registered 20 violations of free expression in the first half of 2009; there were no assaults, but we registered 13 cases of improper pressure, threats and insults against journalists and their family members.

There were no reports of violation of free expression in the second half of 2009, although this does not mean the situation had improved; rather, it is because of an increase in the number of journalists who do not want to publicize their cases because they fear further attacks and pressure. The Globe International survey entitled *Defamation and Censorship*, conducted in November/December 2009 and involving 215 journalists, provides evidence of this.

Of respondents, 67.5% were female journalists (32.5% male); 68.8% worked in the capital (Ulaanbaatar), 31.2% in provincial media outlets; 53.9% worked in print media, 45.6% in broadcast media, 0.5% were freelance.

Based on our monitoring and survey, Globe International highlights the following situations/events concerning media freedom in Mongolia in 2009.

### **1.1. Threats against journalists**

Article 139 of the Mongolian Criminal Law provides that interference or interruption of professional journalistic activity is a crime; however, the law is not being properly observed.

One in six journalists received improper reaction from those affected by critical material; most journalists had been threatened and/or attacked, 81% of them by authorities and/or public officials. Almost 20% of journalists had been received severe threats, including violence and even death threats to themselves or their family members attacked. This alone demonstrates the difficulty of journalism in Mongolia.

50.8% of reported problems concerned threats, 40% were also pressured and defamation cases were started against 23% of journalists.

As to the content of threats, 42.3% were told they would be prosecuted, 33.% were threatened with loss of job, 7.7% with imprisonment, 6.9% with death, 5.4% with beatings and 5.4% had threats made against family members.

Of threats against journalists, 70.8% were made by telephone, 33.1% at individual meetings; 16.1% were called to an office, while 3.8% were physically attacked.

77% of threats were received after publication or broadcast of material, 14% while information was being gathered, and 9% during production of materials. 69.2% of defamation complainants were the authorities, 21.4% businessmen and 9.4% international organizations or NGOs.

## **1.2. Censorship**

Although censorship is banned and state media ownership is prohibited by the 1998 Law on Media Freedom law, in reality, the picture is different.

In Mongolia, private media ownership is dominant; however, as claimed by the Press Institute, state media control is operative over 33% of newspapers, 42% of magazines, 10% of television channels and 46% of radio stations.

Various types of censorship exist in Mongolia. In theory, there is no direct government censorship, but state and political censorship operates through media owners and leaders. Editorial censorship in Mongolia is the strongest influence, seriously affecting proper editorial independence

### ***Editorial Censorship***

In the Globe International survey, 66% of journalist respondents identified the existence of editorial censorship. This is manifests in control of journalistic content ( 57.7%), prohibition of critical material about advertisers(42.9%), refusal to publish or broadcast journalist-generated material (38.7%), demands to cut material (28.9%), spiking journalists' own stories (22.5%), and punishment or salary reduction (7.7%).

### ***Self-censorship***

Mongolian journalists are highly self-censorial; almost half of journalist respondents (48.8%) said they self-censored. The reasons offered varied: over half said they were deterred by threats and insults, and about 50% said they did not want to risk prosecution; one in every three journalists is afraid of losing their job. Journalists said they were also afraid of imprisonment or of physical violence to themselves or their families. Some journalists said they were intimidated by fear of salary reduction.



*I published an article headed “Police Colonel Defrauds MNT 20 million” in issue # 175, September 11, 2008. The article was based on information provided by Lieutenant Colonel Ts. Batbold, Head of the Investigation Department of the State General Prosecutor Office, who told me that his department was investigating a swindle implicating Lieutenant Colonel M. Bayarmagnai, Deputy Chief of the Patrol and Special Defense Department.*

*At the time, daily newspapers, including Zuunii Medee (Century News), Ardchilal (Democracy) and Ardyn Erkh (People’s Right), also published articles about this. Lieutenant Colonel M. Bayarmagnai sued the Ogloonii Sonin newspaper, which he claimed was the first source of such articles. He considered it was defamation and lodged a claim for 10 million MNT (over US\$7,000) from me as the journalist; my salary was about US\$200 a month.*

*The Bayanzurkh District Court ruled against Ogloonii Sonin, finding the paper guilty of slander and defamation. The decision called on Ogloonii Sonin to pay two million MNT to the claimant and to publish a retraction in its pages. Ogloonii Sonin appealed to the Capital City Court against the decision. This court confirmed the ruling but reduced the compensation to be paid to the claimant to one million MNT.*

