

PARLIAMENT RESOLUTION OF MONGOLIA

November 3, 2016

Ulaanbaatar city

№ 51

RE: APPROVAL OF “NATIONAL ANTI-CORRUPTION STRATEGY”

On the basis of the Article 43.1 of Law of Mongolia on Parliament, and the Article 2¹.1 of the Anti-Corruption Law of Mongolia, the Parliament of Mongolia hereby RESOLVES:

1. to approve the appendix “National Anti-Corruption Strategy” (hereinafter referred to as “the Strategy”) ”.
2. to assign the Government of Mongolia (J.Erdenebat) to approve the Strategy implementation plan, and to reflect the annual funding required to implement the Strategy in the state budget and, the Independent Authority Against Corruption (Kh.Enkhjargal) to coordinate implementation of the Strategy.
3. to assign the Standing committee on Legal Affairs of Parliament (Sh.Radnaased) to oversee the implementation of the Strategy.

CHAIRMAN OF THE PARLIAMENT OF MONGOLIA

M. ENKHBOLD

MONGOLIA
NATIONAL ANTI-CORRUPTION STRATEGY

ONE. STRATEGY GOAL

1.1. The goal of the Strategy is to prevent all levels of the government, the public servants, the private enterprises, the civil society and the political parties from the risk of corruption, to engrain ideology of fairness among the public and to develop open, transparent and responsible society.

TWO. STRATEGY OBJECTIVES

2.1. The following objectives shall be implemented step by step in order to achieve the goal set in Article 1.1 of the Strategy:

2.1.1. to prevent from risk of corruption through strengthening fair, accountable and transparent public service, to implement merit principle based on knowledge, education and independent from political influence when making selection and appointment of public servants;

2.1.2. to ensure openness of public service, develop electronic services that respect customers' interest and upholds their satisfaction, to improve its efficiency, and to strengthen public servants' accountability;

2.1.3. to improve administration and monitoring of the budget, finance and audit, to ensure its transparency, and to allocate the budget and foreign loan or aids appropriately for its designated purposes;

2.1.4. to enhance legal framework of public procurement system, to increase its efficiency, fairness, accessibility and transparency, and to improve monitoring and accountability of the public procurement process;

2.1.5. to strengthen impartiality, transparency and independence of judiciary and law enforcement authorities, to improve cooperation between these organisations in combating corruption;

2.1.6. to strengthen cooperation between public and private sectors in preventing corruption;

2.1.7. to reinforce scrutiny of the citizens and the public, to increase participation and responsibilities of civil society organisations, and to support their initiatives;

2.1.8. to enforce implementation of legislation that ensures citizens' right to obtain information, to improve legal framework of media organization, professional ethics and accountability of journalists;

2.1.9. to enable public access to funding and financing of political parties and elections, to ensure the government, the judiciary and the parliament be free from illegal interests and influences of business groups;

2.1.10. to engrain ideology of fairness, to organise public awareness activities against corruption in stages, and to enhance legal knowledge against corruption;

2.1.11. to develop international cooperation in relation to combatting and preventing corruption, and to receive and implement recommendations and guidance of international organisations;

THREE. PRINCIPLES FOR IMPLEMENTING THE STRATEGY

Besides the Constitution of Mongolia, the following principles shall be applied in implementing the Strategy:

3.1.1. **Rule of law:** All men shall be equal before law and court. To uphold law above all and abide by it without dereliction;

3.1.2. **Principle of accountability:** The public servant shall be accountable to the public regardless of whether he/she was elected or appointed;

3.1.3. **Principle of transparency:** Not to limit citizens' right to obtain information, unless otherwise stated in law, and to enable unobstructed access to information regarding government organisations, individuals and legal entities;

3.1.4. **Principle to respect public interest:** Public servant shall uphold public interest above all other interests, and shall not use his position as a tool to earn profit for himself or for other affiliated entities;

3.1.5. **Principle of cooperation and interrelation:** Organisations participating in the activities to combat corruption shall closely cooperate and determine the objectives of their frameworks and strengthen their cooperation;

3.1.6. **Public, private and civil society partnership principle:** to mutually agree that cooperation between the public, the civil society and the private enterprises is crucial for corruption prevention.

