

# Law Enforcement reform in Mongolia

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## Absztrakt:

A jelenlegi mongol rendvédelmi struktúra megértéséhez fontos a mongol hagyományok társadalmi, kulturális, politikai és történelmi aspektusainak megértése. Mongólia rendvédelmi rendszerében számos hatás tükröződik vissza, beleértve a kulturális hatásokat és a korábbi időkre jellemző, mélyen gyökerező eszméket és meggyőződéseket. Mongólia rendvédelmi rendszerét külső erők is befolyásolják, úgy mint a szovjet bűnüldöző rendszer és a nyugati jogi elvek keveredése, valamint a kontinentális európai országok szabályozásai. Az 1990-es békés politikai és gazdasági rendszerváltozást követően a mongol rendvédelmi szervezetekre jelentős hatást gyakoroltak a nemzetközi rendvédelmi standardok. Az elmúlt 25 évben Mongólia számos számos törvényt és rendeletet vett át különböző nemzetközi forrásokból. A rendvédelmi szervek jogi, szervezeti és működési vonatkozású átfogó reformja azonban elmaradt az államigazgatás egyéb területeitől. Voltak kísérletek, hogy modernizálják az egész rendszert, a rendvédelmi szervek alapelvei azonban még mindig nem különböznek a korábbi kommunista időszakra jellemzőektől. Sürgős feladat a demokratikus kormányzás jelenlegi elveinek és értékeinek megfelelő, hatékony és eredményes intézményi működéshez általánosan elfogadható nemzetközi normák befogadása és átvétele.

**Kulcsszavak:** rendészeti szervezet, reform, a szolgáltatások, a személyzet fejlesztése, paradigmaváltás

## Abstract:

In order to develop an understanding of contemporary Mongolian law enforcement institution, it is important to appreciate the social, cultural, political, and historical aspects of Mongolian tradition. Mongolia's law enforcement system reflects a number of influences including the culture and deeply rooted ideas and beliefs of previous times. Mongolia's law enforcement system is also influenced by external forces such as the mixture of the Soviet law enforcement system and Western legal principles such as the codes of continental European countries. After the peaceful change of the state political and economic system in 1990, Mongolian law enforcement organizations were influenced heavily by the international law enforcement standards. Over the last 25 years, Mongolia has adopted a number of laws and regulations from various international sources. But the overall reform of law enforcement institutions in terms of legal, organizational and operational

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aspects lagged behind of other sectors of public governance. There were some attempts to modernize the whole system. The basic principles of law enforcement organizations are still not different from previous communist period. It is urgent to accommodate and adopt universally acceptable international standards for the effective and efficient operation of the institutions compatible to current principles and values of democratic governance.

**Keywords:** Law Enforcement organization, reform, services, personnel development, paradigm shift

## 1. Introduction

The Mongolian law enforcement organizations have the rich history of existence (more than 90 years). They were the protectors of the fundamental interest of state and society (common understanding). Due to the historical condition, they were shaped by the forces of the specific time. The main mission of communist era law enforcement organizations was to defend the core interests of state and political leadership (communist party totally lead the state and society), huge centralized horizontal management system, strict law application and the militarized approach to the activities.

According to the Mongolian Human Rights Commission, the law enforcement system is characterized by red-tape, delays, a 'bribing epidemic', 'systemic corruption', tribalism and cronyism.<sup>2</sup>

### The definition of "law enforcement"

Aftermath of peaceful political *revolution* (not all researchers agree with that description of "revolution") authorities scrambled to formulate and implement new policies dealing with law enforcement services in Mongolia. The rules and regulation were fragmented and separated among law enforcement organizations. Otherwise, there were not any single legal documents regulating the activities of law enforcement organizations. Almost for 70 years (1921-1990), law enforcement institutions such as intelligence, investigation and police did not have unified standards in terms of operations. Therefore it was necessary to formulate and implement the new concept aimed to bring together all organizations tasked with enforcing the law in society.

Therefore, the post communist and other countries modernizes the structure, organization, and activities of the law enforcement organizations in order to reduce social damages of the crime, terrorist attacks, and armed conflicts and to eliminates their roots in the society.<sup>3</sup>

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<sup>2</sup> Dr. Todd Landman, Marco Larizza, Claire McEvoy: *State of democracy in Mongolia, A desk study*, Human Rights Centre, University of Essex, Ulaanbaatar, Mongolia, 2005, p.10 [http://www.openforum.mn/res\\_mat/State%20of%20Democracy%20in%20Mongolia.pdf](http://www.openforum.mn/res_mat/State%20of%20Democracy%20in%20Mongolia.pdf) (Viewed 17 Feb 2017)

<sup>3</sup> Myagmarjav, G.: *Reform, modernization and perspective of the security organization of Mongolia*, Geneva-Ulaanbaatar, Mongolia, 2005, pp.23-41 <http://www.dcaf.ch/Publications/Reform-Modernisation-and-Perspective-of-the-Security-Organization-of-Mongolia> (Viewed 17 Feb 2017)

The previous government (2012-2016) tried to transform the overall structure and organizational functions of the law enforcement agencies by implementing “Justice System Reform” program. The current government (2016-2020) has quite different agenda and objectives.

The main initiatives which the previous government made were the separation of police and investigation function, application of the unified law to all law enforcement agencies (including also tax and customs offices). The main principles of the transformation of law enforcement institutions were unified approach toward dealing with corruption in law enforcement agencies, transparent procedure towards the conflict of interest and leading principle of all activities is the adherence of human rights and dignity (Figure 1).

### The definition of “law enforcer”

The batch of laws defining the differences between “lawyers” and “law enforcement officers (law enforcer)” were enacted in the last couple of years with direct inspiration and support of the President of Mongolia. The public positions related to the category “lawyer” are included professional lawyers (advocates, advisors and consultants), judges and public prosecutors. The rest of public officials related to the category of “law enforcer” must be regulated by different acts, rules and standards which were on par with respective international standards.



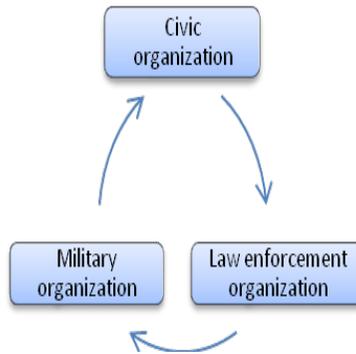
**Figure 1:** Mongolian Law Enforcement organizations (translated from Mongolian into English by author)<sup>4</sup>

<sup>4</sup> Oyunbold, G.: REFORM OF LAW ENFORCEMENT OPERATION, *Law Enforcement Journal*, 2014, #1 (01), pp. 8-12

## Paradigm shift in understanding the law enforcement

During the communist period Mongolian law enforcement organizations were the part of military forces. In case of war or other extraordinary situation, they followed the command and control systems of defense forces. It means that the national military command has the ultimate control and leadership over all law enforcement institutions. According to some experts, it severely compromised the civilian security.<sup>5</sup> Over the last two decades, we made some significant achievements in building up new public administration system.

But the establishment of well functioning public administration did not fully realize the transformation of law enforcement branch. That's why it was very urgent and important to make the status and responsibilities of law enforcement institutions clear (Figure 2). The main postulate which defines the paradigm shift is that the law enforcement officers' activities are aimed at providing the condition for the execution of law. They are in contact and communication with citizens. In this respect they are neither the public administration nor the military organization. Certainly, they should be regulated by different laws, policies and rules.



**Figure 2:** Paradigm shift- Division of Military and Law enforcement services (translated from Mongolian into English by author)<sup>6</sup>

<sup>5</sup> Oyunbold, G.: *REFORM OF LAW ENFORCEMENT OPERATION*, *Law Enforcement Journal*, 2014, #1 (01), pp. 8-12

<sup>6</sup> *Ibid.*

The main initiatives of the previous government (2012-2016):

- The Mongolian “Justice System Reform” program;
- The innovation of law enforcement operation;
- Redefinition of “law enforcer”;
- Transformation from *Military* to *Civilian* oriented “law enforcer”;
- Implementation of “*Civil Councils*” in all law enforcement services.<sup>7</sup>

The key objective of the reform is to build up self-sufficient, relevant and unified law enforcement system in Mongolia. In the previous years, the police could be responsible for the activities related to the Marshal, immigration, forensic and even civil registration services. The eagerness to restructure the duties and responsibilities in a more coherent and efficient way was the distinct characteristics of the authorities of that time.

