



Office for Democratic Institutions and Human Rights

MONGOLIA

PRESIDENTIAL ELECTION

26 June 2013

OSCE/ODIHR Election Observation Mission Final Report



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I. EXECUTIVE SUMMARY

Following an invitation from the Ministry of Foreign Affairs of Mongolia, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on 10 May 2013 deployed an Election Observation Mission (EOM) for the 26 June presidential election in Mongolia. Mongolia became the 57th participating State of the OSCE on 21 November 2012 and thus took upon itself all existing OSCE commitments, including those related to democratic elections. The 26 June presidential election was the first one observed by the OSCE/ODIHR. The OSCE/ODIHR EOM assessed compliance of the election process with OSCE commitments, other international standards for democratic elections, and national legislation.

The Statement of Preliminary Findings and Conclusions issued by the OSCE/ODIHR EOM on 27 June 2013 concluded that the election was characterized by a competitive campaign conducted in an environment that respected fundamental freedoms, although restrictive legal provisions prevented media from providing sufficient information to the voters. On election day, voters were able to cast their votes freely and voting was assessed positively in 99 per cent of the polling stations observed, although the secrecy of the vote was not always ensured.

The election was held under a new Law on the Election of the President of Mongolia (Presidential Election Law – PEL), which took effect just six months before. The manner in which the law was reportedly drafted and adopted appears to have decreased confidence in the electoral process. Despite recent improvement, the legal framework contains gaps and inconsistencies and does not ensure effective legal remedies for complainants. The General Election Commission (GEC) administered the technical aspects of the election effectively but did not always take the necessary steps to ensure consistent and uniform implementation of the electoral legislation.

Election commissions at all levels generally enjoyed the trust of the electoral stakeholders. The GEC did not adopt a comprehensive set of regulations for the work of lower-level commissions, nor did it always work in an open and transparent manner. It did not announce its sessions on its website and was at times late in publicly announcing its decisions.

Members of election commissions at all levels were drawn from among civil servants. The legal framework does not detail specific criteria for their selection and appointment, and a number of OSCE/ODIHR EOM long-term observers (LTOs) reported credible allegations that civil servants affiliated with the Democratic Party (DP) were appointed at all levels of the election administration, including in the leading positions.

Voter registration in Mongolia is passive, periodic and based on the national Civil Registration and Information Database. Political party interlocutors expressed overall confidence in the voter registration system. The quality of voter lists was, however, negatively affected by a lack of co-ordination between the authorities involved. Voter lists were not always posted at Precinct Election

¹ The English version of this report is the only official document. An unofficial translation is available in Mongolian.

Commission (PEC) premises for public scrutiny but were generally accessible upon voters' requests.

Three candidates contested the election. Some eligibility requirements for presidential candidates are overly restrictive and not in line with OSCE commitments and other international standards for democratic elections. For example, candidates must be resident in the country for the last five years, and able to prove Mongolian citizenship of both parents. In addition, the Constitution and the PEL limit the right to nominate presidential candidates to parliamentary parties and coalitions, and individuals cannot stand as independent candidates, contrary to paragraph 7.5 of the 1990 OSCE Copenhagen Document.

The campaign environment was competitive and characterized by respect for the fundamental freedoms of assembly, association and movement; contestants were able to campaign without hindrance, and rallies were free of incidents. Doubts expressed by some political parties regarding the reliability of the electronic vote-counting equipment (VCE) became a campaign issue. All three candidates made pledges of a financial nature, in violation of the PEL. The election campaign became more active in the later stages but lacked lively debate between candidates or their representatives.

The PEL sets rules for the financing of election campaigns, including detailed post-election reporting requirements. There are no requirements for reporting during the electoral period and the limited staff at the GEC dealing with political finance did not plan to audit reports received from the political parties after the election. Taken together, these factors may undermine the effectiveness of the control mechanisms introduced by the PEL and can potentially decrease the public trust in the way electoral campaigns are financed.

The legal framework generally provides for freedom of expression. Criminalization of defamation and a recently introduced content filter on user comments on the internet are, however, a cause for concern. While the media market allows for a certain level of political pluralism, the overwhelming majority of media outlets are reportedly directly or indirectly owned by political actors and interference of media owners in the content of news programmes undermines the media's editorial independence. Broadcast media largely complied with the legal provisions regarding free and paid political advertisement. Campaign coverage in news and current events programmes was, however, very limited, in part due to the at times contradictory and overly restrictive legal framework for media coverage of elections. Furthermore, there were hardly any programmes that provided an opportunity for journalists, experts and the public to put questions to candidates, and for candidates to debate with each other. This prevented the media from fulfilling its function to provide for a robust public debate on election matters and political options.

The PEL provides for domestic and international observation, but does not explicitly provide for access of observers to the entire electoral process. Civil society organizations did not observe the pre-election period, in part due to a lack of funds and a restrictive GEC decision on accreditation for monitoring before election day. A limited number of citizen observers were present in the polling stations observed by the OSCE/ODIHR EOM on election day, while candidate representatives were present in almost all polling stations observed.

The PEL does not establish a clear complaints and appeals process with a single hierarchical structure of responsibility. Instead, different agencies and/or courts have jurisdiction to decide various election-related matters. There was a lack of understanding among stakeholders of the electoral dispute process and no consistent interpretation of the applicable regulations. Long time

limits for the adjudication of cases by courts also do not provide for timely and effective redress, as required by paragraph 5.10 of the 1990 OSCE Copenhagen Document. Regrettably, the OSCE/ODIHR EOM was only provided with limited access to complaints filed with the GEC and the police.

Election day was calm and orderly with a voter turnout of 66.5 per cent reported by the GEC. OSCE/ODIHR EOM observers assessed mobile voting on 25 June, the opening of polling stations and the voting process on election day as overwhelmingly positive, although the secrecy of the vote was not always ensured. The vote count was assessed positively overall, although OSCE/ODIHR EOM observers noted some procedural irregularities. Due to a programming error, the VCEs did not correctly calculate the number of invalid ballots. Tabulation procedures at DECAs were largely followed, but observers noted lack of organization and transparency. Instances of uneven implementation of procedures on election day appeared to be at least partly due to the lack of a set of regulations for the work of election commissions. The GEC released preliminary election results on 27 June and final ones on 4 July, but only broken down to provincial and Ulaanbaatar city districts rather than to the polling-station level.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Ministry of Foreign Affairs of Mongolia, and based on the recommendations of a Needs Assessment Mission conducted from 4 to 8 March 2013, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on 10 May deployed an Election Observation Mission (EOM) for the 26 June presidential election in Mongolia. The OSCE/ODIHR EOM was headed by Ambassador Audrey Glover and consisted of 14 experts and 24 long-term observers (LTOs), who were based in Ulaanbaatar and 9 locations throughout the country. For election day, the OSCE/ODIHR EOM deployed a total of 210 observers drawn from 33 OSCE participating States.

Mongolia became the 57th participating State of the OSCE on 21 November 2012 and thus took upon itself all existing OSCE commitments, including those related to democratic elections. The 26 June presidential election was the first one observed by the OSCE/ODIHR in the country. The OSCE/ODIHR EOM assessed compliance of the election process with OSCE commitments, other international standards for democratic elections, and national legislation. This final report follows a Statement of Preliminary Findings and Conclusions which was released at a press conference on 27 June 2013.²

The OSCE/ODIHR EOM wishes to thank the Ministry of Foreign Affairs of Mongolia for the invitation to observe the election and for its co-operation and assistance, and the General Election Commission (GEC) for its co-operation and for providing accreditation documents. The OSCE/ODIHR EOM also wishes to express appreciation to other national and local state institutions, election authorities, candidates, political parties, and civil society organizations for their co-operation, and embassies of OSCE participating States and Partners for Co-operation and international organizations accredited in Mongolia for their support.

² OSCE/ODIHR reports on elections in Mongolia are available at www.osce.org/odihr/elections/103142.

III. BACKGROUND AND POLITICAL CONTEXT

In line with constitutional provisions, the State Great Khural (parliament) of Mongolia called the presidential election for 26 June 2013. Following the July 2012 parliamentary elections, the Democratic Party (DP; led by Prime Minister Norovyn Altankhuyag) won 34 of the 76 seats in parliament, the Justice Coalition (led by former President Nambaryn Enkhbayar)³ won 11, and the Civil Will–Green Party (CWGP; led by MP and Minister for Environment and Green Development Sanjaasurengiin Oyun) won 2. These parties formed the government coalition. The Mongolian People's Party (MPP), which won 26 seats, is in opposition.⁴ On 24 May 2009, Tsakhiagiin Elbegdorj of the DP won the presidential election with 51.2 per cent of the vote, defeating then incumbent N. Enkhbayar.

For the 2013 presidential election, the incumbent was endorsed by the DP, two other parliamentary parties, the CWGP and the MNDP, the non-parliamentary Motherland Party and Republican Party, as well as popular sportsmen.⁵ The MPP on 20 May signed a Memorandum of Co-operation with three non-parliamentary parties.⁶

IV. ELECTION SYSTEM AND LEGAL FRAMEWORK

The president is elected for a four-year term, on the basis of universal, free, and direct suffrage by secret ballot. To be elected in the first round, a candidate must receive a majority of the votes cast. Otherwise, a second round is held within 14 days between the two leading candidates. If no candidate obtains a majority of votes cast in the second round, a repeat election must be held. For the election to be valid at the polling station level, at least 50 per cent of the voters registered in that polling station must turn out. Otherwise, the GEC will order additional polling at the respective polling station, to be held within seven days of the GEC's decision, with only those who have not voted already being entitled to vote. The number of votes cast during the additional polling would be added to the number of votes cast initially, and the combined results of both polls would be considered as the final results whether the final turnout reaches 50 per cent or not.

