



Office for Democratic Institutions and Human Rights

MONGOLIA

PARLIAMENTARY ELECTIONS 29 June 2016

OSCE/ODIHR Election Observation Mission
Final Report



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I. EXECUTIVE SUMMARY

Following an invitation from the authorities of Mongolia to observe the 29 June 2016 parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) on 20 May. The OSCE/ODIHR EOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections and with domestic legislation. For election day, the OSCE/ODIHR EOM was joined by a delegation from the European Parliament to form an International Election Observation Mission (IEOM). Both institutions involved in this IEOM have endorsed the 2005 Declaration of Principles for International Election Observation.

The Statement of Preliminary Findings and Conclusions issued on 30 June 2016 concluded that “election day was orderly, following a competitive campaign during which freedoms of assembly and association were respected. This, however, did not offset the impact of late fundamental changes in the electoral legislation on Mongolia’s democratic development. The elections were highly contested, however restrictive campaign provisions coupled with the media’s politicization limited impartial and comprehensive information available for voters.”

Following an inclusive process, a new election law was adopted on 25 December 2015, which consolidated various election laws, a positive development toward establishing a cohesive electoral framework. However, in May 2016, the parliament changed the mixed electoral system to a solely majoritarian one, established 76 single-mandate constituencies and approved their boundaries through a process that lacked transparency and public consultation. Objective criteria, including population size, were neglected in this process, resulting in profound population discrepancies among constituencies, which is inconsistent with the principle of equality of the vote provided for by paragraph 7.3 of the 1990 OSCE Copenhagen Document and other international obligations and standards. Overall, the late introduction of fundamental changes to the electoral system was the cause of many of the problems encountered during these elections.

The elections were administered by a four-tiered election administration, headed by the General Election Commission (GEC). In preparation for election day, the GEC met key operational deadlines; however, there was a lack of transparency in the conduct of its work. The GEC’s late introduction of key regulations, inconsistent communication with lower-level commissions and other electoral stakeholders as well as a lack of accountability towards stakeholders and the greater public potentially negatively affected the confidence of the voters in the election administration.

Electronic vote count machines were used in each polling station. The GEC undertook professional testing of the equipment in front of parties and citizen observers, yet it did not publish information on the functioning of the machines. Independent certification of the hardware and software was neither required nor undertaken. The procedures for manual recounts, as a confidence building measure, were finalized only two days prior to election day, which did not allow time for the relevant training of lower-level commissions.

Stakeholders expressed general trust in the accuracy and inclusiveness of the voter registration process. However, the late temporary transfer of a large number of voters distorted the integrity of

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

voter lists in several constituencies and raised questions on the merits of the voter-transfer process. Moreover, persons declared incompetent by a court or those serving a prison sentence, regardless of the severity of the crime, are ineligible to vote, contrary to international standards, OSCE commitments and good practice.

Candidate registration was largely inclusive, providing voters with a range of political choices. However, contrary to OSCE commitments and other international obligations, the legislation sets disproportionate restrictions on candidacy rights, disqualifying a person for overdue debts or taxes, for not having completed compulsory military service as well as for having a criminal record. Moreover, in some instances the protracted handling of complaints related to candidate registration limited the right to stand for election on an equal basis.

Despite undue campaign restrictions in the law, the freedoms of assembly and association were respected and candidates were able to convey their messages to the electorate. In most parts of the country, the campaign was calm, although in highly contested constituencies the rhetoric was strained leading to a more tense campaign environment. The OSCE/ODIHR EOM was made aware of multiple alleged instances of vote-buying. At times, the lines were blurred between the administration, both national and local, and political parties.

Campaign finance reporting requirements are opaque and there are no legal measures to ensure verification of campaign expenditure prior to the elections. For the first time, the State Audit Office will audit contestants' campaign finances, yet only after the elections. Key legal provisions enabling effective oversight have not been developed and serious campaign finance violations such as a breach of the spending limit or the submission of falsified reports are not subject to sanction.

All political entities complied with the legally binding 20 per cent gender quota on candidate lists; 17 per cent of elected parliamentarians are women, a positive step towards the enjoyment of equal rights. However, there were no women candidates in more than one-third of the constituencies. There was only one woman among the GEC members, while in the lower-level commissions women were better represented. Nevertheless, women remain underrepresented in political life.

The media offered extensive election coverage, but abandoned its intermediary role, primarily granting direct access to the politicians. Paid political advertisements and free airtime overshadowed editorial content, and campaign materials prepared by political parties were included within news programmes, damaging credibility of the media. Consequently, voters were deprived of independent and analytical reporting by monitored media outlets.

The law provides any individual or political party with a multitude of avenues to challenge the electoral process, yet it lacks clarity regarding jurisdiction. The GEC received some 50 pre-election complaints, courts reviewed 25 cases, and the police handled over 1,000 grievances. Although the legislation clarifies to some extent the complaints and appeals process, a lack of formalization and transparency within the election administration and the protracted and multifarious handling of electoral disputes in courts diminished the right to an effective remedy.

Civil society organizations monitored the pre-electoral environment, including campaign finance and the media's conduct, and issued timely statements highlighting key shortcomings of the process. Some 300 citizen observers were deployed on election day across the country to observe voting and counting. They also contributed greatly to civic education and voter information initiatives on national and local levels.

Election day was orderly throughout most of the country. Voting was assessed positively, although the secrecy of the vote was not consistently ensured. The assessment of the vote count and tabulation of results were notably worse with the principal cause being significant procedural errors or omissions.

Efforts to foster voter confidence in the electronic counting by instituting manual recounts were futile as polling staff were not obliged to reconcile any differences in figures.

Immediately after the aggregation of the results, the GEC released preliminary results and certified them two days later, before the electronic results were crosschecked against those from the manual recounts. The elected members of parliament were sworn in on 5 July, while the complaints challenging the results were still pending in the courts. Additionally, official results by constituency were published by the GEC only on 6 July, and disaggregated data per polling station was made available only after the official complaints period was over. The manner in which the official results were published and certified undermined both the right to seek an effective remedy against the election results and the right to access information of public interest in an easy, prompt and effective manner as foreseen under international obligations.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the authorities of Mongolia and based on the recommendations of a Needs Assessment Mission conducted from 5 to 8 April 2016, the OSCE/ODIHR established an EOM on 20 May. The OSCE/ODIHR EOM was headed by Ambassador Audrey Glover and consisted of 14 experts based in Ulaanbaatar and 14 long-term observers (LTOs) deployed throughout the country on 27 May. For election day, the OSCE/ODIHR EOM was joined by a delegation from the European Parliament (EP) to form an International Election Observation Mission (IEOM). Laima Liucija Andrikiienė (Lithuania) led the EP delegation. The IEOM members were drawn from 33 OSCE participating States, including 208 experts, long-term and short-term observers deployed by the OSCE/ODIHR, as well as the 10-member delegation of the European Parliament.

The OSCE/ODIHR EOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. This final report follows the Statement of Preliminary Findings and Conclusions, which was released at a press conference in Ulaanbaatar on 30 June.²

The OSCE/ODIHR EOM wishes to thank the authorities of Mongolia for the invitation to observe the elections, the General Election Commission (GEC), the Ministry of Foreign Affairs and other authorities for their assistance. It also wishes to express its appreciation to civil society organizations, political parties, media, and other institutions for sharing their views with the mission, as well as the international community representatives for their support and co-operation.

III. BACKGROUND AND POLITICAL CONTEXT

On 29 January, the State Great *Khural* (parliament) scheduled parliamentary elections for 29 June. These elections took place against the backdrop of economic stagnation and public disillusionment with politics. Since 2012, the Democratic Party (DP) has maintained political power as it controlled both the legislature and the executive, and held most gubernatorial seats in the *aimags* (provinces).³

Twenty-four political parties are registered by the Supreme Court, of which five were represented in outgoing parliament. Among the previous parliamentary parties, the DP, Mongolian People's Party (MPP) and Mongolian People's Revolutionary Party (MPRP) have extensive party structures down to the municipality level.⁴

² [See all previous OSCE/ODIHR reports on Mongolia.](#)

³ Governors in 16 out of 21 *aimags*, as well as the mayor of Ulaanbaatar, are DP affiliates.

⁴ The two other parliamentary parties were the Civil Will–Green Party and Mongolian National Democratic Party.

Following the failure of the MPP and MPRP to form a coalition in April, several prominent MPRP politicians and local MPRP organizations shifted to the MPP. Around the same time, the DP was also joined by representatives of smaller parties. The heads of the Constitutional Court and the Independent Authority against Corruption were relieved of their duties in February and April, respectively. New heads were not appointed before 29 June, raising concerns that these two institutions playing an important role in the electoral process were left without effective leadership in the run-up to the elections.

The parliamentary elections were held on the same day as elections for the Citizens Representative *Khurals* (local parliaments) of the capital city and *aimags*. The OSCE/ODIHR EOM followed the latter elections only to the extent that they impacted the conduct of the parliamentary elections.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Mongolia is party to key international human rights conventions. The 1992 Constitution establishes direct applicability of those instruments in domestic law and requires their fulfilment in good faith. The fundamental rights and freedoms that underpin democratic elections are enshrined in the constitution.

The electoral legal framework primarily comprises the Constitution, the 2015 Law on Elections (LoE), the 2006 Law on the Central Election Body (LCEB), the 2012 Law on the Automated Election System, and regulations of the GEC.⁵ However, the GEC lacks general authority to adopt any binding regulation it deems necessary, as the LoE and LCEB narrowly limit the scope of the GEC's regulations.⁶ This impedes the GEC's ability to ensure a consistent implementation of electoral legislation.

To ensure a coherent electoral legal framework and to contribute to its consistent application, the law could be revised to authorize the GEC to adopt regulations it deems necessary to supplement the electoral legislation.

Under the LCEB, the GEC has authority to request the Supreme Court to issue legally binding interpretations of electoral legislation. However, since 2012, the court has declined to exercise its constitutional mandate to issue binding interpretations, thus limiting the further development of a coherent electoral framework.⁷ The Supreme Court informed the OSCE/ODIHR EOM that it would not provide legal interpretation until the parliament introduces a new provision in the Law on Courts clarifying its jurisdiction.⁸

The Supreme Court should resume exercising its constitutional mandate to issue legally binding interpretations of the legislation at the request of the GEC. To facilitate the Supreme Court's work, considerations could be given to amending the Law of Courts in line with the Court's recommendations.

⁵ Other laws include the Law on Political Parties, Law on Assembly, Criminal Code, Law on Anti-Corruption, Law on State Audit, Law on Gender Equality, and various laws regulating the judiciary and media.

⁶ Under Article 7.1.7 of the LCEB, the GEC has power to approve only official forms, specific rules, instructions and documents as stipulated in the LoE.

⁷ From 2012 to 2015, the GEC submitted a number of requests to the Supreme Court seeking binding interpretation of the election law, yet did not receive a response. Thus, the GEC ceased lodging submissions.

⁸ In October 2015, the Constitutional Court invalidated a provision in the Law on Courts that had limited the constitutional powers of the Supreme Court to issue legal interpretations.

Following an inclusive consultation process, a new election law was adopted on 25 December 2015. It consolidated various election laws, a positive development towards establishing a cohesive electoral framework.⁹ While the law was drafted over a three-year period, it was adopted only six months prior to the parliamentary elections. The LoE addresses some previous OSCE/ODIHR recommendations, most notably on the complaints and appeals process and rights of voters with disabilities. However, most recommendations remain unaddressed. Overall, the LoE contains a number of key shortcomings, including undue limitations on the right to vote, to be elected and on campaign freedoms, as well as various gaps, contradictions and ambiguities. Following the LoE's adoption, 10 petitions were lodged with the Constitutional Court challenging various provisions on parliamentary elections, including undue limitations on the right to be elected and to campaign freely.¹⁰ Notably, a key provision that was included in the former election law, prohibiting any amendment within six months of an election, was omitted from the new law. This enabled the late introduction of fundamental changes to the electoral legislation, including to the electoral system.

The parliament comprises 76 members elected for four-year terms. The LoE, at the time of its adoption, envisaged a mixed electoral system to elect the parliament, combining proportional and majoritarian components.¹¹ However, on 22 April, the Constitutional Court, in a swift decision on two petitions, invalidated the proportional component of the electoral system for violation of the constitutional provision for "direct" elections, on grounds that it puts the political parties between voters and elected candidates.¹² This decision reversed a 2012 decision of the same court that ruled the proportional system was a legitimate "direct" electoral system and did not violate the Constitution.¹³ The Parliament accepted the Constitutional Court verdict, and did not exercise its constitutional right to request the court to review the decision. Although there was no legal deadline to implement this court decision, the LoE was amended on 5 May, establishing a fully majoritarian system.

In addition to implementing the court's decision, the parliament also amended the electoral system to move from multi- to single-member constituencies increasing the number of constituencies from 26 to 76. The parliament also reduced the deadline for the demarcation of constituency boundaries from 150 to 45 days before the elections.¹⁴ There were no public consultations before these changes were introduced. Such fundamental modification of the electoral system and other aspects of the electoral framework, less than two months before the elections, undermine international good practice and raise questions about whether the process was free from political influence.¹⁵ As a result, members of parliament (MPs) were elected under a first-past-the-post system in 76 single mandate constituencies, among party- and coalition-nominated candidates and independents.

