

## **General recommendations**

Recommendations based on consultation among stakeholders during the National Media Conference held on 29-30 October, 2013 in Ulaanbaatar

### **I. Guarantee freedom of expression and media freedom**

a/ Articles 16.16 and 16.17 of the Constitution should be amended in accordance with Article 19 of ICCPR

b/ Adopt and implement the following laws that guarantee freedom of expression and media freedom.

➤ Revised version of the Law on Media freedom should be supported and adopted in accordance with the specific features of media industry and its role in society as well as in accordance with international laws and universally accepted standards

➤ Enact and implement broadcast law

c/ The present media regulations should be amended to be made consistent with international law standards

- Laws on State Secrecy, the Law on the List of State Secret Information, the Law on the Organizational Privacy and all other secrecy provisions should be amended to be consistent with international law and the Law on information Transparency and the Right to Access Information. All secrecy provisions should incorporate a substantial harms test as well as a requirement that this harm is greater than the public interest in having the information (i.e. a public interest override).
- The Law on Individual Privacy as well as all other laws protecting individual privacy should provide for secrecy only where disclosure of information threatens to harm a legitimate privacy interest and where this harm is greater than the public interest in having the information; and provide that where the individual in question has consented to the disclosure, even private information should be disclosed.
- Relevant amendments should be made to Civil Code, Law on Public Service Broadcasting, State of Emergency Law, Law on Advertisement, all elections laws, Laws on licensing
- Content regulations should be reviewed carefully and terms such as obscenity, cruel religious doctrine etc. should be narrowly defined in the laws
- Repeal all administrative decisions made by public and legally entitled organizations that contradict with Mongolian and international laws

### **II. Repeal the current state regulation and endorse media self-regulation**

- Decriminalize defamation, and defamation provisions in all the election laws should be repealed.
- The obligations imposed on the media should be repealed.

- The restrictions on the right to freedom of expression of the professionals or public officials should be amended and this issue should be dealt with at a professional level through professional bodies, rather than through criminal law.
- The current regulation and government decision to regulate the Internet should be repealed

III. Adopt a policy to develop media content and legalize the obligation to respect public interests:

a/ Adopt state policy to support media diversity and media content that promotes national culture, history, language, traditions and customs. In doing so, the policy should consider specific features of community and local media and their market

b/ Issue a license for nationwide broadcasting through satellite based on programming for general audience defined by the content policy. Criteria and selection process for the national coverage should be clearly defined, advised with professional organizations and made it transparent to public while considering the possibility of purchase of content from provincial areas.

IV. Establish transparency in media industry in accordance with international standards in order to support fair competition and development within the sector

a/ Information on readership, circulation, audience data and advertisement revenue of media outlets should be made public

b/ The public funding allocated to the media should be transparent in accordance with Freedom of Information act. The government agencies should allow all the media outlets to compete fairly for the funding via public tenders/bids.

c/ Stop the illegal activities of the so-called “media and IT department” within public organizations that operate as a media outlet and provide imbalanced, partial information to media

d/ Implementation of the national spectrum plan, particularly in connection with digital spectrum allocation should be participatory, transparent and accountable to the public. Spectrum should be reserved for the community broadcasters

V. Set up journalistic standards and enhance professional quality

- Encourage cooperation between government and non-government organizations
- Improve cooperation between public and private journalism schools and establish a professional council that deals with all journalism schools
- Capacity building for professional organizations
- Improve enrollment criteria and rules for journalism students at institutions
- CSOs in cooperation with professional organizations are to conduct systematic monitoring and advocate on behalf of public to get their voices heard and ensure their right to access information

VI. Professional training and research

- Launch a systematic training course or programme for professional and mid-career media managers and financial managers
- Renew standards for journalism training and enable competition between many programs for better quality training
- Conduct comprehensive research on training demand at professional and academic levels, and to train media professionals according to the market demand
- Conduct training courses on advanced new technology

VII. Manage labor relations and increase organizational efficiency

- Set up a trade union in the media sector
- Set standards for labor relations in media sector
- Promote activities of trade union to media management and staff
- Conduct training on protection of labor rights for media managers and staff