*I disagreed with this decision and appealed to the Supreme Court. While this matter was being addressed by the Supreme Court, the criminal case against N. Bayarmagnai was re-opened by the State General Prosecutor Office. Nevertheless, the Supreme Court confirmed the decision of the court of appeal.*

*After publication of the story, many of those who claimed to be victims of fraud by N. Bayarmagnai and his family members approached me.*

*It is very unfortunate that I was found guilty when I had simply revealed the truth about criminal actions by a government official.*

**Kh. Namuun-Uyanga,  
News and Investigative Division editor,  
Ogloonii sonin daily newspaper.**

## **2. Freedom of Information**

The right to access information held by government institutions is strictly limited. Denial of such information is a problem faced by journalists daily. Access to such information is justified by reference to the State Secrecy Law, the Organizational Privacy Law and certain secrecy provisions in other legislation; almost every law has secrecy provisions.

Our legal advice is that in Mongolia today, only 33% out of the extant 360 laws contain provisions ensuring that information is publicly available. Even these provisions are very declarative, with no narrow restriction, so it is difficult to use the provision.

The Globe International monitor report says that one in every three cases of violation of journalists' professional rights was a denial to access to government information.

## **3. Police Actions**

In 2009, the police force developed and delivered to Ulaanbaatar-based television stations two documents.

The first is a letter signed by Police Colonel Ch. Ganbold, Chairman of the Capital City Public Relations Department. This letter claimed that "TV chat shows have included advertisements which clearly breach the laws of Mongolia, as they encourage others to commit criminal action and ignore public administration decisions... Media outlets must be well aware that it is their duty not to violate any law, and they should be aware of the need to follow and implement provisions of all laws." The letter warned media outlets to respond to the letter with assurances by May 20, 2009, and said "the police will assign responsibility if such law violations continue or re-occur."

Many television channels responded to this letter by promising to keep the laws in mind. Indeed, SMS-based TV-chats contain serious issues in Mongolia, and this appears to be one of the first attempts to regulate media content.

The second document was the so-called Cooperation Agreement, addressed to Ulaanbaatar-based television channels by Police Colonel T. Sainjargal, Chairman of the Media Center of the General Policy Authority. Under this document, "...Parties have a duty to report urgent police action to maintain social order during mass disorder, and police shall provide all relevant information and secure conditions for reportage."

The Agreement says that the police will provide "safety for television stations that have signed the Agreement and for their journalists working at flashpoints." The Cooperation Agreement obliges television stations to comply with the following:

- True and objective information must be disseminated urgently.
- No media outlet shall disseminate incorrect information and propaganda that encourages mass disorder during public demonstrations.
- Delivered information must be balanced.
- No media outlet shall distribute information compromising public or organizational privacy and state secrecy.



- When reporting, media outlets shall regularly contact Central Headquarters for information on the current situation.
- If a public demonstration becomes mass disorder, the media shall cooperate with the police and broadcast propaganda to defuse and resolve the situation.

Article 4, entitled Responsibilities, says "...if a Party does not execute, or inappropriately executes, their duty, the other Party shall have the legal responsibility to remove the damage."

Most television channels signed this Agreement, with a duration of one year. We believe that this Agreement affects the media's rights, especially in several provisions that oblige that information must be 'true'; that the media must carry propaganda; that safety is provided only for journalists and television stations that are party to this Agreement; and that there must be urgent reports on police actions.

The Agreement mandate that the media shall only report favorably on police action during mass disorder is censorship. A free and independent press is not compelled to propagandize; the media has the right to criticize police action during mass disorder.

The Agreement contains terminology such as true, objective and wrong information without definition and also makes no reference to clear legal provisions.

Globe International is concerned that the Cooperation Agreement is an attempt to censor television channels by threatening and frightening the media.

#### **4. Protection of Confidential Sources**

Mongolia lacks legislation to protect journalists' confidential sources; 36.9% of journalist respondents to the Globe International survey had received demands for disclosure of confidential sources, while 29 journalists had been called in by police and the intelligence services in relation to 26 cases. In three cases, journalists had been called as witnesses.

#### **5. Media and Presidential Elections**

Presidential elections took place on May 24, 2009. The Mongolian Parliament (Ulsyn Ikh Khural) was convened to authorise the Presidential elections on March 25, 2009 by Resolution #9 (January 16, 2009) under the Law on Presidential Elections, which says..."parliament shall announce the polling day at least 60 days in advance." Two candidates, one each from the two major parties (Mongolian People's Revolutionary Party, or MPRP, and the Democratic Party, or DP) contested the poll. The election campaign opened on April 6, 2009; the other two parliamentary parties (Civil Will Party, Green Party) expressed support for the DP candidate.

