

Enabling Environment for a Free and Independent Media



Final Report

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PROJECT LEADER	H.NARANJARGAL
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Enabling Environment for Free and Independent Media

Final report

I. Project Background

Globe International was awarded a grant in the amount of 6,615 USD for the project “*Enabling Environment for a Free and Independent Media*” in July 2010. The purpose of this 5-month project is to contribute to the development of good and accountable governance by promoting supportive legal media able to significantly contribute to the consolidation of democracy in Mongolia.

Freedom of expression, and, in particular, freedom of the media, are essential to a democratic society. The government’s duty to its citizens can be measured by how it creates and maintains the necessary political, economic, and legal environment to support a free press. Free and independent media play a key role in the good and transparent governance that consolidate democracy.

The Mongolian Constitution guarantees citizens the freedom to express opinion, the right to freely publish, and the right to seek and receive information. Mongolia has ratified several important international documents, including the Universal Declaration of Human Rights, and the International Covenant on Political and Civil Rights.

The media landscape in Mongolia has been radically changed since the democratic transition. In accordance with the Press Institute’s monitoring report entitled, “Mongolian Media Today,” 3840 media practitioners work in 383 media outlets throughout Mongolia as of the first quarter of 2010. 34% of the total media outlets operate in the provinces. Six newspapers are published in foreign languages, and one newspaper is published in Kazakh, the national minority language.

During the past two years, the number of online media has increased threefold. The Press Institute has registered 10 online newspapers and five online magazines. Three daily newspapers, six radio stations’ programs, and 11 television stations are available online. Also, 24 newspapers

can be read from a popular website, www.sonin.mn.

Unfortunately, despite the existence of positive laws and regulations that provide protection for a free media, in reality violations of press freedoms and of the rights of professional journalists continue to occur. The violation of journalists' rights leads to restrictions of media freedom, which prevent journalists from disseminating the truth, thus seriously harming democracy and the public interest. Although prohibited by law, direct and indirect censorship exists in open or hidden forms in Mongolia. Restraints placed on media outlets, and on the work of journalists, are intolerable actions, contrary to the nature and principles of democracy.

Recently, no positive legal changes have occurred guaranteeing more media freedom.

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

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

The lack of media ownership transparency in Mongolia is contrary to the concept of pluralism and serves to foster hidden agendas; the provision of partisan information to the public creates societal distortions and confusion. As a result, it is very 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. Interrogation is used in an attempt to force journalists to disclose the identity of their sources, which in turn places their sources of information under threat. As a result, the media cannot fulfill its role as a government watchdog.

In addition, existing laws do not work properly. For example, the 1998 Media Law prohibits state media ownership, but, according to the Press Institute, state media control operates over 33% of newspapers, 42% of magazines, 10% of television channels and 46% of radio stations.

For more information, see the attached document entitled, “Media Legal Framework” and our website at www.globeinter.org.mn for the Media Freedom Reports.

Project Objectives:

- Introduce international standards and best practices of international media law
- Produce recommendations for a better legal environment
- Raise awareness and educate lawyers, media professionals, and human rights NGOs on media legal issues

The final report is presenting two research reports in Mongolian, their short summary of studies in both languages, and information of round-table discussion. The previous progress report included information on the project’s progress, activities, and methodologies developed.

II. Project Results

- A Legal Resources Team of lawyers was formed to specialize in the press law and media issues
- During the reporting period 3 working meetings were conducted
- A methodology was developed for comparative research on media ownership and concentration, protection of editorial independence, and journalists’ independence
- Comparative studies completed and discussed in a Round table.
- Recommendations consistent with international standards
- Recommendations for further amendments to the existing Mongolian laws concerning a free media that promote the most favourable legal environment for media ownership and journalistic independence.

Outputs

- Project implementation schedule adopted
- Both comparative studies` reports completed

- Minutes of working meetings available
- Press releases and round table discussion information posted on Globe's website
- All presentations are available
- Short summary of studies translated into English

Input

- 3 lawyers contributed to comparative studies
- Local consultant contributed to methodology development and legal studies
- 3 Globe International staff members contributed to the project
- 9 presenters contributed to round table discussion

III. Project Activities

- Project completion:

Globe International carried out the day-to-day project implementation. It established a Legal Resources Team consisting of four persons: team leader, two lawyers, and a secretary.

A Globe International lawyer served as Team Leader. She was responsible for project management, developing a research strategy and methodology, planning the work, and controlling the work schedule.

The team secretary was responsible for project coordination and administration. She kept track of the project schedule, contacted the lawyers, organized the team meetings, took the minutes, developed the list of round- table participants, and other tasks.

Because Mongolia lacks lawyers specializing in media law. a media expert provided advice on media and journalism issues to the lawyers. The media expert attended the team meetings and consulted on the development of research methodology and production of reports and recommendations.

The project information in Mongolian and in English was posted on the GI websites as follows: <http://www.globeinter.org.mn/?cmd=Record&id=753&menuid=364>,

<http://www.globeinter.org.mn/?cmd=Record&id=752&menuid=368>

The project activities second half schedule was adopted by the head of Globe International. *See Appendix # 1*

- *The Legal Resource Team Working Meetings*

During the reporting period, Globe International organised 3 working meetings.

