

Preliminary Observations

Special Rapporteur on Privacy – official visit to Mongolia

8 to 14 April 2025

Introduction

Firstly, I want to thank the Government of Mongolia for inviting me to visit which is the fourth country I visit as the United Nations Special Rapporteur on the right to Privacy.

I also thank the National Human Rights Commission (NHRC) of Mongolia for encouraging and helping to facilitate this visit in the context of their ongoing “Public Inquiry on Human Rights and Technology in Mongolia”.

I also wish to extend my appreciation to the UN Country Team, in particular the Resident Coordinator’s Office and UNDP, that assisted us in all aspects concerning our visit.

My visit was an opportunity to analyse first-hand the right to privacy and the stage of development of the personal data protection system of Mongolia and examine other issues within my mandate including cybersecurity, surveillance, oversight mechanisms and remedies, new and emerging technologies and privacy concerns of specific groups.

In Ulaanbaatar, we met officials from various key Ministries and agencies, the judiciary, civil society, academics and businesses. I also travelled to Nalaikh to meet regional authorities.

Preliminary observations

Mongolia has a rich history with its nomadic lifestyle, which is still practiced today, and is geo-politically located between Russia and China, which presents unique opportunities and challenges. The country emerged from being under a socialist system to peacefully transitioning to a democratic state with a growing market economy. This transition is gathering speed due to the Government’s priority to embrace digitalization and move towards an e-based society but authorities acknowledged the challenges and limited financial resources of a developing nation. During my discussions with various interlocutors, it is evident that there also needs to be a corresponding shift in the mindset of the people so they view the right to privacy as a fundamental human right.

Privacy is a fundamental human right that needs to be recognized as such, needs to be clearly regulated and needs to be reviewed by the investigation of complaints, or by audits or other control procedures made by independent bodies.

Personal data

Key interlocutors, including civil society, have welcomed the enactment of the Law on Personal Data Protection (2021) which went into effect in May 2022 and provided a much needed comprehensive update to the legal framework in which privacy and data protection are safeguarded. This law is an important step forward but would benefit from further amendments in particular regarding its enforcement mechanism.

During my engagement with all stakeholders, including private companies such as Mobicom, I noted one overriding challenge that is of greatest urgency - to increase citizens' awareness of their right to privacy and importance of protecting personal data as an effective preventive tool.

The effective implementation of the legal framework on personal data is with the National Human Rights Commission (NHRC) which is the only oversight mechanism but their powers are limited since they can provide directives but cannot issue remedies. To effectively protect the privacy of personal data, especially sensitive data, a separate Data Protection Authority (DPA) should be established to create a robust oversight mechanism which can make binding decisions and issue a range of fines in line with the harm inflicted.

Overall, the Government is working towards taking privacy more seriously but it is still not well understood, particularly the concept of informed consent, by its citizens, both in the city (where over half the population resides) and even more in the countryside.

The Government has clearly prioritised developing a comprehensive legal framework, however, the challenge is to engage in capacity building (for example, bilateral co-operation regarding international data transfers) so relevant authorities know the applicable policies and regulations for effective implementation of the laws.

E-Mongolia is a centralized digitalized platform that provides an extensive list of over 1000 Government services to its citizens (and can also receive inquiries and complaints) available online, on mobile applications and at Kiosk machines. Currently, only 60% of the population are registered users of the E-Mongolia system. In Nalaikh, the services can be

delivered directly to vulnerable persons such as the elderly and the disabled by khoroo (smallest administrative unit of Mongolian cities) social workers via a portable machine.

During my official meetings I received assurances that the legislation and its implementation is working well to protect privacy. However, if the law is working in practice then you may indeed have a good number of complaints, as this usually means you have a well-informed population. None or very few privacy claims may mean that people are not understanding the foundations of privacy and are not sufficiently informed about their rights.

I gathered information about the various stages of digitalization in the Ministries. Officials acknowledged that the State must be ready for the challenges of transitioning towards e-systems in the financial, health, social security and labour industries and the need to continue to amend its legal and regulatory systems and implement measures to ensure a progressive evolution to promote and protect the right to privacy which is enshrined in Article 16 (13) of the Constitution.