By new law, it would be possible to bring all law enforcement activities under a single set of standardization. The law enforcement community’s institutional change could not only bring impetus to the dynamic development but also could provide quality assurance to the service provided and bring closer the personnel working at the respective branches of law enforcement services and citizens.

The two factors define the future success of the implementation of law enforcement community reform in the long term perspective: *the clear strategy* and *the attitude change*. The latter issue is difficult to be achieved in a short term period even with sufficient financial resources. In addition to it, the attitude change is a more time consuming process.

The personnel attitude change requires well formulated rules and regulations, in concern with the specific management skills based on the *holistic approach*. For example, in terms of personnel development the principles of competition, provision of relevant education and training must be implemented to deepen the reform of the law enforcement organizations.

Any reform is implemented due to its internal and external environments and on its own ways of development. The whole concept of the reform has started to develop in our country from the beginning of 1990s when our internal situation needed a radical reform after the emergence of confluence of the following factors such as changing nature of international relations due to the end of Cold War hostility, breakdown of the world’s social system, and comprehensive advancement of multilateral relations. In that situation, Mongolia grasped opportunity to build up democracy and market economy and modify the foreign

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<sup>7</sup> Oyunbold, G.: REFORM OF LAW ENFORCEMENT OPERATION, *Law Enforcement Journal*, 2014, #1 (01), pp. 8-12

policy priorities toward more openness and inclusiveness in global institutions of governance thus adopting international norms, values and rules respectively. The outcome was that Mongolia's political, social and economic system was tried to be close to the new realities.

The law enforcement services had also followed the trend of the time. But the change was more superfluous. It was rather dictated by time and lacked the initiative. It was more formal (quantitative) and less abundant in content (qualitative).

Depending on specifics of the law enforcement services we could define the following set of actions made by then authorities and applicable to all services:<sup>8</sup>

- *The legal aspect of the reform*: After the development of “National Security Concept”, “National Foreign Policy Concept” and “National Defense Concept” all newly organized law enforcement services adopted different sectoral policy documents. Specific laws dealing with particular activities (for example, Police Act and State Border Act) were amended.
- *Redefinition of all services’ strategy* (vision, mission, objectives, organization and structure): Under the new structure, management and organization each of law enforcement services formulated and articulated totally different visions, missions and objectives. All government agencies divided into two types of organizations: regulating and implementing agencies according to the designated functions. New public management principles of transparency, accountability, effectiveness and efficiency were promoted to the internal motions of the organizations. But it was rather ad hoc initiatives which were strongly resisted by personnel because of lack of experience and strategic distrust.
- *Professionalization of personnel and capacity development*: In order to strengthen the law enforcement organizations’ capability, the following internal units were established in each service by scratch: the unit responsible for the security, relevant educational institutions, relevant professional ensembles, and unified hospital for all law enforcement servicemen and their family members. Law enforcement organizations’ professional oriented personnel or servicemen would include officers, sergeants and contractual military (paramilitary) staff. It resulted in decrease of fixed-term service staff<sup>9</sup>. In order to improve personnel’s professi-

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<sup>8</sup> Oyunbold, G.: *REFORM OF LAW ENFORCEMENT OPERATION*, *Law Enforcement Journal*, 2014, #1 (01), pp. 8-12

<sup>9</sup> Myagmarjav, G.: *REFORM, MODERNIZATION AND PERSPECTIVE OF THE SECURITY ORGANIZATION OF MONGOLIA*, Geneva-Ulaanbaatar, Mongolia, 2005, pp.23-41  
<http://www.dcaf.ch/Publications/Reform-Modernisation-and-Perspective-of-the-Security-Organization-of-Mongolia> (Viewed 17 Feb 2017)

onal skills, numerous personnel development programs are promoted. In practical area, for instance, sergeants' seminars were organized to enhance motivation, qualification, responsibility and professional skills. Significant number of personnel were sent to the both domestic and foreign educational institutions. It was urgent to prepare a new generation of highly qualified servicemen. Previous government (2012-2016) integrated all the educational institutions of all the law enforcement services into the Law Enforcement University. The University improved its curriculum, followed the new program of training to prepare law enforcement staff, to improve their qualification in accordance with international standards. It has also brought forward pragmatic training with practice to improve law enforcement officers' skills and capacities.

In terms of international relations, they cooperate both with educational institutions of Russia, China, Republic of Korea and designated specific international organizations with abundant expertise and they involved "Interpol", which has worldwide activity and operations. One important initiative which would have far more wider implication to the future development of law enforcement organizations was the application of new codes of ethics. Every officer could obtain the "Certificate of Moral Principles" after officially getting ranking or position in the relevant law enforcement services. It was completely new procedure without the previous tradition in the law enforcement services.<sup>10</sup>

- *Developing international cooperation*: The foreign relations were further extended to the current well established cooperation with the Russian Federation and the People's Republic of China; the organization of permanent visits and meetings, information sharing, finding the common ground to solve the current problems faced in respective law enforcement services and active collaboration with similar organizations of other countries such as USA, Germany, Republic of Korea, India, Hungary, Israel, and Egypt.<sup>11</sup>
- *More close communication with local authorities and citizens*: The new activity which was realized during the implementation of new policies was the joint coordination and cooperation during the conduct of security operation of law enforcement services. The aim of the engagement with civilians was to inform the public (awareness) about the new rules and regulations. In addition, it was very vital to hear public opinions to

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<sup>10</sup> Myagmarjav, G.: *REFORM, MODERNIZATION AND PERSPECTIVE OF THE SECURITY ORGANIZATION OF MONGOLIA*, Geneva-Ulaanbaatar, Mongolia, 2005, pp.23-41  
<http://www.dcaf.ch/Publications/Reform-Modernisation-and-Perspective-of-the-Security-Organization-of-Mongolia> (Viewed 17 Feb 2017)

<sup>11</sup> *Ibid.*

make some changes in priorities and policies. In area of community relation the law enforcement servicemen could strive to better communicate with public. *The public opinion analysis and the information based service are the key to the progress in that direction.* It is known that public support is vital in building confidence among personnel.

- *Utilization of new technological concepts* (Information and communication technology and other technical and technological solutions): The reform made it possible to modernize the current communication systems of all law enforcement organizations. Nearly all units have the Internet access, and internally used computer and communication system, which was really a challenging task to be implemented given the territorial size of Mongolia (1.5 million km<sup>2</sup>). The intelligence service was equipped with the state of the art intelligence signaling system. Specific equipments dealing with security processing such as signal intelligence apparatus, monitoring equipments to examine any documentation with accuracy, special equipment to disclose any bombings, fire guns and so on were widely utilized.<sup>12</sup> Faced with increasing range of tasks and limited financial resources resulted in intensified search for new innovative and creative technologies and solutions.<sup>13</sup>

The part of that entity is the Information and Communication Technologies (ICT). New technological innovations have been developed to monitor and to improve the performance of the law enforcement services, but we know little about how and why ICT are adopted, and the consequences of its application.

- *Greater social support of the personnel* (education and training, social welfare benefits): Many families of servicemen in frontlines got new places of accommodation. The specialized resort center was opened on the shore of the lake of Khubsugul.

## **The issue of public accountability of law enforcement organizations**

During the communist era, law enforcement institutions had predominantly privileged status in society. In Mongolia, as nearly any other communist country,

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<sup>12</sup> Myagmarjav, G.: *REFORM, MODERNIZATION AND PERSPECTIVE OF THE SECURITY ORGANIZATION OF MONGOLIA*, Geneva-Ulaanbaatar, Mongolia, 2005, pp.23-41 <http://www.dcaf.ch/Publications/Reform-Modernisation-and-Perspective-of-the-Security-Organization-of-Mongolia> (Viewed 17 Feb 2017)

<sup>13</sup> U.S. Congress, *Office of Technology Assessment: Criminal Justice, New Technologies, and the Constitution, OTA-CIT-366* (Washington, DC: U.S. Government Printing Office, May 1988), p.31, <https://www.princeton.edu/~ota/disk2/1988/8809/8809.pdf> (Viewed 4 Dec 2016)

all the law enforcement organizations directed under the unified umbrella of the so-called “the Ministry of Public Security”. The ministry could be able to accumulate vast amount of financial and human resources. The nature and way of their activities were classified and therefore it was difficult to get open information to the public. As mentioned before, they were highly centralized and militarized organizations. Even today, under the current legal condition (especially the law on State Secret) it is virtually impossible for the public to gain information about the law enforcement, which in turn makes the whole process of reform totally meaningless and worthless.

