

LAW OF MONGOLIA

.... /day/ /month/ 2010 /year/

Ulaanbaatar city

ON FREEDOM OF PRESS

CHAPTER ONE. GENERAL PROVISIONS

Article 1. Purpose of Law

1.1. The purpose of this law is to regulate relationships related to the guaranteed implementation of individuals' freedom of press as exercised through the media.

Article 2. Legislation on Freedom of Press

2.1. The legislation on the freedom of press shall comprise the Constitution of Mongolia⁸ this law, and other legislative acts adopted in accordance therewith.

2.2. Where an international treaty to which Mongolia is a party stipulates differently from this law, the provisions of the international treaty shall prevail.

Article 3. Definition of Terms

3.1. The following terms used in this law shall have the corresponding meanings set out below::

3.1.1. "the media" means all types of radio broadcast, television broadcast, newspapers, journals, and information in electronic form produced by media organizations;

3.1.2. "a media organization " means an entity that carries out the policy making with respect to, preparation of the content of, and the publishing of materials;

3.1.3. "self-regulated system of the press ethics " means a group of non-governmental public organizations which provide the means for introduction of ethical norms in the activities of the media and for the exercise of the right of public monitoring of the media content;

3.1.4. "publishing " means the activities of investigating, obtaining, verifying, processing, putting together, publishing, broadcasting and storing facts and information for the purpose of disseminating such facts and information to the public while safeguarding the sources of such facts and information;

3.1.5. “publications or broadcasts produced by a media organization ” means publications or broadcasts prepared and reviewed in accordance with the publication policies of a media organization;

3.1.6. “information in the nature of advertising and promotion ” means disseminated information which meets the general requirements for advertising and promotion but the content of which has not been prepared by a media organization;

3.1.7. “electronic information ” means information disseminated using the internet and the cyber space;

3.1.8. “the source of information ” means the provider of certain information, his name, address, job, profession, marriage status, meeting place, meeting date and time, correspondence, invoice, and other information which can be indirectly used to determine the identity of the provider of certain information;

3.1.9. “unpublished information ” means notes, photos, recording, collected facts, cassettes, combinations, computer files, and other documents to be used for publication but not yet to be directly disseminated to the public through the media and kept by a media agent who is hiding the source of information in relation to or not in relation to his or her prior publication.

CHAPTER TWO

Freedom and Independence of the Press

Article 4. Freedom and Independence of Media

4.1. A media organization shall have the right to freely and independently obtain, seek, disseminate, verify, investigate, and publish information.

4.2. Government agencies and officials shall be prohibited from controlling (subjecting to censorship) the content of disseminated information or organizing any kind of investigation.

4.3. The State Great Hural shall be prohibited from passing any law that would restrict the freedom of press and the free press.

Article 5. Prohibition of Government Media and Transparency of Information

5.1. It shall be prohibited that government agencies maintain media outlets of their own. Only periodic compilations and web addresses for the purpose of publishing government information such as laws, regulations, draft legislation, and information aids shall be permitted.

5.2. Government agencies and officials shall make transparent all information related to their activities except for letters and complaints filed with them by citizens and entities as well as confidential information related to government, private citizens, non-governmental organizations, and businesses.

5.3. The provision in article 5.1 of this law shall not apply to the media that disseminates information on Mongolia abroad.

Article 6. The Right Not to Disclose One's Sources of Information

6.1. Any participant in publication activities shall have the right not to disclose his or her sources of information in the cases where:

6.1.1. information has been obtained from the provider upon mutual agreement that the information will not be disclosed;

6.1.2. the participant deems it harmful to the life, health, reputation, honor, and business reputation of others to disclose the sources of his or her information;

6.2. It shall be prohibited to force any participant in publication activity to disclose the origin, the sources, and the ways of obtaining his or her published or unpublished information or to harass, intimidate or punish the participant for refusing to disclose the sources of his or her information.

CHAPTER THREE

Liability of Media Organizations

Article 7. Liability of Media Organizations for Printed or Broadcast Materials

7.1. A media organization shall be responsible for the publications or broadcasts that it has produced.

7.2. The liability for information in the nature of advertising or promotion shall fall on the persons who have ordered the dissemination of such information.

7.3. A media organization shall use some kind of differentiating mark to show whether a certain piece of information is in the nature of advertising and promotion.

7.4. A media organization shall be prohibited from charging anyone for unpublished or unbroadcast information.

Article 8. Transparency of the Ownership of Media Organizations

8.1. A media organization shall annually inform the public of its shareholders.

8.2. The share ownership of the following persons in the media organization shall be made transparent to the public:

8.2.1. government officials

8.2.2. political parties

8.2.3. foreign nationals and legal entities

8.2.4. businesses operating in the telecommunications sector and their shareholders;

Article 9. The Self-Regulated Ethics System of the Media

9.1. The press shall have its own self-regulated ethics system which is responsible for self discipline, self management, and ethics regulation. All information on such a self-regulated ethics system shall be open to the public.

9.2. A citizen or entity shall have the right to lodge a complaint to and to obtain a response from any organ of the self-regulated ethics system of the press when it concerns a media organization, journalist, or the content of press information.

9.3. Where a citizen or entity have made a complaint to a court, prosecutor's office, or a police concerning a media organization, journalist, or the content of press information, the complaint shall be referred to an organ consented to by the complainant within the self-regulated ethics system of the press.

Article 10. Principle of Protecting Freedom of Press in Defamation Disputes

10.1. Any person complaining or filing a suit about an incidence of hurting his or her personal reputation, honor or business reputation or libel and defamation through the press shall bear the burden of proof of the falsity of published information and the damage incurred.

10.2. Any government official or the leadership of any political party may file a lawsuit about an incidence of hurting his or her personal reputation, honor or business reputation only in the name of an individual.

10.2. Any government agency or political party shall not have a legal standing in disputes related to reputation and honor.

CHAPTER FOUR

Other Matters

Article 11. Effective Date

11.1. This law shall become effective on /day/ ... /month/

SPEAKER OF STATE GREAT HURAL OF MONGOLIA