

## Annex

To facilitate the provision of information on good practices and challenges with respect to the establishment of effective financial disclosure systems for appropriate public officials (inter alia information on legislation, policies, practices and institutions on establishing and maintaining effective financial disclosure systems for appropriate public officials, including measures as may be necessary to permit their competent authorities to share that information with the competent authorities in other States parties) the Secretariat has prepared the following questionnaire as a guide that States parties may wish to use.

The Secretariat also wishes to draw the attention of the Government to the note entitled “Asset and interest disclosure systems (article 8, paragraph 5, of the United Nations Convention against Corruption)” contained in document [CAC/COSP/WG.4/2018/3](#) that could be used as background material for the completion of the questionnaire.

### Contact information

#### 1. Basic information

1.1. Does your country have a financial disclosure system(s) for appropriate public officials in line with articles 8, paragraph 5 and 52, paragraphs 5 and 6 of the Convention? **YES**

##### If YES,

a. Please provide a broad overview of your country’s financial disclosure system(s) for public officials and list the relevant national legislation.

**The Anti-Corruption Law (2006) and the Conflict-of-Interest Law (2012) require public officials to disclose their assets, income, and personal interests. Mongolian declaration system aims to prevent and detect illicit enrichment and conflict of interest.**

b. If your country has, in addition, ad hoc financial disclosure requirements, please provide a broad overview, including applicable categories of officials, sectors/activities, etc.

c. What is the objective(s) of your country's financial disclosure system(s) (please select all that apply)?

Detection of illicit enrichment

Prevention of conflicts of interest

**All of the above (combined system)**

Other, please describe: \_\_\_\_\_

##### If NO,

- a. Please describe (cite and summarize) the alternative measures put in place to ensure full compliance with article 8, paragraph 5 and article 52, paragraphs 5 and 6 of the Convention or is planning to take, together with the envisaged time frame, if any.

1.2. Has your country criminalized “illicit enrichment” as foreseen under article 20 of the Convention? **YES**

If **YES**, please explain.

**Illicit enrichment is considered a criminal offense under criminal code of Mongolia.**

**Criminal Code of Mongolia**

**Article 22.10. Illicit Enrichment**

1. If a government official cannot justify major increase of his/her income and assets as lawful, such income and assets shall be confiscated and the relevant official's right to be appointed in public office shall be suspended for up to two years and be fined an amount of 2700 - 14000 units equal to tugrugs or restriction of travel from 6 months to 3 years or imprisonment for a period of 6 months to 3 years.
2. If this crime has been committed by politically exposed person, such person's right to appointed or elected in public office shall be suspended for 2 to 5 years and be fined an amount of 5400 to 27000 units equal to togrogs, or restriction of travel from 1 to 5 years or imprisonment for a period of 1 to 5 years

**Anti-Corruption Law of Mongolia**

**7.1. Officials specified in provision 4.1. of this Law shall be prohibited to commit the following corruption-related violations in addition to those specifically stipulated by other laws:**

**7.1.8. Illicit enrichment.**

**Explanation: If an official fail to justify that his/her income exceeding his/her half year salary has been gained in a legal way it shall be considered as enrichment in unjustified way**

**2. Targeted officials**

2.1. Please list the categories of officials required to file a financial disclosure. Please select all that apply and provide the range of targeted officials in each relevant category.

- Public officials, including representatives from all branches and agencies of government
  - Members of the legislative branch, please list:  
**MPs**  
**Speaker**  
**Advisers of MPs**
  - Members of the judiciary and prosecution, please list:  
**Prosecutors**  
**Judges**  
**Members of Judicial General Council**  
**Members of Judicial Disciplinary Committee**
  - Members of the executive branch, including armed forces and agencies subordinate to a minister, please list:

**President  
Prime Minister  
Cabinet members  
Deputy Ministers  
Heads of Government agencies  
public officials above certain levels, etc.,**

- Officials of independent government bodies (*e.g., standalone boards, commissions and agencies that fall outside the executive, legislative and judicial branches of government*), please list:

**Officials of Central Bank,  
Chairperson, members and a general director of the National Council of the public radios and televisions;**

- Officials at the supranational (high-level) bodies (*e.g., representatives of the country in regional and global organizations/bodies*), please list:

**Chairman and representatives of all levels of Citizens Representatives Khurals**

- Officials at subnational levels of government (*e.g., officials at the level of local government, provinces and municipalities*), please list:

**Local government officials above certain levels**

- Political party officials, please list:
- Representatives of publicly owned (fully and partially) enterprises, please list:

**Managing officials or competent corporate officers at state or locally-owned legal persons, or legal persons with state or local equity;**

- Representatives of private entities, professional associations, foundations and similar bodies performing public functions and services of public interest, please list:

**Managing officials of non-governmental organizations performing particular state functions in accordance with the legislation by the funding allocated from national or local budget**

- Other, please list:

**Electoral candidate who running in the election for the President, the State Great Khural (Parliament), or for all levels of the Citizens' Representatives Khurals.**

2.2. What factor(s) shaped the decision on the targeted categories of officials? Please select all that apply.

- Objective of the system
- Hierarchical level and position of officials**
- Corruption risk level of sectors and functions**
- Resources and capacity to manage and verify disclosure
- Other.

