

State Secrecy and Freedom of Information

REPORT

FORWORD:

LEGAL COMPARATIVE STUDY

INSTIGATIVE SURVEY

CALL FOR CHANGE

December 20, 2006

State Secrecy and Freedom of Information

FOREWORD

We would like to express our thanks to the US Embassy in Ulaanbaatar for providing an opportunity to make this report available.

The Constitution of Mongolia declares that “The fundamental principles of the activities of the State shall be democracy, justice, freedom equality and national unity and respect for the law” by its article 1.2

The main principles of democracy are guaranteed by transparency and openness. Information is fundamental and vital in the good governance.

The Mongolian government has repeatedly pledged itself to transparency and openness. It is a key direction of the activities of the state institutions as stated in many laws of Mongolia.

The Action Plan of the Mongolian government (2004-2008) contains a commitment to “provide the citizens with rights to access any information”.

The National Human Rights Programme adopted in 2003 by the Parliament- Ulsyn Ikh Khural (UIKH) obliges the Government “to provide for transparency of the activities of the legislative, executive and judicial powers, particularly by creating the legal ground which narrowly defines the rights of the citizens to obtain and disseminate information and responsibilities to provide information upon requests of the citizens and of the media workers through abolishing unnecessary restrictions determined by the secrecy legislation and so on (2.2.5.1)

The National Anti-Corruption Programme adopted in 2002 by UIKH indicates to direct the principles “of respecting for the rule of law and human rights and freedoms, and provide for social justice and equality, transparency to the public, and count the best practice and ways of other countries and international organisations (2.3)

During 2003 International Conference on New and Restored Democracies, the Mongolian government signed the Ulaanbaatar Declaration, promising support for “an open and transparent society, which encourages the free creation, pursuit and flow of information.”

Unfortunately, the existing restrictions on access to information and government records in Mongolia as to make it possible for virtually anything to be classified as “secret” and hidden from the public view for an indefinite period contradict the spirit of the Mongolian government’s commitment to openness and transparency. Unnecessary secrecy breeds irresponsibility on the part of government officials.

In 2002 Globe International in cooperation with Article 19, the London based international organization produced a report titled "Mongolia in Transition: Legal Analysis on the Mongolian legislation Affecting Freedoms of Expression and Information". That time Globe International lawyers reviewed 232 Mongolia laws valid until 2001 and exposed that 91 laws contain the provisions related to freedoms of expression, information and media.

Chapter 7 of the report devoted to freedom of information and state secrecy legislation. Along with the other conclusions, the report noted: "*A key problem in Mongolia is the lack of openness of public bodies*".

The rights of the citizens of Mongolia are restricted by laws protecting state secrecy, organisational privacy, privacy and many others.

This report deals with state secrecy legislation and the Mongolian law protects state secrets in a general law on State Secrets and Law on List of State Secrets.

According to Globe International and Article 19 findings the following problems preliminarily occurred in the current state secrecy legislation.

- Scope of the Law on State Secrets and the Law on List of State Secrets is too broad. Almost anything can be classified as “state secret”
- The classification periods are very long (up to 60 years for example) and the items protected for indefinite period is too many (11 items out of 58 protected)
- The Law on State Secrets overlaps the Law on List of State Secrets
- The Criminal Law provides up to 8 years of imprisonment for disclosing state secrets which are not consistent with the Johannesburg Principles: National Security, Freedom of Expression and Access to Information. Harsh penalties afford the authorities in censoring the media and journalists.
- Too many laws such as Law on National Security, Law on Foreign Trade Arbitration, Law on Resolution of Petitions and Complaints Issued by Citizens to Government Organizations and Officials, Law on Criminal Investigation and Charge Law on Statistics, Law on Archive Law on Geodesy and Mapping and others also protect state secrets in various ways that some of them contradict or overlap the general law.