⁹ Four laws regulating the presidential, parliamentary, capital city, *aimags*, *sums* (counties) and *duuregs* (districts) elections were consolidated in the new law.

¹⁰ All petitions, except those challenging the constitutionality of the proportional component of the electoral system, were denied a hearing. The courts' decisions denying the hearings were not made public.

¹¹ Forty-eight members were to be elected in the majoritarian component in 26 multi-mandate constituencies and 28 to be elected proportionally through a single nationwide constituency, with a 5 per cent threshold.

¹² The outgoing parliament was elected under a mixed electoral system. The first petition, lodged on 27 January, was denied hearing on grounds that the proportional system does not violate the constitution; on appeal, on 29 February, a hearing was granted. The second petition lodged on 13 April, was joined with the first.

¹³ In 2012 a three-judge panel in its appeal ruling stated: "It is not strictly defined by the Constitution of Mongolia whether the political elections are to be conducted by a majoritarian, proportional, or mixed election system. The provision "the right to vote directly" in Article 21.2 of the Constitution expresses the meaning that voters shall cast votes without any representation and election results shall be based on the voters' ballots....Direct voting principles are expressed when the election results are defined from the votes of the voters and according to the law, when one votes themselves without any representation."

¹⁴ See additional information on boundary delimitation in the following section.

¹⁵ Section II.2.b of the [2002 Council of Europe's Venice Commission Code of Good Practice in Electoral Matters](#) (Code of Good Practice) recommends that fundamental elements of electoral law should not be amended within the last 12 months before an election.

Any fundamental amendments to the election legislation should be made through an inclusive process and adopted well ahead of an election, to enhance stability and public confidence in the electoral process.

Additionally, in May 2016 the gender quota, which had been set in the new election law at 30 per cent of nominated candidates, was reduced to 20 per cent.¹⁶ Moreover, already after preparations for out-of-country voting had been initiated, parliament repealed it for parliamentary elections, effectively disenfranchising some 150,000 citizens living abroad.¹⁷

The LoE provides for a 50 per cent turnout in each constituency for the election results to be valid. If this turnout is not reached, additional voting is held in those polling stations that had less than a 50 per cent turnout with eligible voters being only those who did not participate in the initial voting. The LoE lacks clarity regarding the deadline by which additional polling must take place.

V. BOUNDARY DELIMITATION

Parliament is mandated to demarcate constituencies each election year upon a GEC proposal. It must consider the size of the population and the division of administrative units. However, the boundary delimitation process lacked transparency, public consultation and adherence to established criteria. On 11 May, the GEC submitted to parliament recommendations on how to delineate the constituencies, which contained notable disparities in relation to the number of voters registered per electoral constituency. These disparities increased even further when on 12 May the parliament redesigned and approved the boundaries of the 76 constituencies: 50 deviated by more than 15 per cent from the national average of 25,170 voters per constituency, with the largest constituency having three times as many voters as the smallest one.¹⁸ Such deviations are at odds with the principle of the equality of citizen's voting power and are not in line with international good practice.¹⁹

In the course of the parliamentary debate, reasons for the deviations such as population density, territorial size of *aimags*, developmental needs, and historical circumstances were listed.²⁰ However, the LoE does not include any such considerations as a valid rationale for the delimitation of constituencies. The resulting population discrepancies among constituencies are at odds with the principle of equality of the vote as provided for by paragraph 7.3 of the 1990 OSCE Copenhagen Document and other international obligations and standards.²¹

¹⁶ Fourteen per cent of members in the outgoing parliament were women.

¹⁷ The LoE, at the time it was adopted, as well as in the previous parliamentary elections law, established overseas voting for the proportional component of the electoral system.

¹⁸ The smallest constituency – constituency No. 34 in Khovd – comprises 13,866 voters; the largest – No. 63 in Chingeltei, a district in Ulaanbaatar – has 41,836 voters.

¹⁹ The Code of Good Practice, I. 2.2 reads: “Equal voting power: seats must be evenly distributed between the constituencies. [...] iv. The permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity).”

²⁰ For example, Khentii *aimag* with 46,589 eligible voters, was allocated three constituencies, while Dornod *aimag*, which has 2,687 voters more, was assigned two. As a result, Khentii's constituencies are among those with the highest deviation from the national average.

²¹ The United Nations International Covenant on Civil and Political Rights (ICCPR), Article 25(b); and also paragraph 21 of the 1996 United Nations Human Rights Committee (UNHRC) General Comment 25, which provides that “[t]he drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely.”

Several constituencies, as delimited, were non-contiguous.²² There were also nine *sums* where voters were divided between two or three constituencies. Authorities informed the OSCE/ODIHR EOM that such distribution was made, among other reasons, to avoid the creation of constituencies being dominated by one ethnic group and highlighted the importance of having parliamentarians represent both rural and urban areas. However, such division of constituencies is not consistent with international good practice, which suggests geographical contiguity and preservation of community boundaries.

The LoE should be amended to require that the demarcation of boundaries is undertaken well in advance of an election and should establish a reasonable, legally binding maximum deviation from the national average number of voters per constituency, aimed at achieving equality of the vote, with due consideration given to preserving community boundaries.

VI. ELECTION ADMINISTRATION

The elections were administered by a four-tiered election administration, comprising the GEC, 22 Territorial Election Commissions (TECs), 339 District Election Commissions (DECs) and 1,998 Precinct Election Commissions (PECs). The GEC has nine members, among them one woman, appointed by parliament for six-year terms. The parliament nominates five members, the president nominates two, and the Supreme Court nominates two from a list provided by the parliament. The law is silent on any selection criteria for members of election commissions at all levels other than a requirement to be a civil servant. TECs had seven to nine members, while DECs and PECs had five to seven members. Some 43 per cent of TEC members are women, with a higher percentage of female election staff at lower levels.

All TEC, DEC and PEC members had obtained an election certification and were drawn from lists prepared by the local administrations. Within the legal deadline, the GEC appointed 196 TEC members who then selected more than 2,000 DEC members and some 14,000 PEC members. There is no unified mechanism to appoint members.²³ The OSCE/ODIHR EOM received numerous reports on perceived political bias in the composition of TECs and DECs, particularly where the heads of gubernatorial and mayoral offices were commission chairpersons or secretaries.²⁴ This damaged stakeholders' confidence in the impartiality of lower-level commissions, even if not contravening the LoE.²⁵ Appointments were rarely formally challenged, yet the absence of standardized and transparent appointment procedures potentially negatively affected the trust of voters in the election administration.

Consideration could be given to establishing public, inclusive and transparent appointment and removal mechanisms for members of election commissions at all levels.

²² For example, constituency No. 33 in Uvs was divided into three non-contiguous parts. Baganuur, a district on the outskirts of Ulaanbaatar, was divided into four parts, with each attached to different constituencies, none of which is contiguous with Baganuur.

²³ The OSCE/ODIHR EOM was informed that in Tov, TECs received a list of DEC and PEC candidates from "the state administrative unit"; in Darkhan-Uul, Orkhon and Selenge, TECs received the lists of possible candidates from the GEC; in Dundgovi, Dornogovi, Govisumber, Khenti and Ömnögovi, TECs received lists from the local administration.

²⁴ OSCE/ODIHR EOM long-term observers reported this from 10 TECs and 35 DECs from Ulaanbaatar and 11 *aimags* (Arkhangai, Bayankhongor, Bayan-Ulgii, Bulgan, Darkhan-Uul, Dornod, Govi-Altai, Khovd, Tuv, Uvs and Uvurkhangai).

²⁵ On 30 May, the Deputy Governor of Uvurkhangai *aimag* lodged a complaint to the GEC claiming that the database of civil servants to be trained for appointment to DECs mostly included MPP-affiliated persons and that DP affiliates had been left out, even though they had previous election experience.

The LoE requires the election administration at all levels to make decisions transparently, openly and by majority vote. However, most GEC meetings were conducted on an *ad hoc* basis without public notice, thus political parties, candidates, citizen observers and media were not present during the sessions.²⁶ Moreover, not all resolutions were posted on the GEC website, nor were meeting agendas or minutes. Overall, there was a lack of transparency and accountability in the conduct of the GEC towards stakeholders and the greater public, potentially diminishing trust in the credibility of the process. The OSCE/ODIHR EOM noted that TECs and DECAs largely mirrored the GEC's approach regarding transparency and accountability.

To increase inclusiveness and transparency in the election administration, the GEC and lower-level commissions should hold regular, open meetings during the election period allowing for sufficient public notice, and publish agendas, minutes and decisions immediately.

Positively, in preparation for election day, the GEC met key operational deadlines and fulfilled its mandate, despite the compressed election schedule. Cascade training for election staff was undertaken, primarily focusing on technical aspects of the process. At the same time, the GEC did not provide lower-level commissions with comprehensive and coherent guidance regarding the newly adopted electoral legal framework, and the OSCE/ODIHR EOM observed some confusion among lower-level commissions on how to interpret the law and what procedures to follow.

The shortened timeframe also strained the ballot printing process with more than 500 sample-ballots needing approval within a few days. Additionally, special ballots for temporarily transferred voters containing candidates only for the parliamentary elections had to be printed. Ballots and other voting material were delivered to respective polling stations in a timely manner.

Electronic vote count machines were used in each polling station. From 15 to 19 June, the GEC undertook professional testing of the equipment in front of parties and citizen observers. However, to avoid overcrowding, the GEC allocated a timeslot to each political entity and citizen observer group, thus no stakeholder was able to follow the entire process. Testing was held locally across the country on 24 and 25 June in the presence of polling staff and police and in some cases party observers, primarily from the DP and MPP. When present, observers generally assessed the testing as positive.

The GEC did not publish information on the functioning of the electronic vote count machines and independent certification of the hardware and software was neither required nor undertaken.²⁷ The GEC invited stakeholders to review the source code of the machines; however, no one took up the opportunity, as the vendor required that anyone viewing the source code to sign a non-disclosure agreement. The vendor carried out its own verification of the software, which was accepted by the GEC as sufficient. Nevertheless, the verification protocols were not published on the GEC website limiting transparency and the voters' right to access information of public importance as envisaged in international standards.²⁸

The source code for electronic vote count equipment should be available by law and in practice for third-party verification and the results of the verification should be made public to increase the voters' confidence in the electronic vote count machines.

²⁶ Some GEC members noted that meetings were often called with only 30 minutes' notice.

²⁷ Recommendation 111 of the Council of Europe (CoE) Recommendation (2004)11 on Legal, Operational and Technical Standards for E-Voting, which states that "Member States shall introduce certification processes". See also sections 6 and 7 of the Certification of E-voting systems Guidelines by the CoE.

²⁸ Paragraph 19 of UNHRC GC No.34 to Article 19 of the ICCPR reads: "To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information."

Following the MPP's initiative, in December 2015, a provision for the manual recount of ballots in at least 50 per cent of polling stations was introduced in the LoE to increase transparency and confidence in the machines. However, the procedures detailing the recounts were finalized only two days prior to election day, which did not allow time for the relevant training of lower-level commissions. No guidance was provided as to the selection of polling stations beyond the indication of "up to 50 per cent" as stated in the law nor to how to reconcile any difference between the manual and electronic results. The OSCE/ODIHR EOM observed the lack of uniformity in executing both the selection of polling stations as well as the reconciliation of results.²⁹

The GEC should be required by the LoE to issue regulations addressing gaps in the electoral process within a reasonable timeframe, to enable the information to be conveyed to lower-level commissions promptly and to allow for the conduct of corresponding training.

Civic education and voter information campaigns started late and until two weeks prior to election day were not widely visible. However, from mid-June, many media outlets broadcast television spots, including in sign language, encompassing key elements of the new electoral system. The spots were produced by the GEC and other state agencies, as well as by civil society organizations, and aired on nationwide media and on local broadcasters.

VII. VOTER REGISTRATION

All citizens over 18 years of age have the right to vote, except those declared incompetent by a court or those serving prison sentences, irrespective of the gravity of the crime. These blanket provisions pose a disproportionate restriction, at odds with OSCE commitments and international standards.³⁰

The LoE should be amended to ensure that the restriction on prisoners' right to vote is proportionate to the severity of the crime committed. The restriction of voting rights of persons without full legal capacity should be based on a court decision expressly revoking the right to vote.

Voter registration is passive and based on the national civil register, which uses biometric data. Voter lists (VLs) were extracted from the National Civil Registration and Information Database (NCRID) and crosschecked against double entries. Fifty-five days prior to the elections, the NCRID was updated with information about people serving a prison sentence, declared incompetent by the court, residing abroad, serving military service as well as the deceased. VLs were made accessible for public scrutiny online from 1 March. From 9 June, VLs were available at respective polling locations as prescribed by the LoE or in the local administration buildings. The OSCE/ODIHR EOM interlocutors noted instances, predominantly in urban areas, where VLs were not easy to locate. At the same time in small communities, PEC members, on their own initiative, were informing voters about mistakes in the VLs and encouraging them to formally request changes. Overall, stakeholders expressed general confidence in the accuracy and inclusiveness of the voter registration process. A total of 1,912,901 voters were registered for these elections.

Voters are permitted to temporarily transfer to another polling location outside of their *aimag* of residence up to 14 days before election day.³¹ In most constituencies, the number of voters who

²⁹ Two days before the elections, the OSCE/ODIHR EOM randomly selected 35 DEC's to explain the selection procedures for manual recounts. Only five had an understanding of the necessary procedures.