2.2.1. Please elaborate on your response above.

**Public officials are defined by the above-mentioned laws. Public officials who should file his/her declaration are specified in a regulation based on responsibility, hierarchy, positions by the Parliamentary standing committee.**

2.3. Does any authority have the power to request any official who would usually fall outside the disclosure system to file financial disclosure (*e.g., designate those in high-risk categories, those under investigation for corruption offences, etc.*)? **NO**

**If YES**, please list the authority(ies), and explain the applicable criteria and procedures.

2.4. How does your country create and update the list of filers?

**The list of public officials, specified in the law and regulations to file, are updated by the responsible organizations through the Electronic declaration system in the first 10 days of January every year.**

2.5. Please provide the approximate number of filers.

**In the beginning 2022, number of declarer was approximately 50,000.**

### 3. Frequency of disclosure

3.1. When and how often are targeted officials required to file/submit financial disclosures? Please select all that apply.

- Upon entering office**
- Upon leaving office
- Annually**
- Biennially (once every two years)
- Once every three years
- Some categories of officials are more frequently required to declare than the others
- Other, please describe, substantial changes equal to or in excess of the 137,500,000 MNT.**
- 

3.2. Does the competent authority have the power to request targeted officials (filers) to submit ad hoc financial disclosures between the official submission periods? **NO**

**If YES**, please explain.

3.3. Are the targeted officials required to update/amend their financial disclosures between submission periods? **YES**

**If YES**, please provide the ground for updating/amending submitted disclosures and the relevant time frame.

**After submission of the declarations, public official's assets and income have undergone the substantial changes equal to or in excess of the 137,500,000 MNT, the public official shall declare it within 30 days.**

### 4. Competent authority and disclosure process

4.1. Which authority/entity is responsible for collecting and maintaining financial disclosures? Please select all that apply.

- Central competent authority**
- Entities employing the targeted officials**
- Other authorities depending on the categories/levels of officials (election Commissions, supreme courts, parliamentary committees, etc.). Please list: \_\_\_\_\_

4.2. How are the financial disclosures submitted?

- Centralized submission directly to the central competent authority via:
  - Electronic (online) submission system**
  - Submission using the paper submission
- Delegated submission using paper submission (e.g., to individual bodies, which store them and transmit them to the competent authority)
- Delegated submission using both paper and electronic (online) submission (*paper declarations are submitted to individual bodies while the electronic copies are submitted to a centralized online system of the competent authority*)
- Other.

4.2.1. Please elaborate on your response above and describe the processes and methods of submitting the disclosures.

**Declarations are submitted through electronic submission system while copies are submitted to the IAAC, central competent authority.**

4.3. If electronic submission is possible, please describe the online tools and platforms available for submitting financial disclosures.

**When submitting electronic declarations, public officials submit declarations through the electronic Declaration system /<https://meduuleg.iaac.mn/>.**

4.4. Please describe the measures implemented to ensure compliance and appropriate quality of information when completing and submitting the financial disclosure (e.g., disseminating information materials, training, awareness raising, etc.).

**Competent official(s) who authorized to organize training and to register and monitor declaration process work in every government organization, and IAAC regularly organize training for these Competent officials to ensure compliance and appropriate quality of information.**

## 5. Scope of disclosures

5.1. Please list the assets and interests included in the financial disclosure forms, including categories of assets and other financial interests. Please also refer to the list below.

**Immovable and movable assets**

**their value and source**

those (assets) held in the name of others

**Income**

**their source**

**Securities**

**Investments**

**Savings**

**Bank accounts**

Any other business relationships with financial institutions

**Liabilities / loans / mortgage**

**Cash**

**Gifts**

- |  |
|--|
| <input type="checkbox"/> <b>Livestock</b><br><input type="checkbox"/> <b>Ownership interests (<i>shareholdings</i>) in companies and other legal entities and arrangements</b>   |
| <input type="checkbox"/> Business / outside activities ( <i>business interests and financial connections</i> )<br><input type="checkbox"/> <b>License(s) (<i>to carry out commercial activities</i>)</b><br><input type="checkbox"/> <b>Usufruct rights (to use and benefit from an asset owned by others)</b><br><input type="checkbox"/> <b>Information on all legal persons linked to the official in any way, individual economic activity, membership and position in undertakings, establishments, associations or foundations</b> |

5.2. Is the requirement to disclose an asset dependent on its value (*e.g., assets below a certain threshold do not need to be declared*)? Please explain.