Mongolian citizens who are at least 18 years old on election day are eligible to vote, with the exception of those declared legally incapacitated by a court or serving a prison sentence. The disenfranchisement of citizens serving a prison sentence, regardless of the severity of the crime committed, weakens the guarantee of universal suffrage and candidacy rights, and is inconsistent

³ The Justice Coalition comprises the Mongolian People's Revolutionary Party (MPRP) and the Mongolian National Democratic Party (MNDP). In April 2012, the Independent Authority against Corruption arrested N. Enkhbayar on corruption charges; he was sentenced to four years in prison in August 2012. In December 2012, the MPRP threatened to leave the ruling coalition in protest over his treatment in prison. Mr. Enkhbayar was subsequently transferred to a hospital.

⁴ Three independent candidates were also elected to parliament. Women remain underrepresented in Mongolian politics. Eleven of the 76 members of the current parliament are women (around 14 per cent), as are 3 of the 16 government ministers. The current representation of women is significantly below the current OSCE average of 24.4 per cent; see compiled data from the Inter-Parliamentary Union 'Women in Parliament' database at <http://www.ipu.org/wmn-e/world.htm>.

⁵ Amongst those were Dagvadorj Dolgorsuren (sumo) and Sukhbat Agvaansamdan (Mongolian traditional wrestling), who publicly announced their support of the incumbent after receiving their DP membership cards.

⁶ The United Party of Patriots, Green Party, and Freedom Implementing Party.

with OSCE commitments and international standards.⁷

The restriction of suffrage rights for citizens serving prison terms regardless of the severity of the crime committed should be reconsidered to ensure proportionality between the limitation imposed and the severity of the offense.

The legal framework for presidential elections comprises the 1992 Constitution (amended in 1999 and 2001), the Law on the Election of the President of Mongolia (PEL, 2012), the Law on the Central Election Body (2006) and laws governing the judicial system.⁸ Recent legislative changes include progressive legislation on gender equality⁹ and a package of judicial reform laws.¹⁰ The legal framework does not, however, provide for the effective protection of minorities and vulnerable groups.¹¹ This election was the first presidential election to be held under the new PEL, which constitutes an improvement over the previous law, but contains significant gaps and unclear provisions. For example, there are no provisions for challenging election results or for a situation when a second round of voting takes place while additional polling is still ongoing. The OSCE/ODIHR EOM was informed that three working groups were established under the Parliament's Standing Committee on State Structures to develop unified electoral legislation, draft regulation of political parties and political finance, as well as constitutional amendments.

Notwithstanding the recent improvements to the electoral legal framework, it is recommended to review further the electoral legislation for its compliance with OSCE commitments and other international standards for democratic elections with a view to eliminate the remaining gaps and inconsistencies.

The PEL took effect just six months before the scheduled election, which is not in line with international good practice.¹² A number of interlocutors informed the OSCE/ODIHR EOM that the PEL was drafted and adopted hastily, without public debate, which appears to have decreased confidence in the electoral process. The deficiencies in the law contributed to its uneven

⁷ International standards require that "if a conviction for an offence is a basis for suspending the right to vote, the period of such suspension should be proportionate to the offence and the sentence." See Paragraph 14 of General Comment No. 25 (1996) to Article 25 of the International Covenant on Civil and Political Rights (ICCPR) by the UN Human Rights Committee. See also paragraph 24 of the 1990 OSCE Copenhagen Document which provides, in part, that "any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law." See also judgments of the European Court of Human Rights in *Scoppola v. Italy (No. 3)* [GC], no. 126/05, 22 May 2012, and *Hirst v. The United Kingdom (No.2)* [GC], no. 74025/01, 6 October 2005.

⁸ Mongolia ratified the ICCPR on 18 November 1974, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 20 July 1981, and acceded to the International Convention on the Rights of People with Disabilities (ICRPD) on 13 May 2009.

⁹ For example, the Law on Gender Equality and the Strategy and Gender Equality Action Plan adopted in 2011 and 2013, respectively, under the aegis of the National Committee on Gender Equality. The 2012 amendments to the Parliamentary Election Law introduced a 20 per cent gender quota for the 28 seats elected by proportional representation. Civil society representatives told the OSCE/ODIHR EOM that more effective quota requirements are still being discussed and promoted by a strong women's caucus.

¹⁰ The judicial reform package of laws was passed in the beginning of 2013 and will come into effect on 1 November 2013.

¹¹ See UN treaty bodies and the Universal Periodic Review (UPR)'s recommendations, available at <http://www.ohchr.org/EN/countries/AsiaRegion/Pages/MNIndex.aspx>, for more information.

¹² According to international good practice, fundamental elements of the electoral law should not be open to amendments less than one year before an election. See the Council of Europe's European Commission for Democracy through Law (Venice Commission) Code of Good Practice in Electoral Matters, II.2.b, available at [http://www.venice.coe.int/webforms/documents/CDL-EL\(2002\)005-e.aspx](http://www.venice.coe.int/webforms/documents/CDL-EL(2002)005-e.aspx).

interpretation and application, as observed by the EOM for such parts of the electoral process as appointment of election commissioners and resolution of electoral disputes.

It is recommended that any revisions of electoral legislation be undertaken in an inclusive and transparent manner, with the broad participation of all relevant stakeholders, including representatives of political parties and civil society.

V. THE ELECTION ADMINISTRATION

The presidential election was administered by a four-tiered election administration, comprising the GEC, 22 Territorial Election Commissions (TECs; one for each of the 21 provinces or *aimags*, and one for the capital Ulaanbaatar), 339 District Election Commissions (DECs) and 1,896 Precinct Election Commissions (PECs). The GEC, whose nine members are appointed by parliament for six-year terms, is the only permanent election commission.¹³ Two members of the current GEC are women. TECs have nine members (seven in Ulaanbaatar), while DECs and PECs have seven members. TEC members are appointed by the GEC, while DEC and PEC members are appointed by the respective TECs. All lower-level election commissions were formed within the legal deadlines, and DECs and PECs appeared to be staffed by more women than men.

Members of election commissions at all levels were drawn from among civil servants. The legal framework does not detail the criteria for the selection and appointment of civil servants to election commissions, and there are no written regulations or instructions on the composition of election commissions. The GEC, however, informed the OSCE/ODIHR EOM that experience and the 'reputation' of nominees were taken into consideration. A number of OSCE/ODIHR EOM LTOs reported credible allegations that civil servants affiliated with the DP were appointed at all levels of the election administration, including in the leading positions.¹⁴

Consideration should be given to establishing detailed criteria for the nomination of civil servants to election commissions, either in the PEL or by a GEC regulation, as a measure to maintain confidence in the election administration.

Election commissions at all levels administered the technical aspects of the election effectively and within legal deadlines, and generally enjoyed the trust of the electoral stakeholders. The GEC held 14 sessions between the beginning of the year and the adoption of the final election results. However, the GEC did not always work in an open and transparent manner, which is contrary to international good practice.¹⁵ It did not announce its sessions on its website, nor did it publish minutes of its sessions, and was at times late in publicly announcing its decisions.¹⁶ Moreover, GEC decisions were published on the GEC website under 'Legal Acts', where the decisions are only numbered but not dated and, therefore, cannot be linked to a specific session, further decreasing

¹³ Only the GEC chairperson and secretary, however, work full-time as election commissioners. The other seven members are given paid leave of absence from their regular employment during an election period.

¹⁴ OSCE/ODIHR LTOs reported such perceptions from the provinces of Bayan-Ölgii, Dornod, Dundgovi, Govi-Altai, Khentii, Hövsgöl, Omnogovi, Övörhangai, Selenge, Tov, Uvs, Zavkhan, and the city of Ulaanbaatar. In a number of instances, LTOs were able to confirm this information through an analysis of appointment procedures and the resulting composition of election commissions. See Section XI., Complaints and Appeals, for details on related complaints.

¹⁵ See Paragraph 68 of the Venice Commission's Code of Good Practice in Electoral Matters, II.2.b, *op.cit.* note 12.

¹⁶ For example, the GEC made public the final election results two days after it had sent the results to parliament.

transparency. The OSCE/ODIHR EOM was only informed about and invited to observe one of at least four sessions which were held during the course of the OSCE/ODIHR EOM's work. The GEC, during meetings with the OSCE/ODIHR EOM, raised concerns about the undue influence on its work by political parties, stating that it did not feel empowered to issue detailed regulations that would have addressed the PEL's gaps and ambiguities, for instance with regard to the criteria for appointment of election commission members or election-day complaints procedures.

Additional measures could be taken to safeguard the impartiality, independence and transparency of the election administration by law and in practice with a view to maintaining trust in the election administration.

The GEC approved more than 40 guidelines, procedures and samples of official documents, and printed a booklet with GEC decisions, which was used by lower-level election commissions to guide them before and on election day. It did not, however, adopt a comprehensive set of regulations for the lower-level commissions. Although the GEC is the body charged with administering the election, it did not always take the necessary steps to regulate certain aspects of the process in order to ensure consistent and uniform implementation of the election legislation. Some of the aspects that appeared to be unregulated included reconciliation of the number of voters' signatures on the voter list with ballots issued and cast, the publication of preliminary election results or whether video footage from those polling stations where video cameras were installed could be used in the complaints and appeals process.¹⁷

The PEL should require the GEC to adopt a comprehensive set of guidelines for the work of lower-level election commissions, including for election day procedures, in particular on the reconciliation of the number of voters' signatures on the voters list with ballots issued and cast, the installation of video cameras inside polling stations, the use of video footage in the complaints and appeals process, and posting of results protocols at polling stations for public scrutiny.

