



4 April 2011: For immediate release

Comment on Draft Mongolian RTI Law

In January 2011, the Mongolian Ministry of Justice submitted to Parliament a Draft Law of Mongolia on Information Transparency and Freedom of Information. This is the latest development relating to ongoing discussions around adopting a right to information (RTI) law that have been taking place in Mongolia for many years now. The draft Law has a number of both strengths and weaknesses, which CLD has highlighted in a new Comment it published today.

"CLD very much welcomes the tabling of an official draft RTI law," said Toby Mendel, Executive Director of CLD. *"It has a number of positive features, including a very broad regime for proactive disclosure of information. However, it also has some serious shortcomings, in particular an extremely broad regime of exceptions, which should be addressed before it is passed into law."*

CLD's key recommendations for reform of the draft Law are:

- The regime of exceptions is problematical for the following reasons:
 - it both fails to protect key confidentiality interests and renders confidential some issues that should be open;
 - many exceptions are not harm based; and
 - there is no public interest override to ensure that information of significant public interest is disclosed.
- The scope of information covered by the law is too narrowly defined.
- There are sanctions for disclosing information, even if this is done in good faith.
- The system of promotional measures is weak.

CLD calls on the Mongolian authorities, including the Parliament, to amend the draft RTI Law to bring it into line with international standards and better practice in other countries.

The full Comment is available at: <http://www.law-democracy.org/wp-content/uploads/2010/07/11.04.Mongolia.FOI.pdf>. The draft RTI Law is available at: http://www.law-democracy.org/wp-content/uploads/2010/07/Mongolia.FOI_Feb11.pdf.

For further information, please contact:

Toby Mendel
Executive Director
Centre for Law and Democracy
email: toby@law-democracy.org
tel: +1 902 431-3688
www.law-democracy.org