However, some attempts made to bring the law enforcement organizations’ activity accountable to the public. The permanent committee on Security and Foreign relation of Parliament has the power to evaluate the complex operation and activities; and organize the hearings related to the security and law enforcement services’ activity. The National Audit committee could monitor the inflow and allocation of financial resources of the law enforcement services. The General Prosecutor Office could conduct the investigation. All law enforcement organizations have the internal control and monitoring units. The citizens and legal entities could lodge the official complaint related with activities of law enforcement services to the following organizations: Public prosecutor, Human Rights Commission, to the head of the specific law enforcement agency or to Parliamentarian specific committee (“Complaint Committee”). In concern with other international security institutions such as Geneva Center of Democratic Control of Armed Forces, the law enforcement organizations tried to define security organizations’ principles of accountability and transparency.<sup>14</sup> Although there were immense transformation of public attitudes to the norms, beliefs and values; activities, structure and responsibility of institutions responsible for law enforcement of the society haven’t really transformed. One obstacle in transformation of the above institutions is the nature of their specific activities or secrecy. Because of it they still tended to avoid informing the public of the result of their activities.

## 2. Law Enforcement and Security organizations in Mongolia

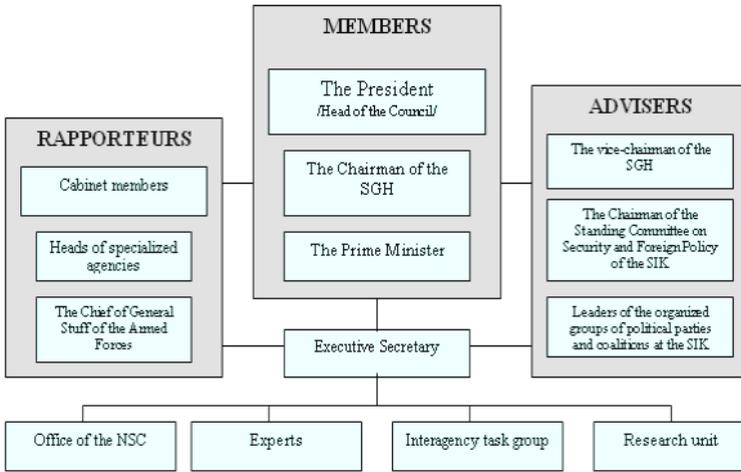
The Law Enforcement and Security organizations are directed and guided by the set of legal documents which have the existential meaning for the functioning and operations of those organizations.

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<sup>14</sup> Myagmarjav, G.: *REFORM, MODERNIZATION AND PERSPECTIVE OF THE SECURITY ORGANIZATION OF MONGOLIA*, Geneva-Ulaanbaatar, Mongolia, 2005, pp.23-41  
<http://www.dcaf.ch/Publications/Reform-Modernisation-and-Perspective-of-the-Security-Organization-of-Mongolia> (Viewed 17 Feb 2017)

**The Constitution (BASIC LAW):** The Constitution is the supreme source of law in Mongolia. The Constitution (1992) laid out the democratic principles of the separation of state powers and the fundamental rights of citizens.

**The Law on National Security Council (1992):** Analyzes the country’s political and social life, ensures the security of the existence of Mongolia, strengthen the state and social structure as stipulated in the Constitution, reinforce national unity, guarantee human rights and freedom, and safeguard the security of the population and its gene pool.



**Figure 3.: STRUCTURE OF THE NATIONAL SECURITY COUNCIL (NSC)<sup>15</sup>**

Prime Minister is a sole supervisor of General Intelligence Agency. The Deputy Prime Minister is directing the activity of National Emergency Management Agency. The Ministry of Justice and Home Affairs supervises such organizations as General Police Agency, Border Protection Agency, The General Executive Agency of Court Decisions and Mongolia Immigration Agency.

**NATIONAL SECURITY CONCEPT OF MONGOLIA:<sup>16</sup>** It is one of the basic documents which direct the activities of law enforcement and security organizations. Some extracts:

<sup>15</sup> Oyunbold, G.: REFORM OF LAW ENFORCEMENT OPERATION, *Law Enforcement Journal*, 2014, #1 (01), pp. 8-12

<sup>16</sup> NATIONAL SECURITY CONCEPT OF MONGOLIA, <http://www.nsc.gov.mn/sites/default/files/images/National%20Security%20Concept%20of%20Mongolia%20EN.pdf> (Viewed 14 April 2017)

- Mongolia's national security shall mean ensuring favorable external and internal conditions for securing and protecting the genuine national interests of Mongolia.
- The prime purpose of ensuring national security shall be safeguarding and guaranteeing national independence, sovereignty and unity.
- Parliamentary governance built on respect for human rights and freedoms, the rule of law as well as a democratic state structure built on social stability shall be the preeminent guarantee for the assurance of national security.

*Internal Security:* The foundation of internal security shall rest on ensuring human rights and freedoms, adherence to the Constitution, respect for the rule of law, continuity of the Mongolian state governance and national unity, support for political parties, civil society, free press and media, individual liberties as well as safeguarding public order and social stability.

**COUNTER-TERRORISM MANAGEMENT IN THE SECURITY SYSTEM OF MONGOLIA:**<sup>17</sup> For Mongolia, counter-terrorism is as much about fostering inter-agency cooperation and facilitating foreign cooperation as it is about securing the country from a largely *theoretical threat*. The enactment of the Law of Combating Terrorism and the National Counter-Terrorism Coordinative Council (NCTCC) in 2004 made it possible to shape the concept of counter-terrorism in Mongolia.

The NCTCC carries the mandate of coordinating counter-terrorism efforts between 11 ministries and 4 agencies, including the General Police Agency, the Armed Forces, the Ministry of Foreign Affairs, the Ministry of Environment and Green Development, the Ministry of Health, the Ministry of Road, Transportation, Construction and Urban Development, the General Border Protection Agency, the Professional Inspection Agency, the National Emergency Management Agency, the Prison Agency, the Customs General Agency, the General Taxation Agency, the General Registration Agency, and the Immigration Agency.

Lack of cooperation and information sharing has long been an obstacle toward collective action within the Mongolia government. The NCTCC also has the potential to play an important role in Mongolia's foreign policy. Mongolia has plans, for example, to develop a counter-terrorism capacity on par with the nation's current peacekeeping forces, which would allow it to engage in international counter-terrorism activities with partner organizations such as the Shanghai Cooperation Organization or North Atlantic Treaty Organization.

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<sup>17</sup> Dr. Jeffrey Reeves: *MONGOLIA'S COUNTER-TERRORISM ARCHITECTURE: IMPLICATIONS FOR DOMESTIC DEVELOPMENT AND FOREIGN PARTNERSHIP*, OCTOBER 2014, ASIA PACIFIC CENTER FOR SECURITY STUDIES <http://apcss.org/wp-content/uploads/2010/03/Terrorism-in-Mongolia-Reeves-Oct2014.pdf> (Viewed 12 April 2017)

**GENERAL INTELLIGENCE AGENCY:** The agency was established in 1922. The General Intelligence Agency of Mongolia's (GIA) employees number are around several hundred people and act as an early warning system to alert the Mongolian government. It collects and evaluates information on a variety of areas such as international terrorism, organized crime, weapons and drug trafficking, money laundering, illegal migration and information warfare<sup>18</sup>. Its mission is to protect Mongolian vital national interests through detecting potential external and internal threats by methods of intelligence collection, prevention and suppression and timely conveying to the Mongolian state authorities. The goal of the agency is to develop and implement policies to coordinate the activities of intelligence community, and ensuring national security by intelligence methods.

Central Intelligence Agency consists of the following departments: Foreign intelligence, Counterintelligence, Military and Strategic intelligence, Border intelligence, Data analysis and Information security support center, Investigation unit, Internal control and Security and Administration and Management unit. *Affiliated organizations of the agency* are the Academic Institute, Training and Research center (specialized archive), Security and Training units; Sports rehabilitation center.