The GEC organized cascade training for TEC, DEC and PEC members, which was positively assessed by OSCE/ODIHR EOM LTOs. The GEC also conducted a voter education program which included invitations to vote and a brochure with instructions on election day and mobile voting procedures, which were both sent to every household, as well as two video clips containing basic information on voting procedures, which were broadcast on TV. Voter information and ballots were printed only in the Mongolian language, contrary to the international standards.¹⁸ Ballots had pictures of the candidates to accommodate voters who are illiterate or do not read Mongolian. The GEC also funded an NGO that aimed to facilitate voting for people with disabilities.

On 13 June, the GEC officially endorsed an initiative of the Information Technology, Post and Telecommunications Authority, a governmental regulatory agency, to award each voter who casts a ballot in the election with a mobile phone credit in the amount of 1,000 Mongolian Tugrik (MNT) (some EUR 0.50).¹⁹ While this practice appeared to have violated several articles of the

¹⁷ The use of video cameras in the polling stations should be considered in light of paragraph 24 of the 1991 OSCE Moscow Document which reconfirmed "the right to the protection of private and family life, domicile, correspondence and electronic communication."

¹⁸ Paragraph 12 of General Comment No. 25 (1996) to Article 25 of the ICCPR by the UN Human Rights Committee requires that "Positive measures should be taken to overcome specific difficulties, such as [...] language barriers [...] which prevent persons entitled to vote from exercising their rights effectively. Information and materials about voting should be available in minority languages." The GEC printed 6,494 ballots for out-of-country voting and 1,893,207 for voting in Mongolia within legal deadlines.

¹⁹ The associated costs were covered by the mobile phone service operators (see <http://gec.gov.mn/details/793>).

PEL,²⁰ the OSCE/ODIHR EOM was not informed of any formal complaints filed in connection with this initiative.

A USE OF NEW VOTING TECHNOLOGIES

Every polling station was equipped with fingerprint scanners for voter identification, which were operated by the employees of the State Registration Agency (SRA), and with electronic vote-counting equipment (VCE). VCEs are ballot scanning and counting machines that produced the election results immediately upon the close of voting, including printed reports, and transmitted the results directly to the GEC. As per the PEL, after the end of the vote count, the TECs randomly selected one PEC in each rural district and two PECs in each district of Ulaanbaatar to conduct manual re-counts of the cast ballots. The PEL, however, does not contain any specific regulations on how the randomness of the selection of PECs subject to manual re-counts is ensured, nor does it specify what actions shall be taken in the event that the results of the automated and manual counts differ. Some OSCE/ODIHR EOM interlocutors, including from political parties, indicated their doubts regarding the reliability of the VCE.

In order to ensure transparency and maintain trust in the use of new voting technologies, consideration could be given to establishing procedural guarantees for random selection of PECs subject to manual re-counts and to specifying in law the course of action in the event that the results of the automated and manual counts differ.

The VCEs were tested twice before the election – first by the non-governmental organization (NGO) MIDAS (Mongolian Information Development Association) on 12 June, at the GEC premises and in the presence of party representatives, media and the OSCE/ODIHR EOM, and then during a nationwide test of electronic transmission of data from all PECs to the GEC on 21 June. The testing was not, however, systematic or based on formal pre-defined criteria. Despite this testing, a programming error that prevented the VCEs from correctly calculating the number of invalid ballots was discovered shortly before the election. The VCEs were programmed to report the number of individual marks for candidates on invalid ballots instead of the number of invalid ballots. The company which produced the machines, Dominion Voting, confirmed the programming error but did not provide the source code. It pointed out that this error was discovered too late to reprogram the VCEs before the units were dispatched for use on election day and claimed that it would not affect the results. However, since a candidate is required to receive the majority of all votes cast in order to be elected, it was essential for the VCE to accurately establish and report the number of invalid ballots cast.

The GEC, in co-operation with the company providing the electronic vote-counting equipment (VCE), should ensure that the VCE accurately reports election results, including the number of invalid ballots cast. Consideration could also be given to establishing a formal certification process for the VCEs to be evaluated well in advance of election day by an independent and competent third party so that possible errors could be corrected before the equipment is dispatched to polling stations.

²⁰

According to Article 5.4 of the PEL, “[Any] attempt to force, prevent or otherwise influence a voter's participation and free expression of his/her will in an election shall be prohibited.” Article 5.5 stipulates that “[A] voter shall be provided with an opportunity to express his/her will by secret ballot without undue influence.” In addition, Article 43.8 states: “It is prohibited to distribute foreign and domestic assistance funds to citizens or sell or use them for election campaign purposes in the course of election organization.”

VI. VOTER REGISTRATION

Voter registration in Mongolia is passive, periodic and based on the national Civil Registration and Information Database. The SRA, which also maintains the state civil register, prepares the electronic voter register for each election. The electronic voter register was posted on the SRA website for public scrutiny on 1 March, as required by the PEL. This allowed each voter to check his/her record and the location and number of the polling station by entering a unique ID number.

Voter lists were compiled for each individual precinct, on the basis of the electronic voter register. Preliminary voter lists were extracted from the electronic voter register and delivered to PECs by the legal deadline of 6 June. During the official scrutiny period between 6 and 16 June, voters could check their records, request to be added to the register or for information to be corrected, or ask to be transferred to a different polling station.²¹ The SRA prepared a voter education spot, which was aired on television and radio from 6 to 16 June, encouraging voters to check their records. Additionally, flyers with similar information were distributed through newspapers.

OSCE/ODIHR EOM LTOs reported that voter lists were not displayed at many of the PEC premises they visited during the official scrutiny period, but that they were generally accessible at PECs upon requests of voters who wished to check their records. LTOs, however, also reported cases where voter lists were not available at all during this period, due to PEC members being involved in door-to-door checks and delivery of voter invitation cards.²² In other cases, PECs were not operational until shortly before election day. This effectively reduced the ten-day scrutiny period during which voters could verify their records and request corrections. Some EOM interlocutors viewed the 16 June deadline for such changes as inflexible and as limiting voters' opportunities to register or correct their records closer to election day.

Consideration could be given to reviewing the official ten-day period for scrutiny of voter lists in order to allow voters sufficient time and convenience to verify or correct their registration.

Special voter lists were compiled for voters in hospitals, as well as those entitled to cast their votes by mobile ballot box – homebound voters, those serving in military and border guard units, and detainees at pre-trial detention centers. According to the GEC, a total of 24,045 voters registered for mobile voting, 22,069 of whom cast their votes by mobile ballot box on 25 June.

The PEL provides for out-of-country voting. Of a total of 6,494 voters who filed a request to vote abroad, 6,233 were registered by the legal deadline of 29 May.²³ A total of 4,242 voters voted between 14 and 16 June at 39 polling stations established at diplomatic missions.

The GEC reported that the number of registered voters before election day was 1,856,190.²⁴ According to the official election results adopted by the GEC, the total number of registered voters

²¹ A total of 40,715 voters asked to be transferred to a different polling station.

²² While OSCE/ODIHR EOM LTOs reported that PECs delivered invitation cards to voters in a timely manner, they also reported some instances where PEC members were unable to locate voters assigned to their precincts.

²³ As provided for by the PEL, voters who were out of the country for 60 days or more were temporarily removed from the voter lists, while those who returned to Mongolia were required to re-register no later than 16 June. According to the GEC, citizens temporarily abroad are also eligible to register and vote at polling stations abroad. According to the SRA, the requests of 261 citizens to vote abroad were rejected because they did not hold a biometric ID card, did not submit the complete documentation required by law, or because their name and personal identification number did not match with the information contained in the Civil Registration and Information Database.

²⁴ See the SRA and GEC websites (<http://www.burtgel.mn/> and <http://gec.gov.mn/details/800>).

was 1,864,273, an increase of 8,083 voters. The SRA reported that the increase was due to the registration of out-of-country voters and requests of voters in Mongolia to be registered during the official scrutiny period.

While political party interlocutors expressed overall confidence in the voter registration system and the quality of voter lists, other OSCE/ODIHR EOM interlocutors reported a lack of co-ordination between local councils and the SRA, the absence of a uniform system of addresses which resulted in some newly built buildings being assigned multiple addresses, as well as high numbers of voters registered at some addresses. This, in their view, led to confusion among voters and created additional barriers for participation, e.g. if voters were allocated to wrong polling stations.

Measures could be taken to enhance co-operation between various authorities with a view to refine the address system and further improve the accuracy of voter lists.

VII. CANDIDATE REGISTRATION

A presidential candidate must be a Mongolian citizen eligible to vote, at least 45 years old, resident in the country for the last five years, and able to prove Mongolian citizenship of both parents. These requirements are overly restrictive and not in line with OSCE commitments and other international standards.²⁵ Additionally, according to the Constitution and the PEL, presidential candidates can only be nominated by parliamentary parties or coalitions of parliamentary parties.²⁶ Contrary to paragraph 7.5 of the 1990 OSCE Copenhagen Document, the law does not permit individuals to stand as independent candidates.

The legal framework should be amended to allow for independent candidacies, as provided for by paragraph 7.5 of the 1990 OSCE Copenhagen Document, as well as to repeal national origin candidacy requirements in view of international standards for democratic elections. The residency requirements could also be reconsidered.

Three candidates were nominated for this election: incumbent President Ts. Elbegdorj by the DP, member of parliament Badmaanyambuugiin Bat-Erdene by the MPP, and Health Minister Natsag Udval, the first female presidential candidate in Mongolia, by the MPRP. All three nominees were registered by the GEC within legal deadlines.