Globe International and Article 19 report includes the following recommendations:

- The secrecy provisions of the Law on State Secrets, as well as many other laws which impose secrecy rules, should be reviewed and revised where they do not serve a legitimate secrecy interest.
- All secrecy provisions should incorporate a substantial harm test as well as a requirement that this harm is greater than public interest in having information

So Globe International launched a project to meet the need for secrecy legislation reform through a full and careful analysis of the deficiencies of the Mongolian secrecy legislation in light of the similar legislation of other countries and to draft the new state secrecy legislation.

The report introduces the readers with results of the legal comparative study and the instigate survey on access to information conducted by the project teams.

We are calling on the legislators and authorities of Mongolia for change and it is enclosed to the present report.

H.Naranjargal, project leader

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INSTIGATIVE SURVEY

Possibility for Mongolian Citizens to Access Information

Instigative Survey Report

PREAMBLE

The survey was conducted by the NGO Globe International in the framework of the project “State Secrecy and Freedom of Information”, with the financial support of the US Embassy in Ulaanbaatar.

The survey was conducted by a team, consisting of a researcher, a journalist and ordinary citizens. The survey team focused on the Constitution of Mongolia, the international law guaranteeing citizen’s right to information, and international standards and principles concerning freedom of information.

In its very first session in 1946 the UN General Assembly adopted Resolution 59(I) which stated, “Freedom of information is a fundamental human right and ... the touchstone of all the freedoms to which the United Nations is consecrated.”¹

¹ 14 December 1946.

ARTICLE 19 has published a key standard-setting work on this topic, *The Public's Right to Know: Principles on Freedom of Expression Legislation*.² This has been endorsed by, among others, the UN Special Rapporteur on Freedom of Opinion and Expression in his 2000 Annual Report.³ These principles may be summarised as follows:

1. **Maximum disclosure:** The legislation should be guided by the principle of maximum disclosure.
2. **Obligation to publish:** Public bodies should be under an obligation to publish key information at their own volition.
3. **Promotion of open government:** Public bodies must actively promote open government.
4. **Limited scope of exceptions:** Exceptions should be clearly and narrowly drawn and subject to strict “harm” and “public interest” tests.
5. **Processes to facilitate access:** Requests for information should be processed rapidly and fairly, and any refusal to disclose should be subject to an appeal to an independent body.
6. **Costs:** Individuals should not be deterred from making requests for information by excessive costs.
7. **Open meetings:** Meetings of public bodies should be open to the public.
8. **Disclosure takes precedence:** Laws which are inconsistent with the principle of maximum disclosure should be amended or repealed.
9. **Protection for whistleblowers:** Whistleblowers – individuals who release information on wrongdoing – should be protected.

I. NEED FOR AN INSTIGATIVE SURVEY

Open information is pivotal to a democratic society which respects human rights. That is why information is called the oxygen of democracy. Information guarantees freedom, social justice and development.

The freedom to information is guaranteed by the Constitution of Mongolia, so information is one of the main services of the Mongolian state.

However, a culture supporting open information has not yet been established and the mentality of secrecy still remains, which affects the country's development. Particularly, simple information, which should be open to the public, is kept secret. Henceforth is the need for conducting such a study.

II. PURPOSE OF THE INSTIGATIVE SURVEY

The purpose of the instigative survey is to show an accurate portrayal of the possibility of Mongolian citizens to access information held by government institutions.

The objectives of the survey are:

- To study the use of the Law on State Secrecy and the Law on the List of State Secrecy
- To reveal if the state institutions protect information related to public interest, and if so what are its justification and reasons

² (London: June 1999).

³ Report of the Special Rapporteur, *Promotion and protection of the right to freedom of opinion and expression*, UN Doc. E/CN.4/2000/63, 18 January 2000, Para. 43.

- To expose constraints or problems faced by citizens

III. METHODOLOGY

Instigation as a method was used for the survey. The team approached state institutions through telephone calls and visited the selected institutions with requests to get information held by them. There was some state secret information. It should be noted that it was risky for the team because the secrecy legislation imposes harsh penalties on those who seek this secret information. Acquiring the information was not the primary purpose of the team.