³⁰ Paragraph 14 of UNHRC GC No. 25 to Article 25 of the ICCPR requires 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 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."

³¹ A total of 18,309 voters requested to be temporarily transferred.

transferred did not exceed one per cent of the total number of registered voters. However, in four constituencies the number of transferred voters reached up to 20 per cent.³² Moreover, as voters were not required to request a transfer in-person, collective voter relocation via proxy was observed in Khuvsgul and Bayankhongor. The high number of late transfers distorted the integrity of the VLs and OSCE/ODIHR EOM noted instances where the VLs were not finalized until one day prior to elections.³³ On 21 June, the DP and MPP lodged complaints with the GEC on the high number of transfers in five provinces questioning both the legitimacy and the merit of the vote-transfer process. The GEC responded by stating that relocation of voters took place in accordance with the LoE.

Voters who could not vote at their polling station on election day for health reasons, as well as those in pre-trial detention, could apply for mobile voting no later than five days prior to elections. Polling officials and police officers, deployed outside their respective voting site, could request mobile voting. However, the latter were often not able to cast their votes due to operational constraints.

The law should allow polling officials and police to transfer their vote to polling stations where they are deployed, including within their aimag of residence.

VIII. CANDIDATE REGISTRATION

A citizen who is at least 25 years old and has full legal capacity is eligible to be a candidate. However, the LoE sets undue restrictions on candidacy, disqualifying a person for overdue debts or taxes as determined by a court, for not having completed compulsory military service, as well as for having a criminal record regardless of the crime committed or the sentence fully served.³⁴ Under the Criminal Code, a convicted person has a criminal record lasting between 1 to 10 years after the completion of the sentence. Civil servants who plan to stand for election have to resign from their positions by 31 January in the year of the election, several months before the nomination process starts. These restrictions are contrary to the OSCE commitments and international standards on the right to be elected.³⁵

The LoE should be amended to repeal the disqualification of candidates based on incomplete military service, overdue debts and taxes, and criminal record. Public servants should not be required to resign from posts until the start of candidate nomination.

Due to the late change of the electoral system, the parliament compressed the deadlines for candidate registration from 55 to 27 days before election day, posing constraints on the GEC.³⁶ Nevertheless, candidate registration was largely inclusive, providing voters with a range of political choices. Twelve

³² A total of 2,778 voters requested a transfer to constituency No. 31 in Uvs, increasing the number of registered voters by some 20 per cent; 1,909 voters requested a transfer to constituency No. 9 in Bayankhongor, increasing the total number of registered voters by 11 per cent. In constituencies Nos. 39 and 37 in Khuvsgul the number of voters requesting transfers represented some seven and five per cent, respectively, of the total numbers of voters.

³³ In Bayangol, the OSCE/ODIHR EOM observed changes to the VLs being made on 28 June. Moreover, the PEC informed the OSCE/ODIHR EOM that the VL would be finalized only on election day.

³⁴ In addition, under the LoE, when proposing a candidate political entities are obliged to consider the individual as adequate to be a member of parliament based on his or her qualification, education, experience, abilities, aspirations towards the good of the country and its people and capacity to abide by the integrity, rule of law, and ethical standards.

³⁵ Paragraph 15 of the UNHRC GC No. 25 to Article 25 of the ICCPR states that “Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation”. Paragraph 7.5 of the 1990 OSCE Copenhagen Document provides that participating States will respect the right of citizens to seek political or public office without discrimination. Further, paragraph 24 provides that restrictions on rights and freedoms must be “strictly proportionate to the aim of the law.” See also Section II.1.b of the Code of Good Practice.

³⁶ During the drafting of the LoE, the GEC submitted a recommendation to parliament for the legislation to provide that the candidate nomination period starts within 10 days of announcing the date of the elections.

political parties and three coalitions were registered by the GEC.³⁷ Two parties were denied registration; however, on appeal, the Supreme Court ordered the registration of the Civil Will-Green Party (CWGP), ruling that the GEC had misapplied the registration rules.³⁸ Thirteen candidates, including five independents, were rejected on various grounds.³⁹ Only one rejected nominee, the MPRP leader, challenged the GEC's decision in court, yet the case was not resolved by election day.⁴⁰ The protracted and multifarious manner in which the courts handled the MPRP leader's case demonstrated key procedural shortcomings.⁴¹ In addition, out of 19 other complaints against candidates' registration handled by the courts, most were refused a hearing and none were satisfied.⁴²

The deadline for the nomination of candidates should be brought closer to the date of the announcement of elections to ensure sufficient time for the GEC to register candidates and any court appeals to be finalized.

A total of 498 candidates were registered, including 69 independents. Only the DP and MPP contested all constituencies. In a number of constituencies, the level of competitiveness was high, with 10 or more contestants; conversely, there were two constituencies with only two candidates. All political entities complied with the 20 per cent gender quota, with the DP and MPP nominating the lowest percentage of women; both parties nominated 21 per cent of female candidates. Smaller parties nominated significantly higher percentages.⁴³ Overall, 129 candidates (26 per cent) were women, including 13 independents (19 per cent). In more than one-third of constituencies, there were no women candidates. Some interlocutors suggested that to meet the gender quota, several parties nominated female candidates in likely unwinnable constituencies.

The LoE authorizes the GEC to deregister candidates for administrative violations of various campaign rules based on a court decision, including for minor offences such as using a loudspeaker after 23:00, but not for more serious breaches such as the misuse of administrative resources. Elected candidates can be deregistered up until the time that they are sworn in, including after the election, which is at odds with paragraph 7.9 of the 1990 OSCE Copenhagen Document.⁴⁴

To protect the right to be elected and to ensure proportionality, the LoE should be amended to ensure candidates are not deregistered for minor campaign violations. In conformity with OSCE

³⁷ Political parties registered with the Supreme Court at least six months prior to the election can participate in the elections.

³⁸ The GEC decided that the registration documents were not signed by the party leader. However, it was proven in court that the applicant was one of the party leaders and that the law only requires at least one leader to sign the registration documents. The National Labour Party was not registered due to irregularities in its registration documents.

³⁹ Three candidates due to criminal records, three due to overdue taxes or missing court document verifying no overdue debts or taxes, one due to non-resignation from a public service post, one due to being a member of another party, three due to an insufficient number of supporting voter signatures, and two due to missing documents required for registration.

⁴⁰ The GEC's decision to reject his candidacy was based on his current criminal record; the police confirmation to the GEC explained that since one of the crimes committed was expressly excluded from amnesty under the 2015 Law on Amnesty, his criminal record had not been expunged, and will expire only in August 2017.

⁴¹ The claimant was required to pursue his claim simultaneously in two separate courts; one case against the police confirmation and another against the GEC's decision, with multiple hearings taking place over several weeks. The case was substantively dismissed in the first instance on 4 July.

⁴² Most court cases claimed ineligibility of candidates. A case alleging the MPRP had submitted its candidate nominations to the GEC after the legal deadline and an independent that alleged a party-nominated candidate with the same name had been recruited exclusively to confuse voters were among the cases denied a hearing.

⁴³ For example, the Civil Movement Party, nominated 12 women, representing 44 per cent of its candidates.

⁴⁴ Paragraph 7.9 notes that participating States are to "ensure that candidates who obtain the necessary number of votes required by law are duly installed in office". Paragraph 24 of the 1990 OSCE Copenhagen Document requires 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".

Commitments, considerations should be given to removing provisions that prevent candidates who obtained the necessary number of votes to be duly installed in office.

In the week prior to the elections, the GEC deregistered one independent candidate and one MPRP candidate for vote-buying and one MPRP candidate for using a religious symbol in campaign material.⁴⁵ Ballots with the candidates' names had already been printed and polling staff, reportedly, were instructed to notify voters that the candidates had been deregistered.⁴⁶ However, the candidate who used the religious symbol was deregistered halfway through election day, thus some one thousand voters who had already cast votes in favour of the candidate were disenfranchised.

To prevent possible disenfranchisement, the LoE should not permit candidate deregistration after polling has started and should require the general notification of any candidate deregistration that occurs after ballots are printed.

IX. CAMPAIGN ENVIRONMENT

The LoE establishes a detailed and unduly restrictive campaign framework that forbids all types of campaigning that are not expressly authorized by the LoE, a prohibitive approach in contrast to the former parliamentary elections law.⁴⁷ The LoE regulates when, by whom, and how campaigning can be conducted.⁴⁸ Campaign platforms of political entities and independents must be pre-approved by the State Audit Office (SAO) for compliance with current development policies and economic viability.⁴⁹ Campaigning outside the pre-approved platform is forbidden. There are no objective, transparent criteria for the audits and substantive results of the evaluations are not made public. The SAO informed the OSCE/ODIHR EOM that all campaign platforms at first failed to comply and necessitated modifications prior to approval. This unnecessarily constrains the freedom of expression and political pluralism. Moreover, a provision that promotional material highlighting the achievements of incumbents while in office is not considered as campaign material favours those who stand for re-election.⁵⁰ There are additional legal provisions that disadvantage smaller parties and new political actors.⁵¹ The LoE, as adopted in December 2015, shortened the official campaign period from 21 to 17 days.

The LoE should be amended to establish a less restrictive framework for conducting campaign activities and to provide all electoral contestants with equal conditions for campaigning.

The GEC received some 40 requests from candidates and campaigners for clarification of the new campaign rules and restrictions, as the contestants were concerned about being held liable for

⁴⁵ The latter case involved a campaign pamphlet that included a photo of the candidate with the Grand Lama of Mongolia with an image Buddha in the background.

⁴⁶ The LoE provides that any ballots for a deregistered candidate are not to be counted. According to the GEC, those candidates in constituencies No.58 and No.11 received 595 and 239 votes, respectively.

⁴⁷ The former law included a provision that all campaigning is allowed unless prohibited by the law.

⁴⁸ For example, the LoE limits the number of campaign offices and campaigners, requires all campaigners and campaign vehicles to be registered with the election authorities, obliges all campaign staff and campaigners to work on a voluntary basis, restricts the size and number of pages of campaign materials, and establishes an exhaustive list of permitted campaign methods.

⁴⁹ Platforms had to comply with the Law on Budget Sustainability, the Law on Development Policy and Planning and a policy document "Mongolia Sustainable Development Vision 2030."

⁵⁰ The effect of this provision is that incumbents can distribute materials promoting their achievements prior to the official campaign period and during campaign silence period; incumbents' promotional materials are not subject to restrictions on size and format of campaign materials; incumbents' promotional materials do not count toward campaign finance expenditure limits.

⁵¹ For example, OSCE/ODIHR EOM interlocutors raised concerns about the short campaign period, stringent provision for campaign staff and that state funding is allocated only to parliamentary parties.

unauthorized electioneering.⁵² However, the GEC generally refrained from providing substantive guidance.⁵³ On its own initiative, the GEC elaborated on some campaign rules as “methodological advice” that in practice further restricted campaigning.⁵⁴

Despite stringent campaign provisions, candidates were able to convey their message to the electorate and the freedom of assembly was respected. The OSCE/ODIHR received no reports of venues being denied to candidates or obstruction of campaign events by state actors. The overall pre-campaign environment was calm, but tensions increased in late May when the MPRP announced a hunger strike in anticipation of the GEC decision to deny its party leader registration as a candidate. The hunger strike was called off after three days.

The campaign started on 11 June and centred on economic issues and social welfare, with parties promising to reduce unemployment, increase income, tackle corruption, and improve social security, with no significant ideological differences between the larger parties. Political actors used a multitude of avenues to convey their messages. Campaign posters and billboards mushroomed in urban centres in the lead up to election day, yet there were many instances of candidates’ material being defaced.⁵⁵ The campaign featured rallies that varied in size and scope and there was active door-to-door campaigning across the country.⁵⁶ The DP and MPP campaign activities were more frequent and attracted large attendance; smaller parties also held rallies, as did independent candidates. The atmosphere at rallies was generally peaceful, although there were a few reports of tension between supporters of rival parties.⁵⁷ Political actors also purchased airtime for campaigning. The MPP and DP dominated the paid political advertisement segment across the broadcast media.⁵⁸ There was also campaigning on social media and the online campaign included the release of several damaging recordings of high-profile candidates purporting to implicate candidates in illegal actions. It resulted in petitions to courts and law-enforcement agencies prior to and after the elections, adding to campaign acrimony.⁵⁹ The police informed the OSCE/ODIHR EOM about a number of complaints regarding anonymous and slanderous campaigning.

Individual campaigns ranged widely in their scale.⁶⁰ Individual candidates from smaller parties and the independents were overall not as visible as candidates from the MPP and DP, many of whom represented the country’s business elites. These constituencies included a high number of allegations of significant movements of voters and vote buying.⁶¹

⁵² For instance, one candidate inquired whether he was permitted to cross his constituency border in order to reach the constituency’s voters who had crossed the border to herd their animals. Another candidate requested clarification on whether drivers of campaign vehicles must be counted toward the legal limit of campaigners.

⁵³ In many cases, the GEC merely quoted legal provisions or stated that it was not authorized to provide clarifications of the law and that the courts would ultimately decide on violations.

⁵⁴ On 8 June, the GEC issued a letter to all political entities and independent candidates regarding “delivering methodological advice”. It stated, in part, that all documents for registration of campaigners must be submitted no later than 10 June and that while registered party campaigners could wear the party name and logo, registered campaigners for independents could only wear the typescript “independent candidate”.