Any election is a test of media independence, freedom and pluralism. Unfortunately, media monitoring on election coverage by the Press Institute and Globe International showed that the Mongolian media and their journalists were strongly politically influenced and served money rather than voters.

Many factors affect fair and balanced media coverage. For example, the Law on Presidential Elections contains provisions for only paid election advertising on commercial stations, and also restricts media criticism of political parties and candidates.

Article 6, entitled Transparency of Election Preparatory Works, obliges the media as follows:

- Media outlets have the duty to urgently inform the public about the progress of election preparations and polling results.
- Information published by central and local media outlets and all other information organizations shall be true and correct.

Article 27.4 of the Law states: “It is prohibited to libel, insult and defame the honor of the candidate and to reveal the identity of correspondents.”

Article 14 of the Law on the Central Election Organization (January 12, 2006) calls for the establishment of an independent Media Council. The Media Council shall comprise equal representation of professional media organizations, NGOs and political parties and coalitions. Under the Law, the Media Council shall ensure balanced media coverage of all political parties, coalitions and candidates, and review complaints of political parties, coalitions, candidates, legal entities and citizens.

The Media Council shall be dissolved after the announcement of official election results, and has no technical and financial capability to control balanced media coverage throughout the country.

During the election campaign, the Media Council received several complaints, but no decisions were taken.

Under Article 32.14 of the Law, the General Election Committee (GEC) adopted Working Rules for Media Workers in the Election Process (resolution # 16, March 20, 2009). Article 2.4 of these Working Rules states that if media workers violate rules “... the chair and secretary of an election district have the right to make them leave the polling station.”

Even though it was a legal obligation, election coverage was by no means fair and balanced; rather, media coverage was biased, one-sided and extreme. Coverage of the MPRP candidate, current President N. Enkhbayar, dominated the media.

Newscasts of Mongolian television channels involved election advertising, and nearly half of monitored news programs were in fact paid election advertising, with news reporters acting as PR personnel. 82.1% of air time of monitored television channels was indirect coverage, with every second or third person speaking about candidates. Media coverage was full of so-called “black PR” material, with negative information on candidates dominating the media. There was almost no independent journalism, barring the election debate, which was Mongolian National Coverage.

During the campaign, the number of court defamation cases increased. Under Mongolian law, a journalist is also considered responsible for paid material.

## **6. Use of Defamation laws**

In most countries, the burden of protecting an individual's reputation lies with the individual themselves. International standards provide that "...it is not necessary to consider libel as a criminal offence, since this leads to limitations on freedom of expression." In many countries, public officials use criminal and civil defamation legislation to censor critics or resolve disputes.

Globe International conducted a study on defamation cases heard by Mongolian courts in 2008. The Bayankhongor aimag court refused our request for court archival materials. We did not include defamation cases of 2009 because court materials were not available from the archives.

In 2008, Mongolian courts heard 46 civil and criminal defamation cases.

### ***Criminal Defamation***

In 2007, no criminal defamation cases came before the courts. In 2008, Mongolian courts considered five criminal defamation cases, brought by 6 plaintiffs. All cases were against the media and journalists, and particularly against tabloid newspapers. 62.5% of plaintiffs were politicians, authorities and public officials. In three of the cases, the media lost; in two they won. While there were no imprisonment penalties in the lost cases, the maximum award against a journalist was 5,508,000 MNT (about \$3,780), which is a very large amount for a journalist earning about \$US200 a month.

Under the 1998 Media Freedom Law, the media shall be responsible for all publications and programs. However, the journalist takes responsibility for their material when they sign a work contract. Although some media pays the fines for lost cases, a journalist must reimburse the money from their salary.

### ***Civil Defamation***

The Ulaanbaatar courts and 20 provinces heard and ruled on 39 defamation cases, 21 against media and journalists; 65% of plaintiffs of civil cases were authorities, politicians and public officials.

In 71.4% of these cases, the media/journalist lost, winning only 9.5%; the other cases were reconciled.

The maximum award was 200 million MNT, though the actual maximum award defined by the courts was one million MNT; the minimum was 500,000 MNT.

Our survey entitled Defamation and Censorship showed that half of the threats to journalists involved the use of civil and criminal defamation laws, which shows how politicians and authorities use these laws as censorship.

14% of respondents to the survey said their defamation case was heard by the courts and the maximum fine they paid was 100,000 MNT.