The team defined its strategy in consultation with lawyers and researchers and studied the Law on State Secrets and the Law on the List of State Secrecy. They were also introduced with the Decree No. 120, titled “Imposing Penalties on the Disclosure of State Secrets”, of the Presidium of the Ikh Khural of the Mongolian People’s Republic (MPR) of 1955.12.15; Resolution No. 521, titled “Determining the List of the State Secret Information and Documents of Ministers’ Commission”, of the MPR of 1955.12.08; and Resolution No. 250 of the Ministers’ Commission, titled “Approval of the Procedure and the Short List of the State Secret Information and Documents” of 1954.5.22.

The criteria of selection of state institutions to instigate and classify the information was developed consistent with international standards.

The team based on that the following information should be open to the public:

1. Information on the services and activities of the state institution
2. Information pertinent to public interest and public concern
3. Official documents held by state institutions
4. Information on the job profiles of state officials

4. DURATION AND FRAMEWORK

The instigative survey was conducted for two months, starting July 1, 2006. The survey involved the following 13 state institutions:

1. Archive of State Intelligence Service (IS)
2. Archive of the Ministry of Defence (MD)
3. State Agency of the Professional Supervisory (PS)
4. Government of Mongolia (G)
5. Mongolian National University (MNU)
6. Archive of the Ministry of Foreign Affairs (MFA)
7. The Ministry of Environment (ME)
8. National Auditing Department (AD)

- 9. The Parliament- Ulsyn Ikh Khural (P)
- 10. The Mongol Bank (MB)
- 11. The Ministry of Education, Culture and Science (MECS)
- 12. Office of Execution of Court Decisions (OECD)
- 13. State Office of Prosecutor (SOP)

The information classification

The team agreed that they would request 15 types of information included in the following categories:

Information which must be open to the public	12
State secret information	3

Types of information which must be open to the public (from 12)

- information which should be necessarily available to the public 3
- information of public interest upon request 6
- information of public concern upon request 2
- information which should be disclosed by law 1

5. RESULTS OF THE SURVEY

As a result of the survey the team succeeded in getting only 4 pieces of information of which:

Information which must be open to the public	2
State secret information	1

Results by Information Classification

The team requested 15 types of information and anticipated access to 12 types of information:

Type of information	# of Requests	Obtained	Refused	Not obtained*
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Information which must be necessarily made available	3	2	1	
Information of public interest	6	1	3	2
Information of public concern	2		2	
Information which must be disclosed by the law	1			1
State secret information protected by the law	3	1	2	
Total	15	4	8	3

* The state institutions did not refuse, but did not provide

The state institutions refused to provide 9 pieces of information which should be made available to the public. They did not refuse to give 3 pieces of information, but the team did not obtain it.

The reasons of their refusals:

State secret		6*
Organisational secret	1	
No experiences that citizens request such information	1	
Refused without reasons		1

Information which was not refused, but not obtained:

Researchers were referred to a web site, but it was not there	1	
The researchers could access the information only at a high cost	1	
No reason given		1

Results by the list of information requested

#	Information requested	Category	Institution	Results
1	Concept of Mongolian Foreign Policy	State secret	MFA	Obtained. At first it was refused as state secret, but CSG later found it published.
2	Visit of Willis, the US Vice President in 1944	Public interest	MFA	Obtained.
3	Report of inspection on MIAT (Mongolian Airways)	Public interest	AD	Not obtained. Researchers were told that the information was available on the web site, but