**CYBER SECURITY CENTER (independent department of GIA):** The mission is to ensure public information and communications security of Mongolia. The main functions:

- To prevent and respond to cyber-attacks, detect threats posed by the cyber network;
- Assessment of risk related to cyber security, information security of the governmental organizations ;
- To develop a written policy on cyber security;
- To organize awareness on cyber security among the public;
- To organize secured communication network for public and private organizations;
- To develop innovative cyber domain;
- To ensure secure transmission of state secrets between the government and other institutions.

Cyber Security Center was established at the basis of state communication service, which was controlled by state secret police during the communist period. The State Communication Service was first opened by the support of Russian

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<sup>18</sup> [https://en.wikipedia.org/wiki/General\\_Intelligence\\_Agency\\_of\\_Mongolia](https://en.wikipedia.org/wiki/General_Intelligence_Agency_of_Mongolia) (Viewed 18 April 2017)

Emperor in 1913.<sup>19</sup> In 1922, under the Ministry of Internal Affairs the Department of Cipher and Coding had been operated.<sup>20</sup> In 1933, centralized and independent “State Communication Unit” started to operate.<sup>21</sup> The State Communication Service was renamed as Cyber Security center in 2011 by the government executive order #312.<sup>22</sup>

The legal framework of the center is the National Security Concept, the Intelligence Act, the Communication Act and the set of executive orders and decrees.

**THE GENERAL POLICE AGENCY:** *History of the police organization.*<sup>23</sup> The establishment of the modern Police organization dates back to 1921. In 1921, the People’s Parliament of Mongolia resolved to establish the “*Preventive Militia*”, mandated with the modern police functions, to ensure implementation of the law, fight crime, and to maintain public order.

Since 1921 until 1990s, the police organization belonged to Ministry of Interior and Ministry of Public Security to enforce the law, ensure public safety, and to fight crime in metropolitan and local areas with integrated organizational management and preformed state mandated responsibilities with public participation.

As a result of the political and socioeconomic transitions towards democracy and market economy in 1990s, Mongolian police organization underwent to a drastic transformation and has been reestablished as a National Police Agency-Regulatory Agency of the Government of Mongolia mandated to combat crime, maintain public order and public safety on a national basis. The mission is to provide society with reliable and sincere service based on public support and trust.

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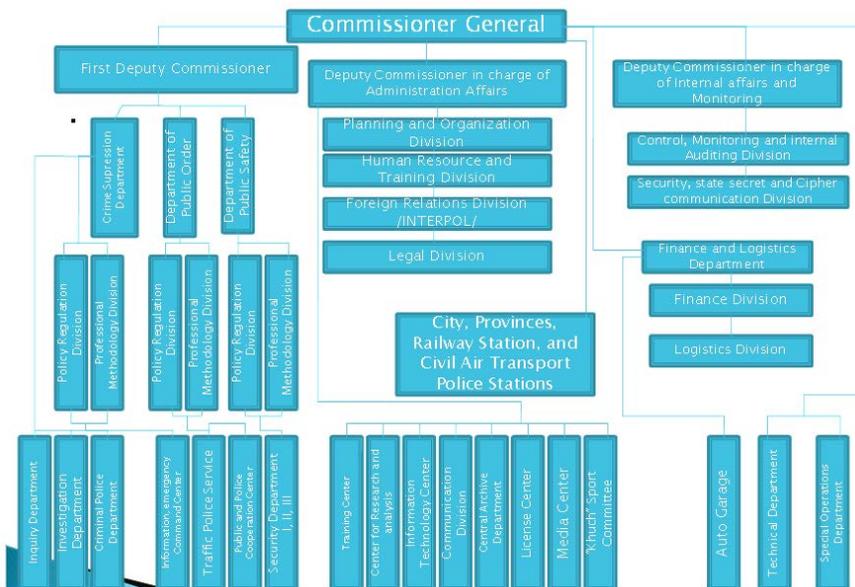
<sup>19</sup> <http://www.gia.gov.mn/articles/medee/71> (Viewed 17 April 2017)

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

<sup>23</sup> <http://eng.police.gov.mn/> (Viewed 22 April 2017)



**Figure 4.: ORGANIZATIONAL STRUCTURE OF POLICE<sup>24</sup>**

**CRIMINAL POLICE DEPARTMENT:** Main function of the Department: Organize intelligence operations and designated investigation operations of Police Organization and provide central and local police organizations with professional guidance. Within the new structure of the department investigation units were established in the economic crime, anti-narcotics, and organized crime divisions, to fight, intercept, prevent, detect, and investigate emerging crimes without delay.

The following human rights problems were noted: police abuse of prisoners and detainees; uneven enforcement of the law and official impunity; poor conditions in detention centers; arbitrary arrest, lengthy pretrial detention, and corruption within the judicial system; secrecy laws and a lack of transparency in government affairs.<sup>25</sup>

<sup>24</sup> <http://eng.police.gov.mn/> (Viewed 22 April 2017)

<sup>25</sup> MONGOLIA HUMAN RIGHTS REPORT 2015

<https://www.state.gov/documents/organization/252995.pdf> (Viewed 22 April 2017)

*THE INTERPOL NATIONAL CENTRAL BUREAU OF MONGOLIA* (NCB) is staffed by the head of NCB, the secretary and two police officers. The main duties of the bureau:<sup>26</sup>

- Deal with requests from the INTERPOL community and from local law enforcements agencies on transnational crime and criminals;
- Exchange information between the INTERPOL community and local and foreign law enforcement agencies needing information on transnational crime and criminals;
- Provide the police of Mongolia with information on criminal situations in foreign countries and information on wanted criminals and modus operandi;
- Inform the law enforcement agencies of Mongolia about international cooperation methods for fighting transnational crime;
- Ask the INTERPOL community for advice on legislation and experiences in fighting crime;
- Coordinate the exchange of extradition documents and proceed with extradition when required.

*POLICE EMERGENCY RESPONSE:* The Police Agency continues to improve its emergency response system in Ulaanbaatar and has the ability in most instances to pinpoint the exact location of an emergency call, to include some cell phone calls. However, if the call is placed by a person who does not speak Mongolian, the caller will face a language barrier. The National Police do not have fluent English speakers for emergency dispatch call centers. Ulaanbaatar does not have a dedicated tourist police unit; nor does it have a centralized incident reporting system.<sup>27</sup>

*PARTICIPATION IN UN PEACEKEEPING OPERATIONS:* The first time in 2016, two Mongolian police officers have been participating in *UN MISSION- South Sudan* (human rights and community security).

The goals of the mission:

- In cooperation with other police officers, to bring the peace and security;
- To promote the Mongolian foreign policy;
- To enhance the image of the state in the international arena;
- To improve the skills and capabilities of law enforcement staff.

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<sup>26</sup> <https://www.interpol.int/Member-countries/Asia-South-Pacific/Mongolia> (Viewed 17 April 2017)

<sup>27</sup> "Mongolia 2015 Crime and Safety Report," Overseas Security Advisory Council (OSAC), Bureau of Diplomatic Security, U.S. Department of State <https://www.state.gov/documents/organization/252995.pdf> (Viewed 22 April 2017)

**The Legal framework of Police: Police Act (2014):**<sup>28</sup> *Police system:* Police consists of Headquarter of National Police Agency, territorial police units and attached office. The National Police Agency consists of combating crime, maintenance of public safety, public security and supporting organizational structures. The unit of internal control and security will be established in the Headquarter. The Commissioner General of National Police Agency will appoint and release the chief of a territorial police unit. The Governor of a city shall appoint a chief of a city police unit.

*The main functions of police:*

- Combating crime is, conducting law enforcement service in order to preventing crimes and investigating;
- Maintenance of public safety;
- Maintenance of public security.

The General Commissioner of the National Police Agency shall be appointed and discharged by the Government of Mongolia based on the proposal made by the government member responsible for justice (Minister of Justice and Home Affairs). The National Police Agency shall have a First Deputy Commissioner in charge of suppressing crime, ensuring public safety and public security and a Deputy Commissioner in charge of providing support. Head of the unit in charge of Internal Control and Security shall be a Deputy Commissioner of the National Police Agency.

The designated minister for Justice shall appoint and discharge the First deputy and Deputy Commissioners. A supernumerary council will operate beside the General Commissioner of the National Police Agency to advise him/her on issues attributed to his/her duties.

*Community Police Officer:* Municipal authority shall employ a community police officer for public safety and prevention of crime. Community police officers have the rights to check documents, protect the evidence, establish whereabouts, necessary to protect and detain the perpetrator and deliver him/her to police organization.