⁵⁵ The National Police Authority received more than 400 complaints related to defacing campaign material.

⁵⁶ The OSCE/ODIHR EOM observed 42 rallies (17 by the DP, 16 by the MPP, 6 by smaller parties and 3 by independent candidates). Average attendance at the observed events was 338. Some rallies numbered up to and exceeded 1,000 participants; others were low-key events, where the campaign staff outnumbered participants.

⁵⁷ For example, on 18 June, a disruption occurred at a DP rally in Uvs and police had to remove protesters. The OSCE/ODIHR EOM witnessed instances of hostile questioning, and in one instance, a DP rally was abruptly ended after the attendees criticized the candidate.

⁵⁸ The MPP and DP purchased 43 and 40 per cent of paid advertisement aired, respectively, during the campaign period’s primetime on media monitored by the OSCE/ODIHR EOM. The MPRP was third with 14 per cent.

⁵⁹ The audio and video footage of candidates from two of the major parties was perceived as significantly affecting the image and the reputation of the individuals involved.

⁶⁰ The chairperson of a smaller party indicated that his party was spending some MNT 40 million (18,000 EUR) per candidate; higher estimates were received for other parties, while some candidates indicated that they had no financing at all, and, as a result, would not be conducting active campaigns.

⁶¹ For instance, in Bayankhongor, Khuvsgul and Uvs *aimags*.

On 9 June, the government authorized the buyback of 30 per cent of shares in a state-owned mining company that had been previously distributed to the public for free.⁶² Reports of promises of the free distribution of assets by or on behalf of registered candidates were received by the OSCE/ODIHR EOM throughout the countryside.⁶³ On 28 June, the ruling party made further large-scale promises for the public's benefit.⁶⁴ These moves triggered complaints by stakeholders to various authorities, including on alleged vote-buying.⁶⁵ The blurring of the lines between state and local administrations and campaigning was observed with campaign events sometimes held inside government and state-owned premises, where only employees were invited to attend.

Steps should be taken to differentiate between the state administration and political campaigning. Political appointees should be obliged by law to maintain a strict separation between their administrative responsibilities and campaigning and an effective sanctioning mechanism against the misuse of administrative resources should be established.

Women actively participated in campaign events. During rallies observed by the OSCE/ODIHR EOM, some 53 per cent of participants were women, though mostly as attendees, and not as speakers. There were only 13 female speakers in the 42 rallies observed. The issue of women's political participation was broached at only four rallies. Female candidates were featured on posters and billboards, but the prominence of their campaigns depended on their individual financial means. Several women candidates, even those nominated by larger parties, reported difficulties in attracting sufficient funds to run their campaigns.

X. CAMPAIGN FINANCE

The larger political parties commonly require their members to contribute party dues with those serving at the *aimag*- or national-level party structures paying more. In addition, parliamentary parties receive annual state funding in proportion to the number of seats they hold, of which 50 per cent must be spent in each MP's constituency.⁶⁶ Interlocutors indicated that some of this financing was used to publish booklets promoting incumbent candidates' records in office.

Campaigns are financed by donations and/or from a candidate's own resources. The LoE limits donations to MNT 3 million for an individual and to MNT 15 million for a legal entity.⁶⁷ Donations from labour unions, religious groups, non-governmental organizations and foreign entities are forbidden. All transactions should go through a designated bank account. There are limitations on a political party or coalition's nationwide campaign expenditure as well as ceilings per candidate per constituency, which are based on the size and geographical location of the constituency and

⁶² In April 2012, the government decreed it would provide each citizen with 1,072 shares in the state-owned *Erdenes Tavan Tolgoi* mining company. Following the government's 9 June decision, some 1.65 million voting-age citizens obtained the right to sell 30 per cent of their shares. More than 1.2 million citizens applied to do so for a fixed amount totalling MNT 300,426 (approx. EUR 150).

⁶³ The OSCE/ODIHR EOM noted a handing out of a booklet promising distribution of free shares of *Zes Erdeniin Khuvi LLC* to some 44,000 residents of Erdenet. One DP candidate was affiliated with the company.

⁶⁴ On 28 June, the prime minister, a DP candidate, promoted large-scale investments in hospitals and power plants and announced the purchase of 49 per cent of shares in a Mongolian-Russian copper-processing venture *Erdenet*. While the purchaser was a private company, such an announcement a day before the election was interpreted as favouring the DP.

⁶⁵ Complaints were submitted on 13 June by the Mongolian Traditional United Party (to the GEC) and on 16 June by the CWGP to the Administrative Court, Criminal Court and Constitutional Court.

⁶⁶ Under the Law on Political Parties, following the elections, parliamentary parties receive a lump sum equal to MNT 1,000 (approximately EUR 0.44) per valid vote received and each four months those parties receive a lump sum of MNT 10 million (approximately EUR 4,400) per MP.

⁶⁷ Approximately EUR 1,300 and EUR 6,600, respectively.

population size.⁶⁸ Notably, there are significant discrepancies in candidate spending limits per voter in different constituencies.⁶⁹ Compliance with the campaign finance provisions can only be verified after the elections when contestants are required to submit their financial reports.⁷⁰

Several interlocutors confirmed that many of the candidates were asked to contribute funds to their parties to be nominated.⁷¹ The scope and manner of such contributions were not transparent. The main campaign expenditures, according to the political parties, were the remuneration of campaign staff, which is prohibited by the LoE, television ads, printed campaign materials, and rallies. The total expenditure jointly spent by political parties and candidates could not be independently calculated and verified. Political parties and candidates did not voluntarily publish their campaign finances in the pre-election period, and the OSCE/ODIHR EOM's enquiries with candidates did not produce accurate estimates of campaign expenditure. The overall lack of information available for public scrutiny prior to the elections limited transparency and accountability of campaign finance as well as the voters' ability to make a fully informed choice.⁷² Recent efforts to adopt a law on transparency of party finance, including campaign finance, have been unsuccessful.⁷³

To improve transparency and accountability, campaign finance reports, including the list of donors, could be published, including online. Consideration could also be given to requiring the submission of campaign finance reports to the SAO periodically before election day.

These elections were the first where the SAO was responsible for auditing party and candidate campaign finances. Within 90 days of the elections, the SAO is required to publish its reports on contestants' campaign finance, including the names of individuals and legal entities contributing more than MNT one million and MNT two million, respectively.⁷⁴ However, key legal provisions enabling effective SAO's oversight have not been developed, and by the end of the campaign period the SAO did not published any regulations or procedures for campaign finance audits.

While sanctions should be effective and proportionate to enable candidates to compete on a level playing field, serious campaign finance violations such as a breach of campaign spending limits or the submission of falsified campaign finance reports are not subject to sanction. Fines for other violations of campaign finance rules remain relatively low. Moreover, the SAO does not have the power to audit campaign accounts or impose financial penalties.⁷⁵ However, candidates are to be deregistered if a donation from a prohibited or anonymous donor is accepted and political actors who fail to submit

⁶⁸ The campaign ceilings are set by the SAO and varied from MNT 85 to 225 million (EUR 38,000-101,000) per constituency. Each party could spend MNT 4.4 billion (EUR 1.9 million) on its nationwide campaign.

⁶⁹ These range from MNT 4,171 in constituency No. 25 in Selenge *aimag* to MNT 8,580 in constituency No. 41 in Khovd *aimag* and are close to EUR 1.9 and EUR 3.9, respectively.

⁷⁰ Candidates must submit campaign finance reports within 30 days, and parties and coalitions within 45 days after the elections for audit to the SAO.

⁷¹ According to interlocutors, contributions ranged from MNT 20 million (EUR 9,100) to MNT 100 million (EUR 45,000).

⁷² Article 7(3) of the United Nations Convention against Corruption reads "Each State Party shall also consider taking appropriate legislative and administrative measures ... to enhance transparency in the funding of candidatures for elected public office and where applicable, the funding of political parties." Paragraph 194 of the 2011 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation states that "Voters must have relevant information as to the financial support given to political parties in order to hold parties accountable."

⁷³ In 2014, a parliamentary working group was established to draft a law on political party financing, but discussions stalled. In June 2016, upon invitation of the Independent Authority against Corruption, the OSCE Office of the Coordinator of Economic and Environmental Activities conducted an Anti-Corruption Needs Assessment Mission in Mongolia, which concluded a need to better regulate political party financing.

⁷⁴ Approximately EUR 470 and EUR 950, respectively.

⁷⁵ Ordinary courts, based on police investigation, impose all financial penalties as established in the LoE. See paragraph 214 of the 2011 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation.

campaign finance reports within the legal deadline are to be banned from competing in the next elections.

The SAO should be given sufficient authority and resources to conduct effective campaign finance monitoring and audits, including the power to compel applicable institutions promptly to disclose relevant financial information upon request. Clear auditing criteria should be developed and the SAO granted power to impose proportionate and dissuasive sanctions.

XI. MEDIA

A. MEDIA ENVIRONMENT

The media sector is vivid, but marked by a lack of autonomy from political interests. There are ties between media and political actors and ownership structures are opaque. The legislation does not prevent the concentration of media ownership. Some 400 media outlets serve a population of 3 million, operating in a limited advertising market.⁷⁶ Television is the primary source of information, print media's circulation is declining, while Internet and social media have become an alternative platform for news in urban areas. There are no restrictions to access Internet, but, at odds with international good practice on Internet freedom, service providers of news and information websites must register at the Communication Regulatory Commission (CRC) and are required to use software to filter and delete comments containing slander.⁷⁷

Since 2006, the Mongolian Public Radio and Television (MNB) has been transformed into a public service broadcaster and has the widest outreach, particularly in rural areas. The MNB runs two television stations and five radio stations; since 2016, one channel is entirely dedicated to news and information. Its managing board consists of 15 members, nominated by the parliament (7), president (4) and government (4). The Law on Public Radio and Television stipulates measures to grant broadcaster's editorial independence, including through the appointment of the board.

B. LEGAL FRAMEWORK FOR MEDIA

The Constitution guarantees the freedom of expression and the Law on Freedom of Media prohibits passing any laws limiting freedom and independence of the media and forbids censorship.⁷⁸ The media legislation generally provides a sound framework for the freedom of the media.

Defamation, libel and dissemination of false information during elections are criminal offenses. International standards and good practice suggest that the limits of acceptable criticism towards politicians are wider than those towards private citizens; public figures should display a greater degree of tolerance and openness to close scrutiny by the media.⁷⁹ In addition, there are significant fines for defamation.⁸⁰ Such provisions induce self-censorship. The OSCE Representative on Freedom of the

⁷⁶ As of 11 June, the [Communication Regulatory Commission](#) lists 93 TV channels, 100 radio stations and 90 cable TV channels.

⁷⁷ See the [2011 joint declaration on freedom of expression and the Internet](#) of the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the Organization of American States Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights Special Rapporteur on Freedom of Expression and Access to Information.

⁷⁸ Other laws governing the media are the Law on Public Radio and Television, the Law on Communications, the Law on Licensing, the Information Transparency and Right to Access Information Law, and the LoE.

⁷⁹ See Paragraph 38 of the [General Comment No. 34](#) by the UNHRC on Article 19 of the ICCPR

⁸⁰ Article 14.8.1 of the newly adopted Criminal Code continues to make defamation during the electoral period a criminal offense and Article 7.3.1 of the Law on Violations provides for fines up to 1,000 minimal salaries for individuals and up to 10,000 minimal salaries for legal entities.

Media (RFoM) advocated the decriminalisation of libel in OSCE participating States as a precondition for media freedom to develop.⁸¹

Criminal defamation provisions protecting the reputation of politicians during elections, as well as on libel and the dissemination of false information during elections, should be repealed.

The LoE regulates the media during the campaign with restrictive provisions for news coverage and debates. There is a ceiling of five minutes per party per day in the news, and debates must include at least four representatives of political entities or independents. The latter precluded some local broadcasters from organising debates in districts with fewer than four candidates. The LoE also prohibits the publication of opinion polls for seven days before election day, and sets a 24-hour election silence period. Paid election material should be clearly marked as such, cannot exceed 60 minutes per day and 15 minutes for each political entity and is prohibited in newscasts. On 26 April, the GEC and CRC jointly approved a regulation on election broadcast coverage. The *MNB* is required to provide free airtime on an equal basis; it granted 15 minutes to each contestant. This led to an overwhelming seven hours per day of direct access, over which the media did not exercise editorial control.

The GEC, CRC and the Authority for Fair Competition and Consumer Protection (AFCCP) are responsible for overseeing the media during elections, but overlapping jurisdictions hindered effective access to timely remedies. The GEC did not establish the media council due to conflicting provisions in the LoE and the LCEB. The CRC monitored the broadcasters' compliance with the limits on paid advertisements. During the campaign period, it warned 31 broadcasters, yet no additional action was taken prior to election day.⁸² There is no unified channel to lodge media-related complaints, and these were consequently filed with courts, the police, the GEC, the CRC, and the AFCCP. The AFCCP received 24 media-related complaints, 14 of which were dismissed, reconciled with the parties or forwarded to the police. Recommendations for sanctions were initiated in 10 cases. On 14 June, the AFCCP recommended, and the CRC enforced, a block on 11 websites for defamation of an MPP candidate. However, on 16 June, after consultation with representatives of the websites, the AFCCP repealed its decision and informed the CRC to unblock the websites. On 24 June, upon a complaint lodged by an MPP candidate over alleged defamation, the office of a media producing company was seized and searched by the police without a warrant. Such measures do not conform to the principle of proportionality.⁸³

Representatives of the media expressed some concern over ambiguous and conflicting articles in the LoE, and for the lack of clear guidance by competent bodies. For instance, the general prohibition to disseminate information "aimed at determining political rankings" appears to conflict with the ban to publish results of opinions polls seven days prior to the election. A number of media outlets raised this issue with the relevant bodies; however, neither the AFCCP nor the CCR offered the media a clear answer, thus inducing self-censorship due to the risk of potential sanctions, namely up to a six-month suspension of their license.⁸⁴

⁸¹ See RFoM statements on [26 August 2014](#) and [22 July 2015](#).