4. IMPLEMENTING ACTIVITIES OF THE STRATEGY

4.1. STRENGTHENING FAIR, ACCOUNTABLE AND TRANSPARENT PUBLIC SERVICES AND TO IMPROVE ETHICS

4.1.1 In order to fulfil the objectives of preventing from the risk of corruption by strengthening fair, accountable and transparent public service and of implementing free of political influence and merit-based selection process or appointments of government positions, the following measures shall be taken:

4.1.1.1. to enforce implementation of the law in respect of selection and appointment of public officials where it requires to make a decision on the basis of conclusion of the central government organisation as well as evaluation of his/her preliminary personal interest declaration and, to raise accountability;

4.1.1.2 to reform the criteria for ethics, education and experience when selecting or appointing public servants in order to meet with international standards, and to appoint or promote [public servants] through merit principles based on his/her knowledge and education;

4.1.1.3. to establish assessment system that meets international standards, and to create legal framework to re-determine methods of assessing and evaluating performance of public servants and imposing relevant sanctions;

4.1.1.4. to ensure the process of appointing and dismissing public servants free from any influence of high-level public officials and political parties;

4.1.1.5. to approve methodology for corruption risk assessment and to accustom to analyse its implementation;

4.1.1.6. to approve and enforce model rules for public service ethics, to analyze ethical violations, to accustom the process of identifying, eliminating, reporting and discussing its nature and causes;

4.1.1.7. to introduce clear method and form of receiving and reviewing inquiries and complaints related to public servants' interests, ethics and corruption as well as imposing relevant sanctions, and to establish internal monitoring mechanism;

4.1.1.8. to establish accountability system where if a decision of an authorised legal person is determined to be illegal, such decision is invalidated, any negative consequences thereof are remedied and any relevant damages are compensated;

4.1.1.9. to develop cooperation between public agencies and to ensure possibility for exchanging information;

4.1.1.9. to establish a public service training institution, and to provide possibilities for public servants to be re-trained.

4.1.2 ENSURING TRANSPARENCY AND ACCESSIBILITY OF PUBLIC SERVICE AND TO INCREASE ITS EFFICIENCY

The following actions shall be implemented to fulfil the objectives to develop electronic public service, to provide transparent and accessible public service that respects customers' interests and to strengthen accountability of public servants:

4.1.2.1. to establish a system where the public services are provided to the citizens in electronic form, and to establish and develop central network for electronic public services;

4.1.2.2. to simplify regulations for issuing certificates and permits, to create its monitoring mechanism; and to transfer the mandates to issue and monitor certain types of permits to non-government organizations;

4.1.2.3. to amend the regulations for assessing goods and products under domestic standards that had already met with international standards, and to revoke unnecessary standards;

4.1.2.4. to develop risk-based government inspection and internal inspection of private enterprises, and to advance comprehensive government inspection system by reducing its types gradually and having 70 percent of the inspection to be organised with purpose of prevention.

4.1.2.5. to conduct regular surveys on fairness, transparency and accessibility of the public service, and to adopt results of such surveys in the operation;

4.1.2.6. to establish an open and transparent channel for receiving complaints, information and inquiries, and to provide with possibility to issue, resolve and monitor requests, complaints and other information in electronic form;

4.1.2.7. to introduce a system where independent assessment of quality and accessibility of public service are conducted and the citizens are able to assess public officials' performance and to improve quality and sufficiency of public service;

4.1.3. ENSURING TRANSPARENCY OF BUDGET, FINANCE AND AUDIT, AND TO INCREASE ITS ACCOUNTABILITY

The following actions shall be implemented to fulfil the obligations to ensure transparency of the budget, finance and audit, to improve management and monitoring, to increase accountability, and to spend foreign loans and aids appropriately for its designated purposes:

4.1.3.1. to improve the management of state and local level budget and financial system, and to enforce principles of transparency and accountability on the management of financial matters;