*In issue #04/267/ of the newspaper Zavkhan, of Zavkhan aimag, we published anonymous letters from citizens of Yaruu soum. These claimed that officials, (Soum Governor, Chairman of the Citizens' Representative Khurals, and officials of the Governor's Office) abused their powers, misused public money and manipulated elections. We edited these letters, removing some offensive words.*

*When we published our issue, many of our 700 subscribers and other readers thanked us for revealing the truth.*

*However, officials mentioned by our publication brought a civil defamation case against us for distributing false information and defaming their honors, demanding compensation of 9 million MNT.*

*We lost the case in the first court and in the aimag court of appeal. This was our most difficult time. It is very difficult to survive in a small market and to publish our newspaper without financial support or donor. We were unable to pay such a large amount, which could have resulted in our bankruptcy. But we did not give up.*

*Our newspaper was founded on the basis of the 70-year-old newspaper Tuya (Light), and we always strive to publish true and objective information to as many readers as possible. If our newspaper were to be closed down, the freedom of expression of Zavkhanians would be restricted.*

*We had to take responsibility for telling the truth. We approached no local government administration and no political parties and coalitions. We just fought. We approached Globe International and they provided legal consultancy and an attorney. Thanks to this, we appealed to the Supreme Court of Mongolia. The Supreme Court sent the case back to the first instance court, and soon the case was dropped.*

**B. Myagmarsuren, Chief-in-Editor, Zavkhan newspaper.**

## **TWO. Media legal framework**

In 2009, there were no positive advances in making the legal media environment more favorable and ensuring more freedom for the media and journalists.

In 2009, the Mongolian President's Office initiated a new version of the Media Freedom Law; a draft was widely discussed by journalists, media representatives and the public, but it has not been put before the parliament.

This new Media Freedom Law involves some significant changes to protection of editorial independence, making media ownership transparent and setting up legal grounds for a Press Council.

Mongolia lacks important legislation, such as laws on access to information, on protection of confidential sources, and regulation of broadcast media, media ownership and media concentration.

Only change to the current legislation in media sector has been an amendment to the Law on Advertising, passed by the Parliament on June 25, 2009. Articles 11.6 and 14.1 of this law permit media outlets to advertise beer and wine and allows broadcast media to run such advertisements after 10pm. Parliamentarians told the media that they wanted to give financial support to media outlets in the current economic crisis and promote moderate drinking; they claimed that the media attitude was positive. In fact, it was not. The amendment was to the benefit of parliamentarians and officials who were involved in alcohol businesses. The reaction from health professionals and civil society was negative, but there were no strong protests because the amendment was passed in very short time, not allowing reaction.

A bill on Citizens' Right and Freedom to Access Information was first put on the parliamentary agenda in 2004, but has not yet been enacted. In January 2009, leaders of Globe International and the Open Society Forum met some of the MPs who initiated the bill, who agreed to improvements to the bill. The new draft is available, entitled Law on the Right to Access Information. On April 28, 2009, parliament set up a Working Group, but nothing has yet happened.

The General Intelligence Agency drafted a new version of the State Secrecy Law, but this has not yet been submitted to Parliament.

The current laws guarantee the rights of Mongolian citizens to free expression and freedom to information and to publish.

Freedom of expression is protected by Article 16 of the Constitution of Mongolia, which states:

Citizens of Mongolia enjoy the following rights and freedoms:

16) Freedom of thought, opinion, expression, speech, press and peaceful assembly; procedures for organizing demonstrations and other assemblies are 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. To protect the rights, dignity and reputation of persons and to ensure national defense, security and public order, information not subject to disclosure is classified and protected by law.

Mongolia, as a member of the United Nations, has recognized the Universal Declaration of Human Rights, and is a party to the International Covenant on Civil and Political Rights (ICCPR). As such, Mongolia is legally bound to protect freedom of expression in accordance with Article 19 of the above documents and other international law.

This is formally recognized in Article 10 of the Constitution of Mongolia and the internal law shall be effective as domestic laws.

The Mongolian Parliament passed the Media Freedom Law on August 28, 1998. This prohibits the adoption of any law restricting the freedom of the media and its outlets, and bans censorship. Article 4 prohibits state ownership of the mass media. The law also obliges media outlets to take responsibility for their publications and programs.

Establishment of a public broadcaster has been the most important step taken by the Mongolian authorities towards consolidating media freedom in recent years. The Mongolian Parliament passed the Public Radio and Television Law on January 27, 2005, after seven years of delay. Parliament Resolution 103 on implementation of the Media Freedom Law was issued on August 28, 1998, and provided for the dissolution of state-owned broadcasters and their restructure into a public service.