VIII. THE ELECTION CAMPAIGN

The campaign environment was competitive and characterized by respect for the fundamental freedoms of assembly, association and movement; contestants were able to campaign without hindrance, and rallies were free of incidents. Candidates started campaigning once the GEC issued

²⁵ The requirement that both parents must be Mongolian citizens is contrary to paragraph 7.3 of the 1990 OSCE Copenhagen Document, which provides that OSCE participating States “guarantee universal and equal suffrage to adult citizens”. Furthermore, General Comment 25, Paragraph 15 considers residence and descent as unreasonable and discriminatory restrictions to the right to stand for election. This legal provision also contradicts Article 2 of the ICCPR, which prohibits discrimination on the grounds of national or social origin, birth or other status.

²⁶ Some smaller parties voiced their dissatisfaction to the OSCE/ODIHR EOM regarding their lack of access to the electoral process and about the restrictions on the right to nominate a candidate, which they considered to limit voters’ choice.

the candidate registration cards to them, as provided for by the PEL. The campaign period ended at midnight on 24 June, and all three candidates adhered to the campaign silence period. The PEL prohibits campaigning between election day and additional polling or repeat election. Although not specifically regulated by law, the GEC informed the OSCE/ODIHR EOM that this ban would have also applied in case of a second round.

The PEL should be amended to allow for campaigning between two rounds of an election and in cases of possible additional polling or repeat election.

The initial phase of the election campaign was characterized by low-key activities, complaints about the incumbent president's early campaign start,²⁷ and concerns raised with regard to the use of the VCE. In its final stages, the campaign became more visible, focusing mainly on the competition between the incumbent and B. Bat-Erdene, and was characterized by a polarized political environment, with some instances of nationalistic rhetoric.²⁸ While candidates' campaign pledges overlapped to a large degree, each candidate emphasized certain topics, resulting in distinct differences in their platforms.

The election campaign lacked lively debate between candidates or their representatives. On 24 June, the public Mongolian National Broadcaster (MNB) aired the only debate between the candidates. The format of the debate, which had been defined by the candidates' campaign teams beforehand, restricted the event to specific topics,²⁹ limited the time frame and did not provide for any discussion.

Whereas the incumbent and DP representatives repeatedly stressed the importance of the VCE as being "consistent with the interests of justice",³⁰ candidates B. Bat-Erdene and N. Udval claimed that the GEC provided insufficient voter information on the VCE and highlighted the lack of GEC regulations for cases where the results of the electronic and manual vote re-counts do not match.³¹ On 5 June, B. Bat-Erdene appealed to the other two candidates to agree to manual vote counts in the most populated areas,³² alleging voters' distrust in and lack of transparency of the electronic vote

²⁷ Some OSCE/ODIHR EOM interlocutors claimed that the incumbent began his campaign before the start of the official campaign period, culminating in a lengthy interview broadcast by various TV networks during primetime between 17 and 20 May. These appearances resulted in a complaint by the MPP alleging early campaigning to the Agency for Fair Competition and Consumer Protection (AFCCP) and the police. The AFCCP dismissed the complaint, arguing that during the interview no points from the incumbent's campaign platform were discussed. The EOM was not informed of the course or outcome of the police investigation by the time the mission ended on 11 July.

²⁸ During a rally in Dornod province on 11 June, representatives of B. Bat-Erdene highlighted the superiority of their candidate in comparison to others because of his birthplace in Khentii province, implying that the 'genuine' Mongols live in the central provinces but not in the Zavkhan, Govi-Altai, and Khovd provinces. This was reported on 12 June in the newspaper *Odriin Sonin*. Reportedly, people protested against this statement in Western provinces, in particular in Uvs. N. Udval promised to put an end to selling the country to foreigners and to decrease foreign investment, as observed by OSCE/ODIHR EOM LTOs in Ondorkhan (Khentii province) on 23 May and 3 June, Choibalsan (Dornod province) on 2 June, Choir (Govisumber province) on 13 June and Ölgii (Bayan-Ölgii province) on 18 June.

²⁹ These topics included candidates' future priorities in general and economic development, independence of the judiciary, defense policy, mining, national heritage, education, health, agriculture, national security, decentralization, and corruption.

³⁰ See 7th Ministerial Conference of the Community of Democracies in Ulaanbaatar in April <http://cdmongolia.mn/statements/>.

³¹ The MPP was one of the parliamentary parties that voted for the introduction of electronic vote counting. The party also pointed to inconsistencies between electronic and manual vote counting results in the 2012 parliamentary and local elections.

³² Ulaanbaatar city and the provinces of Darkhan-Uul, Orkhon and Hövsgöl.

counting procedure. In response, the GEC on 6 June issued a letter to the MPP, demanding that the MPP candidate stop calling for a breach of the PEL. The Agency for Fair Competition and Consumer Protection (AFCCP),³³ acting on a complaint from the DP, considered B. Bat-Erdene's appeal a violation of Article 33.7.7 of the PEL and issued a warning to him.³⁴ The MPP continued lobbying for manual counts. On 19 June, in the *Onoodor* newspaper, the General Police Agency warned the MPP that such appeals could influence public attitudes and might lead to public disorder.

The new PEL established more restrictive rules aimed at ensuring equal campaign opportunities, including a ban on cash distributions and on any kind of pledges that do not fall under the executive powers of the president.³⁵ OSCE/ODIHR EOM LTOs observed instances of all three candidates making pledges of a financial nature, in violation of the PEL;³⁶ in a few such cases, the MPP and the DP filed complaints.³⁷ The PEL explicitly prohibits activities aimed at slandering or libeling others, as well as dissemination of false information by political actors, which is at odds with international standards in the sphere of freedom of expression in the electoral context.³⁸ Publication of opinion polls in a certain period before elections is prohibited as well.³⁹

The PEL should be amended to make campaign regulations less restrictive, in order to facilitate free political campaigning, as required by paragraph 7.7 of the 1990 OSCE Copenhagen Document, and to ensure protection of the freedom of expression in the electoral context.

³³ In the absence of a permanent independent media council, the AFCCP was tasked by a joint resolution of the GEC and the Communications Regulatory Commission (CRC) of 5 April to monitor "the Mongolian presidential election campaign by TV and radio". Due to a lack of facilities and methodology, the AFCCP did not conduct quantitative or qualitative monitoring and reacted only to complaints. In case of breaches of relevant legal provisions, the license of a media outlet can be suspended for up to three months by the CRC.

³⁴ Article 33.7.7 of the PEL prohibits the candidates "to conduct campaigning calling for and enticing violation of the election or other legislation."

³⁵ Only two of the areas highlighted by the candidates (the reform of the judiciary and foreign relations) constitute presidential powers, whereas in other spheres the president has mostly symbolic powers. All candidates pledged to fight corruption, unemployment, the negative effects of mining in the social, environmental, economic and governance spheres, and alcoholism, and to reform the judiciary, reduce partisan influence in the public administration, improve living standards, promote investment in schools and hospitals, and continue a foreign policy of good relations with Russia and China.

³⁶ Ts. Elbegdorj made such pledges on 22 May in Choibalsan (Dornod province), on 4 June in Altai (Govi-Altai province), on 6 June in Ölgii (Bayan-Ölgii province), on 9 June in the Chingeltei district of Ulaanbaatar, on 11 June in Zuunmod (Töv province) and on 16 June in Saikhan soum (Selenge province). B. Bat-Erdene pledged to build secondary schools and kindergartens and to provide young people with cheaper apartments (8 June in Ulaanbaatar, Bayanzurkh district), to continue student stipend programmes of MNT 70,000 per month (on 10 June in Sükhbaatar, Selenge province, and 19 June in Dalanzadgad, Omnogovi province). Furthermore, on 10 June in Darkhan-Uul province, he pledged that every Mongolian citizen would receive 1,072 shares of the *Oyu Tolgoi* mining company. N. Udval also pledged scholarships to students, stating that the money would come from tax payments rather than from mining profits (on 18 June in Ölgii, Bayan-Ölgii province).

³⁷ The MPP filed a complaint with the Capital City Police on 25 May (see OSCE/ODIHR EOM Interim Report No. 2). On 7 June, the DP filed a complaint to the GEC (with a copy to the AFCCP) about B. Bat-Erdene's pledges with regard to the continuation of student stipends that were broadcast in the form of political advertising on various TV channels.

³⁸ See Paragraph 25 of General Comment No. 25 (1996) to Article 25 of the ICCPR by the UN Human Rights Committee, which points out that "free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential."

³⁹ According to the AFCCP, the publication of polls was banned from 1 January 2013 until election day, although Article 33.6 of the PEL prohibits the conduct, publication and distribution of opinion poll results via all types of media outlets only in the week before election day.