Cybersecurity

As in many countries, Mongolia is facing a real challenge to effectively respond to cybersecurity attacks (in 2024, there were 1.6 million cyber-attacks and incidents, 13061 cybercrimes) and needs to develop more robust safeguards and undertake privacy impact assessments. The Ministry of Digital Development, Innovation and Communications has acknowledged the importance of establishing a comprehensive system for cybersecurity and deployed cyber security specialists to address gaps in technical capabilities.

The General Intelligence Agency advised there were at least five different laws that may be applicable during the investigation of a security breach. This complex legal framework should be consolidated to avoid “legislative pollution” so a more streamlined procedure can more effectively respond to threats and cyber attacks.

Mongolia, like all countries in the post Covid context, has experienced an exponential increase in online use by its citizens, particularly by children. From April 2022, the Ministry of Education took proactive initiatives to address this new reality to try to prevent human rights violations, cyberbullying, and peer discrimination, protection from cyberattacks by increasing the online education of students, parents, and teachers on safe and appropriate activities in the digital environment and dissemination of information online.

The risk of cyberbullying and the harmful impact of fake news on mental and physical health has increased and young people and children are particularly vulnerable due to their extensive use of social platforms. Further, the National Human Rights Commission (NHRC) has launched a study on the “Current Status of Gender-Based Violence Perpetrated by Technology”.

I also learned of the widespread problem of illicit online gambling and the Government’s plans to regulate some platforms in the betting industry in an effort to protect citizens from fraud and other online crimes. Further, amendments to existing laws are being considered to target those who facilitate illicit gambling, including people who allow the use of personal bank accounts, money transfer services, or telecommunications networks for such purposes.

Surveillance

The Government has implemented an extensive CCTV system in public areas of the capital and other cities and towns for the primary purpose of ensuring public security. The cameras are used to respond to misdemeanors (mainly traffic offences) and also used as an investigative tool for criminal investigations. I visited an Emergency Management Control and Information Centre (EMCIC) in Nalaikh, which are established in districts of Ulaanbaatar and other cities throughout Mongolia. EMCIC is responsible for monitoring and safeguarding this information, but it is important that citizens are better informed on how this data may be collected, retained and potentially used for other purposes including the risk of unauthorised surveillance.

New and Emerging Technologies

The Government is embracing new and emerging technologies to advance its society and in February 2025 the Ministry of Digital Development, Innovation and Communications and the United Nations Development Programme (UNDP) launched a strategic initiative to accelerate Mongolia’s National Artificial Intelligence (AI) Vision and Strategy. It is important to work in close collaboration with private tech corporations who are driving the advances in artificial intelligence and biometrics. The challenge for all States is there is no borders regarding the regulation of these technologies which are developing so rapidly and creating gaps which must be filled with ethical principles which play a crucial role in nurturing a well-informed society of their human rights, including the right to privacy, while lawmakers struggle to keep pace and enact additional safeguards.

The Ministry of Education appears ready to play a lead role but education and training programmes in all Ministries need to be more targeted and comprehensive to have a real impact on capacity building on digital literacy and digital skills.

Technological innovation is of utmost importance but it must be embraced using a human rights based approach, putting individuals at the centre of all technological advancements, so as to mitigate the risks of misuse of personal information and to safeguard the fundamental right to privacy of its citizens.

Conclusion

During my visit I underlined the importance of awareness, education, transparency, multi-stakeholder cooperation, harmonization and standardization at the regional and at the international level, and believe the Government is motivated to rise to this challenge.

I also met with justices at both the Constitutional and Supreme Court and Chairs of the Standing Committee on Innovation and E-Policy, as well as the Subcommittee on Human Rights of Parliament who visualise a future role for Mongolia in the international community and a determination to further incorporate a human rights perspective into all their work.

Overall, I encourage the Government to continue its work to close the digital divide in its population, in particular vulnerable groups (elderly, disabilities, minorities and lower incomes) to strengthen awareness and accessibility of data protection rights. There are many challenges ahead and a lot of work to be done; a key element - the political will, is present.

I also welcome the support of the UN Country Team, including the World Health Organisation (WHO) which is supporting a digital health project and the Office of the High Commissioner for Human Rights (OHCHR) who is encouraging the Government to build a framework that embraces both technological and social progress while balancing security with the right to privacy.

I look forward to ongoing engagement with the Government and all interlocutors as issues continue to evolve and some topics require further evaluation. My report containing findings, conclusions and recommendations will be shared with the Government before being formally presented at the 61st session of the Human Rights Council in March 2026.