4.1.3.2. to increase efficiency of budget planning, its implementation, independent monitoring and accountability;

4.1.3.3. to make the decision-making process and financing of the Government Special Fund transparent and monitored;

4.1.3.4. to enable public participation in discussing draft budget proposal;

4.1.3.5. to develop finance and loan policy for banks and financial institutions, and to end bank bureaucracy in which the bank uses its advantage to distress citizens and private enterprises;

4.1.3.6. to improve internal financial audit, monitoring methodologies and accountability system for public service organizations;

4.1.3.7. to improve accountability mechanism in accordance with auditor's conclusion;

4.1.3.8. to ensure the audit process to be independent and in reliance with relevant laws, to establish legal framework to let foreign audit entities that are accepted at the international level, to work [in Mongolia], if considered necessary;

4.1.3.9. to strengthen state audit impartiality and capacity, and to support prevention of corruption through improving audit quality and effectiveness;

4.1.3.10. to improve public scrutiny on the performance of government organisations and government officials through developing a system for disclosing audit reports, conclusions and recommendations issued by state auditors;

4.1.4. INCREASING INSPECTION, ACCOUNTABILITY AND EFFICIENCY OF PROCUREMENT PROCESS

The following actions shall be implemented to fulfil the objectives to enhance legal framework of public procurement process, to increase its transparency, accessibility and fairness, to lower the costs of organising a bid/tender, and to improve monitoring and accountability of the public procurement process:

4.1.4.1. to fully transfer the tender process into an electronic format;

4.1.4.2. to renew the complaint and dispute review procedures and to disclose to the public the results of complaint reviews with regards to tender process;

4.1.4.3. to improve procurement planning policy and process, and to create legal framework for disclosing such plans to public for preliminary discussion;

4.1.4.4. to specify the methods and criteria for signing a concession, and a direct contracting.

4.4.4.5. to improve financial accountability, to tighten the penalties for individuals or legal persons which failed to comply with their contractual obligations, to create mechanism for improving independent monitoring system;

4.1.5. STRENGTHENING FAIRNESS, TRANSPARENCY AND INDEPENDENCE OF JUDICIARY AND LAW ENFORCEMENT AUTHORITIES AND IMPROVING THEIR COOPERATION

The following actions shall be implemented for the purpose of strengthening fairness, transparency and independence of judiciary and law enforcement authorities, and improving cooperation and interrelations in combatting corruption:

4.1.5.1. to enhance legal framework for ensuring the judiciary organisations to work independent from political parties and groups, to keep the selection and appointment process of judge and prosecutor fair, transparent and free from political influence;

4.1.5.2. to establish and implement a common procedure at all levels for selecting managerial level officials of judiciary;

4.1.5.3. to renew the education curriculum for judges and prosecutors, and to improve their professional skills;

4.1.5.4. to create mechanism for reviewing corruption related legal disputes that are already resolved, and to keep improving its legal framework;

4.1.5.5. to use social network and specific phone line to receive information related to corruption and abuse of power violations, and to create mechanism to remunerate whistle-blowers;

4.1.5.6. to establish legal framework for protecting whistle-blowers and journalists;

4.1.5.7. to strengthen capacity of anti-corruption authority;

4.1.5.8. to use modern information technology in activities against corruption, and to introduce scientific and advanced technologies in detecting corruption and abuse of power crimes;

4.1.5.9. to establish a central database of law enforcement authorities for the purpose of improving public scrutiny of the decision procedures of corruption cases and other types of violations;

4.1.5.10. to regularly inform the public on criminal cases involving government officials and how they are resolved in the court in accordance with the laws and regulations;

4.1.5.11. to improve knowledge, experience and skills of officers of law enforcement authorities in identifying and resolving corruption cases;

4.1.5.12. to add topics on corruption and abuse of power violations and crimes in the curriculum of the training courses designated to officers of law enforcement authorities;

4.1.5.13. to determine aptly the positions that are obligated to submit income and asset declaration and private interest declaration and abide it;

4.1.5.14. to enhance the submission forms of private interest declaration and income and asset declaration, and transfer fully to a system to receive the declarations in an electronic form;

4.1.5.15. to improve mechanism for determining improper influence, its types and for imposing penalties;

4.1.5.16. to introduce a compulsory procedure to conduct anti-corruption analysis on draft laws and other administrative legal acts and to issue proposals and recommendations;

4.1.5.17. to improve legal framework to dismiss criminal charges of persons who voluntarily confessed to the relevant authority that he/she gave a bribe, and to define some necessary terms in the law.