OSCE/ODIHR EOM LTOs observed a total of 56 campaign events throughout the country.⁴⁰ On average, some 54 per cent of attendants at the rallies observed by LTOs were women. The campaign visibility of the candidates varied significantly, both between and within provinces, echoing the regional level of support for the respective nominating party during the 2012 parliamentary and local elections and in part also reflecting candidates' financial resources. All candidates campaigned at provincial capital and district levels, while their representatives and campaigners were also active in the villages. In some districts, the campaign was scarcely visible until the day before a candidate arrived for an event. The MPP and the DP used an extensive network of offices, including campaign tents (*gers*), for the distribution of leaflets and party/candidate newspapers. Party campaigners mainly conducted door-to-door canvassing. Posters and party flags of all three candidates became more visible closer to election day, including in the vicinity of PECs, as well as on private houses and *gers*.⁴¹

Government ministers, deputy speakers of parliament, members of parliament, members of citizen representatives' assemblies, governors, and public figures, including wrestling and sumo champions, doctors, actors and poets were observed at campaign events of all candidates. Additionally, the OSCE/ODIHR EOM observed the prime minister, the speaker of parliament, heads of governmental departments, advisers to the president and prime minister, and the head of the presidential office as speakers during rallies for the incumbent. Candidates and their political representatives actively used online media and social networks, in particular Facebook and Twitter, and sent campaign text messages to mobile phones.⁴²

IX. CAMPAIGN FINANCE

The PEL provides for private donations as the only financial sources for parties and candidates. On 22 February 2013, the GEC adopted Resolution Nr. 4, which set the maximum election expenditure at MNT 5.1 billion (some EUR 2.7 million at the time of the campaign) per party and MNT 3.1 billion (some EUR 1.6 million) per candidate.⁴³ According to the PEL, campaign donations can be made only in the election year and are limited to 40 minimum monthly salaries, an equivalent of MNT 10 million (some EUR 5,300), per individual and five times that per legal entity. The law also prohibits donations from a number of sources.⁴⁴ Violations are punishable by fines that are rather minor compared to possible excess donations, but any amount above the respective donation limit is to be confiscated. As political parties were to provide final reports 30 days after the election, no financial information was made public by the candidates during the election period. Reporting requirements set by the PEL include full name, address and amount of donation made by a citizen or a legal entity, with the GEC mandated to receive, review, and publish these reports within 45 days after the election.

⁴⁰ OSCE/ODIHR EOM LTOs observed 23 rallies held in support of Ts. Elbegdorj, 15 for N. Udval, and 18 for B. Bat-Erdene. Numbers of participants in each rally varied significantly, from 60 to 6,500 people. Approximately one-fifth of participants in the rallies observed were young people.

⁴¹ The OSCE/ODIHR EOM also noted bilingual (Mongolian-Kazakh) billboards and banners in Bayan-Ölgii province.

⁴² On the last day of the campaign, B. Bat-Erdene sent text messages addressing young people and pledging cheap mortgages without pre-payment for apartments as well as temporary support to successful students.

⁴³ The expenditure ceilings were based on the GEC's own market research. Resolution No.4 was not made publicly available by the GEC.

⁴⁴ Foreign countries, organizations or citizens, state or local authorities or legal entities owned by them, people in debt, labor unions, religious organizations and NGOs, among others, may not donate towards a candidate's or party's campaign.

The GEC, however, informed the OSCE/ODIHR EOM that it sees its role only as an intermediary in this process and does not audit the reports, although the PEL empowers the GEC to request a state audit of a party's or candidate's finances and expenditures when the GEC deems it necessary. There was only one person in the GEC assigned to oversee political financing, in addition to accounting for expenses by all election commissions. Taken together, these factors may undermine the effectiveness of the control mechanisms introduced by the PEL and can potentially decrease the public trust in the way electoral campaigns are financed, as highlighted by a number of OSCE/ODIHR EOM interlocutors from civil society.

In order to enhance transparency and public confidence in the integrity of the campaign finance, the GEC should publish campaign finance regulations in a timely manner and effectively enforce operable and transparent campaign finance oversight procedures, including in the pre-election period.

X. THE MEDIA

A THE LEGAL FRAMEWORK

The Constitution guarantees freedom of expression and the right to seek and receive information. Reforms of the media legal framework include the 1998 Law on Freedom of the Media, which prohibits state censorship, and the transformation of the formerly state-owned MNB into a public broadcasting service under the 2005 Law on Public Radio and Television. The enactment of the Law on Information Transparency and Right to Access Information in June 2011, after an eight-year campaign by civil society, was a significant step forward. The constitutional guarantee on access to information "except that which the state and its bodies are legally bound to protect as a secret"⁴⁵ and the Access to Information Law are, however, unduly restricted by the broad scope of the State Secrecy Law and other legal provisions in place.⁴⁶

The fact that defamation is still criminalized constitutes a major shortcoming in the media legal framework.⁴⁷ Possible imprisonment for defamation and criminal lawsuits filed by public officials against journalists, with damages awarded up to 60 times the minimum salary, foster self-censorship.

Consideration should be given to repealing criminal defamation laws in favor of proportionate civil sanctions, in accordance with relevant international standards. Furthermore, measures should be taken to ensure that civil sanctions for defamation are not so large as to negatively affect freedom of expression and are designed to restore the reputation harmed, not to compensate the plaintiff or

⁴⁵ Article 16.17 of the Constitution.

⁴⁶ Freedom of information, including the right to access information held by public authorities, is a core element of the guarantee of freedom of expression. This principle allows only exceptional limitations that must be previously established by law in case of a real and imminent threat to national security. Allowing for other secrecy provisions to override the right to information fails to respect these principles. See Article 19 of the ICCPR, available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>, the commentary by the UN Special Rapporteur on Freedom of Opinion and Expression [http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/16583a84ba1b3ae5802568bd004e80f7/\\$FILE/G0010259.pdf](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/16583a84ba1b3ae5802568bd004e80f7/$FILE/G0010259.pdf), as well as the 6 December 2004 Joint Declaration by the three special rapporteurs on freedom of expression at the UN, OSCE and OAS, available at <http://www.osce.org/fom/38632>.

⁴⁷ A draft Criminal Law decriminalizing defamation is expected to be discussed by the parliament in 2013. See also the recommendations of the UN Human Rights Committee following the 2011 Mongolia Report on the ICCPR, available at http://ccprcentre.org/doc/HRC/Mongolia/CCPR.C.MNG.CO.5_en.pdf.

to punish the defendant; in particular, pecuniary awards should be strictly proportionate to the actual harm caused and the law should prioritize the use of a range of non-pecuniary remedies.

A content filter on user comments on the internet was introduced by a resolution of the Communications Regulatory Commission (CRC) on 27 February 2013 with the aim of combating “libel, insult, obscenity and threats”. The resolution requires websites to regulate content generated by users, including posting warnings to users stating that if the comment “violates legal and moral standards, the administrator is entitled to delete them”. Content filtering systems which are imposed by a government or commercial service provider and which are not end-user controlled are a form of prior censorship and are not justifiable as a restriction on freedom of expression.⁴⁸

Consideration should be given to repealing measures that unduly restrict freedom of expression on the internet. Furthermore, internet intermediaries, including service providers and hosts of material posted by others, should not be required to monitor user-generated content and should not be subject to extrajudicial content takedown rules.

B THE MEDIA ENVIRONMENT

While the media market allows for a certain level of political pluralism, the media environment is characterized by an overwhelming majority of media outlets reportedly being directly or indirectly owned by political actors. Journalists informed the OSCE/ODIHR EOM about a common practice of access to news programmes either through interference of owners in the editorial autonomy or through payment. Furthermore, journalists reported that media owners influence the placement of so-called ‘black PR’ in order to discredit political opponents.⁴⁹ A lack of transparency in media ownership leaves the public unable to fully evaluate the information disseminated by the media. A draft Law on Freedom of the Press submitted to the parliament by the president included provisions on ownership transparency and editorial independence but was withdrawn by the president after the second reading in 2013.⁵⁰ The lack of editorial independence undermines investigative journalism and the democratic functioning of media in general.

Consideration could be given to amending the media legal framework to provide for disclosure of the identities of the proprietors of media outlets. Furthermore, consideration could be given to including provisions in the media legal framework obliging media proprietors to conclude agreements with the editorial staff to guarantee editorial independence.

The PEL obliges the MNB to provide free airtime according to a schedule prepared by the GEC, and commercial TV stations to provide equal amounts of paid airtime to candidates, up to one hour per day in total. Although supplemented by a resolution on “The procedure on running the presidential election campaign via TV and radio broadcasters” issued by the GEC and the CRC on 5 April, the law leaves it unclear whether the election campaign may be covered in news

⁴⁸ As stated in the Joint Declaration on Freedom of Expression and the Internet by the OSCE Representative on Freedom of the Media together with the UN, the OAS and the ACHPR Special Rapporteurs on Freedom of Expression, available at <http://www.osce.org/fom/78309>.

⁴⁹ Such practices are reportedly common and have increased during previous election campaigns, when some TV stations started operating only during the election period.

⁵⁰ Several interlocutors expressed the opinion that the draft law was withdrawn due to pressure exerted by media owners.

programmes⁵¹ and does not address the issue of editorial coverage of the campaign.⁵² The OSCE/ODIHR EOM was informed by the AFCCP that in order to comply with legal provisions, the media should cover the campaign by giving the same amount of news coverage to all candidates and by broadcasting equal amounts of political advertising.

The legal framework could be reviewed to provide for fair, balanced and impartial editorial coverage of the campaign by public service media and private broadcasters in news programmes, discussions, and debates.

The PEL places the liability for disseminating statements prohibited under the PEL, including in political advertising, on the media. The AFCCP received and decided on several media-related complaints, in one case imposing fines on journalists for deliberately misspelling a word in a campaign message by B. Bat-Erdene.⁵³

It is recommended that the legal framework ensures that liability for the content of political advertising and statements made directly by political actors rests with these individuals rather than the media broadcasting them.

C OSCE/ODIHR EOM MEDIA MONITORING



The OSCE/ODIHR EOM conducted quantitative and qualitative monitoring of five television stations and four newspapers during the official campaign period.⁵⁴ EOM media monitoring results confirmed that the monitored broadcast media outlets complied with the legal provisions regarding free and paid political advertisement by broadcasting equal amounts of advertising of all three candidates.