Community police officers are responsible for the following duties:

- Violation penalties prescribed by the Law;
- Explain to citizens about Law and legislation;
- To participate in the work organized by legal entity and law enforcement concerning public security.

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<sup>28</sup> *Police Law of Mongolia* <http://www.police.gov.mn/media/PoliceLaw.pdf> (Viewed 22 April2017)

*Monitoring for activities of police agency:* Central governmental organization for legal affairs shall monitor activities of Police agencies according to law on legal state government agency.

Special monitoring subcommittee of the Parliament shall monitor classified investigative operations by police agency in terms of implementation of laws and regulations. Court and prosecutor agency shall monitor classified investigative operations by police agency according to procedure based on law. The National Human Rights Commission shall monitor activities of Police agency and police officers for implementation of Constitutional law, applicable laws, regulations, international human rights and freedom acts.

### **External factors affecting the police:<sup>29</sup>**

*Remains of the totalitarian regime:* The most pervasive factor affecting the police department and the functioning of the police are the vestiges of the old communist regime. In 1990, Mongolia made the transition from a centralized Soviet system to a free-market democracy. However, remnants of the old system remain entrenched in the law-enforcement sector, meaning that the police department is still undergoing a transformation from a state enforcement body to a service organization.

*Police enforcement role during democratization:* During the communist era, the police had the title of “*sergiilekh*” (meaning “security”), despite being a state enforcement agency. Since 1990, there have been a number of changes, including an increase in the number of police officers, and changing the police title from “*sergiilekh*” to “*tsagdaa*” (meaning to “guard, control”). However most of the changes that have taken place have reinforced the police’s enforcement role, rather than promoting the concept of public service.

*No legal provisions stipulating the relationship between the police and citizens:* Police and lawyers complain that there are no detailed legal provisions that articulate specific policies regarding the relationship between the police and citizens.

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<sup>29</sup> MONGOLIA SURVEY: COMMUNITY-ORIENTED POLICING IN MONGOLIA, Ulaanbaatar, Mongolia 2008 <https://asiafoundation.org/resources/pdfs/COPsurveyreportSept1608.pdf> (Viewed 12 April 2017)

## Internal factors affecting police<sup>30</sup>

*Police culture:* Police operates within a hierarchical structure, with age often the most salient determinant of seniority. Those more senior in years have been informally empowered to dictate to and direct junior officers. Rank is closely correlated with age, not merit.

*Police personnel evaluation system is product, or revenue-driven:* This includes the number of people who have been fined, the number of crimes investigated, and the number of arrests that have been made. Police officers' work is evaluated on the basis of the number of such "products" they supply.

*Complaints against police:* There are two predominant types of complaints that are lodged against the police: complaints concerning criminal activity that are referred to the General Prosecutor's Office, and complaints concerning police morality, which are passed on to the relevant authorities within the police department.

**MONGOLIA IMMIGRATION AGENCY:** With the adoption of the Law on the Border Checkpoint (2014) brought forward the General Department for Citizenship and Migration of Mongolia (Immigration of Mongolia). Immigration of Mongolia delivers its service to public through Central office, 3 local departments, 4 regional departments.

*Main functions of the agency:*

- To prevent Mongolian citizens violation of human right in abroad;
- To control exit/entry of passenger and vehicles at the Mongolian Border;
- To issue visa, visa and residence permit, private invitations for foreigners;
- To change visa classification, type, duration and register foreign residents;
- To inspect, investigate, arrests and deport foreigners in violation of immigration regulations and other Law of Mongolia;
- To receive and process applications related to Mongolian citizenship and transfer to the appropriate authority.

**MONGOLIA BORDER PROTECTION AGENCY:** It was established in 1933 under the Directorate of Interior Defense Affairs as a separate agency. Now there are four key government agencies that are responsible for securing the state borders:

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<sup>30</sup> *MONGOLIA SURVEY: COMMUNITY-ORIENTED POLICING IN MONGOLIA*, Ulaanbaatar, Mongolia 2008 <https://asiafoundation.org/resources/pdfs/COPsurveyreportSept1608.pdf> (Viewed 12 April 2017)

- *The Border Protection Agency (BPA)*: Responsible for managing operations, inspections, and border patrol tasks;
- *The Customs Service*: Deals with commercial operations, inspection of goods, drug interdiction procedures, and state protective services;
- *The Immigration Agency*: Manages investigations, alien custody, and deportations;
- *The Professional Inspection Agency*: Responsible for inspecting food and medical products and other goods going through the border.

The agency is regulated by the following State Border legal documents: The Mongolian-Chinese border treaty (1962), Mongolian-Chinese border regime agreement (2011), Mongolian-Russian border regime agreements (1958, 1976, and 2006).

Border Protection Agency's main departments are Intelligence, Weapons, Engineering, Hospital, Logistics and supply; Culture, sports, education and Research unit.

In the light of strategic environment transformations, which have been evolving around the globe, it is urgently vital for Mongolia to modify its border security policy. The changes in Mongolia's foreign policy and its socio-economic situation, changes in regional and worldwide military and political circumstances, and changes in the trends of relations between neighboring countries have impacted the current and future development of Mongolian border security.<sup>31</sup>

In this information-technology-dominated new century, the guarantee of a nation-state's border security and protection requires that its traditional security practices be creatively adjusted to fit modern international standards and the latest scientific and technological trends.<sup>32</sup>

*Mongolian current border protection system:*<sup>33</sup> Mongolia shares a 3,543-kilometer-long border with Russia and 4,709.658 kilometers with China from its total 8,252.895-kilometer border. There are forty-four border checkpoints functioning on Mongolia's borders, of which twenty-nine are on the Mongolian-Russian border, thirteen are on the Mongolian Chinese border, and two are at airports. The checkpoints are classified into four types: eleven are international; eleven are two-sided and permanent; eleven are temporary operations and se-

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<sup>31</sup> *Dashtseren, D.: BORDER PROTECTION AND NATIONAL SECURITY OF MONGOLIA, 2006*  
[http://calhoun.nps.edu/bitstream/handle/10945/2360/06Sep\\_Dashtseren.pdf?sequence=1](http://calhoun.nps.edu/bitstream/handle/10945/2360/06Sep_Dashtseren.pdf?sequence=1)  
 (Viewed 5 may 2017)

<sup>32</sup> *Ibid.*

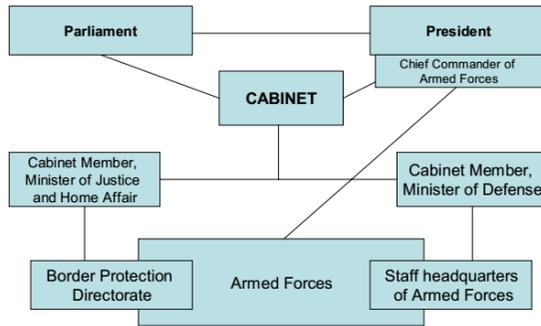
<sup>33</sup> *Ibid.*

ven transit. The main challenges are that the influx of illegal Chinese immigrants as well as workers and traders overstaying their visas.

*Legal framework:*<sup>34</sup> Mongolia’s State Policy on Borders was adopted in 2002. It defines the main directions of the state’s policy on borders and their implementation. The Law on the Borders of Mongolia, adopted in 1993, defines the purpose of the state border system, procedures for safeguarding the border, the organizational chart, functions of the border-protection authorities, and procedures for involvement in border protection by citizens and organizations.

The mission statement of the border protection authority includes the following:

- Conduct the state policy on border protection and organize it;
- Ensure the implementation of the duties of Mongolia in accordance with its international treaties and agreements on border issues;
- Protect from unauthorized changes the borderlines and border posts and settle any border issues in accordance with Mongolia’s laws;
- Prevent border offences or violations and ensure the enforcement of the state borders and near-border regimes;
- Arrange cross-border movement of passengers and vehicles in compliance with relevant regulations.