4.1.6 SUPPORTING DECREASE OF CORRUPTION RISK AND ENSURING FAIR COMPETITION IN THE PRIVATE SECTOR

Following actions shall be implemented in order to fulfil the objectives of improving cooperation between the state and the private sector:

4.1.6.1. to support and encourage private enterprises' efforts to fight against corruption, to strengthen cooperation with the World Economic Forum's Partnership Against Corruption Initiative;

4.1.6.2. to build capacity of private enterprises and conduct research on possible transfer of certain government rights/powers to private enterprises, and to determine boundaries of cooperation between the state and the private enterprises;

4.1.6.3. to expand and encourage cooperation between the state and the private enterprises to prevent corruption, and to support and cooperate on any initiatives and proposals [of the private enterprises];

4.1.6.4. to improve legal framework in respect of restricting cartels and unfair competition;

4.1.6.5. to ensure transparency of minerals exploration sector;

4.1.7. SUPPORTING INITIATIVES AND PARTICIPATION OF CIVIL SOCIETY

Following actions shall be implemented to fulfil the objectives to strengthen the citizens and public scrutiny on corruption prevention activities, to ensure and

guarantee their participation and roles and to encourage their initiatives in the said actions,

4.1.7.1. to encourage civil society organisations' participation in the efforts to combat and prevent corruption through providing them with opportunity to be involved in all levels of the government's decision-making process and actions to prepare, discuss and approve any policy in which the particular civil society focuses on;

4.1.7.2. to improve the Law of Mongolia on Non-Governmental Organisations to ensure transparency of non-governmental organisations' operation and financing;

4.1.7.3. to enable non-governmental organizations to monitor the operation of government organizations and its administration; to create mechanism for transferring government's certain rights/powers to non-governmental organisations, and for monitoring transparency and effectiveness of transferred government funds;

4.1.7.4. to establish public oversight sub-committee, besides the sub-councils in charge of conducting crime prevention activities of ministries, agencies and local authorities, with purpose to ensure participation of the citizens and the public in activities of corruption prevention;

4.1.7.5. to activate operations of the Public Council of Independent Authority Against Corruption;

4.1.7.6. to enable non-governmental organisations to file a claim for compensation of corruption to the court regardless of respondent's ownership as long as interest of government, individual or public is damaged; to establish a legislation that releases the claimant from obligation to pay stamp duty fee for the said dispute; and to seek support from non-governmental organisations and professional associations on investigation of corruption and abuse of power crimes;

4.1.8. IMPROVING LEGAL FRAMEWORK OF MEDIA, AND PROFESSIONAL ETHICS AND ACCOUNTABILITY OF JOURNALISTS

The following actions shall be implemented to fulfil the objectives to provide legal framework that guarantees citizens' right to obtain information, to develop free press, and to improve professional ethics and accountability of journalists:

4.1.8.1. to guarantee rights of media organizations to obtain and disseminate information;

4.1.8.2. to create legal framework for protecting journalists specialised in investigative journalism on corruption cases from being pressured in any way, to change the mechanism in which journalists are charged with crimes due to their professional performances, and to create mechanism to protect journalists in general;

4.1.8.3. to create legal framework to protect independence and freedom of media;

4.1.8.4. to make government organisations, state-owned or affiliated legal entities' procurement of broadcasts, advertisements and other media services more transparent and open to the public;

4.1.8.5. to enhance operation of Press councils in charge of reviewing, discussing and imposing penalties on ethical violations of journalists;

4.1.9. STRENGTHENING INTEGRITY IN POLITICS

The following actions shall be implemented to fulfil the objectives to make funding of political parties and of election open and accessible to the public, and to keep the government, the judiciary and the parliament free from any influence and interest of political and business groups.