⁸² On 22 June, after reviewing the first results of the media monitoring, the CRC sent 15 warnings to broadcasters and, on 28 June, it sent 16 additional warnings.

⁸³ In accordance with international standards, any restrictions of the right to freedom of expression must be proportionate to the aims that such restrictions pursue (see [General Comment No. 34](#) by the UNHRC on Article 19 of the ICCPR).

⁸⁴ Article 70.1.6 of the LoE appears to conflict with Article 70.2. On 24 February, the GEC forwarded to the AFCCP a complaint for alleged violation of Article 70.1.6 of the newspaper *Zuunii Medee*, due to the publication of an article on 19 February, which included results of an opinion poll with ratings of party leaders. *Zuunii Medee* informed the OSCE ODIHR EOM that the case was under police investigation. As of 27 May, however, it did not receive any notifications from GEC or AFCCP, and the identity of the complainant was not disclosed. Such uncertainties created an atmosphere of undue pressure over the media.

A single independent supervisory body should be responsible for ensuring the observance of all media regulations during an election and handle all media-related complaints to avoid overlapping jurisdiction and ensure timely and effective remedies.

C. OSCE/ODIHR EOM MEDIA MONITORING



The media monitored by the OSCE/ODIHR EOM offered extensive coverage of the elections, but abandoned its intermediary role, primarily granting direct access to politicians.⁸⁵ Paid political advertisements and free airtime overshadowed editorial content, reaching an average of 71 per cent of all election-related programming.⁸⁶ Voters were consequently deprived of independent and analytical reporting by monitored media outlets.

Restrictive provisions on news and debates could be revised to guarantee a higher degree of editorial freedom. To enable voters to benefit from independent reporting, consideration could be given to limiting the amount of direct access programmes, over which the media do not exercise editorial control.

Most monitored television channels broadcast in their newscasts campaign material prepared by or paid for by political parties thus blurring the line between news and political advertising. The OSCE/ODIHR EOM media monitoring noted instances of identical news stories aired by newscasts of different broadcasters.⁸⁷ The vast majority of broadcasters that submitted to the GEC their price lists for political advertisements, also included prices for news reports.⁸⁸ The airing of paid-for news reports departs from legal provisions on election coverage, and is misleading for voters.⁸⁹ According to the LoE, the AFCCP is in charge of monitoring hidden advertisements; however, due to a lack of capacity and resources, it did not detect any such violations. Media monitoring conducted by civil society organisations, on the contrary, revealed widespread hidden political advertisements within news programmes.⁹⁰

The media supervisory body should be given the capacity and resources to monitor violations of the LoE regarding hidden advertisements in news reports.

The MNB provided most of its news coverage to the larger political parties (26 per cent to the DP, 21 per cent to the MPP), mostly positive in tone, and to the government's activities (42 per cent of the total coverage went to the national and local governments). Paid political advertising is prohibited on the public broadcaster. However, television spots promoting the achievements of the government were aired throughout the campaign, which under the law is not considered electioneering. Furthermore, the public radio devoted most of its news coverage to the executive. Other political entities and independents received a scant amount of news coverage.⁹¹

⁸⁵ Between 26 May and 29 June, the OSCE/ODIHR EOM monitored primetime political coverage of five television channels (*MNB*, *Eagle TV*, *Mongol HD TV*, *TV5*, and *TV9*); morning news of one radio station (*MNB Radio1*); four newspapers (*Udriin Sonin*, *Unen*, *Unuudur*, and *Zuunii Medee*); and five online media (*ikon.mn*, *news.mn*, *polit.mn*, *shuud.mn*, and *sonin.mn*).

⁸⁶ The percentage of free and paid airtime on the TV channels was the following: *MNB TV* (86 per cent), *Eagle TV* (54 per cent), *TV5* (64 per cent), and *TV9* (55 per cent). *Mongol HD TV* did not cover the elections.

⁸⁷ For instance, campaign material from the *YouTube* MPP channel was broadcast in the news programmes of *Eagle TV* and *TV5*, as well as in the free airtime slots on *MNB*. On 17 June, the anchor of the *MNB* evening news announced the airing of election campaign materials delivered by the DP and the MPP.

⁸⁸ Forty-three TV channels submitted their records, out of which 30 TV channels (70 per cent) included price lists for news stories.

⁸⁹ Article 2.2 of the GEC-CRC regulation on election broadcast coverage prohibits broadcasting election advertising during regular news programmes, and Article 3.17 prohibits hidden advertisements.

⁹⁰ As part of the Civil Society Monitoring Network for Fair Elections, the [Globe International Center](#) monitored five television stations (*MNB*, *TV 9*, *MN25*, *TV 5*, and *UBS*) and issued two reports prior to election day.

⁹¹ All other political entities received four per cent of the election related news coverage on the *MNB*.

The monitored private broadcasters showed some bias and paid political advertisements exceeded their news coverage.⁹² *Eagle TV* favoured the DP and MPP, with 26 per cent of news coverage each, *TV5* favoured the MPP, with 44 per cent of coverage, and *TV9* the MPRP, with 28 per cent of coverage. The tone of news coverage was predominantly positive towards the two major parties on these three television channels, a consequence of the insertion of reports prepared by the political parties. *Mongol HD TV* did not air any paid political advertisements and generally devoted limited coverage to the elections. All monitored broadcasters apart from *Mongol HD TV* organized debates among candidates, the DP and MPP jointly attended only the one on the *MNB*.

While *News.mn* and *Ikon.mn* appeared to provide generally balanced coverage, other online and print media showed a similar polarization, with *Sonin.mn*, *Unen* and *Unuduur* appearing to favour the MPP, *Zuunii Medee* and *Polit.mn* appearing to favour the MPRP, *Udriin Sonin* and *Shuud.mn* the DP and MPP.

Women candidates received an average of 17 per cent news coverage in the monitored broadcasters, closely reflecting the gender breakdown among the contestants. The monitored media respected the campaign silence period.

XII. COMPLAINTS AND APPEALS

In line with a previous OSCE/ODIHR recommendation, the LoE clarifies to a considerable extent the complaints and appeals process, a step toward a coherent framework for election dispute resolution. Any individual or legal entity can challenge the legality of the “election organization process and activities” to a higher election commission within 10 days. This limits the scope of the election commissions’ jurisdiction on complaints due to the GEC interpretation of this provision as relating to decisions and actions of the commissions and not to campaign activities more broadly. Commissions must adjudicate all complaints within three days. Appeals against the GEC’s decisions and (in)actions are submitted to the Administrative Court of Appeal in the first instance, with further appeal to the Supreme Court. This appeal system was set by amendment in February 2016, soon after the adoption of the LoE based on a recommendation of the Supreme Court. Other stakeholders, including the GEC, were not consulted on the amendments.⁹³ The Constitutional Court has jurisdiction over cases concerning the constitutionality of election legislation and the GEC’s decisions, including on parliamentary election results.

The LoE prescribes that the GEC and lower-level commissions must adopt decisions on complaints in open sessions that must be published. In practice, the vast majority of complaints were dealt with by the GEC Chairperson or Secretary and other GEC personnel through letters, phone calls, and personal communications.⁹⁴ Those few complaints reviewed by the entire GEC were not decided in a formal procedure. Moreover, substantive information on the nature and resolution of complaints was not made public.⁹⁵

The GEC received some 50 pre-election complaints concerning the parliamentary elections. These related to, among other issues, candidate registration, appointments to election commissions,

⁹² The percentages of paid airtime versus news coverage are as follows: *Eagle TV* (54 versus 27 per cent), *TV5* (55 versus 25 per cent), and *TV9* (55 versus 23 per cent).

⁹³ At the time of its adoption, the LoE had established that appeals against GEC decisions were to be lodged directly with the Supreme Court in the first instance, heard by a three-judge panel, with a further appeal to a five-judge panel

⁹⁴ For instance, two complaints regarding the composition of lower-level election commissions were dealt with by the GEC personnel who responded verbally.

⁹⁵ On a quarterly basis, the GEC publishes on its website the number of complaints it has received, but no other information. During the election period, no updates were published. The substance of complaints received and responses provided were treated by the GEC as confidential.

campaign-related violations, vote-buying, and group voter transfers. Lower-level commissions received few pre-election complaints, some related to the composition of commissions.⁹⁶ Notably, some OSCE/ODIHR EOM interlocutors expressed a lack of trust in the election administration's willingness to handle complaints impartially and fairly due to perceived political bias.

Despite procedural shortcomings, the GEC generally dealt with complaints in a timely manner. However, most were not dealt with on merit, as the GEC considered most of them to be outside its scope of jurisdiction. Lower-level election officials generally lacked understanding of the complaints framework and their own jurisdiction, and their manner of handling complaints mirrored that of the GEC. Overall, the lack of formalization and transparency in the complaints process within the election administration was inconsistent with the law and diminished the right to an effective remedy under OSCE commitments.⁹⁷

The GEC should establish a standard operating procedure for handling complaints by all commissions, which should be adjudicated in open sessions and reasoned decisions for each case should be immediately published. The GEC should employ measures to inform electoral stakeholders of jurisdiction and avenues for lodging election-related complaints.

During the pre-election period, 25 cases challenging GEC decisions were lodged in the courts. The Constitutional Court does not have a deadline for the resolution of cases. The Administrative Court of Appeal has up to 40 days to adjudicate election-related cases and the Supreme Court up to 21 days to adjudicate an appeal. These deadlines are shorter than standard court deadlines, but not harmonized with deadlines within the election administration process. In practice, the courts unduly delayed the review of complaints regarding candidate registration, well into the campaign period and some until just before election day, limiting the claimants' opportunity to effectively seek appeal to the Supreme Court.⁹⁸ Moreover, the courts denied hearings in many election-related cases and did not publish their reasons for denial.⁹⁹ Overall, the handling of election-related cases lacked transparency and did not guarantee timely resolution of election disputes, as required by OSCE commitments to ensure an effective remedy.¹⁰⁰

Deadlines for the submission of complaints and appeals to the courts and for the resolution of election-related cases should be shortened and harmonized with the electoral process, and judicial procedures streamlined to ensure a prompt resolution of election disputes. All reasoned judicial decisions, including those denying court hearing, should be published in a timely manner.

Under the LoE, the police play a new role in the investigation of campaign violations and in the enforcement of campaign regulations, in collaboration with the lower courts that impose administrative penalties. During the campaign period, the National Police Authority periodically reported on the number, subject, and stage of investigation of campaign-related complaints, contributing to the transparency of the law enforcement's work. Prior to election day, over 1,000 campaign-related complaints were filed with the police nationwide, most of them concerning minor offences. However, some 150 cases concerned alleged voting-buying and interference in campaign

⁹⁶ The OSCE/ODIHR EOM was not able to establish the total number of complaints lodged nationwide at lower-level commissions, as the GEC does not maintain a consolidated database on election-related complaints.

⁹⁷ Paragraph 5.10 of the OSCE 1990 Copenhagen Document provides that "everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity."

⁹⁸ Under the Law on Administrative Procedure, appeals against decisions of the Administrative Court of Appeal that deny a hearing are subject to review by the same court, before an appeal can be lodged with the Supreme Court, which contributed in part to undue delays in the election dispute resolution process.

⁹⁹ Mongolian courts are generally not required to publish their reasoned decisions for denial of court hearings. Notably, on 17 June, the Constitutional Court ruled as unconstitutional various amendments in the Law on the Constitutional Court and related laws that aimed to increase the court's transparency.

¹⁰⁰ See paragraph 5.10 of the 1990 OSCE Copenhagen Document.

activities. As of election day, some 20 per cent of cases had been forwarded to courts to impose penalties, while about half of all complaints were still under investigation.¹⁰¹ Notably, all vote-buying cases, which were referred to the courts, recommended administrative penalties rather than criminal punishment, neglecting the opportunity to effectively deter potential future vote-buying initiatives.

XIII. PARTICIPATION OF PERSONS WITH DISABILITIES

Recent legal initiatives grant inclusion and advance the protection of electoral rights of persons with disabilities, with the aim to enhance their political participation. Since 2009, Mongolia has been a party to the Convention on the Rights of Persons with Disabilities. The Law on Human Rights of Persons with Disabilities, adopted in February 2016, recognizes their rights to political participation and compels political entities to make their campaign messages accessible to disabled persons, and to support their candidacy rights. Some political parties addressed issues related to disabled persons in their campaign platforms and at some rallies. However, electoral contestants noted that they could not effectively reach out to persons with disabilities since campaign rules do not permit the use of a mobile phone and text messages as a campaign tool. There was also limited programming in the media tailored to advocate for the participation of disabled persons. One disabled candidate stood for election.¹⁰²

The LoE establishes a number of mandatory measures to facilitate the voting rights of persons with disabilities, an improvement over the former election laws. The GEC must enable access to voting locations, provide a Braille template, and have at least one voting booth accessible for persons with disabilities at each polling station. While commendable measures were undertaken to facilitate the voting of persons with impaired vision, only 35 per cent of polling stations observed by the OSCE/ODIHR EOM were physically accessible to disabled voters. The secrecy of the vote of persons with mental disabilities was at times compromised during mobile voting as observed by the OSCE/ODIHR EOM.