				CSG could not find it.
4	Minutes of the Court hearings on cases of Handdolgor and Erdenetuya, journalists arrested for 23 days - 6 months	Public interest	SOP	Not obtained. Information is not for the public. Researchers can get the information with a letter from their organization.
5	List of students studying abroad by state subsidies	Public interest	MECS	Refused.
6	Information on the liquidation of the Mongolian currency notes used before the new Constitution, i.e., in the Mongolian People's Republic	Secret for 5 years (should have been disclosed)	MB	Not obtained.
7	Process of the execution of Bodo and Danzan's death sentence, political leaders repressed in the 1930s	Secret	IS	Refused as state secret.
8	Plans of the 1939-1945 War and related materials	Secret	MD	Refused as state secret.
9	Voting results of MPs on the Law on Criminal Procedure adopted in 2002	Must be available	P	Obtained. Available on web sites.
10	Materials on the latest examination on products and services affecting food security	Must be available	PS	Refused as state secret.
11	Minutes of meetings in which decisions on the 'Big Debt' to Russia were made	Public concern	G	Refused with the reason that citizens never request it.
12	Number of students given donations	Public concern	MNU	Refused as organizational secrecy.
13	Minutes of meetings with former Yugoslavian president Tito during his visit to Mongolia at the beginning of 1970s	Public interest	MFA	Refused as state secret.
14	Number of people executed by death sentences	Public interest	OECD	Refused with the reason that it is state secret.
15	Results of surveys on air and pollution	Must be available	ME	Obtained.

6. CASES

1) State Intelligence Service

I visited the IS, met the security guard and explained my purpose. The security guard called the relevant officer. The officer came and I explained the purpose of my visit. I requested to see documents related to the death sentences of Bodoov and Danzan, who were active in the establishment of Mongolian People's Party and were later repressed. The officer, who did not want to tell his name, said that the IS archive is open to the public, but that citizens can only access information which is disclosed by law. He said it is not possible to give information on the death sentences of Bodoov and Danzan.

2) Ministry of Defence

I called Mr. Zorig, Chairman of the Central Military Archive (tel: 451249) and asked if it was possible to get information on the 1939-1945 war strategy and related documents. The request was refused.

3) State Office of the Professional Supervisory

I approached the PS and requested information on the latest examination of products and services which affect food security. The request was refused with the reason that the information was state secret. I tried again through a daily newspaper "People's Right", but the result was the same.

4) Government of Mongolia

I approached the Government to see the minutes of the meetings where decisions on the 'Big Debt' to Russia were made. I was told that there are no experiences with that and that "the citizens get introduced with such information, It does not mean they cannot access the information. All the documents related to the 'Big Debt' are available at the Ministry of Foreign Affairs. You should go there"

I called to Ganhuuyag, officer of the Archive of MFA and he said "We did not receive those materials. These documents must be at the Government".

I tried again through journalists from a daily newspaper Onoodor. The result was the same.

5) Mongolian National University

I called the financial officer of the MNU with a request to find out the number of students who were paid donations. The Officer said, "the MNU does not receive donations any more. The information you're requesting is an organisational secret "

6) Archive of the Ministry of Foreign Affairs

I requested to see the minutes of meetings with former Yugoslavian President Tito during his visit to Mongolia at the beginning of 1970s.

The officer of the Archive said, "The researchers can be introduced with the materials, which do not belong to the secrecy category. They have to pay. Actually, all the information, which are not secret, are open."

7) Agency of Executing Court Decisions

I approached Colonel Ulambayar with the request to find out how many people are sentenced to death every year in Mongolia and how they are executed. He said this information is a state secret protected by the Law on the List of State Secrecy.

8) The Ministry of Foreign Affairs

I visited the MFA with two purposes. First was request for information on the visit of Mr. Willis, the former Vice President in 1944 to Mongolia. It was the easiest one. Nergui, officer of the Archive (tel: 262397) kindly brought a file and said “A lot of people are interested in this. Unfortunately, no minutes were taken during that time. There are not many materials: some pictures and films. If you want the copies of the pictures, you have to pay, as well as for the films. In one picture he was wearing the Mongolian national costume and was smiling.