**No threshold to disclose income and assets.**

5.3. Does the information mentioned in question 5.1 include assets and relevant financial interests located both in and outside the country? **YES**

5.3.1. **If YES**, does it require the disclosure of an interest in or a signature or other authority over a financial account in a foreign country (please see article 52, paragraph 6, of the Convention)?

**It is not necessary at the time of declaration, but it is required if a inspection is to be carried out.**

5.4. Does your country's financial disclosure system include a declaration of beneficial ownership (of legal entities and arrangements, including nominee arrangements and trusts)?<sup>1</sup> **NO**

Please explain.

5.4.1. Are the targeted officials required to declare assets and interests held, managed or controlled through such legal entities and arrangements? **NO**

**If YES**, please explain.

5.5. Are targeted officials also required to submit information for their family members? **YES**

**If YES**,

a. Please describe the scope of the family members (spouse(s), registered/non-registered partner(s), children (minor, financially dependent, within the same household, age limits, etc.)).

**Family members-spouses, children living with and other relatives in living with them.**

b. Please describe the type of information that must be submitted for family members. Is it the same as of the public official?

**Officials are obliged to declare their assets and income of his/her own and their family members.**

5.6. Does the financial disclosure system cover individuals other than the family members of the filers? **NO**

---

<sup>1</sup> On beneficial ownership, please refer to the conference room paper prepared by the secretariat entitled "Good practices and challenges with respect to beneficial ownership and how it can foster and enhance the effective recovery and return of proceeds of crime" ([CAC/COSP/WG.2/2022/CRP.1](#)).

If **YES**, please list the applicable individuals and the type of information that needs to be submitted.

5.7. For subsequent regular financial disclosures, what is the extent of information included in such financial disclosures?

- Information required in the disclosure includes only changes in the equity of the filer since the last disclosure
- A complete new disclosure (i.e., a net worth statement)
- Other, please describe: For assets and personal interests part, public official shall disclose only changes. And for income parts, it may vary.**

5.8. Does your country's financial disclosure regime require declaring expenditures? **NO**

If **YES**, please provide an overview of the relevant features.

## 6. Access to disclosed information

6.1. Is the information on financial disclosure publicly available? **YES. IAAC publishes summarized version of all declarations hiding private information such as names of family members and home addresses etc.,**

### If YES OR YES IN PART

a. Please describe the measures in place to ensure public access to financial disclosure information (*e.g., proactive publication on a central online platform and/or on relevant authorities' websites, ad hoc disclosure in a paper form upon request, etc.*)

**All information except personal privacy is published in an online platform accessible by the public.**

b. If not all disclosures are publicly available, please list the categories of targeted officials whose disclosures are accessible and/or remain confidential.

**Some information specified in Personal information protection law and regulations are not accessible to public.**

c. If only part of the financial disclosure information is available, please list the type of information that is publicly available.

**Some information specified in Personal information protection law and regulations are not accessible to public.**

d. Does accessing financial disclosure information entail any costs?

**No cost is required.**

e. Does the publication of financial disclosure provide features to search information by different types of information, e.g., legally and beneficially held entities' names and business addresses, types of assets and interests? Please explain.

**It is possible to search by last name, first name, name of organization and position.**

f. Do the means of enabling public access allow for a comparison of the targeted officials' assets and interests over a specific period?

**Information of the last 5 years declarations can be compared.**

- g. Are any measures in place to protect the personal information of the targeted officials and their family members, when applicable? Please explain.

**Public cannot access the personal information of public officials mentioned in the declarations.**

- h. Please provide the link(s) to the online platform/resource where financial disclosure information is available to the public, if applicable.

<http://xacxom.iaac.mn/>

- 6.2. Do the relevant competent national authorities (law enforcement, FIU, tax and customs authorities, etc.) have access to the financial disclosures? **YES**

**If YES or YES IN PART**, please explain how such access is granted, including the list of competent national authorities that can access or request access.

**IAAC has mandate to verify the declarations. Police agency is required to obtain prosecutor's permission to access declarations for the purpose of criminal investigation.**

**7. Verification of financial disclosure information**

- 7.1. Is the information disclosed verified? **YES**

**If YES**, please describe the procedures and practices in place to verify the content of financial disclosures, including:

- a. Competent authority that conducts the verification (centralized and/or delegated)

**The IAAC conducts an inspection based on complaint or reporting or within the framework of its planned monitoring.**

- b. Frequency (regularity) of verifications (ad hoc and/or systematic and routine)

**Red flag calculations are carried out annually in order to determine planned monitoring.**

- c. Extent of verification (verification of completeness, compliance with disclosure requirements and/or the analysis of the content of the disclosures)

**The IAAC checks whether the public official submitted his/her declaration accurately and whether the description of the source of assets and income is reasonable.**

- d. Verification processes and methodologies (e.g., manual examination, electronic checks undertaken against other databases or relevant information, etc.)