The GEC and political parties should ensure that the voting and candidacy rights of persons with disabilities are respected, to enhance their full participation in political life.

XIV. CITIZEN AND INTERNATIONAL OBSERVERS

The LoE provides for citizen and international observation. However, to be eligible to observe the elections, citizen organizations must be “committed to engaging citizens in managing state affairs” under their charters. In addition, civil servants cannot be observers. Some OSCE/ODIHR EOM interlocutors described those requirements as overly restrictive. In the run-up to the elections, the GEC developed procedures for election observation by foreign and international organizations, as required by law. Several civil society organizations monitored the pre-electoral environment, including campaign finance and the media’s conduct and issued timely statements highlighting key shortcomings of the process, such as the lack of balanced campaign coverage in the media and the non-existent information on campaign financing.

The GEC accredited five citizen observer groups to observe the elections, including the preparation phase and the testing of the electronic vote count equipment. However, to witness the testing, the observers had to follow a fixed schedule that limited time allocated to each group. Some observer groups questioned the legitimacy of this decision by the GEC. On election day, Civil Society Network for Fair Elections, the largest citizen observer group, deployed more than 200 observers. Other

¹⁰¹ As of 5 July, courts had imposed administrative penalties in some 30 cases.

¹⁰² A Paralympic gold medallist was nominated by the Independence and Unity Coalition.

observer groups contributed with some 100 observers. The GEC did not accredit two organizations due to the late submission of their documentation as well as the group Civil Fair Court because the president of the association was also a candidate. However, the GEC did not announce this decision formally.

XV. ELECTION DAY

Election day proceeded in an orderly manner throughout most of the country. The IEOM observed election day proceedings, counting and tabulation of results in all *aimags*, except Govi-Altai and Zavhan. Opening was observed in 94 polling stations, while voting was observed in 784 of 1,998 polling stations across the country. The vote count was observed in 91 polling stations, and the tabulation of results in 60 out of 339 DEC's.

While citizen observers were present in about one third of polling stations observed, party agents followed election day in almost all locations. However, during the tabulation at DEC's, party and candidate representatives were present only in one out of ten locations.

A. MOBILE VOTING

Mobile voting was held on 28 June. Some 1.3 per cent of registered voters, unable to vote at their polling station on election day, cast their ballots during mobile voting. The IEOM observed mobile voting in 53 out of 76 constituencies, noting the consistent application of procedures in both urban and rural areas. The secrecy of the vote was compromised in 34 of 91 observations, primarily concerning voters with mental disabilities. During two observations, the mobile ballot box was not properly sealed and in eight cases, the mobile ballot box was not securely stored overnight.

B. OPENING AND VOTING

The majority of polling stations observed opened on time or within 30 minutes. The IEOM noted that PEC staff were knowledgeable and robustly followed procedures.¹⁰³ The electronic vote count machines were not properly checked in two polling stations. Technical problems related to biometric voter identification and the electronic vote count machines were the main reasons observed for the late opening of 17 polling stations.

The key shortcoming of election day concerned the secrecy of the vote that was not consistently ensured. The IEOM observed voters marking their ballots in secret, but often entering them into the vote count machine face-up, thus exposing their choice. As the machines were programmed not to accept wrongly marked ballots, observers noted instances with voters being confused by the rejection of the ballot and seeking polling staff's advice on how to correct it. This also exposed the choice of the voter to others present in the polling station. In 11 per cent of observations, the IEOM assessed voters' understanding of procedures as insufficient.

Further steps should be taken to guarantee the secrecy of the vote during the casting of the ballot.

Voting was assessed as positive in 98 per cent of polling stations observed, highlighting the uniform application of procedures. Problems noted by the IEOM included group and proxy voting that occurred in some three per cent of polling stations observed. Large crowds outside the polling stations were observed in 12 per cent of observations; however, in most of these cases people were patiently waiting for the opportunity to vote. Only in Bayan Ovo and in Bayankhongor, the IEOM observed tensions caused by groups of temporarily transferred voters.

¹⁰³ Opening was assessed positively in all but 3 of 94 polling stations observed by the IEOM.

Overall, the right to vote was provided for. However, in 12 per cent of observations some voters were turned away from the polling station mainly because their names could not be found on the VL. There were no instances observed when a voter was be turned away for inappropriate reasons. At the end of election day, observers noted instances where some polling stations had run out of ballots.¹⁰⁴ As there were no unified procedures in place, polling staff were improvising and doing their utmost to allow voters to vote.

At the end of election day, police informed the OSCE/ODIHR EOM about 84 complaints filed nationwide, including some concerning alleged vote-buying. Although not foreseen in the LoE and GEC regulations, the police were present inside polling stations in 23 per cent of observations; overall, they did not interfere in the process, except for controlling queues.

C. COUNTING AND TABULATION

The assessment of the vote count and tabulation of results departed notably from the overall positive assessment of voting. While the initial tabulation was conducted electronically and the electronic vote count machines sent results automatically to the GEC, the closing and the manual recount unveiled the polling staff's lack of knowledge and training on how to finalize and close the elections. In 18 out of 91 polling stations observed, the unused and spoiled ballots were neither counted nor packed separately as required, and in 33 cases, not all polling staff signed the protocol for the electronic vote count machines.

After the results transfer to the GEC, by law, a manual recount had to be conducted in up to 50 per cent of polling stations. The lack of clear guidelines from the GEC on the selection of those polling stations was noted by the IEOM observers. While some polling stations were notified immediately after the transfer of results, others had to wait. The IEOM observed a manual recount in 27 polling stations. In 13 cases, the manual count did not start immediately, as there was confusion on how to proceed. Counting was evaluated as bad in 19 of 91 polling stations observed with the principal cause being significant procedural errors or omissions that exposed the polling station staff's lack of understanding of the manual recount regulations.¹⁰⁵ Furthermore, in nine cases, observers assessed the overall counting process as lacking transparency. In 20 cases, PEC members faced difficulties in completing results protocols after the manual recount and figures did not reconcile in 16 cases. According to the GEC, the polling stations were not obliged to reconcile any differences between the manual and electronic counts.

The intake of material and tabulation at DEC's was assessed as bad in one fourth of cases observed. The IEOM noted that the process at DEC's was neither prompt nor systemically organized. In seven cases, the venue was not spacious enough to properly conduct intake and tabulation. International observers lacked a clear view of the data entry process in 44 of 68 cases observed, and in 8 cases, DEC members changed figures in PEC protocols. Notably, in seven DEC's, necessary figures in the PEC's protocols were never completed. In addition, election officials' level of co-operation with international observers at DEC's was markedly lower than at PEC's.

Considerations should be given to establish clear and detailed provisions for the collection and tallying of results well before elections and systematically implemented at all levels of the election administration.

¹⁰⁴ A shortage of ballots was observed in polling stations in Tes DEC and Ulaangom DEC, both Uvs *aimag*, and in Altantsunguts DEC in Bayan-Ulgii *aimag*. In both *aimags*, the voter turnout was above 80 per cent and the constituency in Uvs with less ballots than voters was among the ones with the highest number of temporarily transferred voters.

¹⁰⁵ The IEOM observed closing and tabulation in 50 constituencies

Two weeks after the elections, the GEC had not published the number of polling stations that were subjected to a manual recount.¹⁰⁶ Furthermore, there were no formal decisions regarding discrepancies, if any, between the results aggregated by the TEC and based on paper protocols and the results received from counting machines. Consequently, the effort to foster voter confidence in electronic voting by applying manual recounts, conducted by election officials using auditable paper trail as foreseen in international good practice, proved to be futile.

The integrity of the results could be further strengthened by establishing and consistently implementing procedures enabling an effective crosscheck of the results produced by manual recounts with those of the electronic vote count machines.

D. ANNOUNCEMENT OF ELECTION RESULTS

The GEC released aggregated preliminary results by constituency immediately on television, contributing to the transparency of the process. However, results were neither broken down by polling station nor made available on the GEC website, thus limiting the possibility of independent scrutiny. On 1 July, the GEC certified the results and issued temporary identification papers to the newly elected MPs.

The certification of results took place within the 15-day deadline and before the electronic results were crosschecked against the ones from the manual recounts. Furthermore, the official results by constituency were only made available on the GEC website on 6 July and disaggregated data per polling station was published only after the official complaints period was over.¹⁰⁷ This undermines the international good practice that foresees effective implementation of transparency and accountability measures aimed to grant electors' confidence in the security of the ballot and the counting of the votes as well as international obligations regarding the access to information of public interest.¹⁰⁸

The GEC should be legally required to publish full preliminary results online immediately after the aggregation in a comprehensive manner and broken down to the polling station level.

The GEC announced turnout at 73 per cent of registered voters, with higher turnout in rural areas and in the constituencies with a notable number of temporarily transferred voters. The GEC declared that MPP candidates won 65 out of 76 seats; DP won 9 seats, MPRP one seat, and one independent candidate was elected. Seventeen per cent of the newly elected MPs are women, a positive step towards the enjoyment of equal rights. The analysis of the results displays a notable disparity between the percentage of the popular vote received and the share of seats in the parliament. While the MPP won 45 per cent of the popular vote, the party gained 85 per cent of the seats. Conversely, the DP received 33 per cent of the vote, yet only won 12 per cent of the seats. Nationwide some 9,886 ballots (approximately one per cent of votes cast) were blank.¹⁰⁹ The GEC did not publish the total number of spoiled ballots, as these ballots were not counted electronically.

¹⁰⁶ The GEC informed the OSCE/ODIHR EOM that manual recounts were conducted in some 840 polling stations, approximately 42 per cent of all polling stations. The mission was not provided with any documentation that would substantiate the statement.

¹⁰⁷ The newly elected MPs were sworn in on 5 July. Article 113.3 of LoE foresees that petitions against the GEC decision to certify results can be lodged within 10 days after the decision.

¹⁰⁸ Paragraph 20 of UNHRC No.25 to Article 25 of the ICCPR and Paragraph 19 of UNHRC GC No.34 to Article 19 of the ICCPR.

¹⁰⁹ The GEC did not publish the official number of blank ballots, thus the OSCE/ODIHR EOM calculated the total number of blank ballots based on the official results by constituency.

XVI. POST-ELECTION DAY DEVELOPMENTS

A. POLITICAL DEVELOPMENTS

The post-election environment was marked by a rapid transfer of power from the DP to the MPP. Hours after the GEC's announcement of the preliminary results, both the MPP and DP chairpersons acknowledged the election results, as did the leaders of other parties the following day. However, during the forthcoming days, the outgoing DP leadership made an effort to slow down the transfer of power by challenging a presidential decree that set the date for the first parliamentary session.¹¹⁰ Nevertheless, on 5 July, the new MPs were sworn in and the MPP chairperson was appointed as the speaker of parliament. Of the three parties represented in the new parliament, only the MPP and the DP had enough seats to form party caucuses. The new prime minister was selected on 7 July.

B. POST-ELECTION DAY COMPLAINTS AND APPEALS

The LoE does not specifically regulate the post-electoral complaints process. The general framework applies allowing any individual and legal entities to challenge the results. Sixteen cases were lodged with the Administrative Court of Appeal challenging the election results in 12 constituencies, and calling for the invalidation of the election of eight MPP candidates, three DP candidates, and one independent candidate.¹¹¹ In addition, the Constitutional Court received three post-election complaints challenging the results in 25 constituencies, all relating to alleged irregularities in the movement of large numbers of voters between constituencies.¹¹² Two other post-election petitions were lodged with the Constitutional Court challenging the constitutionality of some legal provisions in the Law on the Automated Election System. At the time that the new MPs were sworn in, all complaints challenging the election results were pending in the courts, which undermined the right to seek an effective remedy against the election results.

The LoE should establish a post-election complaints framework, reasonable deadlines for the resolution of petitions challenging results, and ensure that the finalization of election results is harmonized with deadlines for handling post-election complaints and appeals.

XVII. 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. These recommendations should be read in conjunction with other recommendations offered previously by the OSCE/ODIHR. The OSCE/ODIHR stands ready to assist the authorities of Mongolia to further improve the electoral process and to address the recommendations contained in this and previous report.¹¹³

¹¹⁰ A petition was lodged at the Constitutional Court on the grounds that the President did not consult with the leaders of the parliamentary parties on the date of the session as required by the Law on Parliament.

¹¹¹ The DP candidates initiated most complaints; others were lodged by the MPP, MPRP and MTUP candidates. For instance, a DP candidate requested the invalidation of results in constituency No. 9 on grounds that voters in three *baghs* within one *soum* were prevented from voting by groups of citizens blocking their entrance to polling stations. In another case, a DP candidate in constituency No.37 challenged the election of the MPP candidate, alleging the illegal transfer of groups of voters to the constituency.

¹¹² One petition, lodged by the DP lawyer, challenged the results in 23 constituencies.

¹¹³ In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations.”