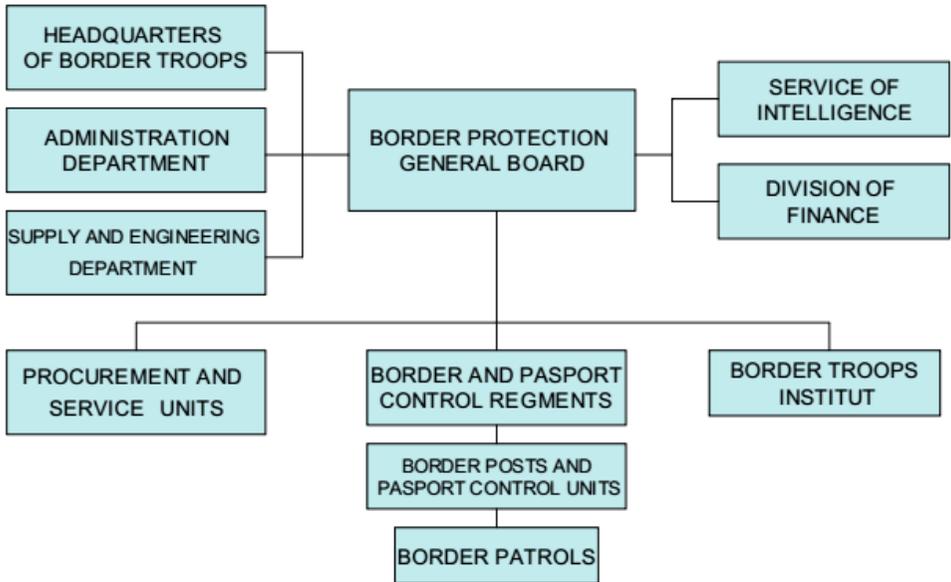


**Figure 5.:** MONGOLIA’S BORDER PROTECTION SYSTEM<sup>35</sup>

<sup>34</sup> Dashtseren, D.: *BORDER PROTECTION AND NATIONAL SECURITY OF MONGOLIA*, 2006 [http://calhoun.nps.edu/bitstream/handle/10945/2360/06Sep\\_Dashtseren.pdf?sequence=1](http://calhoun.nps.edu/bitstream/handle/10945/2360/06Sep_Dashtseren.pdf?sequence=1) (Viewed 5 may 2017)

<sup>35</sup> *Ibid.*

The agency is subordinate to the Ministry of Justice and Home Affairs. Border guards are equipped with armored personnel carriers, helicopters, and modern weaponry. Some of the border is patrolled on horseback (camels), and dogs are specially trained to work with the guards. Much of the border is plowed, to assure that footprints are identifiable, and equipped with manned guard towers and searchlights to maintain continuous observation.



**Figure 6.:** BORDER PROTECTION ORGANIZATION CHART<sup>36</sup>

*Improving its border protection system:* Most reform proposals to improve border security fit into one of four broad categories:

- Appropriate legal and organizational frameworks;
- Effective exchange of information and data;
- Development of common border posts including training and equipment;
- Improvement of living conditions and integration into local communities.

<sup>36</sup> Dashtseren, D.: *BORDER PROTECTION AND NATIONAL SECURITY OF MONGOLIA*, 2006 [http://calhoun.nps.edu/bitstream/handle/10945/2360/06Sep\\_Dashtseren.pdf?sequence=1](http://calhoun.nps.edu/bitstream/handle/10945/2360/06Sep_Dashtseren.pdf?sequence=1) (Viewed 5 may 2017)

This reform should concentrate on the following areas of concern:

- 1) The agency needs to be restructured. Mongolia should unite all agencies involved in border protection under one umbrella. At present, there is a lot disagreement among these agencies;
- 2) Concentrated border enforcement strategies should be developed for and implemented in specific segments of the international border.

Today, managing borders has become an ever more challenging task, as states try to maintain as open a border as possible in order to integrate into the global economy. Mongolia's existence today is based on equal and friendly relations with its neighbors, as it is completely land-locked between gigantic neighbors, with a huge landmass but a small population.

Successful implementation of a State Border Protection Policy requires having the right combination of highly trained and well-equipped border protection personnel, integrated detection and sensor technology, and strategically placed tactical infrastructure. Partnering with other state and local law enforcement organizations like Customs, Immigration, Intelligence, and the Police Department provides better coordination and productivity for border protection operations.

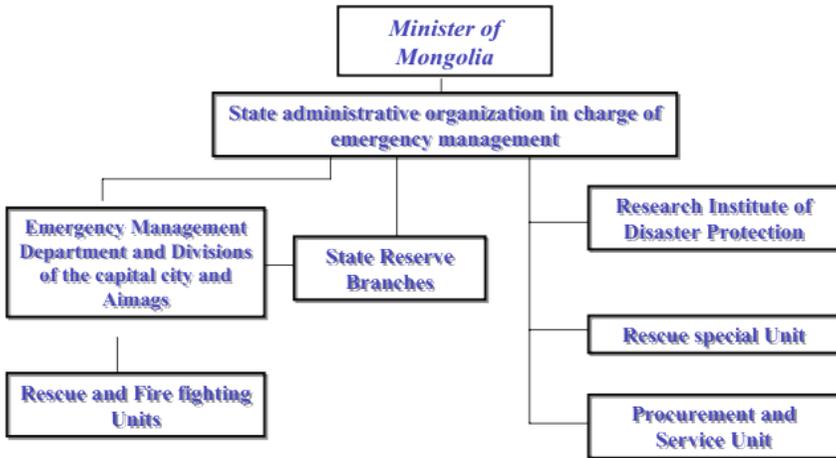
### **THE NATIONAL EMERGENCY MANAGEMENT AGENCY (NEMA):<sup>37</sup>**

*The main duties:*

- To evaluate disaster risk and vulnerability;
- To implement activities on disaster prevention, disaster reduction, disaster preparedness in all levels;
- To organize search and rescue work, response;
- To restore main infrastructures and rehabilitation;
- To strengthen capacity of national disaster protection;
- To cooperate with foreign countries and international organizations in disaster protection field;
- To implement policy on state reserve.

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<sup>37</sup> <http://nema.gov.mn/> (Viewed 27 April 2017)



**Figure 7.:** STRUCTURE OF THE NATIONAL EMERGENCY MANAGEMENT AGENCY<sup>38</sup>

**The capacity of National Emergency Management Service:<sup>39</sup>**

Emergency management department and divisions -22;

Fire brigade -41;

Rescue sub-unit -10;

State reserve branches -32;

Research Institute of Emergency Management organization -1;

Rescue Specialized Unit -1;

Supply and Procurement Unit -1;

The State Disaster Protection Service -11 (group -37, state serviceman -3,068);

Local Disaster Protection Service in 21 territorial unit -198 (serviceman -594);

Part time professional team -1,981 (servants 44,866);

Total number of servants:

**Full time -3,148;**

**Part time -48,528.**

**THE GENERAL EXECUTIVE AGENCY OF COURT DECISIONS (PRISON SERVICE):** In communist era, Mongolia maintained both prison camps and correctional or educational colonies in the 1980s. There also were detention camps for minor offenders, designed to rehabilitate them by "socially useful labor." Such labor

<sup>38</sup> <http://nema.gov.mn/> (Viewed 27 April 2017)

<sup>39</sup> *Ibid.*

included town-improvement projects: cleaning the street, and repairing buildings. Those performing this labor received neither wages nor food; they purchased their food or depended on their families to provide it. Local jails existed for brief detentions (twenty-four hours or less) of intoxicated persons and those awaiting indictment.<sup>40</sup>

The prison system in Mongolia is the responsibility of the General Executive Agency of Court Decisions (GEACD). The agency made up of two main departments, namely, the Department of Court Decision Execution and the Department of Court Decision Enforcement. The latter one is dealing with daily operation of Mongolian prisons. The agency is part of the Ministry of Justice. The daily operation of the agency regulated by the Constitution of Mongolia, the Criminal Code, the Criminal Procedure Code, the Court Decision Execution Act and others.<sup>41</sup>

According to the Court Decision Execution Act, the main function of the GEACD is to provide the condition for the effective implementation of the court decisions. The new law adopted in 2000. In the past, the implementation of the court decisions were regulated by three separated laws, which made it complicated the realization of main function of the prison service. The structure, organization and the management of the prison service was united under the single governance.<sup>42</sup>

*Mission of Prison service:*<sup>43</sup>

- To execute the organization's operation with the international rules and standards;
- To provide necessary condition for the effective implementation of the court decisions according to the legal framework;
- To direct the responsibilities of civilian and criminal decisions made by the courts allocated to the different units at the service;
- To formulate human resource policy, training other related duties related to the employment policy of prison staff;
- To formulate and implement the financial and economic policy of the service;
- To organize and promote the international relations of the service;
- To establish the effective mechanism of the partnership of NGOs, business groups and relevant prison service providers;