The second request was for information on the foreign policy of Mongolia. I talked on the phone to several people from the security guard phone. First, I talked to a woman from the Press Department and she said me: “Who are you to try to find out the state secret and what is your reason? You do not need to know it”. The security guard was calling many people and he did not tell me who he was calling. After several attempts he suggested that I meet Mr. Tomorchuluu, chairman of Policy Planning, Information and Evaluation. While I was talking to him, Mr. Bayarkhuu came in and said that it was published in the blue book”. He took me to meet Mrs. Tsetsegmaa and I bought The Blue Book for 5,000 MNT. I was greatly surprised that the state secret information was published.

9) The Ministry of Environment

I met Mrs. Sarantuya, officer of the section of environment and natural resources (265615) and requested access to information on the results of a survey on air pollution. She said they do not have the survey results, but I was given 3 publications about monitoring. She said I can use it and return later.

10) National Auditing Agency

I visited the NAA with the purpose of obtaining information on the results of the latest financial examination of MIAT(Mongolian Airlines). Mrs. Narantsetseg said there were no complex examinations of MIAT since 1999 and there was some partial auditing. She told me the information is featured on the web site, but she did not know the link. I was told their web master Ganhuyag will start working soon and I have to call him at 261745.

Indeed, citizens can visit the web site <http://www.mnao.pmis.gov.mn> and look at the reports on auditing conducted after 2002, but I could not find any reports on MIAT.

11) The Parliament of Mongolia

I called the Office of the Parliament to find information on the MP’s voting results on the 2002 Criminal Law of Mongolia. I was suggested to contact Erdenbat, the web master. He told me to visit the web site: <http://www.parl.gov.mn/home.php?loc=detail.php&val1=pid&val2=20>. He also added that I can find the videos of the Parliament sessions, but there are no processes by which citizens can request such information.

It seems to me that the Parliament's web site is well designed and it contains good information.

12) State General Office of Prosecutor (SGOP)

I visited the Sukhbaatar District Court in order to see the minutes of the court hearings of detained journalists Handdolgor and Erdenetuya. I was told that the materials are stored in the Archive of the SGOP. When I visited the Central Archive of Crime, which is a part of the SGOP, I was told that I can get it, if the chairman permits. Then I met Mr. Huyag, the chairman (tel: 324984), but he said that they have documents dated before September 2002 and I should go to the City Office of the Prosecutor. He added that this information is private and asked me why I need the minutes of the court hearings. I said I need it for my research. He said I have to bring an official letter from my organisation.

I went to the Office of the City Prosecutor. The Archive is closed to the public on Mondays and Thursdays. They receive requests on Tuesdays between 9 and 11 a.m, and on Wednesdays between 2 and 6 p.m. They issue documents on Fridays between 9-12 a.m and 2 and 4 p.m. That means they serve the public for 11 hours a week, of which 6 hours are devoted to receiving requests.

They asked me why I was interested in the minutes of the court hearings. I explained it is necessary for my research. They required me to present an official letter. I explained that the director of my school would not produce any letter with his stamp for my research. He would put his stamp in the letter confirming I am student.

When the letter is presented, I was told that I have to pay 20,000 MNT for the use of the archive materials. I also needed to complete a special form. In order to get permission for using archive materials I met Mrs. Enkhtuya, officer of the Archive, and Mr. Dagvasuundel, chairman of the Office (tel: 325582).

13) The Ministry of Education, Culture and Science and (MECS)

I went to the MECS and met Mr. Munkhbat (tel: 263449) in order to find out the information on students studying abroad through state subsidies. He refused to provide this information and referred me to the Ministry's web site.

14) Mongol Bank

I went to Mongol Bank to get information on the liquidation of the Mongolian currency notes used before the new Constitution, i.e., in Mongolian People's Republic. The information must be disclosed in accordance with the Law on the List of State Secrets.