The Public Radio and Television Law came into force on July 1, 2005. The former Mongolian National Radio and TV was dissolved and a new public broadcaster, Mongolian National Broadcasting (MNB), was registered with the Ministry of Justice and Home Affairs on February 8, 2005.

The 2002 Criminal Law states that it is a crime to interrupt any lawful professional activity.

However, in Mongolia, there are numerous laws restricting freedom of expression and information.

State secrets are protected by a General Law on State Secrecy and a Law on the List of Secret Information. The Law on State Secrecy Law was passed in 1995 and was last amended on January 2, 2004. Article 5 sets out five areas of secrecy: national security; defense; economics, science and technology; secret operations; and counter-intelligence. It also sets out procedures for the execution of criminals charged with capital offences. The Law on the List of Secret Information protects 59 types of information (including 19 national security-related items, 14 on defense, 5 on economics, science and technology, and 15 on intelligence). Of this information, 69.5% is protected for 40-60 years or indefinitely.

Six types of information are categorized as most confidential, 24 as confidential and seven as classified, but 25 types of information do not belong to any category. Amendments to the List of State Secrets Law on April 23, 2004 provide

for an indefinite period of protection for “all information and documents related to terrorism.” It says that it is punishable by up to eight years’ imprisonment to disclose state secrets if this is especially harmful (Criminal Law provision 87.2).

The Law on the Privacy of Organizations (May 16, 1995) extends the regime of secrecy to private organizations. This law effectively requires organizations to establish a regime of secrecy and to develop internal procedures to protect such secrets (Article 5.1). The impact of this is somewhat mitigated by Article 6, which lists a number of areas which need not be kept confidential. It is prohibited to withhold information if the information pertains to activities, products, services, techniques and technologies which affect public health or the environment, or relates to poisonous or radioactive substances held by an organization which may cause public harm or may harm the environment should its storage and protection procedures be breached.

The information may also not be protected if it concerns a crime, or if it should be publicly revealed in accordance with law. Article 164 of the Criminal Law makes it a crime, punishable by a fine or gaol for three to six months, if financial secrets or secrets on activities are unlawfully obtained or disclosed. If the harm is judged substantial, the punishment is up to three years’ imprisonment.

Reputations are protected in both the civil and criminal laws of Mongolia. In Criminal Law, effective since September 1, 2002, provisions 110 and 111 define the crimes of dissemination of libel and insult, and provide for gaol for one to six months.

The above provisions of the Criminal Law were interpreted on October 29, 2007, by the Supreme Court of Mongolia, with explanations of terms such as reputation and honour, insult and disgrace, libel, public, and previous criminal convictions.

Globe International does not accept the above interpretations as being sufficiently advanced. In a review of the interpretation, our legal advice was that the definitions of the terms of reputation and honour do not conform to international standards, and that the definition of insult and libel as a crime of form is not suitable. Specifically, the statement that ‘libel is a crime of form’ means that if allegedly libellous information is found to be false, the case should be considered a crime.

The Civil Law was amended in 2002 and protects a citizen’s name, honour, and personal and business reputation.

Below are a few examples by which journalists can be criminally charged for alleged breaches of the Criminal Law:

Under the Criminal Law, a fine and arrest for up to three months may be imposed ‘if privacy is disclosed’ (136.1), ‘if obscenity is advertised’ (123), ‘if citizen’s correspondence is violated’ (135), ‘if extreme religious ideas are advertised or distributed’ (144.1), and ‘if facts of criminal cases are disclosed without the permission of inspectors, detectives, prosecutors and judges’ (257.1).

In the case of where there is a call for war, a criminal imprisonment of one to three months shall be imposed.

If the offence was committed using the mass media or by state officials, criminal imprisonment for two to five years shall be imposed. Insulting state officials and public inspectors of social order may also result in imprisonment for a period of 1-3 months (231).

This law defines state officials as judges, prosecutors, inspectors, detectives, other police, customs and tax officers, and other state inspectors with special legal powers.

Mongolia still lacks important laws guaranteeing freedom of information and protection of confidential sources, and lacks proper complete legislation on media ownership, media concentration and general broadcasting.

\*\*

\*\*

\*\*

The guarantee of freedom of expression applies with particular force to the media. It is the mass media that makes the exercise of freedom of expression a reality. In order to protect the right to freedom of expression, it is imperative that the media is permitted to be completely independent of government control. This ensures the media's role as public watchdog and ensures that the public has access to a wide range of opinions, especially on matters of public interest.

Independent media in Mongolia is facing a lot of challenges in the political, economic and legal environments.

Mongolia is still remaining a country with half media freedom.