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<sup>40</sup> Library of Congress, June 1989 <https://www.loc.gov/> (Viewed 22 April 2017)

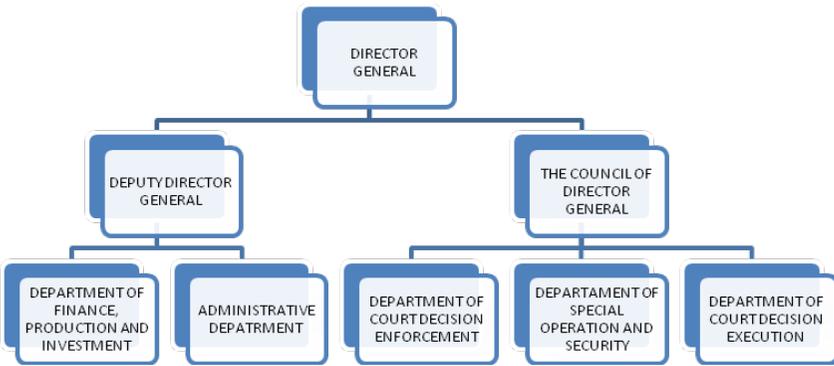
<sup>41</sup> Lkhagvaa, A.: *Mongolia Court Decision Execution Act explained, 2004, Ulaanbaatar*, pp. 248-255

<sup>42</sup> *Ibid.*

<sup>43</sup> <http://cd.gov.mn/mn/> (Viewed 20 October 2016)

- To monitor and report the prison service providers' activities, whether they abide by the UN Standard Minimum Rules for the Treatment of Prisons.

*The GEACD control and monitoring functions:*<sup>44</sup> According to law, public prosecutor has a special mandate to monitor the daily activities of the prisons. Parliament's Justice committee and the National Audit service have the right to conduct inquiries at the prison service. The internal monitoring has a very important role on the activities of the prison service. The internal unit was officially established at the GEACD. They conduct a permanent audit and monitoring of their subordinate organizations.



**Figure 8.:** ORGANIZATIONAL CHART OF AGENCY<sup>45</sup>

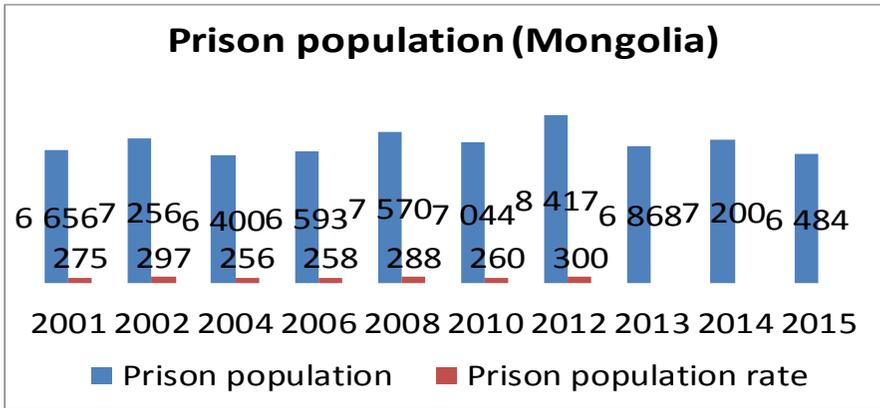
In Mongolia, penal institutions play very important role in the criminal justice system. At the moment, there are 24 prisons operating in Mongolia.<sup>46</sup>

- Local facilities, pre-trial detention centers- 21;
- High security prison (for life sentenced offenders) – 1;
- Juvenile prison (closed public school) - 1;
- Women prison - 1.

<sup>44</sup> <http://cd.gov.mn/mn/> (Viewed 20 October 2016)

<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*



**Figure 9.:** PRISON POPULATION TOTAL (World ranking -104th, Asia ranking – 26th), 2015<sup>47</sup>

*The main purposes of prisons are:*

1. Effectively execute the court decisions by isolating sentenced offenders in prisons. The isolation of offenders from the community is the most unique function of the state. But during the execution of court decisions basic human rights of offenders must be strictly implemented.
2. Academic and moral education. Offenders must have an access to the educational facilities and have chance to get some training related to providing law abiding behavior.
3. Healthcare. Offenders have a right to get a necessary health service.
4. Employment. Prisons have to provide offenders with job.
5. Compensation. Offenders must pay back to the society for their wrongdoing.<sup>48</sup>

*Key elements of the effective operation of prisons:*

1. The prison system is indispensable part of judiciary. After the court decides to isolate an offender the prison as a sort of public institution is fully obliged to provide suitable conditions for the offender to spend his/her sentence term. Before adoption of new Court Decision Executive Act, the prison system had been regulated by three different laws, which made it complicated for the prison staff to execute their duties. Not only criminal but also civilian decisions made by the court are now executed by a single organization.
2. Prison officers. They have independent status and privileges equal to military officers in terms of uniform, training<sup>49</sup>.

<sup>47</sup> <http://cd.gov.mn/mn/> (Viewed 20 October 2016)

<sup>48</sup> Mongolia Court Decision Execution Act, 2002. <http://cd.gov.mn/mn/> (Viewed 23 October 2016)

*The legal rights of the prison officers:* A prison officer can be a person who reaches the age of 18, has no criminal records and has a concrete professional skill. The prison system has an independent ranking system. The officer has to give an oath, wear a special uniform. In addition, the officer is legally bound by the disciplinary rules.<sup>50</sup> The breach of the rules may bring the following sanctions: Three months reduction of bonuses, the reduction of a certain amount of the salary, or demotion or free from duty.

*The following laws have direct impact on the activity of a prison officer:*<sup>51</sup>

- Civil service law;
- The law about the pension and social insurance of military servicemen;
- The Court Decision Execution Act.

The prison officers belong to the category of special public military servicemen. *Difference between regimes:*<sup>52</sup> According to Criminal Code, prisons' regimes divided in following four categories: Regular, strict, special and high-security. *The prisons with regular regimes:*<sup>53</sup> It is a basic unit of the prison system. Prisoners with light crimes usually transferred there. The majority of juveniles belong to this type of regime. The regime has more advantages such as more sentence reduction, the chances of early release. *The strict regime features:*<sup>54</sup> Re-offenders and offenders with serious crimes usually transferred there. *Special regime prisons features:*<sup>55</sup> Re-offenders and offenders with very serious crimes usually transferred there. *High-security regime features:*<sup>56</sup> Prisoners at the high-security prison are isolated from each other in special equipped rooms. Offenders with serious crimes to the public security and capital punishment receivers transferred there. If capital punishment receivers pardoned from President, they could get life sentence (no less than 30 years).<sup>57</sup>

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<sup>49</sup> Mongolia Court Decision Execution Act, 2002. <http://cd.gov.mn/mn/> (Viewed 23 October 2016 )

<sup>50</sup> *Ibid.*

<sup>51</sup> *Ibid.*

<sup>52</sup> LKHAGVAA, A: *Mongolia Court Decision Execution Act explained, 2004, Ulaanbaatar, pp. 248-255*

<sup>53</sup> *Ibid.*

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*

<sup>56</sup> *Ibid.*

<sup>57</sup> Mongolia Criminal Code, 2002 <http://cd.gov.mn/mn/> (Viewed 25 October 2016)

The problems which made Mongolia prison system vulnerable and ineffective:

- Lack of resources;
- No access to vocational and academic training;
- Prison officers' low morale;
- Management and organizational vacuum;
- Lack of employment.<sup>58</sup>

Since 1980s, an average 64.0-72.2 % of all offenders were punished by sentencing to prison. It means that there is something wrong with whole Mongolian criminal justice system. The clear trend is that in last decade the whole prison population fixed around 6,000.<sup>59</sup>

In 2012, the government adopted new program aimed at implementing a comprehensive alternative ways of punishing offenders. For instance, the government has been planning to establish community based service. In 2013, Ministry of Justice allocated financial resources for the building of modern prison complex, thus replacing old barracks.<sup>60</sup>

*Probation service:* Although the government made some steps in the direction of creating probation service, there is not any meaningful institutionalized system of aftercare service in Mongolia. The concept and practice of developing re-entry plans are in the process of development.