I came to Mongol Bank with my written request. I was told the information is not given to individuals. When I explained that I am from the Mongolian National University, they promised to send me the information by post. I did not receive it in 2 weeks. I visited Mongol Bank several times, but I could not meet any officials face to face. I talked to officials through the receptionist. Indeed, my written request should have reached the relevant person through Mr. Gan-Ochir, officer of the department of cash and research of Mongol Bank. (tel: 318330, 313330)

7. CONSTRAINTS/PROBLEMS

1. Procedures of the state institutions on access information are very bureaucratic. Citizens must present written requests, provide official letters, and other various documents, or complete special forms.
2. Public institutions are not open to the public, so the opportunity to meet an official responsible for particular information directly is very limited. Citizens have to talk on the phone from the reception desk or spend a long time seeking the right person, or talking to officials through receptionists.
3. There is no culture supporting written statements. Officials wonder why they should provide written refusals.
4. Payment for information is comparatively high for ordinary citizens. There is a list of tariffs approved by the National Archive, but the payment is different in different places.
5. Officials wonder why ordinary citizens need such information, for example, on international and inter-governmental agreements.
6. Officials are self-censored, so they avoid providing information and give explanations because the scope of the state secrecy law is too broad
7. It is strange that 70-80 year-old information is still covered by state secrecy because the Law on the List of State Secrets adopted in 2004 does not specify how and in which criteria information should be disclosed. It is not clear how information, produced before the date that the law came into force, should be disclosed.
8. All officials ask about the purpose behind requesting such information. They get angry and ask who is requesting the information and why.
9. In rare cases the officials do not refuse to provide information, if the information is published. It is profitable to sell the information.
10. Many officials refer to their web sites, even though they do not know the domain names of their web sites. There are a few of good web sites. Sometimes the information requested is not available on the referenced web sites. In order to get the information you have to have Adobe Acrobat Reader in your computer. In reality there are not many people using this programme, so you have to spend 1-4 hours to download it. State institutions have launched their web sites over recent years. The information before 2000 is not available on their web sites.
11. Some officials are not responsible for their work. Works done by the same institution are not interrelated.
12. The archives do not serve the public. It is open to researchers, if they are able to pay for the information. The ordinary citizen is not able to get information. You have to be a researcher with an official letter with a stamp and you have to pay.

8. CONCLUSION

National security, privacy and other interests are recognized under international law as being legitimate grounds for restricting the free flow of information. The instigative survey team requested information which would not harm the ‘protection of national security, or public order, of public health or morals, and violating rights or reputations of others’ (Article 19 of UHRD and ICCPR).

The results of the survey show that the rights of ordinary citizens in Mongolia to access information are very limited.

State secrecy legislation unnecessarily protects information of public concern and public interest. Even simple information is kept secret under the umbrella of protection of state secrets.

The right to information does not apply equally to all citizens.

Finally, the results of the instigate survey prove that state secrecy legislation should be immediately amended because it does not meet the requirements of modern development and it is against the nature and principles of democracy and human rights.

It urges the Mongolian Government to take urgent measures to fulfill their pledge to transparent governance and adopt the Freedom of Information law, and amend the secrecy legislation, as promised and declared in the Constitution and other laws, including the Strategy and Action Plan of the Government, National Programmes such as the National Human Rights Programme, the National Anti-corruption Programme, and international documents such as the Ulaanbaatar Declaration.

IV. CALL FOR CHANGE

To the Speaker and Members of the Parliament (Ulsyn Ikh Khural)

We, the participants of the round table “ State Secrecy and Freedom of Information” call on the Speaker and Members of the UIKH for CHANGE.

In doing this, we are referring to the Constitution, the promises of the Government on transparency and results of our project and handbook Parliamentary oversight of the security sector jointly produced by the Inter-Parliamentary Union and Geneva Center for the Democratic Control of Armed Forces.

Mongolia has guaranteed the citizens’ security and freedoms of expression and information in the Constitution.