**After red flag calculations, inspectors of the IAAC conducts inspection of declaration, manually.**

- 7.2. How does your country determine which disclosures to verify?

**Annual verification plan(s)**

Periodic mandatory verification of specific categories of officials

Random sampling of declarations

**Media reports and/or complaints from the public**

**Requests from law enforcement / investigative units**

Other, please describe: \_\_\_\_\_



7.3. If applicable, does the electronic financial disclosure mechanism(s) allow for automated verification (cross-checking) of information across various registers and databases held by the public and private entities, such as registries of various assets, company registers, HR, tax and real estate data, etc.? **NO**

**If YES**, please explain.

7.4. Do the competent authorities have timely and direct access to databases and information necessary to verify information in the financial disclosure? **YES**

Please explain. **In case of verifications stage, the IAAC accesses databases of public organizations except information related to banking secrecy.**

7.5. Do competent authorities have access to the information held by financial institutions, including bank account records? **NO**

Please explain. **Except criminal investigation, bank secrecy laws apply.**

7.6. Please provide the overall verification rate of financial disclosures in percentages for each applicable verification method.

**Red flag is applied to all submissions. But every year, about 1% of all declarations are verified in detail.**

## **8. Sanctions**

8.1. Please provide an overview of sanctions for non-compliance with financial disclosure requirements, including the sanctionable conducts, type of sanctions, forms of sanctions (administrative/criminal) and targeted officials.

**Failure to report or false reporting is subject to administrative liability such as warning, salary reduction, demotion and dismissal. But in case of illicit enrichment, criminal liability is imposed.**

8.2. Is there any applicable statute of limitations? **YES**

Please explain. **Sanctions cannot be imposed if more than 6 months have passed since the discovery of the violation, and more than 12 months have passed since the violation was committed.**

8.3. Please describe the powers available to the competent authority (responsible for verification of disclosures) to impose and enforce the sanctions described above.

**After the verifications are carried out by the IAAC, an organization which the declarant is employed shall impose the sanctions.**

## **9. International cooperation and asset recovery**

9.1. Does your country (proactively or at the request of another State party) share financial disclosure information with foreign States? **NO**

**If YES**, please describe the channels and mechanisms for cooperation.

9.2. Does your country cooperate and execute requests received from foreign authorities to assist them in the verification of information in their financial disclosures? **NO**

**If YES**, please explain, including the channels used.

- 9.3. If applicable, please provide the contact details of the authority responsible for the above types of international cooperation (for exchanging financial disclosure information).

## 10. Good practices

- 10.1. Please provide examples of any good practices in connection with your country's financial disclosure regime that facilitated the recovery and return of proceeds of crime.
- 10.2. Do you have any case studies or examples where the financial disclosure regime has enabled or facilitated the recovery and return of proceeds of crime in (or for) your country?
- 10.3. Please provide examples of good practices concerning the operation of your country's financial disclosure system, including policies and measures adopted to enhance compliance with financial disclosure requirements.

## 11. Challenges

- 11.1. What were the main challenges faced by your country when introducing the financial disclosure system(s)?  
**Banking secrecy, and crypto currency issues are the challenges by far.**
- 11.2. In your opinion, what are the main challenges faced by competent authorities of your country to verify financial disclosures, including accessing information regarding assets and financial interests located abroad?  
**International cooperation, experience sharing, and information exchange are very important to verify financial disclosures.**
- 11.3. What are the main challenges faced by your country when imposing and enforcing sanctions for non-compliance?  
**It is not possible to directly verify the assets and income declarations of MPs and impose sanctions.**

## 12. Follow-up to the special session of the general assembly against corruption

- 12.1. Please describe any other measures, if any, that your country may have taken to implement paragraph 7<sup>2</sup> of the political declaration adopted by the General Assembly at its special session against corruption held in June 2021.

## 13. Other

- 13.1. Please provide any other information you consider relevant to your country's legal framework and practices in connection with establishing an effective financial disclosure system that is not highlighted in the questions above.

---

<sup>2</sup> 7. We will strengthen our efforts to prevent, identify and manage conflicts of interest, including by assessing and mitigating corruption risks and through effective and transparent financial disclosure systems, with information disclosed by appropriate public officials made available as widely as possible, and we will use innovative and digital technology in this field, with due regard for data protection and privacy rights.