Campaign coverage in the news programmes was, however, very limited.⁵⁵ Coverage of electoral contestants by all television stations was positive or neutral in tone. Public MNB and commercial TV9 covered candidates' campaigns in the news in a balanced way. MNB devoted 31 per cent of its news coverage to B. Bat-Erdene, 36 per cent to Ts. Elbegdorj and 33 per cent to N. Udval. TV9 gave 32 per cent of its coverage to B. Bat-Erdene and Ts. Elbegdorj, while N. Udval received 36 per cent. By contrast, the commercial TV stations Eagle TV and TV5 displayed a bias in favour of the incumbent. Eagle TV gave 55, 26 and 19 per cent of coverage to Ts. Elbegdorj, B. Bat-Erdene, and N. Udval, respectively. TV5 showed the same approach by devoting 43, 29, and 28 per cent to Ts. Elbegdorj, B. Bat-Erdene, and N. Udval, respectively.⁵⁶ UBS did not cover the campaign in news programmes and informed the OSCE/ODIHR EOM that it interpreted the legal provisions as

⁵¹ The GEC did not respond formally to a written request by the MNB to specify whether campaign coverage may be broadcast in news programmes. The OSCE/ODIHR EOM was informed that the MNB received an oral reply that campaign coverage in news programmes would not violate legal provisions.

⁵² The Council of Europe Recommendations on Media Coverage during Election Campaigns stress "that the fundamental principle of editorial independence of the media assumes a special importance in election periods." See <https://wcd.coe.int/ViewDoc.jsp?id=419411>.

⁵³ The campaign slogan "We cherish unity (*eviig*) and support the right [thing] was misspelt as "We cherish materials (*ediig*) and support the right [thing]". The AFCCP decided that this was done deliberately since the misspelled slogan was used in both oral and written forms.

⁵⁴ The OSCE/ODIHR monitored the following media starting from 22 May: the television stations MNB, Eagle TV, TV5, TV9, and UBS, as well as the newspapers *Udriin Sonin*, *Unen*, *Unuudur* and *Zuunii Medee*.

⁵⁵ While MNB broadcast a combined total of 3 hours and 20 minutes of campaign news coverage of all three candidates during the entire campaign period from 22 May to 14 June, the commercial TV stations broadcast significantly less – 1 hour 46 Minutes (Eagle TV), approximately 1 hour (TV5), and 36 Minutes (TV9).

⁵⁶ All monitoring data refer to candidates' campaign coverage excluding institutional events.

not allowing for campaign coverage in news programmes. The newspapers monitored by the OSCE/ODIHR EOM displayed biases in covering the campaign.⁵⁷ While *Udriin Sonin* gave a distinct advantage to Ts. Elbegdorj, *Unen* featured B. Bat-Erdene, and *Zuunii Medee* devoted substantial share of coverage to N. Udval.

Although all monitored TV stations aired regular current events and discussion programmes, only one debate among the candidates took place, on 24 June. There were hardly any programmes that provided an opportunity for journalists, experts and the public to put questions to candidates, and for candidates to debate with each other. This prevented the media from fulfilling its function to provide for a robust public debate on election matters and political options and negatively affected voters' ability to contribute to and participate in the decision-making process in an informed way.

XI. CITIZEN AND INTERNATIONAL OBSERVERS

While the PEL provides for domestic and international observation, neither the PEL nor the GEC Resolution No. 15 of 27 March 2013 on "Procedures for Observing the Election of Mongolia's President" explicitly provide for access of observers to the entire electoral process. Parties, coalitions and NGOs have the right to accredit up to four observers to a PEC. During this election, domestic observation was primarily carried out by party and candidate observers. Civil society organizations did not observe the pre-election period, in part due to a lack of funds and a restrictive GEC decision on accreditation for monitoring before election day.⁵⁸ A limited number of citizen observers were present in the polling stations observed by the OSCE/ODIHR EOM on election day.

The election legislation should be amended to explicitly provide for domestic and international observation of the entire election process. Consideration should also be given to removing the current separate accreditation procedures and deadlines for observation of the pre-election period and of election day, as well as to allowing for observer accreditation throughout the election process up to a specific time before an election.

XII. COMPLAINTS AND APPEALS

The complaints and appeals process is primarily regulated by the PEL, which does not establish a single hierarchical structure of responsibility. In addition, the election dispute resolution is regulated by various other laws, including the Civil Procedure Law, Criminal and Civil Codes, Administrative Law and the Law on Petitions.

Different agencies and/or courts have jurisdiction to decide various election-related matters. Appeals against decisions of election commissions can be submitted to the superior election commission, which must address them within three days, or to the Administrative Courts (with the exception of GEC decisions).⁵⁹ While the PEL is silent on the issue, the GEC informed the OSCE/ODIHR EOM that its decisions can be appealed to the Chingeltei district court in Ulaanbaatar and further to the Supreme Court, or to the Constitutional Court for matters pertaining

⁵⁷ See attachment to the final report on media monitoring results.

⁵⁸ According to GEC Decision No. 23, Article 2.2, "an NGO shall submit a written request to monitor elections to the GEC 15 days after the election day has been announced" (i.e. 50 days before election day).

⁵⁹ Following a 2005 decision of the Constitutional Court, Administrative Courts no longer have jurisdiction over acts and decisions of the GEC. The Administrative Courts adjudicate cases involving decisions by PECs, DEC's, and TEC's, but do not have injunctive remedies at their disposal.

to the Constitution. According to the legislation, the Constitutional Court only accepts petitions from citizens who file a complaint against a written GEC decision. Media-related complaints are overseen by the AFCCP.⁶⁰ Complaints regarding voter registration are considered by the respective civil registration bodies, and decisions of the SRA can be appealed to the Administrative Court. Under the PEL, all other complaints and violations must be first investigated by the police and, on its recommendation, adjudicated by local courts. Under the laws governing the judicial system, complaints can also be filed and appealed to higher courts, which should adjudicate them within the standard time limits.⁶¹ Since these time limits can amount to several months, they do not provide for timely and effective redress within the electoral period, as required by paragraph 5.10 of the 1990 OSCE Copenhagen Document.⁶²

The fact that the legislation provides for multiple avenues for election dispute resolution and lacks a clear delineation of the jurisdiction and remedial powers of the various decision-making bodies is contrary to the OSCE commitment to ensure effective redress and to international good practice.⁶³ Moreover, there is a lack of understanding among stakeholders and no consistent interpretation of the election-dispute process. One political party questioned whether the respective authorities would act impartially and effectively when addressing electoral complaints.

The electoral legal framework should be reviewed and amended in order to consolidate legal provisions governing the complaints and appeals process, eliminate overlapping jurisdiction, simplify the electoral dispute resolution process by establishing a single hierarchical system, and ensure timely remedy for complainants.

The OSCE/ODIHR EOM was informed about 73 election-related complaints filed to different bodies: the GEC and lower-level election commissions, the police, the AFCCP, and to governors or citizen representatives' assemblies in provinces. The OSCE/ODIHR EOM was also informed of one court decision of the Darkhan inter-district court which ruled that a case brought against the chairperson of a TEC for not informing the public about the TEC meetings, as required by the PEL, lacked merit.

The OSCE/ODIHR EOM was not provided with access to complaints filed with the police or the AFCCP and was not given sufficient access to complaints filed with the GEC. The GEC provided the OSCE/ODIHR EOM with summaries and copies of some of the complaints it had received but declined the OSCE/ODIHR EOM's request for full access. A large number of complaints filed with the GEC concerned the composition of election commissions. The way the GEC dealt with these

⁶⁰ See Section X, The Media.

⁶¹ According to the Civil and Criminal Procedure Laws, courts have 60 days to adjudicate a case and 30 days to decide on appeals. Furthermore, the laws foresee 7–14 days for investigation. In part due to these timelines, no complaints related to this election, which were investigated by the police, were transferred to the courts for adjudication during the election period. A simplified criminal adjudication procedure applies only to a few criminalized electoral offences.

⁶² Paragraph 5.10 of the 1990 OSCE Copenhagen Document establishes the right of everyone to seek “effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”. The OSCE/ODIHR EOM was informed that some complaints from the 2012 parliamentary and local elections were still pending with the courts at the time of the presidential election.

⁶³ Paragraph 18 of the 1991 OSCE Moscow Document contains an obligation of the OSCE participating States to “ensure an effective means of redress against administrative decisions.” See also Paragraph 3.3(c) of the Venice Commission's Code of Good Practice in Electoral Matters, p.11: “The appeal procedure and, in particular, the powers and responsibilities of the various bodies should be clearly regulated by law, so as to avoid conflicts of jurisdiction (whether positive or negative). Neither the appellants nor the authorities should be able to choose the appeal body.” See [http://www.venice.coe.int/webforms/documents/CDL-AD\(2002\)023-e.aspx](http://www.venice.coe.int/webforms/documents/CDL-AD(2002)023-e.aspx).

complaints fuelled allegations by the MPP that its decisions lacked impartiality.⁶⁴ Many complaints filed with the police or the AFCCP were also copied to the GEC and pertained to violations of campaign-related provisions; the EOM had no possibility to verify if and how they were dealt with and if they received judicial adjudication. The Capital City Prosecutor and the Prosecutor General's representatives met with the OSCE/ODIHR EOM prior to election day and agreed to provide information. The only information subsequently received by the OSCE/ODIHR EOM was that 4 complaints were received in the provinces and 12 cases were received by the Capital City Police for investigation; of these, one was forwarded for full criminal investigation.⁶⁵

Measures should be taken to ensure that details of the complaints received, as well as of the investigation and decisions taken, are made publicly available in order to increase transparency and maintain public trust in the election process.