Security is central to people’s well-being, it is essential that their views are expressed in the national security policy.

The UIKH as our representative power will provide better results in the national security sector, if they take into account the following:

1. Involvement of civil society in security activities

Civil society is of great importance and basic requirement in the strong functioning democracy.

Groups within civil society can influence decisions and policies with regard to the security sector.

The UIKH and the Government must encourage the participation of NGOs in public discussion about national security, the armed forces, policing and intelligence. NGOs and research institutions can strengthen democratic and parliamentary oversight of the security sector by:

- Disseminating independent analysis and information on the security sector, military affairs and defense issues to the UIKH, the media and public;
- Monitoring and encouraging respect for the rule of law and human rights within the security sector;
- Putting on the political agenda security issues which are important for society as a whole;
- Contributing to parliamentary competence and capacity building by providing training courses and seminars;
- Giving an alternative expert points of view on government security policy, defense budgets, procurement and resource options, fostering public debate and formulating possible policy options;
- Providing feedback on national security policy discussions and the way they are implemented;
- Educating the public and facilitating alternative debates in the public domain

2. Improving effectiveness of the media

Independent media help the public and their political representatives in the task of informed decision-making.

The media will help the UIKH in their democratic oversight and will ensure greater transparency and public accountability in the security sector.

For an democratic and good governance, the media has the right to gather and disseminate information on the security related matters that is public interest and has the responsibility to provide news that is true, accurate and fair.

3. Improving access to documents

Democratic oversight can be effective, as a principle of good governance, if the public is aware of major issues open to debate at the parliamentary level.

One effective way for parliament to secure public information is to make a variety of information on security or security related issues available to the public. Information that could be released to the public:

- Documents of strategic importance such as the national security policy;
- The defence budget (not including secret funds)
- Press releases concerning all major debates, decisions, motions, laws, etc. in parliament concerning the security sector;
- Minutes of the parliamentary or committee meetings and debates on security issues(except closed meetings) and reports on the scope and terms of reference of such closed hearings;
- Publications related to parliamentary inquiries into security issues;
- Annual parliamentary reports or reviews on the functions of all security services;

- Reports on the audit concerning the security sector. Some special investigations may not be allowed, but would be asked to submit them to committees, the government should table any action taken upon the auditor's report to the parliament
- Information on multilateral and bilateral agreements;
- Information on the voting of individual parliamentarians and factions on security issues such as the budget, joining international alliances, conscription issues, procurement
- Freedom of information legislation

4. Facilitating public involvement in parliamentary work

One way informational that comes from the parliament or government to the public is not sufficient. The UIKH should give the public the possibility of communicating with it on security issues. Two way information and communication are important because:

- It ensures participation and permanent oversight from the citizen's side;
- It increases the public's confidence in the functioning of the parliament;
- It offers a potential check on maladministration
- It secures public support and legitimacy for legislation and government policies, and hence democratic stability

Two-way communication could be enhanced by parliamentary information, hearings and monitoring news services, television debates and tailor-made news mailers to committee members, provided by the parliamentary research service.

You Can Do it as a Parliamentarian!

To give input to the security policy by civil society

- Make sure that mechanisms are in place to enable the UIKH to benefit from inputs from civil society representatives in its work with regarding security and security related issues
- If appropriate, promote the adoption of legislation allowing competent institutions, NGOs and the media to contribute to the work of the parliamentary committees which are competent to address security and security-related issues
- Make sure that the UIKH has an active public relations policy with regard to its decisions affecting security and its decision-making process in that field

Guaranteeing freedom of information and promoting rights of independent media

- Make sure that freedom of the press is upheld in law and in practice with regard to security issues and that any limitations imposed do not breach international human rights principles
- Ensure that appropriate freedom of information legislation is in place

- Amend the State secrecy law and Law on the List of State Secret in consistency with international freedom of information standards

Ulaanbaatar, December 20 , 2006