*The control and monitoring:* There is no ombudsman's office to respond to prisoner complaints.<sup>61</sup> The law allows prisoners and detainees to submit uncensored complaints to judicial authorities and to request investigation of prison conditions.<sup>62</sup> The Prosecutor General's Office was tasked with monitoring prison and detention center conditions.<sup>63</sup> The Prosecutor General's Office and the National Human Rights Commission conducted multiple scheduled, unplanned, and complaint-based investigations of prisons, pretrial detention centers, and police detention centers.<sup>64</sup>

*The perspective:* There were defined the following set of problems:

1. The experts advise to bring forward new mechanisms of punishing the offenders other than incarceration. Mongolia still does not have any effective probation service;

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<sup>58</sup> *Mongolia Criminal Code, 2002* <http://cd.gov.mn/mn/> (Viewed 25 October 2016)

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*

<sup>61</sup> *Country Reports on Human Rights Practices for 2014: Mongolia* Bureau of Democracy, Human Rights and Labor, U.S. Department of State <https://www.state.gov/> (Viewed 12 April 2017)

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*

2. We need to formulate a new penal policy;
3. The total reorganization of the agency. It means to find more appropriate model of agency with clear structure, organization and management.<sup>65</sup>

### 3. Conclusion

There are a lot of discussions about how to reform the Mongolian law enforcement organizations. The experts define the following set of problems, which need an urgent solution in current situation:

1. Deepen and broadening the overall system by improving the legal domain (*amendment of State Secret Law*).
2. The Mongolian concept of law enforcement service is blurred. It means we need to implement new unified concept.
3. The dynamic continuation of reform. The reform of law enforcement organizations is not a one-time phenomenon. It must be ongoing, uninterrupted and consistent with its strategic objectives. Despite the reform, there are still obstacles to be overcome. Law enforcement personnel can be reluctant to drastic changes. They feel more satisfied with current status quo and are more willing to follow the current rules and procedures.
4. The establishment of interagency coordination and cooperation center (related to the operations and effective information sharing).

Another critical point related to the future of Mongolian law enforcement services is the degree of involvement of other organizations and the citizens. More transparent and accountable law enforcement service means more legitimate and reliable service in the future. The political willingness and public support will determine the future trajectory of the law enforcement organizations. It is very important to the maintenance of democratic society. The reform of law enforcement organizations could facilitate the establishment of rule of law.

In order to outline the whole picture about the reform of law enforcement organizations, the multifactor analysis is necessary. In order to resolve current problems in Mongolian law enforcement organizations, which are far different than the problems faced by other nation-states, we need to change the attitude in first place.

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<sup>65</sup> ALTANGEREL, U: *Some issues to improve the effectiveness of prison sentence*, Ulaanbaatar, April 2014, <http://criminology.mn/index.php?option=newsm&id=173&lang=1> (Viewed 25 October 2015 )

Some countries' experiences show that they paid special attention to reform the law enforcement organizations by adding some indigenous qualities and principles which were well applicable to the specific conditions for over periods. These qualities and principles were vital for the existence and shaped the law enforcement system from beginning. But the qualities and principles cannot be integrated from other country's law enforcement organizations without slight modification.

The Mongolian law enforcement agencies are planning to reform by applying some well established experiences of other countries. The most vital thing for improving the current conditions is finding the right combination of well-established approaches from other successful countries with inextricable traditional principles which were firmly based and defined the Mongolian law enforcement institutions for many years.

## References

- Dr. Todd Landman, Marco Larizza, Claire McEvoy: State of democracy in Mongolia, a desk study, Human Rights Centre, University of Essex, Ulaanbaatar, Mongolia, 2005, p.10  
[http://www.openforum.mn/res\\_mat/State%20of%20Democracy%20in%20Mongolia.pdf](http://www.openforum.mn/res_mat/State%20of%20Democracy%20in%20Mongolia.pdf) (Viewed 17 Feb 2017)
- Myagmarjav, G.: REFORM, MODERNIZATION AND PERSPECTIVE OF THE SECURITY ORGANIZATION OF MONGOLIA, Geneva-Ulaanbaatar, Mongolia, 2005, pp.23-41 <http://www.dcaf.ch/Publications/Reform-Modernisation-and-Perspective-of-the-Security-Organization-of-Mongolia> (Viewed 17 Feb 2017)
- Oyunbold, G.: REFORM OF LAW ENFORCEMENT OPERATION, Law Enforcement Journal, 2014, #1 (01), pp. 8-12
- U.S. Congress, Office of Technology Assessment: Criminal Justice, New Technologies, and the Constitution, OTA-CIT-366 (Washington, DC: U.S. Government Printing Office, May 1988), p.31,  
<https://www.princeton.edu/~ota/disk2/1988/8809/8809.pdf> (Viewed 14 Feb 2017) <http://cd.gov.mn/>
- Lkhagvaa, A., Mongolian Court Decision Execution Act, Ulaanbaatar, 2004 (textbook), Law Enforcement, Theoretical and methodological quarterly journal, 2014 (#01), Ulaanbaatar, pp.8-12
- Lkhagvaa, A.: Mongolia Court Decision Execution Act explained, 2004, Ulaanbaatar, pp. 248-255
- Altangerel, U.: Some issues to improve the effectiveness of prison sentence, Ulaanbaatar, April 2014  
<http://criminology.mn/index.php?option=newsm&id=173&lang=1> (Viewed 25 October 2016)
- Country Reports on Human Rights Practices for 2014: Mongolia” Bureau of Democracy, Human Rights and Labor, U.S. Department of State  
<https://www.state.gov/> (Viewed 12 April 2017)
- Mongolia Court Decision Execution Act, 2002. (Viewed 23 October 2016)  
<http://cd.gov.mn/mn/> (Viewed 23 October 2016)
- Mongolia Criminal Code, 2002 <http://cd.gov.mn/mn/> (Viewed 25 October 2016)
- MONGOLIA HUMAN RIGHTS REPORT 2015  
<https://www.state.gov/documents/organization/252995.pdf> (Viewed 22 April 2017)
- Dr. Jeffrey Reeves: MONGOLIA’S COUNTER-TERRORISM ARCHITECTURE: IMPLICATIONS FOR DOMESTIC DEVELOPMENT AND FOREIGN PARTNERSHIP, ASIA PACIFIC CENTER FOR SECURITY STUDIES, October 2014  
<http://apcss.org/wp-content/uploads/2010/03/Terrorism-in-Mongolia-Reeves-Oct2014.pdf> (Viewed 12 April 2017)

- Police Law of Mongolia <http://www.police.gov.mn/media/PoliceLaw.pdf> (Viewed 22 April 2017)
- NATIONAL SECURITY CONCEPT OF MONGOLIA <http://www.nsc.gov.mn/sites/default/files/images/National%20Security%20Concept%20of%20Mongolia%20EN.pdf> (Viewed 14 April 2017)
- MONGOLIA SURVEY: COMMUNITY-ORIENTED POLICING IN MONGOLIA, Asia Foundation, Ulaanbaatar 2008 <https://asiafoundation.org/resources/pdfs/COPsurveyreportSept1608.pdf> (Viewed 12 April 2017)
- Dashtseren, D.: BORDER PROTECTION AND NATIONAL SECURITY OF MONGOLIA, 2006 [http://calhoun.nps.edu/bitstream/handle/10945/2360/06Sep\\_Dashtseren.pdf?sequence=1](http://calhoun.nps.edu/bitstream/handle/10945/2360/06Sep_Dashtseren.pdf?sequence=1) (Viewed 5 may 2017)
- Library of Congress, June 1989 <https://www.loc.gov/> (Viewed 22 April 2017)
- “Mongolia 2015 Crime and Safety Report,” Overseas Security Advisory Council (OSAC), Bureau of Diplomatic Security, U.S. Department of State <https://www.state.gov/documents/organization/252995.pdf> (Viewed 22 April 2017)

#### Online sources:

- <http://eng.police.gov.mn/> (Viewed 22 April 2017)
- <http://cd.gov.mn/en/> (Viewed 20 October 2016)
- <http://nema.gov.mn/> (Viewed 27 April 2017)
- <http://www.gia.gov.mn/articles/medee/71> (Viewed 17 April 2017)
- [https://en.wikipedia.org/wiki/General\\_Intelligence\\_Agency\\_of\\_Mongolia](https://en.wikipedia.org/wiki/General_Intelligence_Agency_of_Mongolia) (Viewed 18 April 2017)
- <https://www.interpol.int/Member-countries/Asia-South-Pacific/Mongolia> (Viewed 17 April 2017)