4.1.9.1. to create mechanism to develop and implement laws and regulations to make funding of political parties and the relevant reports transparent to the public, to improve monitoring mechanism of financial transactions of political parties through regulating sanctions for non-compliance of duties to not receive any illegal financing, to publish report on election campaign funding and to disclose audit evaluation of its financial reports, and to effectively implement respective regulations in the law;

4.1.9.2. to establish a system to enable independent monitoring of financial statement of political parties that have seat in the Parliament, and to inform result of such monitoring reports to the public;

4.1.9.3. to ensure financing from the state budget to political parties accessible to all parties, and to create condition in which the political parties that do not have seat in the Parliament have opportunity to develop and not be influenced by interested parties in terms of financing;

4.1.9.4. to improve the Law on Election and Law on Political Party;

4.1.9.5. to improve implementation of ethical rules of high-level government official, to create accountability mechanism, and to establish legal framework for suspending, removing or recalling high-level government officials who have engaged in criminal activities or otherwise are in violation [of the law];

4.1.9.6. to establish a system for monitoring assets and incomes of managerial level officials of political parties;

4.1.9.7. to create legal framework for social interest groups and citizens to participate, influence or lobby in the state policy and decision-making process;

4.1.9.8. to increase participation of citizens and civil society organisations' in activities to raise political accountability and to improve transparency.

4.1.10. IMPROVING EDUCATION TO COMBAT CORRUPTION

The following actions shall be implemented to fulfil the objectives to instil ideology of fairness, to organise step by step activities to raise awareness of the public against corruption, and to improve anti-corruption education:

4.1.10.1. to ensure participation from citizens, the state and non-governmental organizations in the step by step activities directed to the public to introduce harms of corruption, and to instil zero tolerance to corruption;

4.1.10.2. to organise multilateral activities covering educational organizations and families with purpose to build fair citizens with zero tolerance against corruption, and to include anti-corruption topic in the study curriculum and standards of all levels of education;

4.1.10.3. to prepare training materials and handbooks designated for certain groups, to organise training courses directed to engrain zero tolerance against corruption and to use social media effectively;

4.1.10.4. to train and support teachers in charge of conducting anti-corruption training courses and campaigns;

4.1.10.5. to spread good practice of anti-corruption to the public;

4.1.11. STRENGTHENING INTERNATIONAL COOPERATION

The following actions shall be taken to fulfil objectives to enhance international cooperation in the fight against corruption and corruption prevention, and to adopt and implement recommendations and guidance of international organizations:

4.1.11.1. to use the United Nations (hereinafter referred to as the “UN”) Convention against Corruption as the basis for mutual legal assistance, to intensify activities to sign mutual legal assistance treaties with other countries, and to improve cooperation between domestic agencies;

4.1.11.2. to cooperate effectively with the UN Office on Drugs and Crime and other international organizations for implementing UN Convention against Corruption,

4.1.11.3. to expand cooperation with law enforcement and anti-corruption authorities of foreign jurisdictions, and to regulate clear procedures for recovering proceeds of corruption crimes hidden in foreign jurisdictions;

4.1.11.4. to regulate procedures regarding mutual extradition of criminals charged with corruption and abuse of power crimes;

4.1.11.5. to encourage and expand cooperation with international anti-corruption networks and initiatives;

FIVE. THE STRATEGY DURATION, PHASES AND RESULTS

5.1. The National Strategy will be implemented in two phases for period of six years.

5.1.1 The first phase of the Strategy (to be implemented between 2016 and 2019):

5.1.1.1. Activities to develop legislation to combat corruption and to reform public service will have been accelerated;

5.1.1.2. Corruption risk assessments of public organisations will have been carried out;

5.1.1.3. Implementation plan for activities to combat corruption will have had higher assessment score;

5.1.1.4. All necessary measures to digitalise public service will have been taken;

5.1.1.5. Cooperation between judiciary organisations and law enforcement authorities against corruption will have been improved;