XIII. ELECTION DAY

On election day, the OSCE/ODIHR EOM deployed 210 international observers from 33 OSCE participating States to observe election-day proceedings. EOM observers were deployed in 16 provinces and all 9 city districts of Ulaanbaatar. They submitted 70 reports on mobile voting, 72 reports on the opening of polling stations, 753 reports on voting (from 659 individual polling stations), 85 reports on the vote count, and 63 reports on the processing of election materials and the tabulation process at 35 DEC's. Election day was calm and orderly with a voter turnout of 66.5 per cent reported by the GEC. OSCE/ODIHR observers noted instances of uneven implementation of procedures on election day, which appear to be at least partly due to the lack of regulations for the work of election commissions.

A MOBILE VOTING

OSCE/ODIHR EOM observers assessed mobile voting positively in 66 of the 70 instances they observed. Procedures for checking voters' IDs were generally followed. Problems noted during mobile voting included 1 case where the mobile ballot box was not sealed properly, 1 case where the ballot box was not stored in a safe location for overnight safekeeping, and 10 cases where the PEC did not show the information material to voters. The main problem noted during mobile voting concerned the secrecy of the vote, which was not always safeguarded in 29 instances.

B OPENING AND VOTING

Opening was assessed positively in all but 3 of the 72 polling stations observed by OSCE/ODIHR EOM observers. Forty-two of the observed polling stations opened with, at times long, delays due

⁶⁴ A total of 39 complaints concerned the composition of election commissions. The GEC responded in the form of resolutions, listing approved election commissioners but not providing reasons for refusing others or providing any criteria used in deciding who to appoint. Other responses did not refer in substance to the merits of the complaints, and one response included a call to stop interfering in matters within the GEC's powers. A complaint against the appointment of the chairperson of Sükhbaatar TEC (allegedly found by courts on two occasions not to be fit to serve as an election commissioner for illegal conduct during the 2012 elections), was answered by a letter stating that he was an outstanding civil servant with many years of experience, including in election management. OSCE/ODIHR EOM LTOs were also informed of complaints on the composition of DEC's and PEC's; the status of these complaints is unknown to the OSCE/ODIHR EOM.

⁶⁵ All requests by the OSCE/ODIHR EOM for further information were not answered, or the EOM was referred to other agencies.

to the fact that the PEL sets 07:00 hours both as the start of voting and as the time when the PEC should meet to make final preparations.

Consideration could be given to amending the PEL so that the PECs could conclude the final preparations for election day before the time at which voting should start.

Voting was assessed positively in 99 per cent of the polling stations observed (76 per cent very good and 23 per cent good), with OSCE/ODIHR EOM observers assessing voting negatively in only 8 polling stations. Procedures were generally followed but the secrecy of the vote was not always ensured (10 per cent of the observations), mainly because voters did not protect their marked ballots as they took them from the booth to the VCE.⁶⁶

Additional measures should be taken to safeguard the secrecy of the ballot, also during mobile voting, and could include additional training of and instructions for the PECs as well as increased voter education.

OSCE/ODIHR EOM observers reported very few serious procedural violations, such as group voting (17 cases), proxy voting and attempts to influence voters who to vote for (3 cases each), multiple voting and series of seemingly identical signatures on the voter list (2 cases each). With a few isolated exceptions, ID checks and finger print scans were carried out according to procedures. In five per cent of polling stations observed, some voters were turned away because their names could not be found on the voter list. EOM observers reported occasional technical problems with the finger print scanners and the VCEs, which did not, however, seriously impact on the process.⁶⁷

Women accounted for 77 per cent of the PEC membership and 56 per cent of chairpersons in polling stations observed. Candidate representatives were present in almost all polling stations observed and citizen observers in 11 per cent of them. The layout of a small number of polling stations observed (2 per cent) was not adequate to conduct polling, which resulted in overcrowding. Although it is required by the PEL, over half of polling station premises where voting was observed were not readily accessible to persons with disabilities, and the layout of 26 per cent of the polling stations observed was not suitable for these voters. Braille covers for the visually impaired were often not available.⁶⁸

The GEC and other relevant authorities could conduct a review to identify and adopt measures, including amendments to legislation if necessary, which would further facilitate access for disabled voters. It further recommends that such a review be inclusive of disabled voters.

C COUNTING AND TABULATION

The vote count was assessed positively in all but 14 of the 80 polling stations where it was observed. OSCE/ODIHR EOM observers noted some procedural irregularities, such as PECs not performing all steps in the required order. The law does not require to cross-check the number of voters whose fingerprints were scanned and biometric ID data verified with the numbers of ballots

⁶⁶ Covers intended for that purpose were not always provided in the booths and were frequently not used by voters even when they were readily available.

⁶⁷ For example, where finger print scanners could not read a voter's finger prints, the voter's unique ID number was typed in instead to identify him or her.

⁶⁸ Article 19 of the ICRPD includes an obligation to ensure that "persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected."

issued and cast, which could have been an additional safeguard against potential irregularities. OSCE/ODIHR EOM observers frequently were not given a copy of the VCE report, although they are entitled by the PEL to receive it.⁶⁹ Results of the manual re-counts matched the ones produced by the VCEs in most of the 16 polling stations where this procedure was observed. During 21 counts observed, the PECs had problems completing the protocols, which were not fully completed in 5 instances. OSCE/ODIHR EOM observers reported that mismatches between the results produced by the VCEs and those of the manual recounts were due to the fact that the VCEs did not properly calculate the number of invalid ballots, as were, in part, the problems PECs had in completing the protocols. Materials and protocols were not transported immediately to the DEC in 15 cases.

The tabulation process at DEC's was assessed negatively in 20 of the 63 observations by OSCE/ODIHR EOM observers, mainly due to a lack of organization and transparency. This could be attributed to the fact that almost one half of DEC premises observed were inadequate for the reception and processing of PECs. In 23 instances, EOM observers concluded that overcrowding negatively affected the process. In four instances, EOM observers reported tension or unrest.

Procedures at DEC's were largely followed, but observers noted some problems with PEC protocols, which were not filled in completely or correctly. The protocol figures were changed by the DEC in 11 instances, in 6 cases because of arithmetical errors. Significant procedural errors or omissions were reported in six instances. Some observers were restricted in their observations, as OSCE/ODIHR EOM observers were not granted full co-operation by the DEC in nine instances.

OSCE/ODIHR EOM LTOs observed the handover and tabulation process at a limited number of TECs and described it as generally orderly and well managed. According to the GEC, no discrepancies were found between the results aggregated at the TEC level on the basis of data received from the VCEs and on the basis of PEC paper protocols.

D ANNOUNCEMENT OF ELECTION RESULTS

Preliminary election results were released by the GEC on its website on 27 June 2013, after the GEC received the results from the VCEs in all 1,896 PECs. Preliminary results were broken down to provincial and Ulaanbaatar city districts rather than to the polling station level. The GEC established the results of the out-of-country voting at 22:00 hours on election day but only made them public in the morning of 27 June.

The final election results were handed over to the OSCE/ODIHR EOM on 2 July and made public on the GEC website on 4 July, again broken down to the level of TECs and Ulaanbaatar city districts.⁷⁰ Due to the wrong programming of the VCE, the results published by the GEC did not include the number of invalid ballots, which could only be established by subtracting the number of ballots cast for candidates and the blank ballots from the total number of ballots issued to voters.⁷¹

Consideration should be given to introducing a legal requirement to publish without delay detailed election results for each polling station along with all TEC, DEC and GEC protocols and summary tables on the GEC website and in the media.

⁶⁹ Article 50 of the PEL and Article 4 of GEC Resolution Nr. 15.

⁷⁰ See Annex, Election Results.

⁷¹ According to calculations by the OSCE/ODIHR EOM, the number of invalid ballots was 2,359, or 0.19 per cent of all ballots cast.

The final election results were sent by the GEC to the parliament as an attachment to the draft decision to be adopted by the parliament on the appointment of the president. The parliament approved the authority of Ts. Elbegdorj in a plenary session and the official inauguration ceremony took place on 10 July.

XIV. RECOMMENDATIONS

The following recommendations are offered for consideration by the authorities, political parties and civil society of Mongolia, in further support of their efforts to conduct elections in line with OSCE commitments and other standards for democratic elections. The OSCE/ODIHR stands ready to assist the authorities and civil society of Mongolia to further improve the electoral process.

A PRIORITY RECOMMENDATIONS

1. The legal framework should be amended to allow for independent candidacies, as provided for by paragraph 7.5 of the 1990 OSCE Copenhagen Document, as well as to repeal national origin candidacy requirements in view of international standards for democratic elections. The residency requirements could also be reconsidered.
2. The electoral legal framework should be reviewed and amended in order to consolidate legal provisions governing the complaints and appeals process, eliminate overlapping jurisdiction, simplify the electoral dispute resolution process by establishing a single hierarchical system, and ensure timely remedy for complainants.
3. The restriction of suffrage rights for citizens serving prison terms regardless of the severity of the crime committed should be reconsidered to ensure proportionality between the limitation imposed and the severity of the offense.
4. Consideration should be given to establishing detailed criteria for the nomination of civil servants to election commissions, either in the PEL or a GEC regulation, as a measure to maintain confidence in the election administration.
5. The PEL should require the GEC to adopt a comprehensive set of guidelines for the work of lower-level election commissions, including for election day procedures, in particular on the reconciliation of the number of voters' signatures on the voters list with ballots issued and cast, the installation of video cameras inside polling stations, the use of video footage in the complaints and appeals process, and posting of results protocols at polling stations for public scrutiny.
6. The GEC, in co-operation with the company providing the electronic vote-counting equipment (VCE), should ensure that the VCE accurately reports election results, including the number of invalid ballots cast. Consideration could also be given to establishing a formal certification process for the VCEs to be evaluated well in advance of election day by an independent and competent third party so that possible errors could be corrected before the equipment is dispatched to polling stations.