A. PRIORITY RECOMMENDATIONS

1. Any fundamental amendments to the election legislation should be made through an inclusive process and adopted well ahead of an election, to enhance stability and public confidence in the electoral process.
2. The LoE should be amended to require that the demarcation of boundaries is undertaken well in advance of an election and should establish a reasonable, legally binding maximum deviation from the national average number of voters per constituency, aimed at achieving equality of the vote, with due consideration given to preserving community boundaries.
3. To increase inclusiveness and transparency in the election administration, the GEC and lower-level commissions should hold regular, open meetings during the election period allowing for sufficient public notice, and publish agendas, minutes and decisions immediately.
4. Steps should be taken to differentiate between the state administration and political campaigning. Political appointees should be obliged by law to maintain a strict separation between their administrative responsibilities and campaigning and an effective sanctioning mechanism against the misuse of administrative resources should be established.
5. To improve transparency and accountability, campaign finance reports, including the list of donors, could be published, including online. Consideration could also be given to requiring the submission of campaign finance reports to the SAO periodically before election day.
6. A single independent supervisory body should be responsible for ensuring the observance of all media regulations during an election and handle all media-related complaints to avoid overlapping jurisdiction and ensure timely and effective remedies.
7. The LoE should establish a post-election complaints framework, reasonable deadlines for the resolution of petitions challenging results, and ensure that the finalization of election results is harmonized with deadlines for handling post-election complaints and appeals.

B. OTHER RECOMMENDATIONS

Legal Framework and Electoral System

8. To ensure a coherent electoral legal framework and to contribute to its consistent application, the law could be revised to authorize the GEC to adopt regulations it deems necessary to supplement the electoral legislation.
9. The Supreme Court should resume exercising its constitutional mandate to issue legally binding interpretations of the legislation at the request of the GEC. To facilitate the Supreme Court's work, considerations could be given to amending the Law of Courts in line with the Court's recommendations.

Election Administration

10. Consideration could be given to establishing public, inclusive and transparent appointment and removal mechanisms for members of election commissions at all levels.
11. The GEC should be required by the LoE to issue regulations addressing gaps in the electoral process within a reasonable timeframe, to enable the information to be conveyed to lower-level commissions promptly and to allow for the conduct of corresponding training.

12. The source code for electronic vote count equipment should be available by law and in practice for third-party verification and the results of the verification should be made public to increase the voters' confidence in the electronic vote count machines.

Voter Registration

13. The LoE should be amended to ensure that the restriction on prisoners' right to vote is proportionate to the severity of the crime committed. The restriction of voting rights of persons without full legal capacity should be based on a court decision expressly revoking the right to vote.
14. The law should allow polling officials and police to transfer their vote to polling stations where they are deployed, including within their *aimag* of residence.

Candidate Registration

15. The LoE should be amended to repeal the disqualification of candidates based on incomplete military service, overdue debts and taxes, and criminal record. Public servants should not be required to resign from posts until the start of candidate nomination.
16. The deadline for the nomination of candidates should be brought closer to the date of the announcement of elections to ensure sufficient time for the GEC to register candidates and any court appeals to be finalized.
17. To protect the right to be elected and to ensure proportionality, the LoE should be amended to ensure candidates are not deregistered for minor campaign violations. In conformity with OSCE Commitments, considerations should be given to removing provisions that prevent candidates who obtained the necessary number of votes to be duly installed in office.
18. To prevent possible disenfranchisement, the LoE should not permit candidate deregistration after polling has started and should require the general notification of any candidate deregistration that occurs after ballots are printed.

Election Campaign

19. The LoE should be amended to establish a less restrictive framework for conducting campaign activities and to provide all electoral contestants with equal conditions for campaigning.

Campaign Finance

20. The SAO should be given sufficient authority and resources to conduct effective campaign finance monitoring and audits, including the power to compel applicable institutions promptly to disclose relevant financial information upon request. Clear auditing criteria should be developed and the SAO granted power to impose proportionate and dissuasive sanctions.

Media

21. Criminal defamation provisions protecting the reputation of politicians during elections, as well as on libel and the dissemination of false information during elections, should be repealed.
22. The media supervisory body should be given the capacity and resources to monitor violations of the LoE regarding hidden advertisements in news reports.

23. Restrictive provisions on news and debates could be revised to guarantee a higher degree of editorial freedom. To enable voters to benefit from independent reporting, consideration could be given to limiting the amount of direct access programmes, over which the media do not exercise editorial control.

Complaints and Appeals

24. The GEC should establish a standard operating procedure for handling complaints by all commissions, which should be adjudicated in open sessions and reasoned decisions for each case should be immediately published. The GEC should employ measures to inform electoral stakeholders of jurisdiction and avenues for lodging election-related complaints.

25. Deadlines for the submission of complaints and appeals to the courts and for the resolution of election-related cases should be shortened and harmonized with the electoral process, and judicial procedures streamlined to ensure a prompt resolution of election disputes. All reasoned judicial decisions, including those denying court hearing, should be published in a timely manner.

Participation of Persons With Disabilities

26. The GEC and political parties should ensure that the voting and candidacy rights of persons with disabilities are respected, to enhance their full participation in political life.

Voting, Counting, Tabulation and Announcement of Results

27. Further steps should be taken to guarantee the secrecy of the vote during the casting of the ballot.

28. Considerations should be given to establish clear and detailed provisions for the collection and tallying of results well before elections and systematically implemented at all levels of the election administration.

29. The integrity of the results could be further strengthened by establishing and consistently implementing procedures enabling an effective crosscheck of the results produced by manual recounts with those of the electronic vote count machines.

30. The GEC should be legally required to publish full preliminary results online immediately after the aggregation in a comprehensive manner and broken down to the polling station level.

ANNEX I – ELECTION RESULTS

<i>Aimags</i> (province)	Constituency No.	Nr. of registered voters ¹¹⁴	Voters transferred in ¹¹⁵	Voters transferred out ¹¹⁶	Calculated final number of registered voters	Turnout(%)	Total number of valid and bank votes	Votes cast for a DP candidate ¹¹⁷	Percentage	Votes cast for the MPP candidate ¹¹⁸	Percentage	Votes cast for MPRP candidate	Percentage	Votes cast for other candidates	Percentage	Blank ballots ¹¹⁹
Arkhangai	1	20,233	561	77	20,717	82	17,000	6,434	38	9,817	58	167	1	496	3	86
	2	18,795	177	130	18,842	73	13,696	4,816	35	7,036	52	945	7	797	6	102
	3	19,441	603	49	19,995	80	15,986	5,252	33	9,704	61	886	6			144
Bayan Ulgii	4	19,377	25	105	19,297	86	16,588	7,992	49	8,441	51					155
	5	19,218	59	66	19,211	83	15,976	7,129	45	8,143	51			597	4	107
	6	17,924	7	12	17,919	85	15,174	7,251	48	6,880	46	924	6			119
Bayan-Khongor	7	17,001	255	15	17,241	82	14,158	6,491	46	7,138	51	216	2	240	2	73
	8	17,827	97	12	17,912	80	14,244	6,747	48	6,845	48	344	2	200	1	108
	9	18,534	1909	26	20,417	79	16,082	7,679	48	7,900	49	226	1	188	1	89
Bulgan	10	39,378	238	118	39,498	75	29,669	10,293	35	16,329	55	1,595	5	1,230	4	222
Govi Altai	11	35,428	161	89	35,500	80	28,430	9,814	35	14,439	51	239	1	3,772	13	166
Dornogovi, Govii Sumbar	12	20,629	125	51	20,703	78	16,110	6,040	38	8,900	56	777	5	171	1	222
	13	30,774	92	109	30,757	74	22,643	5,543	25	15,606	70	778	3	425	2	291
Dornod	14	25,278	102	27	25,353	72	18,348	7,311	40	8,964	49	2,073	11			0
	15	23,998	115	25	24,088	71	17,090	4,454	26	8,094	48	749	4	3,716	22	77
Dundgovi	16	28,965	772	86	29,651	76	22,501	6,559	29	6,437	29	3,115	14	6,263	28	127

¹¹⁴ The GEC website. Data published before the transfer of voters was finished. No consolidated data on final number of voters is available on the GEC website.

¹¹⁵ Information given to the OSCE/ODIHR EOM by the National Civil Registration Office.

¹¹⁶ Information given to the OSCE/ODIHR EOM by the National Civil Registration Office.

¹¹⁷ The GEC website, final results per constituency.

¹¹⁸ The GEC website, final results per constituency.

¹¹⁹ The GEC website, final results per constituency.

<i>Aimag</i> (province)	Constituency No.	Nr. of registered voters	Voters transferred in	Voters transferred out	Calculated final number of registered voters	Turnout(%)	Total number of valid and bank votes	Votes cast for a DP candidate	Percentage	Votes cast for the MPP candidate	Percentage	Votes cast for MPRP candidate	Percentage	Votes cast for other candidates	Percentage	Blank ballots
Zavkhan	17	23,544	370	44	23,870	86	20,423	8,599	42	8,466	42	2,500	12	811	4	47
	18	21,257	230	52	21,435	81	17,432	7,077	41	6,643	38	425	2	3,232	19	55
Uvurkhangai	19	25,142	412	107	25,447	76	19,269	6,932	36	10,139	53	1,058	6	979	5	161
	20	21,613	100	64	21,649	71	15,264	2,994	20	9,655	64	449	3	2,043	13	123
	21	24,883	393	36	25,240	80	20,304	7,158	36	9,391	47	404	2	3,196	16	155
Umnugovi	22	20,491	86	89	20,488	74	15,207	6,640	44	7,434	49	1,036	7			97
	23	20,318	144	121	20,341	72	14,717	6,847	47	6,912	47	867	6			91
Sukhbaatar	24	38,624	177	124	38,677	81	31,411	14,402	46	16,133	52	435	1	234	1	207
Selenge	25	23,734	77	123	23,688	72	16,980	6,550	39	7,616	45	679	4	2,063	12	72
	26	24,560	98	140	24,518	71	17,390	4,319	25	7,962	47	3,962	23	777	5	370
	27	20,059	456	120	20,395	76	15,518	7,145	47	6,466	42	1,730	11			177
Tuv	28	18,967	63	72	18,958	75	14,234	4,278	30	8,289	59	1,000	7	526	4	141
	29	19,060	23	85	18,998	73	13,900	4,053	30	7,896	58	1,779	13			172
	30	21,796	740	97	22,439	77	17,193	6,463	38	8,154	48	2,371	14			205
Uvs	31	16,483	2778	61	19,200	85	16,297	7,737	48	8,358	51			159	1	43
	32	16,481	145	78	16,548	83	13,763	5,648	41	8,021	59					94
	33	15,732	377	41	16,068	84	13,426	5,532	41	7,611	57	217	2			66
Khovd	34	13,866	161	29	13,998	84	11,714	4,492	38	4,228	36	382	3	2,582	22	30
	35	16,582	160	28	16,714	81	13,560	5,370	40	6,602	49	1,356	10	199	1	33
	36	20,335	409	47	20,697	79	16,370	7,757	48	7,914	49	453	3	193	1	53

<i>Aimag</i> (province)	Constituency No.	Nr. of registered voters	Voters transferred in	Voters transferred out	Calculated final number of registered voters	Turnout(%)	Total number of valid and bank votes	Votes cast for a DP candidate	Percentage	Votes cast for the MPP candidate	Percentage	Votes cast for MPRP candidate	Percentage	Votes cast for other candidates	Percentage	Blank ballots
Khuvsgul	37	25,362	1195	19	26,538	73	19,287	7,290	38	10,711	56	362	2	797	4	127
	38	30,850	82	37	30,895	73	22,417	7,218	32	14,291	64	440	2	332	1	136
	39	25,774	1708	45	27,437	75	20,703	7,691	37	12,075	59	547	3	249	1	141
Khentii	40	15,482	175	94	15,563	77	11,956	4,885	41	6,623	56			309	3	139
	41	14,568	191	25	14,734	80	11,797	4,246	36	6,232	53	436	4	810	7	73
	42	16,539	115	45	16,609	75	12,479	5,426	44	5,841	47	1,050	9			162
Darkhan-Uul	43	21,867	297	279	21,885	71	15,568	3,128	20	6,553	42	452	3	5,344	35	91
	44	20,247	298	287	20,258	71	14,430	3,640	25	6,716	47	2,145	15	1,871	13	58
	45	21,266	99	188	21,177	69	14,669	4,209	29	6,320	43	1,399	10	2,609	18	132
Orkhon	46	22,526	342	290	22,578	71	16,041	3,413	21	5,751	36	3,112	20	3,650	23	115
	47	20,839	87	257	20,669	71	14,682	3,188	22	2,882	20	4,222	29	4,336	30	54
	48	21,800	42	312	21,530	69	14,945	4,628	31	4,725	32	1,830	12	3,660	25	102
Ulaanbaatar	49	35,440	18	678	34,780	69	23,961	6,282	26	7,616	32	2,357	10	7,563	32	143
	50	30,514	106	853	29,767	77	22,859	7,461	33	11,408	50	1,434	6	2,437	11	119
	51	33,319	19	731	32,607	67	21,933	4,784	22	8,660	40	2,446	11	5,914	27	129
	52	37,896	13	509	37,400	69	25,685	7,755	30	8,985	35	2,471	10	6,240	25	234
	53	30,433	49	515	29,967	71	21,302	8,491	40	7,677	36	1,616	8	3,391	16	127
	54	37,689	14	516	37,187	71	26,507	4,105	16	6,574	25	1,283	5	14,383	55	162
	55	25,952	16	570	25,398	74	18,776	5,548	30	6,331	34	2,296	12	4,511	24	90
	56	27,003	29	1040	25,992	78	20,286	5,517	27	9,648	48	1,006	5	4,040	20	75
	57	24,767	12	445	24,334	73	17,847	5,296	30	4,318	24	1,667	9	6,403	36	163
	58	22,807	23	364	22,466	73	16,338	5,174	32	5,688	35	2,308	14	3,038	19	130