5.1.1.6. Certain government rights will have begun to be transferred to non-governmental organisations;

5.1.1.7. Corruption risk in private sector will have been reduced, and cooperation between private enterprises and the state will have been improved;

5.1.1.8. Ideology of fairness will have been instilled in the public, the public will have been more likely to resolve dispute in lawful manner;

5.1.1.9. Legal framework for the media and professional ethics and accountability of journalists will have been improved;

5.1.1.10. Score of Mongolia in the Corruption Perceptions index of “Transparency International” organization will have been improved;

5.1.1.11. Integrity level of the public agencies will have been improved;

5.1.1.12. Positive changes regarding corruption perception among political and law enforcement organisations will have been shown.

5.2. The second phase of the Strategy (to be implemented between 2020 and 2023):

5.2.1. Score of Mongolia in the Corruption Perceptions index of “Transparency International” organization will have been improved;

5.2.2. Integrity level of the public agencies will have been improved from the previous result;

5.2.3. Corruption perception index of political organisations and law enforcement authorities have been increased;

5.2.4. Openness and transparency of the public service are fully ensured;

5.2.5. Mechanisms to prevent and combat corruption within political organisations, law enforcement authorities and judicial organisations will have been established, and mechanism to investigate corruption cases and possible violations and protect whistle-blower under public scrutiny will have been established;

5.2.6. Factors for the occurrence of corruption within corrupted sectors and high-level organizations will have been reduced;

5.2.7. Public participation and scrutiny in the fight against corruption will have been strengthened;

5.2.8. Citizens' trust in the public service will have been increased.

SIX. STRATEGY FUNDING

6.1. The Strategy will be funded from the following sources:

6.1.1. The state and local budget;

6.1.2. Loans and aids from international organisations or donor countries;

6.1.3. Other sources.

6.2. The government and the governors of provinces and the capital city will reflect the necessary funding for the implementation of the Strategy in the annual budget and have the same approved by relevant authority.

SEVEN. IMPLEMENTATION AND MONITORING-ANALYSIS OF THE STRATEGY AND ITS STRUCTURE

7.1. The President of Mongolia, the Parliament, the Government and Independent Authority Against Corruption shall implement the Strategy as follows:

7.1.1. Parliament shall monitor the implementation of the Strategy and shall approve the draft legislations stipulated in the Strategy;

7.1.2. The President of Mongolia shall oversee the implementation of the Strategy.

7.1.3 The Government shall support the ministry, agencies, local government and administrative units in implementing the Strategy.

7.1.4. Within the structure of the Independent Authority Against Corruption, Office for Implementing the National Anti-Corruption Strategy shall be established. The Office shall coordinate implementation of the Strategy, assess and monitor the implementation

process, provide advice and recommendations, prepare methodologies, enhance connections between organisations in charge of implementing the Strategy, develop cooperation between local government and international organisations, provide information to the citizens and the public regarding the implementation process, and assess the Strategy implementation.

7.1.5. The Independent Authority Against Corruption shall monitor the implementation process of the Strategy and submit the report to a respective Standing Committee of the Parliament. Director of the Independent Authority Against Corruption shall approve and enforce assessment criteria and methodology to assess the implementation of the Strategy.

7.2 Centralized electronic database for the national Strategy shall be operated.

EIGHT. REPORTING THE IMPLEMENTATION OF THE STRATEGY

8.1. Organizations implementing the Strategy shall deliver implementation reports to the Office for Implementing the National Anti-Corruption Strategy, no later than February 1 of each year.

8.2. Independent Authority Against Corruption shall integrate the reports, make assessment on the activities of the organizations and introduce its assessment results and recommendations to a respective Standing committee of the Parliament.

8.3. The respective Standing committee of the Parliament shall discuss the reports, the assessment results and the recommendations and may issue resolution to give directive to respective organizations for ensuring implementation of the strategy, eliminating the violation and intensifying its activities.

8.4. The respective Standing committee of the Parliament, if considers necessary, may present the issue stipulated in article 8.3 of this chapter, to the Parliament Plenary Meeting for further discussion and decision.

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