The minutes of the working meetings are enclosed as follows:

Working meeting #4 *Appendix # 2.1*

Working meeting #5 *Appendix # 2.2*

Working meeting #6 *Appendix # 2.3*

- *Research completed*

The Legal Resource Team completed the comparative research studies on international standards and best practices of Media ownership and media concentration and Protection of journalists and editorial independence.

The team collected all related international press laws or other related laws and started their analysis. Some studies, including the OSI Media Ownership Report and the USAID study on the media environment were good reference documents. The papers have been translated into Mongolian. Related documents and sources were translated into Mongolian. The translation is available at *Appendix # 3*

The team also reviewed Mongolian laws related to the research topics to identify the contradictions. At the conclusion of our analysis, we produced recommendations for amendments to the Mongolian legislation.

Comparative Studies: Research Reports on international standards, best practices and Mongolian law related to the research topics which expose contradictions, if any, and produce recommendations for amendments, are available on the following issues:

- Media ownership and concentration. *Appendix # 4*
- Editorial independence: Regal regulations and comparisons. *Appendix # 5*

The research reports are posted on Globe International`s website:

Editorial independence: Regal regulations and comparisons:

<http://www.globeinter.org.mn/images/upld/Suuritailan.pdf>,

Media ownership and concentration:

<http://www.globeinter.org.mn/images/upld/TailanDorjhand.pdf>

- *Research short summary translated.*

- Recommendations for a better legal environment were handed over to the relevant parties. The summary of the research reports was translated into English and

posted on Globe International's website and distributed in the English and Mongolian languages. We will also send the reports to our international partners. Available in both languages. Appendix # 6.1, 6.2, 7.1, 7.2

Round-table: Media Legal Environment and Challenges

On November 19, 2010, Globe International NGO organized a one day round table discussion entitled "Media legal environment and Challenges" in the "A" hall of the "Khangarid" palace of the Ulaanbaatar City Administration Office. This meeting was held in frames of a project called "Creating the legal environment for a free and independent media" financed by the Asia Foundation of the USA. In the round table discussion participated 86 persons and contributed.

To raise issues about the need to improve the legal environment for the media and to determine urgent problems, the following reports were delivered and considered under three topics – legal environment for media and common adjustments, essence and demand of self-regulation, features of broadcasting and the demand to refine it.

The roundtable discussed the broader issues of the present situation of the media legal environment and exchange opinions on the important laws omitted in Mongolia. Presentations concerned the different aspects of media freedom, independence, journalists' rights, defamation, ownership, concentration, broadcasting, etc.

The Legal Resource Team presented the two reports mentioned above. The recommendations produced by the Legal Resource Team were discussed and approved by MPs, lawyers, journalists, media professionals and human rights NGOs during the roundtable.

The roundtable invitation, program, press release, list of participants, photos and short minutes are available at Appendix # 8.1-8.6

Presentations included:

- Media legal environment, Kh.Naranjargal
- Protection of journalists and editorial independence. M.Batsuuri
- Media self regulation, Ts.Onon
- Protection of Journalists' secret information resources, Ch.Bazar
- Articles related to media in the Election Laws, D.Munkhburen
- Articles related to libel and defamation in the Criminal Code, G.Davaakhuu
- Freedom of information and state secrecy, D.Saranchimeg
- Media ownership and media concentration. M.Dorjkhand

- Content regulation, D.Orosoo
- Legal regulation broadcasting and tendency of digitations, Ch.Oyungerel
- TV advertisement market and some issues of legal regulation. Ya.Khishigsuren
- New version of “Media freedom law,” G.Erdenebat

All presentations are available in *Appendix # 9.1-9.12*

The event was widely covered by the media. News of roundtable was reported by Mongol TV, Mongolian National TV, Eagle TV, NTV, SBN, C1 and daily newspapers.

Consultant Kh,Naranjargal was interviewed by NTV, Eagle TV. Team leader D.Munkhburen was interviewed by NTV, Eagle TV, researcher M.Dorjkhand – by Eagle TV, researcher M.Batsuuri – by MNB. Presenter Erdenebat – by C1 TV, B.Galaarid- by MNB, NTV.

Newspaper publication and TV documentations are enclosed in *Appendix # 10.1, 10.2*

The press release, short summary, and presentations are on the Globe International web site. <http://www.globeinter.org.mn/?cmd=Record&id=774&menuid=364>

While the reports were being delivered, the following issues emerged after concluding all proposals and opinions:

- Clauses concerning slander and insult in the criminal law serve more to censor the media than to protect citizens.
- There are three draft laws related to the media. Participants want the various terms mentioned in each draft law to be standardized, and a book defining terms used in journalism to be created.
- Participants want the present system, which imposes responsibilities only upon journalist, to be changed to a system which imposes responsibility on media organizations and editorial offices instead.
- Participants want some lawyers and advocates to be trained and prepared to do impact advocacy for the media sector.
- Participants want to improve the capability of NGOs working in the media sector.
- Participants criticized the birth of many TV channels without any research and sharing of the market.
- Participants demanded the creation of an Ombudsman, with free services for assistance and court appearances.

Reported by	D.Munkhburen, Team leader
Ulaanbaatar	December 20, 2010