<i>Aimag</i> (province)	Constituency No.	Nr. of registered voters	Voters transferred in	Voters transferred out	Calculated final number of registered voters	Turnout(%)	Total number of valid and blank votes	Votes cast for a DP candidate	Percentage	Votes cast for the MPP candidate	Percentage	Votes cast for MPP candidate	Percentage	Votes cast for other candidates	Percentage	Blank ballots
Ulaanbaatar	59	23,337	7	449	22,895	76	17,443	5,084	29	8,043	46	1,202	7	3,048	18	66
	60	25,061	27	474	24,614	72	17,811	5,146	29	8,299	47	1,197	7	3,058	17	111
	61	24,716	21	364	24,373	69	16,767	5,570	34	7,340	44	1,464	9	2,228	13	165
	62	32,053	98	428	31,723	72	22,720	7,834	35	8,233	37	1,621	7	4,839	21	193
	63	41,836	5	571	41,270	75	30,790	7,548	25	12,704	42	3,548	12	6,768	22	222
	64	25,944	14	396	25,562	68	17,409	4,804	28	6,590	38	2,192	13	3,630	21	193
	65	26,217	4	347	25,874	67	17,417	3,479	20	6,058	35	2,194	13	5,537	32	149
	66	32,225	6	456	31,775	66	20,878	4,713	23	6,844	33	2,485	12	6,586	32	250
	67	35,033	19	873	34,179	73	25,121	8,295	33	9,268	37	3,139	13	4,316	17	103
	68	31,420	13	736	30,697	72	22,106	6,661	30	10,614	48	1,731	8	2,970	14	130
	69	29,827	11	616	29,222	73	21,447	7,477	35	6,190	29	1,797	8	5,855	27	128
	70	31,398	70	590	30,878	75	23,164	6,687	29	7,672	33	1,281	6	7,427	32	97
	71	32,425	123	692	31,856	74	23,417	5,166	22	9,241	40	2,127	9	6,804	29	79
	72	28,824	51	801	28,074	72	20,259	5,753	29	9,486	47	2,436	12	2,477	12	107
	73	26,289	22	449	25,862	71	18,385	4,132	23	9,577	52	2,014	11	2,536	14	126
	74	33,989	10	704	33,295	68	22,634	5,659	25	8,106	36	3,455	15	5,240	23	174
75	37,427	169	705	36,891	71	26,303	6,277	24	9,673	37	7,360	28	2,780	11	213	
76	35,613	10	894	34,729	70	24,399	7,883	33	12,190	50	2,844	12	1,284	5	198	
TOTAL		1,912,901	18,307	21,199	1,910,009	74	1,421,005	467,341	33	636,316	45	113,103	8	194,359	14	9,886

Annex II - List of Observers in the International Election Observation Mission

Short-Term Observers

European Parliament

Laima Liucija	ANDRIKIENĖ	Lithuania	Head of Delegation
Georg	MAYER	Austria	MP
Nikolay	BAREKOV	Bulgaria	MP
Jozo	RADOŠ	Croatia	MP
Norbert	NEUSER	Germany	MP
Joachim	ZELLER	Germany	MP
Timothy	BODEN	United Kingdom	EP Secretariat
Karl	MINAIRE		EP Secretariat
Alyson	WOOD		EP Secretariat
Ambroise	PERRIN	France	

OSCE/ODIHR EOM Short-Term Observers

Theresa	BAUMANN	Austria
Clemens	DROESSLER	Austria
Christian Oliver	HYNEK	Austria
Andrea	JAKOBER	Austria
Donald	MCKENNA	Australia
Krishan	PRATHAPAN	Australia
Denis	CHOUINARD	Canada
Nancy	FOSTER	Canada
Diane	TISDALL	Canada
Glen	ZYZANSKI	Canada
Vaclav	DOBES	Czech Republic
Oldrich	ZAJICEK	Czech Republic
Katerina	JOSELOVA	Czech Republic
Martin	NEKOLA	Czech Republic
Jan	NEMEC	Czech Republic
Martin	PIZINGER	Czech Republic
Ivan	BAEHR	Denmark
Peter	BOHLBRO	Denmark
Bente	RASMUSSEN	Denmark
Grete	SKOV	Denmark
Michael Vallentin	STRAND	Denmark
Kati	JÄSKELÄINEN	Finland
Jaana	KERTTULA	Finland
Christian	WALLIN	Finland
Elizabeth	BARSACQ	France
Griselda	BASSET	France
Raphael	DROSZEWSKI	France
Jean-Florent	FILTZ	France
Anais	GRIVOT	France
Hanane	ACHAHBOUN	France
Caroline	ANTUNES	France
Benoit	BOUYSSOU	France
Pascal	DELUMEAU	France
Ossama	KAMEL	France
Catherine	PASCAL	France
Juergen Klaus	BINDER	Germany
Katharina Franziska	BRAIG	Germany
Nora	BRANDECKER	Germany
Erich Reinhard	BRYSCH	Germany
Ingo	BUETTNER	Germany
Hans Thomas	DOEHNE	Germany
Kathrin Rosemarie	GEYER	Germany
Susanne	GREITER	Germany
Harald Georg	HAENDEL	Germany
Marco	HANITZSCH	Germany
Sophie Charlotte	HARING	Germany
Michael	HAUßMANN	Germany
Dagmar	HOFMANN	Germany
Clemens Herbert	JUERGENMEYER	Germany
Christian Michael	KEILBACH	Germany
Anke	KERL	Germany

Agnes	KOŁODZIEJ	Germany
Laura	KORN	Germany
Bernd Wolfgang	LEBER	Germany
Joerg	LEHNERT	Germany
Kristin Beatrix	LIEDTKE	Germany
Ruth Monika	LINDEN	Germany
Markus	LORENZ	Germany
Angelika Ursula	MATTKE	Germany
Regine Luise	REIM	Germany
Jochen Michael	RINCK	Germany
Ursula	SCHULZE-ABOUBACAR	Germany
Marlene	SIECK	Germany
Peter	VOGL	Germany
Soenke Friedrich	ZIESCHE	Germany
Georgina	BERNÁTH	Hungary
Zsolt Istvánné	HEJCSER	Hungary
Szabina	KOZMA	Hungary
Cintia	OROSZ DR.	Hungary
Bence	TAMÁS	Hungary
Reka	DOMONKOS-GYUGE	Hungary
Karoly	DOMONKOS	Hungary
Mihaly	GALOSFAI	Hungary
Axel Arnar	NIKULASSON	Iceland
Berglind	SIGMARSDOTTIR	Iceland
Fiachra	O'LUAIN	Ireland
Patricia	DONNELLY	Ireland
Brendan	GOGARTY	Ireland
Suhail	AHMAD	Ireland
Elaine	BYRNE	Ireland
Eun Mi	LEE	South Korea
Mijin	YUN	South Korea
Jueun	MOON	South Korea
Boyoung	KIM	South Korea
Leesu	KIM	South Korea
David Ludovic	BOURSON	Luxembourg
Paul Nicolas	KRIDEL	Luxembourg
Sébastien Shanti C.	RIES	Luxembourg
Julie	WAGNER	Luxembourg
Gijsbert Roelf	BAKKER	Netherlands
Jacobus Wilhelmus	HUURMAN	Netherlands
Pauline Christine	KRIKKE	Netherlands
Robbert Hans	SEDEE	Netherlands
Tjitske Albertha	ZWERVER	Netherlands
Inger Marie	BAKKEN	Norway
Julian Yehudi	KRAMER	Norway
Synve Fosse	OPSAHL	Norway
Narve	RIO	Norway
Siri	SKARE	Norway
Romulus	BANU	Romania
Ion	BULETEANU	Romania
Adina Cristiana	CANDREA IUSCO	Romania
Iulia Ramona	CHIRIAC	Romania
Doina Laura	DOROFTEI	Romania
Dragos	DUMITRACHE	Romania
Radu Horia	GAVRILA	Romania
Octavian Alin	GREBLA	Romania
William Anton	KORBL	Romania
George Adrian	LIXANDRU	Romania
Ruxandra-Maria	MANGU	Romania
Madalina-Ioana	MORARIU	Romania
Miruna	NASTASE	Romania
Mihaela-Ionelia	POPESCU	Romania
Alexandra-Diana	RADU	Romania
Bogdan	STEFAN	Romania
Gabriel	SZEKELY	Romania
Ioana	UDRISTE	Romania
Iulia	ZAMFIRESCU	Romania
Constantina-Raluca	ZANFIR	Romania
Andrey	ALEKSEEV	Russian Federation
Sergey	BABURKIN	Russian Federation

Artur	BALAOV	Russian Federation
Alexander	BEDRITSKIY	Russian Federation
Boris	BODROV	Russian Federation
Kristina	BOGDANOVA	Russian Federation
Artem	BOGOMOLOV	Russian Federation
Elizaveta	BORISOVA	Russian Federation
Alexey	DOROVSKIKH	Russian Federation
Andrei	EFIMOV	Russian Federation
Vladislava	FADEEVA	Russian Federation
Ksenia	GAVRYUSHINA	Russian Federation
Anna	GOZHINA	Russian Federation
Dmitry	GROSHEV	Russian Federation
Konstantin	GUZ	Russian Federation
Dmitry	IAKOVLEV	Russian Federation
Vasily	KORCHMAR	Russian Federation
Vasilii	KOSHKIN	Russian Federation
Dmitry	MAKAROV	Russian Federation
Aleksei	MALENKO	Russian Federation
Nina	MISHCHENKO	Russian Federation
Aleksei	NOVOSELOV	Russian Federation
Sergey	OVERCHENKO	Russian Federation
Olga	PERFILIEVA	Russian Federation
Andrey	PIKALEV	Russian Federation
Yana	RAGOZINA	Russian Federation
Inna	ROMANCHENKO	Russian Federation
Roman	SAIKO	Russian Federation
Marina	SHKURENKO	Russian Federation
Alexey	SINEGUBOV	Russian Federation
Vilyam	SMIRNOV	Russian Federation
Anatoly	TABOLKIN	Russian Federation
Kirill	TARASOV	Russian Federation
Svyatoslav	TERENTYEV	Russian Federation
Pavel	TOLMACHEV	Russian Federation
Anastasia	TSEDENBAL	Russian Federation
Ksenia	VERKHOLANTSEVA	Russian Federation
Petr	VOLOKOVYKH	Russian Federation
Sergey	ZHDANOV	Russian Federation
Andrei	ZIUZIN	Russian Federation
Felix Maria	LOPEZ DE DICASTILLO ALBIZUA	Spain
Guillermo	MARIN CASADO	Spain
Celia	SANZ RODRIGUEZ	Spain
Manuel	MUHLEBACH	Switzerland
Gabriella	SPIRLI	Switzerland
Berit Ing-Marie	BERGLUND	Sweden
Hans Niklas	LINDSKOG	Sweden
Maria Magdalena	THAM LINDELL	Sweden
Catherine	ARNOLD	United Kingdom
Louise	EDWARDS	United Kingdom
Christopher	HURD	United Kingdom
Simon John	LONGWORTH	United Kingdom
Catherine	ARNOLD	United Kingdom
Helen	BARTON	United States
Richard	BINDRUP	United States
Colleen	CRENWELGE	United States
Shine	KIM	United States
Sean	LOUW	United States
Mckenzie	MALINOWSKI	United States
James	MOFFITT	United States
Michael	RICHMOND	United States
Ashleigh	WHELAN	United States
Onejin	WU	United States
Cody	SWYER	United States

OSCE/ODIHR EOM Core Team

Audrey	GLOVER	United Kingdom	Head of Mission
Inta	LASE	Latvia	
Marla	MORRY	Canada	
Kerstin	DOKTER	Germany	
Giuseppe	MILAZZO	Italy	

Ahmad	RASULI	Kyrgyzstan
Tomasz	JANCZY	Poland
Roman	RAILEAN	Romania
Sergey	RADCHENKO	Russian Federation
Ivana	STANOJEV	Serbia
Anders	ERIKSON	Sweden
Karolina	RIEDEL	Sweden
Noah	LANE	United States
Rokey	SULEMAN	United States

OSCE/ODIHR EOM Long-Term Observers

Iilir	QORRI	Albania
Christian	WIND	Austria
Petra	NETUKOVA	Czech Republic
Lene Tybjaerg	SCHACKE	Denmark
Jessica Lucy	DE LESPANDA	France
Kati	HOETGER	Germany
Thomas Klaus	OYE	Germany
Eleonora	BULAT	Moldova
Hans	DIESET	Norway
Trude Studsroed	JOHANSSON	Norway
Sergei	ERMAKOV	Russian Federation
Vsevolod	PEREVOZCHIKOV	Russian Federation
Nadiia	PASHKOVA	Ukraine
Alexander	KASHUBIN	Uzbekistan

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 co-ordinates 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 obligations and standards for democratic elections and with 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 programmes 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).