7. The legal framework could be reviewed to provide for fair, balanced and impartial editorial coverage of the campaign by public service media and private broadcasters in news programmes, discussions, and debates.
8. Consideration should be given to repealing criminal defamation laws in favor of proportionate civil sanctions, in accordance with relevant international standards. Furthermore, measures should be taken to ensure that civil sanctions for defamation are not so large as to negatively affect freedom of expression and are designed to restore the reputation harmed, not to compensate the plaintiff or to punish the defendant; in particular, pecuniary awards should be strictly proportionate to the actual harm caused and the law should prioritize the use of a range of non-pecuniary remedies.
9. Consideration should be given to introducing a legal requirement to publish without delay detailed election results for each polling station along with all TEC, DEC and GEC protocols and summary tables on the GEC website and in the media.

B OTHER RECOMMENDATIONS

LEGAL FRAMEWORK

10. Notwithstanding the recent improvements to the electoral legal framework, it is recommended to review further the electoral legislation for its compliance with OSCE commitments and other international standards for democratic elections with a view to eliminate the remaining gaps and inconsistencies.
11. It is recommended that any revisions of electoral legislation be undertaken in an inclusive and transparent manner, with the broad participation of all relevant stakeholders, including representatives of political parties and civil society.

ELECTION ADMINISTRATION

12. Additional measures could be taken to safeguard the impartiality, independence and transparency of the election administration by law and in practice with a view to maintaining trust in the election administration.
13. In order to ensure transparency and maintain trust in the use of new voting technologies, consideration could be given to establishing procedural guarantees for random selection of PECs subject to manual re-counts and to specifying in law the course of action in the event that the results of the automated and manual counts differ.

VOTER REGISTRATION

14. Consideration could be given to reviewing the official ten-day period for scrutiny of voter lists in order to allow voters sufficient time and convenience to verify or correct their registration.
15. Measures could be taken to enhance co-operation between various authorities with a view to refine the address system and further improve the accuracy of voter lists.

ELECTION CAMPAIGN

16. The PEL should be amended to allow for campaigning between two rounds of an election and in cases of possible additional polling or repeat election.
17. The PEL should be amended to make campaign regulations less restrictive, in order to facilitate free political campaigning, as required by paragraph 7.7 of the 1990 OSCE Copenhagen Document, and to ensure protection of the freedom of expression in the electoral context.

CAMPAIGN FINANCE

18. In order to enhance transparency and public confidence in the integrity of the campaign finance, the GEC should publish campaign finance regulations in a timely manner and effectively enforce operable and transparent campaign finance oversight procedures, including in the pre-election period.

THE MEDIA

19. Consideration should be given to repealing measures that unduly restrict freedom of expression on the internet. Furthermore, internet intermediaries, including service providers and hosts of material posted by others, should not be required to monitor user-generated content and should not be subject to extrajudicial content takedown rules.
20. Consideration should be given to amending the media legal framework to provide for disclosure of identities of proprietors of media outlets. Furthermore, consideration could be given to including in the media legal framework provisions obliging media owners to conclude agreements with the editorial staff to guarantee editorial independence.
21. Measures should be taken to ensure that liability for the content of political advertising and statements made directly by political actors rests with these individuals rather than the media broadcasting them.

CITIZEN AND INTERNATIONAL OBSERVERS

22. The election legislation should be amended to explicitly provide for domestic and international observation of the entire election process. Consideration should also be given to removing the current separate accreditation procedures and deadlines for observation of the pre-election period and of election day, as well as to allowing for observer accreditation throughout the election process up to a specific time before an election.

COMPLAINTS AND APPEALS

23. Measures should be taken to ensure that details of the complaints received, as well as of the investigation and decisions taken, are made publicly available in order to increase transparency and maintain public trust in the election process.

ELECTION DAY

24. Consideration could be given to amending the PEL so that the PECs could conclude the final preparations for election day before the time at which voting should start.
25. Additional measures should be taken to safeguard the secrecy of the ballot, also during mobile voting, and could include additional training of and instructions for the PECs as well as increased voter education.
26. The OSCE/ODIHR EOM recommends that the GEC and other relevant authorities conduct a review to identify and adopt measures, including amendments to legislation if necessary, which would further facilitate access for disabled voters. It further recommends that such a review be inclusive of disabled voters.

ANNEX – ELECTION RESULTS

№	Aimag, District	Registered Voters	Voter Turnout	Voter Turnout, %	Invalid Ballots	Invalid Ballots, %	Valid Ballots	Valid Ballots, %	Ts. Elbegdorj	Ts. Elbegdorj, %	B. Bat-Erdene	B. Bat-Erdene, %	N. Udval	N. Udval, %	Blank Ballots	Blank Ballots, %
1	Arkhangai	58319	35553	60.96	0	0	35553	100	15688	44.13	14535	40.88	4615	12.98	596	1.68
2	Bayan-Olgii	55456	35320	63.69	0	0	35320	100	18839	53.34	13297	37.65	2240	6.34	766	2.17
3	Bayankhongor	52032	33354	64.1	0	0	33354	100	16134	48.37	14725	44.15	1986	5.95	396	1.19
4	Bulgan	38734	25036	64.64	0	0	25036	100	10023	40.03	12075	48.23	2577	10.29	330	1.32
5	Govi-Altai	34616	23411	67.63	0	0	23411	100	9731	41.57	11218	47.92	2199	9.39	223	0.95
6	Govisumber	9543	6317	66.2	0	0	6317	100	2664	42.17	3111	49.25	436	6.9	95	1.5
7	Dornogovi	39832	26003	65.28	0	0	26003	100	9842	37.85	13880	53.38	1866	7.18	377	1.45
8	Dornod	49942	30337	60.74	0	0	30337	100	16098	53.06	11798	38.89	1886	6.22	463	1.53
9	Dundgovi	27776	17571	63.26	0	0	17571	100	6401	36.43	9455	53.81	1524	8.67	164	0.93
10	Zavkhan	44719	31541	70.53	0	0	31541	100	15530	49.24	14728	46.69	960	3.04	278	0.88
11	Ovorkhangai	71584	45564	63.65	0	0	45564	100	21012	46.12	20808	45.67	2876	6.31	684	1.5
12	Omnogovi	38264	25045	65.45	0	0	25045	100	11502	45.93	11181	44.64	2179	8.7	158	0.63
13	Sukhbaatar	37234	26000	69.83	0	0	26000	100	10290	39.58	14168	54.49	962	3.7	480	1.85
14	Selenge	69785	43220	61.93	0	0	43220	100	20377	47.15	17900	41.42	4233	9.79	608	1.41
15	Tov	59650	37699	63.2	0	0	37699	100	14848	39.39	19165	50.84	2971	7.88	620	1.64
16	Uvs	47659	33356	69.99	0	0	33356	100	15402	46.17	15299	45.87	2066	6.19	454	1.36
17	Khovd	48864	32929	67.39	0	0	32929	100	20144	61.17	10562	32.08	1765	5.36	376	1.14
18	Khovsgol	80561	51755	64.24	0	0	51755	100	27056	52.28	20827	40.24	3106	6	642	1.24
19	Khentii	45752	30430	66.51	0	0	30430	100	10156	33.37	19019	62.5	776	2.55	411	1.35
20	Darkhan-Uul	64256	40932	63.7	0	0	40932	100	20474	50.02	17248	42.14	2785	6.8	372	0.91
21	Orkhon	66308	42883	64.67	0	0	42883	100	22084	51.5	16274	37.95	4092	9.54	382	0.89
Aimags Total		1040886	674256	64.78	0	0	674256	100	314295	46.61	301273	44.68	48100	7.13	8875	1.32
22	Bayangol	123481	87424	70.8	0	0	87424	100	49903	57.08	32158	36.78	4702	5.38	570	0.65
23	Bayanzurkh	190606	128637	67.49	0	0	128637	100	70763	55.01	49777	38.7	6822	5.3	1120	0.87
24	Sukhbaatar	87567	60764	69.39	0	0	60764	100	33366	54.91	23681	38.97	3157	5.2	484	0.8

25	Songinokhairkh	183372	124790	68.05	0	0	124790	100	67209	53.86	48343	38.74	8079	6.47	1042	0.84
26	Khan-Uul	83814	58764	70.11	0	0	58764	100	31870	54.23	22883	38.94	3413	5.81	530	0.9
27	Chingeltei	105475	71869	68.14	0	0	71869	100	38614	53.73	28130	39.14	4318	6.01	729	1.01
28	Nalaikh	21864	15106	69.09	0	0	15106	100	7559	50.04	6078	40.24	1262	8.35	175	1.16
29	Baganuur	18493	12177	65.85	0	0	12177	100	5685	46.69	5880	48.29	475	3.9	121	0.99
30	Bagakhangai	2482	1755	70.71	0	0	1755	100	791	45.07	894	50.94	53	3.02	14	0.8
Capital total		817154	561286	68.69	0	0	561286	100	305760	54.47	217824	38.81	32281	5.75	4785	0.85
Out-of-country		6233	4242	68.06	0	0	4242	100	2739	64.57	1283	30.25	182	4.29	28	0.66
GRAND TOTAL		1864273	1239784	66.5	0	0	1239784	100	622794	50.23	520380	41.97	80563	6.5	13688	1.1

Source: Mongolian General Election Commission (www.gec.gov.mn)

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it coordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations. More information is available on the ODIHR website (www.osce.org/odihr).